

PLANNING & DEVELOPMENT COMMITTEE

LIST A
ITEM NO: 1

APPLICATION NO: M/FP/0769/07/P

DESCRIPTION: 3no two storey dwellings, 2no single storey dwellings and associated works

LOCATION: Land At Grey Towers Farm Nunthorpe Middlesbrough

APPLICANT: Fordy Farms (Ingleby) Ltd

SUBMITTED BY: Peacock & Smith

REPORT:

LOCATION:

1. To the south-west of Grey Towers Farmhouse, adjacent to the bridleway which links into the Poole roundabout.

PLAN STATUS:

2. Middlesbrough Local Plan:

Policy E1 - General Development Policy

Policy E20 - Limit to Urban Development

Policy E21 - Special Landscape Area

Policy E22 - New Housing in Countryside Beyond the Limit to Development or in Green Wedges

Policy E23 - Conversion or Re-Use of Rural Buildings

Policy E24 - Conversion or Re-Use of Rural Buildings for Residential Purposes

Policy E26 - Creation of a Community Forest

Policy E30 - Built Form and Urban Design

Policy E41 - Development in or Adjoining Conservation Areas

Policy HO6 - Unallocated Residential Development, Locational Guidelines

Policy H08 - New Residential Development - Design and Layout

3. Planning Policy Statement 3 : Housing

RELEVANT PLANNING HISTORY:

4. M1119/90 - Conversion of Agricultural Buildings to 9 No. Dwellings. Refused 6 November 1990. Appeal dismissed 22 July 1991. The Inspector accepted the principle of residential conversion but considered 9 dwellings to be over intensive.

M0726/92 - Conversion of Farm Buildings Into 3 No. Dwelling Houses and 2 No. Bungalows. Approved 21 July 1992.

M/FP/0528/97/P - Conversion of Old Farm Buildings to 5 No. Dwellings. Approved conditionally 11 August 1997.

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PROPOSAL:

5. This application was deferred pending a site visit at your meeting of 25 May 2007 and was again deferred at your meeting of 15 June 2007. Members visited the application site on Thursday 5 July 2007.

6. The application relates to the former Grey Towers Farm buildings adjacent to the bridleway which links into the Poole roundabout. Planning approval for conversion of the farm buildings to residential accommodation was previously approved in August 1997, this approval being a renewal of a consent previously granted in July 1992.

7. Following the 1997 approval implementation of the scheme was delayed, principally due to works being undertaken by the National Grid Company on the underground section of the Lackenby to Picton power line. The application approved on 11 August 1997 has now expired and is no longer valid.

8. The applicant has therefore submitted a fresh application. Whilst the farm buildings themselves have now been demolished the details remain largely the same as in the previous application, i. e. being based on the original farm buildings and comprising:-

- 1 x 2 bed single-storey dwelling
- 1 x 3 bed single-storey dwelling
- 1 x 3 bed two-storey dwelling
- 2 x 4 bed two-storey dwelling

9. The two-storey elements are sited on the north easterly part of the site, i. e. furthest away from the site entrance and the bridleway.

10. Vehicular access is to be gained via the existing access track/bridleway, linking into the Poole roundabout.

11. A new vehicular passing point with hammer head turning for refuse and other service vehicles is to be constructed adjacent to the site entrance.

12. Each property has a double garage and there is a visitor parking area with space for three vehicles. Other parking space is available on individual driveways and in the shared courtyard area. The applicant indicates that a total of 24 spaces are available within the site.

13. Individual gardens are proposed on the outward facing elevations of the dwellings, i.e., on the south-western and north-western sides of the proposed building. These are to be enclosed by a 1.8m high brick boundary wall.

14. The internal open plan courtyard area is proposed to include lawns and gravel driveways and paths. A simple design is proposed to reflect the nature of the original farm buildings complex.

15. The proposed dwellings have a maximum height of 7.6m (two-storey element) and 4.9m (single-storey element).

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16. Proposed materials are a rustic style facing brick, artstone cills, grey roof slates, timber windows and cast iron rainwater goods.

CONSULTATIONS:

17. The application has been the subject of the usual neighbour notification exercise and has been advertised in the press (10 May 2007) and by means of a site notice.

18. As a result of the neighbour notification exercise a number of objections, including two petitions, have been received and these are summarised in the Appendix attached to this report.

19. Transportation Section has no objections subject to appropriate conditions governing the use of the access track/bridleway and provision of temporary car parking during the construction period.

Comment is made that this site is located some 260m to the west of the A172 Stokesley Road and the application is for the construction of 3 two-storey dwellings and 2 single-storey dwellings with associated car parking. The access to the site is via a private lane with a recorded bridleway.

This site has reasonable links to most forms of sustainable transport with walking and cycling across the frontage that links to the footpath/cycleway network that accesses all local services and bus services to the east of the site located at the entrance into the Grey Towers Park development.

There is a small amount of traffic along the lane that is associated with the use of Grey Towers Farm. This development will increase this traffic and concerns have been raised in relation to the possible conflict between vehicular traffic and horses on the bridleway. Discussion has taken place with the applicant in order to ascertain measures that could be introduced to mitigate these concerns. These will include traffic calming measures to reduce vehicle speed along the lane and a refuge to allow horses to move away from any vehicles travelling along the lane.

It is proposed that signs will be erected both at the junction with the A172 and at the entrance to the development warning drivers of the presence of horses in the vicinity.

The level of parking provision for this development, that includes garages and parking for each dwelling as well as a small amount of dedicated visitor parking, will allow both residents and visitors to be accommodated within the site.

20. Community Protection Service has no objections subject to a condition governing details of any external lighting.

21. Streetscene Services Section originally commented that Waste Services do currently use the track but are concerned that in wet weather the track will become muddy and ploughed up by the vehicle and therefore it will need to be surfaced to adoptable standards. Streetscene Services cannot collect the refuse from the bottom of the track as it comes out on the roundabout and will be a dangerous place to stop and is a long way for residents to transport their waste.

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Following discussions with the applicant the issue of collecting refuse from the entrance to the access road has been re-examined and Streetscene Services comments further that they understand that the developer is to look to provide a refuse store at the entrance to the access road just off the roundabout. This will be acceptable providing the access to the refuse store has suitable hardstanding off the roundabout itself for a 26 tonne refuse vehicle and adequate turning facility.

The refuse store must comply with BS 2906:1980, and be capable of housing 5x360 litre eurobins. Residents must be made aware that they are responsible for placing their own refuse into the bins located within the refuse store.

22. Landscape Section have no objections, however comment that additional landscaping within the courtyard is required, just grass will make it something of a green desert. They do not consider that trees to the south of the bridleway will be affected by the proposed development.

23. Middlesbrough Council's Conservation Officer has no objections to the scheme. Comment is made that the proposed building is located adjacent to the Nunthorpe Conservation Area. The proposed design of the residential development is acceptable, as it does not adversely affect the setting and the context of the Conservation Area. The use of traditional materials, such as timber windows and cast iron gutters will help to maintain the character of the Conservation Area.

24. Middlesbrough Council's Community Safety Adviser provides advice to the applicant on the Secured by Design Initiative and on issues of lighting, boundary treatment and landscaping. The applicant has confirmed that the scheme will be built to Secured by Design standards.

25. The Environment Agency has no comments on the application.

26. Northumbrian Water has been consulted. Any comments received will be reported verbally at your meeting.

27. Northern Gas Networks indicates that they have no gas mains in the area of the enquiry. However, their records indicate that gas pipes owned by other gas transporters may be present in this area. Information is provided as to the location of gas mains within the wider area.

COMMUNITY COUNCIL:

28. Nunthorpe Community and Parish Councils make the following comments on the application:-

- * Additional traffic (especially on bridleway)
- * Extra noise and light pollution
- * Further construction work
- * Invasion of privacy
- * Health/safety issues
- * Destruction of future Conservation Zones.

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Nunthorpe Parish Council, in a separate letter, objects to the application on the following grounds:-

- * Access/egress points on access road which will have to accommodate two-way traffic
- * Construction traffic will cause illegal obstruction of bridleway
- * Well-used footpath passes through development
- * Access to Poole Roundabout is extremely dangerous.

ANALYSIS:

29. This application requires to be considered in the context of a number of factors including the planning history of the site and also of current circumstances, including the policies of the Middlesbrough Local Plan which was adopted in 1999, subsequent to the previous planning approval for the development of the site, and the residential development which has taken place on the adjacent Grey Towers Park development since the previous approval for the site..

30. An Outline Planning Application was originally submitted for conversion of the farm buildings to nine dwellings in 1990. The application was refused by Middlesbrough Council and dismissed on appeal. In his decision letter the Inspector considered the principle of conversion to residential use to be acceptable, but because of its size and density would result in a development more urban than rural in character and appearance. The Inspector did not consider that road safety in the locality would be significantly affected by the proposal. He was satisfied that the likely generation of trip numbers caused by a development of this size would not unduly affect road safety along the lane itself, nor at the roundabout.

31. A reduced scheme, for conversion of the farm buildings into 3 no. dwelling houses and 2 no. bungalows was approved by your Committee in 1992.

32. An identical application for Conversion of Old Farm Buildings to 5 no. Dwellings was approved conditionally in 1997.

33. Prior to this permission, the applicant had approached the Council with regard to the demolition of the buildings then on the site, which were considered dangerous. It was agreed at this time that the scheme would have to be re-built in its entirety. It was accepted that new materials would have to be used, but that where these were used they would match those which still existed. The 1997 approval was granted at a time when the existing buildings were still in existence, but on the basis that they were likely to be replaced with a new-build scheme of identical form.

34. The buildings have now been cleared from the site and in terms of the current application it is evident that the brick/rubble which now exists on the site is unusable, so the current application will need to be assessed on the basis of new materials. A brick and roofing tile is proposed as a part of the application.

35. In terms of policy, the Council's Legal Services Section has advised that, because the 1997 planning permission was purportedly implemented in breach of conditions precedent, such implementation was ineffective and consequently the 1997 permission has lapsed. The approvals which have previously been granted can no longer be regarded as material

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considerations in the determination of this current application. Furthermore, since the application site is in agricultural use it falls outside the definition of Previously Developed Land contained in PPS3. Thus, the main factor in determining the application will be the relevant policies in the Middlesbrough Local Plan and present central government guidance.

36. The Middlesbrough Local Plan was adopted in August 1999, subsequent to the previous approval. On the Local Plan Proposals Map the application site is allocated as white land. It is situated beyond the Limit to Development and within the area of Tees Community Forest. It is situated adjacent to Nunthorpe and Poole Conservation Area and the Special Landscape Area which extends eastwards from Poole and Nunthorpe into the Redcar & Cleveland Council area.

37. The following Local Plan policies are of relevance to the application:-

38. Policy E1 - General Development Policy is of relevance. This provides that in the determination of planning applications due regard will be paid to the provisions of the development plan (Cleveland Structure Plan or its replacement and this Local Plan) and will take account of the following as a minimum.

- i) The external appearance and layout of the development and its relationship with the surrounding area.
- ii) The effect upon the environment and amenities of occupiers of nearby properties.
- iii) The effect on the use or development of land for the purpose for which it is identified in this Plan.
- iv) The effect on highway safety and on the capacity of existing and proposed transportation infrastructure.
- v) The effect on protected open space within the urban area, Green Wedges, the countryside beyond the limit to development, and the best and most versatile agricultural land.
- vi) The effect on levels of air, water, land or noise pollution of the environment.

39. In that it has an effect on the use or development of land which is allocated as white land, i.e. to remain in its present agricultural use, in the Local Plan, and also that it has an effect on the countryside beyond the limit to development, the proposed development does not comply with Policy E1.

40. Policy E20 - Limit to Urban Development provides that In the interests of protecting the open countryside the proposals map identifies a limit to development beyond which development will be strictly controlled. The only allowable development will be:

- i) Conversions of buildings and proposals for farm diversification in accordance with policies E23 and E24
- ii) Development of dwellings in accordance with policy E22
- iii) Operational buildings required for agriculture or forestry
- iv) Countryside leisure provision in accordance with policy E28
- v) Telecommunications equipment in accordance with policy U2
- vi) Tourism proposals which are compatible in scale, materials, and appearance with a rural setting and designed to be integrated with the surrounding landscape.
- vii) Retailing in accordance with policy SA14

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- viii) Stables and similar structures in accordance with policy E25
- ix) Development identified in this Local Plan

Where development is considered acceptable it will be required to make a contribution to the achievement of the Tees Forest in accordance with policy E26.

41. The proposal does not comply with any of the categories of allowable development listed in the policy.

42. Policy E21 - Special Landscape Areas provides that 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 on the proposals map. This will be given greater weight than other planning considerations. Development will only be permitted where it is in accordance with Policy E20, and if it;

- i.) Would not detract from the special scenic character and quality of the landscape;
- ii.) Is of a high standard of design and carefully located to reflect the traditional scale and character of buildings and landscape in the area and the use of materials sympathetic to the locality;
- iii.) Does not have a detrimental impact on features important to the local landscape, such as trees, hedges, copses, woodlands, ponds and watercourses; and
- iv.) Is, where applicable, in accordance with a site specific policy in this Local Plan.

43. The proposed development is located adjacent to, but not within the Special Landscape Area. Whilst the application is not in accordance with Policy E20, it is considered that otherwise it does not have a detrimental effect on the scenic character and quality of the Special Landscape Area.

44. Policy E22 - New Housing in the Countryside Beyond the Limit to Development or in Green Wedges provides that development will only be permitted where the dwelling is:

- i) Essential for the efficient functioning of agriculture or forestry;
- ii) Required for occupation by those engaged in agriculture or forestry; and
- iii) Within an area identified for development in this Local Plan.

In those exceptional circumstances where a new dwelling is acceptable planning permission will only be granted where the siting, design, materials, external appearance, relationship with the surroundings and the means of access of the proposed dwelling are such that it blends in with its surroundings. Where there are exceptional constraints or agricultural or forestry operational circumstances preventing the above, the dwelling should be sited in a location associated with an existing building or group of buildings.

An appropriate occupancy condition will be attached to any planning approval.

45. The proposal does not comply with any of the categories of permissible development listed in the Policy.

46. Policy E23 - Conversion or Re-Use of Rural Buildings provides that in the countryside beyond the Limit to Development or in Green Wedges, proposals for the re-use of existing buildings will only be permitted for business or leisure uses where all of the following are

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met:

- i) The building is demonstrated to be capable of use without fundamental re-building;
- ii) Where a building is unattractive in its present form, the conversion will produce an improved and visually appropriate result which complements its surroundings;
- iii) The building is large enough to be converted without substantial extensions or additions. Any extensions should be subordinate in size and form to the original building;
- iv) Where the building is of traditional design and materials, external alterations are kept to a minimum to retain the character of the building and the surrounding area;
- v) The proposal would not directly or indirectly produce significant alteration to the character of the site or surroundings;
- vi) The proposed use is of a scale appropriate to the locality, and its operation in a rural context would not cause significant highway, environmental or amenity problems;
- vii) Access, manoeuvring space and parking in accordance with adopted standards (Appendix 16) can be accommodated without being visually intrusive.
- viii) Where the building has been constructed under permitted development rights, it has been legitimately used for agriculture or forestry purposes; and
- ix) The disturbance to protected wildlife species such as barn owls and bats is kept to a minimum and, where appropriate, measures are taken for the provision of alternative accommodation for those species affected by the development.

47. Policy E24 - Conversion or Re-use of Rural Buildings for Residential Purposes provides that in countryside beyond the Limit to Development or in Green Wedges proposals for the re-use of existing buildings for residential uses will only be permitted where;

- i.) The applicant has made every reasonable attempt to secure business or leisure uses, and the application is supported by a statement of the efforts which have been made, or
- ii.) Residential conversion is a subordinate part of a scheme for business use; or
- iii.) it is essential for the efficient functioning of agriculture or forestry and is required for occupation of those engaged in such activities.

Where acceptable under the above criteria, the proposal will also need to accord with sub clauses (i) to (ix) of policy E23 before planning permission will be granted.

48. The former farm buildings have now been removed from the site and are no longer a material consideration in the determination of the current planning application. In addition Legal Services Section advises that because the 1997 permission was purportedly implemented in breach of conditions precedent, that permission has lapsed and is no longer a material consideration. In terms of the policy, the proposed development is not in any case a subordinate part of a scheme for business use, nor essential for the efficient functioning of agriculture or forestry, nor does it comply with criteria i) of policy E23 as above.

49. Policy E26 - Creation of a Community Forest provides that support will be given to the long term strategy to implement a community forest. In assessing proposals for development within the area of the Tees Forest, as identified on the proposals map, the Council will give particular weight to the extent of the contribution that the development makes to realising the Community Forest objectives. Where development is in accordance with the policies of the Local Plan, it will be required to support the long term Community

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Forest strategy by, as appropriate:-

- i) Providing for the retention and restoration of existing trees, hedges, and woodlands;
- ii) Providing for the integration of woodland planting into the development;
- iii) Protecting high quality landscape, and improving the landscape of the area;
- iv) Protecting sites of ecological value and creating new opportunities for nature conservation;
- v) Protecting the best quality agricultural land and the economic sustainability of agricultural businesses; and
- vi) Increasing opportunities for access, leisure, recreation, artistic, cultural and educational activities compatible with the Community Forest objectives (Appendix 1.).

50. It is considered that whilst the proposed development does not contribute to the realisation of the Community Forest objectives, or support the long term Community Forest Strategy, it is of a relatively modest scale and will not have a significant detrimental impact on the Community Forest.

51. Policy E30 - Built Form and Urban Design provides that where development proposals are in accordance with policies elsewhere in this Local Plan, the quality of design will be treated as a material consideration in the determination of the planning application. New development will only be permitted where it is demonstrated to be appropriate to its setting in terms of scale, landscaping, layout and accessibility. Where appropriate, regard will be had to the following design principles:-

- i) Spaces between buildings are of the utmost importance. Development should create a series of linked and varied spaces defined by buildings and integrating buildings and landscape design and having clear and specific functions; and
- ii) New buildings should be designed to have a durably attractive appearance and be appropriate to their location, an especially high quality design will be expected in the town centre and in conservation areas; and
- iii) Within existing areas of distinctive and attractive character, development will be expected to reinforce the established pattern of the built form; and
- iv) Development adjoining public spaces or routes (e.g. roads, squares, parks, major open space, railways, the river) should provide positive and attractive built frontages to them; and
- v) Development on or near the urban edge should be so located and designed as to minimise adverse impacts on open land uses, including agriculture; and
- vi) Visual interest should be created in details of design as well as overall concept, and opportunities taken to create landmark buildings in appropriate locations, whilst respecting existing views and vistas and the character of their surroundings; and
- vii) Developments should provide for attractive and convenient pedestrian movement, whilst minimising opportunities for crime; and
- viii) Design should consider the needs of elderly people, people with disabilities, and others whose mobility is restricted.

52. It is considered that the quality of design of the proposed development is satisfactory and that, other than that the development proposal is not in accordance with policies elsewhere in the Local Plan, it is in compliance with the requirements of Policy E30 in terms of its scale, landscaping, layout and accessibility.

53. Policy E41 - Development in or Adjoining Conservation Areas provides that

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development within or adjoining a Conversation Area will be permitted only where the Council is satisfied that the proposed use, location, design layout, scale, materials, colours and other factors contribute to the preservation or enhancement of the character and appearance of the area.

In particular, development must:

- i) Respect the character of existing architecture by having regard to the positioning and grouping of buildings, their form, scale, detailing, use of materials and quality
- ii) Respect existing hard and soft landscape features which contribute to the character of the area, including open space, trees, hedges, walls, fences and surfacing;
- iii) Normally relate to traditional plot boundaries;
- iv) Not generate traffic levels, parking, noise or environmental problems which would be detrimental to the character of the Conservation Area; and
- v) Not adversely affect the significant views into or out of the area.

54. The proposed development is located adjacent to, but not within, the Nunthorpe and Poole Conservation Area. The new housing in the Grey Towers Park development forms a buffer between the application site and the older parts of the Conservation Area. It is not considered that the proposed development will have a detrimental impact on the character and appearance of the Conservation Area.

55. Policy HO6 - Unallocated Residential Development, Locational Guidelines provides that proposals for residential development on land within the defined limit to development will be approved provided that general development policy criteria are met (Policy E1), and in particular:

- i.) The land is not identified as protected open space or Green Wedges on the proposals map unless the proposal is regarded as conforming to policy E2 or E7;
- ii.) The site is not subject to unacceptable pollution by reason of dust, fumes or smell, nor subject to potential hazard or nuisance created by existing or approved industrial or commercial activities, processes or waste. Where a change of use is involved, an environmental appraisal will be required to establish the impact and suitability of residential use;
- iii.) The location of the development is such that there is no significant detrimental effect on the amenity of occupiers of adjoining land; and
- iv.) Where land is currently in other than residential use and its continued use for that purpose would be detrimental to the amenity of the surrounding land uses.

56. In that the application site is not within the defined limit to development, the application does not fully comply with Policy HO6.

57. Policy HO8 - New Residential Development: Design and Layout provides that proposals for new residential development or redevelopment for residential uses should make provision for a range of house types to meet the needs of all sectors of the community. Proposals will be permitted on sites identified in policies HO1, HO2, HO3 and those in accordance with Policy HO6 provided that the following requirements are met:

- i) The development is of a scale and density appropriate to the locality;
- ii) The materials, design and layout reflect the townscape and landscape context, and the

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scale character and appearance of the surrounding area;

iii) Satisfactory measures are incorporated in the design and location of development to ameliorate the effects of noise from any existing or potential noise sources nearby;

iv) Major development should be designed in such a manner as to provide smaller groupings or neighbourhoods of identifiable character, and to encourage variety and diversity in layout;

v) The relationship with existing development is such that the amenity and the proper development of the surrounding area are not demonstrably harmed;

vi) The principles of crime prevention are incorporated into the design and layout;

vii) Existing features of interest, including buildings of historic or architectural interest, trees and hedgerows, should be retained as features of the design where possible; and

viii) Residential development incorporates features in terms of layout, design and specification to achieve high levels of energy efficiency which meet, and preferably exceed the energy efficiency standards set out in the building regulations.

58. Other than that it is not in accordance with Policy HO6, it is considered that the application is generally in accordance with the other provisions of Policy HO8.

59. In addition to the Local Plan Policies, the application also requires to be considered in the context of other factors such as the planning history of the site, the impact on the bridleway and the impact on neighbouring occupiers, the majority of which occupy properties on the recently constructed Grey Towers Park development. The planning history of the site is summarised below, although the previous approvals preceded the adoption of the current Local Plan which is now the main factor in determining the application.

60. The Inspector's Report in 1991, although dismissing the appeal on the basis of a proposal for nine dwellings, considered the principle of a conversion to residential use to be acceptable and guided the Council to its subsequent approval of a proposal for 5 dwellings in 1992. The Inspector had accepted that the buildings were redundant for agricultural purposes, and that residential conversion of redundant farm buildings can be appropriate within the open countryside where other interests of acknowledged importance remain unharmed.

61. Planning application No. M0258/97 for Conversion of Old Farm Buildings to 5 No. Dwellings was approved by your Committee on 11 August 1997. In reaching this decision, it was appreciated that the emphasis of national, regional and local policy guidance had changed to favour economic use of redundant buildings rather than residential conversions and conversion without substantial demolition or alteration. It was however considered that, given the previous permission following acceptance in principle of residential development by the Inspector and acceptance previously of extensive demolition, it now seemed unreasonable to try to resist residential use based on the fact that the market for economic use had not been tested or that extensive demolition was involved. Consequently it was concluded that the principle remained acceptable. As advised by Legal Services Section, as this permission has now lapsed it is not a material consideration in the determination of the current application.

62. In terms of the current application, as previous approvals on the site have now lapsed and the buildings previously existing on the site have been cleared, the proposal needs to be considered as a fresh application. The Local Plan was adopted in 1999 and the

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application is not in compliance with a number of Local Plan Policies, in particular Policy E20 - Limit to Urban Development and Policy E22 - New Housing in the Countryside beyond the Limit to Development or in Green Wedges. These would therefore act to constrain development of the type proposed in this application.

63. In terms of other Local Plan policies which concern the form and quality of the proposed development, the scheme is considered broadly satisfactory. It replicates the form of the original farm buildings and it is considered satisfactory in terms of its rural setting and location adjacent to Nunthorpe and Poole Conservation Area and the Special Landscape Area. The Conservation Officer has no objections and the proposal will not detract from the special scenic character and quality of the Special Landscape Area.

64. In terms of its impact on neighbouring properties, the nearest residential property is the existing dwelling house at Grey Towers Farmhouse (owned by the applicant). This is located a minimum distance of 19.0m from the nearest of the proposed two-storey dwellings. However, the dwellings proposed in this application are based on the original farm buildings which formed part of the complex of buildings around Grey Towers Farmhouse. The occupier of this property has not objected to the application and indeed a new garage is proposed to be provided for this property as a part of the application.

65. Since the previous planning approval in 1997 development has taken place on the Grey Towers Park (Former Poole Hospital) site. A number of properties in Collingham Drive within Grey Towers Park back onto the proposed development. Of these, No. 29 is significantly closer to the proposed development than any of the other properties in Collingham Drive. This property is a minimum distance of approximately 28.0m from the nearest of the proposed dwelling houses, this being a corner to corner relationship with a single -storey dwelling. The nearest of the two-storey dwellings is 54.0m away. No. 29 does not face directly towards the residential uses in the proposed development, but is set an angle to them. The main windows however face towards the garage which is to be provided for Grey Towers Farmhouse as a part of the proposed development.

66. None of the other properties in Collingham Drive is nearer to the proposed development than 51.0m. It is not considered therefore that the proposed development has a direct physical impact on any of these properties.

67. Planning approval for the Grey Towers Park development was in any case granted in the context of the planning approval which was then considered to exist for conversion of the farm buildings and the relationship between the two developments was fully considered at this time.

68. Objections have been made to the application on a number of grounds. The individual objections are summarised in the Appendix attached to this report, but can be further broken down as follows;

- * Land searches on Grey Towers Park properties did not reveal planning permission which existed on Grey Towers Farm buildings.
- * Land is agricultural land rather than a brownfield site.
- * Traffic on bridleway and onto roundabout.
- * Impact on wildlife
- * Affect on trees to south of bridleway

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- * Refuse disposal
- * Re-alignment of footpath
- * Location of underground power line.
- * Density of development

The various objections are considered in detail below:

69. Whilst it may be unfortunate that residents of Grey Towers Park were not aware of the planning approvals which had previously been granted, It remains a fact that there was a history of approvals on the site of the farm buildings since 1992. Planning approval for Grey Towers Park was granted in the context of the then approval for the farm buildings and there is no reason to suggest that the relationship between the two developments is other than satisfactory.

70. The application site comprises former farm buildings which had become redundant and have since been cleared from the site. The site at the moment is unused, comprising mainly cleared land and rubble. The Council's Legal Services Section advises that the application site is in agricultural use and as such it falls outside the definition of Previously Developed Land contained in PPS3.

71. The access track is privately owned and use by vehicles is at the discretion of the owner. The track has the status of a bridleway and can also be used by the public as pedestrians and by horses. The adequacy of the track to accommodate a limited amount of additional vehicular usage is considered satisfactory and Transportation Section has not objected to the application. Planning approval for the Grey Towers Park development, which is likely to have led to increased pedestrian usage of the bridleway, was granted in the light of the approval which was considered to exist at Grey Towers Farm.

72. The application site does not include any trees or buildings and it is not considered that there will be any impact on wildlife.

73. Trees to the south of the bridleway are suffering from a combination of flooding, apparently caused by a high water table, and the disease Phytopthera. However, there are no trees on the application site and the Council's Arboriculturist does not consider that the proposed development will have any implications for existing trees to the south of the bridleway.

74. In the light of the revised comments from Streetscene Services Section, it is considered that refuse could be collected from a location at the end of the bridleway adjacent to the roundabout. A suitable storage facility could be provided, as well as an adequate turning facility for the refuse lorries.

75. A public footpath exists to the south-western side of the development, linking into Marton Road to the north. On the Definitive Rights of Way Map the line of the path is sited outside the application site, to the west of an existing hedgeline. Objectors claim that a footpath runs across land within the site boundary, within the garden area of a number of the proposed dwellings. This is not directly a planning matter and is being dealt with separately by the Rights of Way Officer.

76. The National Grid Company underground power line runs to the north of the application

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site, at a minimum distance of approximately 20.0m from the site boundary and 30.0m from the nearest dwelling house. A maintenance strip with a total width of 30 to 40m is required, i.e., 15 to 20 metres on either side of the line. Although this would not appear to be necessary, the Company indicates that it would be acceptable for this strip to fall within the garden area of the proposed properties. The Company does not consider there to be any health issues arising from proximity to the power line. Such a matter would in any case be one for potential occupiers of the dwelling houses.

77. Whilst the proposed development is at a greater density than the adjacent Grey Towers Park estate, it is considered to be appropriate to its location given that the design replicates that of the original farm buildings and that it incorporates adequate parking provision and amenity space.

77. In conclusion, as the 1997 approval was implemented in breach of conditions precedent, such implementation was ineffective and the permission has therefore lapsed. Furthermore, since the application site is in agricultural use, it falls outside the definition of Previously Developed Land contained in PPS3. Thus, the application falls to be determined in accordance with the adopted Local Plan and present central government guidance. The previous approvals are no longer material considerations and the application must be considered as a new application which requires to be considered in the light of current guidance and policies.

78. It is evident that, although the application is considered to be acceptable in terms of its design quality and the impact on neighbouring residential properties as well as on the adjacent conservation area and special landscape area, it does not comply with a number of key Local Plan policies. The principal policies are Policy E20 - Limit to Urban Development and E22 - New Housing in the Countryside Beyond the Limit to Development or in Green Wedges.

79. The adopted Middlesbrough Local Plan is the major factor in determining the application, and as the application is clearly not in compliance with those policies constraining development beyond the Limit to Urban Development and the provision of new housing in the Countryside, it is recommended that the application be refused.

RECOMMENDATION: Refuse

CONDITION(S) / REASON(S):

- 1 The application site is situated beyond the Limit to Urban Development as defined on the Middlesbrough Local Plan Proposals Map and as such is contrary to Policy E20 - Limit to Urban Development of the Middlesbrough Local Plan.
- 2 The residential development proposed is not essential for the efficient functioning of agriculture or forestry or required for occupation by those engaged in agriculture or forestry, and as such is contrary to Policy E22 - New Housing in the Countryside Beyond the Limit to Development or in Green Wedges of the Middlesbrough Local Plan.

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Committee Date: 6th July 2007
Originator: Dave Chew
Contact Officer: Mr E Vickers