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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>17/0894/RES</b>
<b>Location:</b>	<b>Plot 3 Bridlewoods Brass Castle Lane Middlesbrough TS8 9EE</b>
<b>Proposal:</b>	<b>Reserved matters application for the erection of 1no dwelling</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Lawrence Conway</b>
<b>Company Name:</b>	
<b>Agent:</b>	<b>Mr Andrew Riley</b>
<b>Company Name:</b>	<b>A J Riley Architects</b>
<b>Ward:</b>	<b>Marton West</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Permission is sought for the approval of reserved matters for the erection of a dwelling. The reserved matters include design, scale, layout and landscaping. Details relating to access to the site were considered at the outline stage. The application site is plot 3, one of five plots with outline consent on the wider site

Following a consultation exercise objection has been received from the local ward Councillor and Marton West Community Council. The objections raised which are material to this application relate to the scale of the proposed dwelling and the overdevelopment of the site.

It is considered that the proposed dwelling is of high quality design in an attractive setting with an appropriate layout and scale. The development will not result in any significant detrimental impact to the amenities of adjacent residents. The landscape scheme, boundary treatments, design and materials are in keeping with the rural setting and the character of residential dwellings in the countryside. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies, specifically DC1 and CS5. The recommendation is for approval of the application subject to conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is a plot within a wider site which has outline consent for 5 no. dwellings. The wider site is located on the east side of Brass Castle Lane. The site wraps around the north, east and south of an existing dwelling (Green Willows). To the west is Middlesbrough

Golf Club, to the north and east is a large tree belt which separates the site from the approved Grey Towers residential development and the Ford Close Riding allocated housing site.

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

Plot 3 is located adjacent to Brass Castle Lane, to the south of the tree belt. Further plots within the site are to the south and east.

Permission is sought for the approval of reserved matters for the erection of a large detached two-storey dwelling with rooms in the roof space and single storey elements, incorporating a variety of ridge heights, design details, materials and boundary treatments.

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## **PLANNING HISTORY**

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

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

17/0893/RES Reserved matters application for the erection of 1no dwelling - ongoing

18/0066/RES Reserved matters application for the erection of 1no dwelling - ongoing

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## **PLANNING POLICY**

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In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

### Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

#### National Planning Policy Framework

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

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

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

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

DC1 - General Development  
 CS5 - Design  
 UDSPD - Urban Design SPD  
 HGHDC - Highway 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>

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## CONSULTATION AND PUBLICITY RESPONSES

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### MBC - Planning Policy

The principle of development has been established through the approval of the outline application.

### MBC - Highways

No objections the proposals are in accordance with the previously approved consent.

### MBC - Local Flood Authority

No comment

### MBC- Environmental Health

No objection

### MBC - Waste Policy

The properties waste and recycling will need to be positioned at the nearest adopted public highway (Brass Castle Lane). Collections cannot be made using a private driveway.

### Northern Gas

No objection

### Northumbrian Water

No comment

### Northern Powergrid

No response

### Ward Councillors

Councillor Chris Hobson objects to the plots on Brass Castle Lane as they are totally an overdevelopment of the site.

### Marthon West Community Council

Members of the community council have considered the application and would like it to be known that we object to these proposed development as it is felt that the houses are too large for the plots.

### Nunthorpe Community Council

No response

### Nunthorpe Parish Council

No response

## **Public Responses**

Number of original neighbour consultations	25
Total numbers of comments received	2
Total number of objections	2
Total number of support	0
Total number of representations	0

Site notice posted –  
15th January 2018

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. This application is a reserved matters application. The outline application detailed above for 5 dwellings was refused by Members at Committee but was subsequently overturned by the Planning Inspectorate who allowed the appeal. Access to the site was considered as part of the outline application. The outline consent included conditions relating to contaminated land, flood risk, surface water drainage, highway construction and the construction compound. The requirements of these conditions have been discharged.
2. The principle issues to be considered in respect of this reserved matters application centre upon the design, scale and layout, the parking provision and landscaping. Consideration can only be given to matters that are material to this application. Those matters which are not material include access to the site, impacts on ecology, flooding and drainage as those were considerations at the outline stage.
3. During the application process the applicant and agent worked with the Planning Authority to develop the design of the proposed dwelling, a revised scheme was submitted in response to the officer comments. This revised scheme is the subject of this report.
4. Of the 5 plots approved in outline 3 have been submitted for reserved matters, plots 2, 3 and 4. Although this application relates to plot 3 the overall character of the wider site and the relationship between the 3 proposed plots will form part of the analysis of the application.

### Design/Streetscene

5. The proposed dwelling will inevitably have an impact on the visual amenity of the area and will change the character of the area which is currently open space. However, the principle of dwellings on this site has been approved, it is now necessary to ensure that any impact is mitigated and any opportunities for enhancement to the visual amenity are secured.
6. The proposed dwelling is a bespoke design incorporating a variety of design details. It is a two-storey dwelling with rooms in the roof space, it drops down to a lower level presenting a single storey element along Brass Castle Lane. The roof is gable in design with a number of gable features to the front and rear elevations and on the lower offshoot. Double height square bay windows are located on the front elevation flanking a balcony located centrally. To the rear a large glazed gable feature is replicated in the lower offshoot. A number of small rooflights and chimneys are proposed to break up the large roof scape and a glazed area located centrally in the main roof provides light to the lower floors of the dwelling. Rise and fall guttering is proposed which is commonly used in instances where there is no fascia board particularly in barns and county houses. A mix of materials are proposed including the use of stone on the rear gable feature and on the lower height elements that flank the main house when viewed from Brass Castle Lane. The use of brick on these elements give them the appearance of ancillary barn buildings presenting a traditional farm building appearance from the public highway in contrast with the front and rear elevations which propose large areas of glazing resulting in a more contemporary appearance on the internal streetscene.
7. The proposed boundary treatments include traditional estate railings with hedgerow, brick pillars and gates to the front, timber fences and hedgerow to the sides and a drystone wall along Brass Castle Lane with hedgerow behind. Currently the

boundary of the site along Brass Castle lane consists of an unattractive low level fence and small sections of hedgerow. The majority of Brass Castle Lane benefits from high hedgerow on both sides. The incorporation of a drystone wall and reinstatement of the hedgerow along Brass Castle Lane will enhance the visual amenity of the area. It will provide an identifiable boundary which is in keeping with the character and appearance of the countryside.

8. Plot 3 measures 3640 square metres, the footprint of the proposed dwelling will cover 13% of the plot. The lower part of the dwelling is located closest to Brass Castle Lane and sits approximately 2m from the highway at its closest point increasing to over 8m at its furthest. The dwelling will benefit from a very large garden to the rear and a large front garden. The proposed dwelling is considered to be of an appropriate scale for the plot and is in proportion to the scale of other residential dwellings in the surrounding countryside.
9. Although there are sections of the dwelling which are located in close proximity to Brass Castle Lane the hedgerow and drystone wall along the highway will help to reduce the visual impact of the dwelling. The design of the dwelling giving the appearance of traditional ancillary barns along the public highway reduces the overall bulk of the dwelling in this area and reflects the character and design of traditional farm buildings.
10. The proposed dwelling on plot 3 has been designed in conjunction with those proposed on plots 2 and 4. The three dwellings are individual in their design but details are reflected in a number of the dwellings including a mix of materials, the use of rise and fall guttering, contemporary glazed features, varying roof heights and chimneys, and boundary treatments. Their complimentary designs will result in an attractive setting and identifiable character area within the site.
11. It is considered that the proposed dwelling is of a high quality design which is in keeping with the rural setting and will provide an attractive streetscene both internally and from the adjacent public highway in accordance with the requirements of Policy CS5 and the Urban Design SPD.

#### Amenity

12. Plot 3 is located to the north of the wider site adjacent to Brass Castle Lane to the east and a large tree belt to the north. It does not share any boundaries with existing dwellings therefore it will not have an impact on the amenities of any existing residents.
13. It is necessary to consider the layout of plot 3 and its relationship with the surrounding development plots. Primary windows at the front of plot 3 directly overlook those proposed on the side of the adjacent plot 2 however the separation distance is in excess of 33m, as a result there are no privacy issues. Plot 3 is located to the north of plot 2 and therefore will not have any impact on light to primary windows at plot 2.
14. Plot 4 is located to the east, its proposed garage offshoot is located approximately 6m from the side of the dwelling proposed on plot 3, subject of this application. There is no direct overlooking of primary windows between plots 3 and 4, due to the orientation of the dwellings the separation distance between bedroom windows which are at an angle and is in excess of 30m. The layout of the dwellings and orientation also ensures that light to primary windows is not affected.
15. Plot 1 is located to the southwest of the application site, currently no reserved matters scheme has been submitted for plot 1. Due to the location of the proposed

dwelling on plot 3 in relation to plot 1, the proposed developments on plots 2 and 4, and the separation distance, the proposed dwelling will not have any impact on the future development of plot 1.

16. It is considered that the proposed dwelling will not result in a significant detrimental impact on the amenities of neighbouring residents in accordance with the requirements of Policy DC1 and the Urban Design SPD.

### Highways

17. Access to the site and the impact on the local highway network in relation to capacity and safety was considered as part of the outline consent. The application has been considered by the Local Highway Authority who confirmed that the proposed development is in accordance with the previously approved consent.
18. The proposed dwelling has seven bedrooms resulting in a need for three in curtilage parking spaces. The dwelling includes a triple garage and large drive which provides ample parking provision and room to manoeuvre vehicles exceeding highways requirements.
19. It is considered that the application is in accordance with the requirements of policy DC1 and the Highways Design Guide.

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## **RECOMMENDATIONS AND CONDITIONS**

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1. Time Limit  
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
  
Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans  
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:  
a) Title Plan Plot 3, drawing no. 04;  
b) Proposed Site Block Plan Plot 3, drawing no. 100, received 20th July 2018;  
c) Floor Plans, drawing no. 02, rev. B;  
d) Proposed Elevations, drawing no. 03, rev. B; and,  
e) Streetscene View From Brass Castle Lane, drawing no. 100, received 20th July 2018.  
  
Reason: To ensure a satisfactory form of development and for the avoidance of doubt.
3. Boundary Treatment Brass Castle Lane  
The boundary treatment along Brass Castle Lane must be implemented in accordance with the approved Proposed Site Block Plan Plot 2, drawing no. 100, received 20th July 2018, prior to first occupation and must be retained in perpetuity.  
  
Reason: In the interests of the visual amenity of the area in accordance with the requirements of policy CS5 and paragraph 127 of the NPPF 2018.
4. 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 buildings, structures or works as defined within Part 1 of Schedule 2, classes A to H inclusive of that order, shall be erected or undertaken on site without planning permission being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development having regard to policy CS5 of the Local Plan and paragraphs 127 of the NPPF 2018.

5. Samples of Materials

The development shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority prior to commencement of the development.

Reason: To ensure the use of satisfactory materials.

6. Levels

Prior to the commencement of development details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved must be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of the surrounding properties. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the various components of the development and the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties in accordance with policy CS5 of the Local Plan.

## **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 CS5 & DC1 of the Council's Local Development Framework).

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

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

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## **INFORMATIVES**

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Fee for Discharging Conditions

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2010, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

(<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>). Please be aware that where there is more than one condition a multiple fee may apply.

#### Building Materials on Highway

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

#### Deliveries to Site

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

#### Street Name and Numbering

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

#### Contact Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/diversion work that may be required.

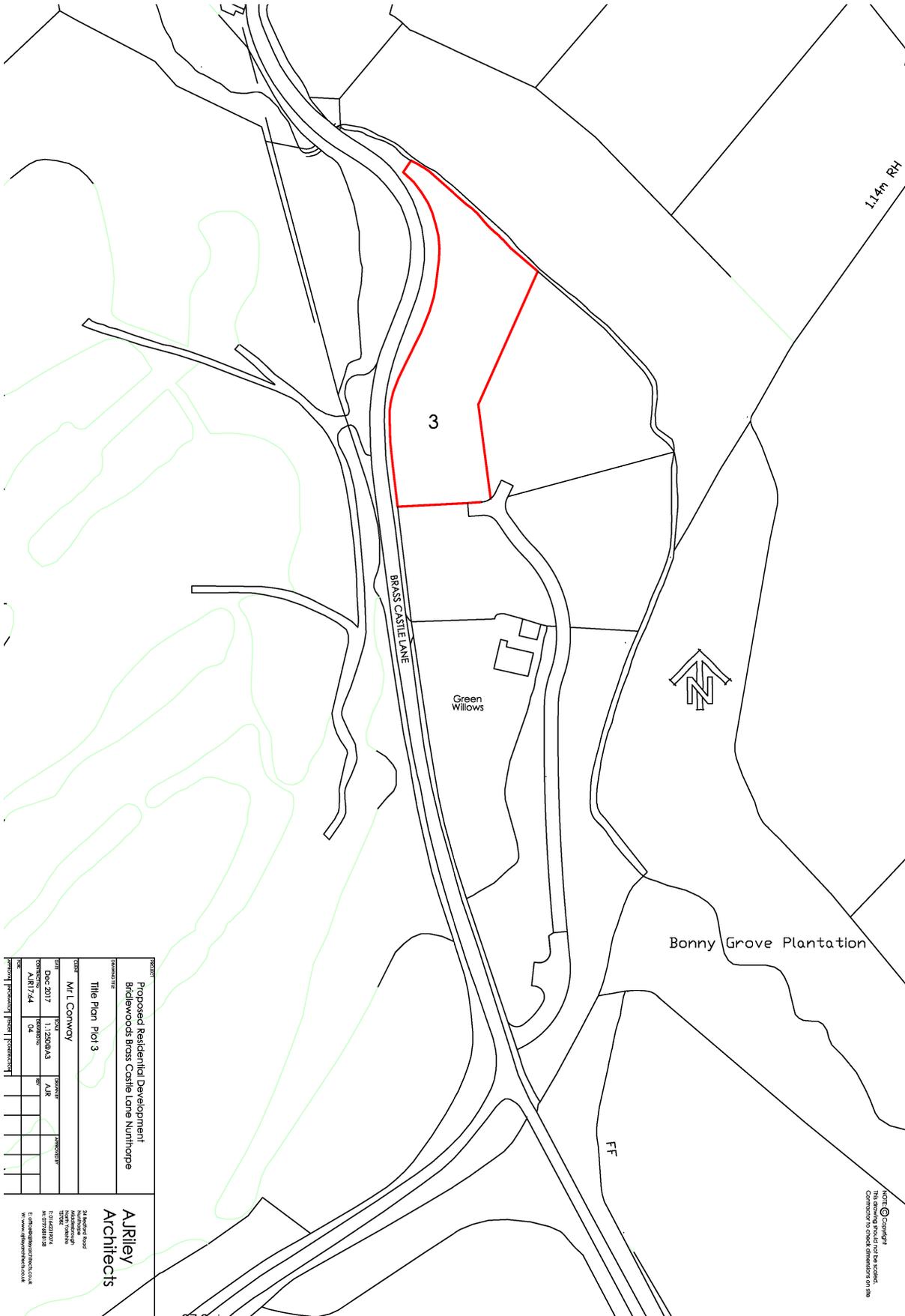
#### Cleaning the Highway

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person.

In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

Case Officer: Shelly Pearman

Committee Date: 5<sup>th</sup> October 2018



PROJECT		PROPOSED	
Proposed Residential Development		Bridlewoods Brass Castle Lane Nurthorpe	
TOWNSHIP		Title Plan Plot 3	
DESIGNER		M. L. CONWAY	
DATE	SCALE	DRAWN	CHECKED
Dec 2017	1:2500/AS	ALR	
CLIENT	NO. OF SHEETS	SHEET NO.	TOTAL SHEETS
ALR 744	04		
PROJECT	PROVISION	PLANNING	CONSTRUCTION

**Aurley Architects**  
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NOTE: CONSULT the local authority to check dimensions on site