

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 2 March 2015.

**PRESENT:** Councillors J G Cole (Chair); J Brunton (Vice Chair); G B Clark, P Cox, J Hobson, F McIntyre, P Purvis and N J Walker

**ALSO IN ATTENDANCE:** Councillor Arundale  
Councillor Biswas  
Councillor Hawthorne  
Councillor Taylor

**OFFICERS:** A Bolton, B Carr and E Vickers

**APOLOGIES FOR ABSENCE** Councillor P Sanderson.

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest made at this point of the meeting.

**14/34 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 23 JANUARY 2015**

The minutes of the Planning and Development Committee held on 23 January 2015 were taken as read and approved as a true record.

**14/35 SCHEDULE OF THE REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1980 and the Head of Planning reported thereon.

**SUSPENSION OF COUNCIL PROCEDURE RULE NO 10 - ORDER OF BUSINESS**

**ORDERED** that, in accordance with Council Procedure Rule No 10, the Committee agreed to vary the order of business.

**ORDERED** that the following applications be determined as shown:

**M/FP/0001/15/P - Change of use from post office (A1) to ground floor hot food takeaway (A5) at 271A Acklam Road, Middlesbrough for Mr P Kumar**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly a site visit had been held on the morning prior to the meeting.

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and forty five individual objections to the application had been received, together with 3 petitions containing 101 signatures and 2 No. 7 signature petitions respectively, including representations from Councillor Arundale and Councillor Pearson OBE, Kader Community Council and Lodore Residents Association, the details of which were contained in the report. There were no objections to the application received from the statutory consultees, although the Council's Environmental Protection department had suggested a condition relating to the installation of a fume extract system, should the application be approved.

The Secretary of Lodore Residents Association, with the agreement of the Chair, submitted details of food outlets, premises selling takeaway food and other outlets situated in the vicinity

of the premises for the Committee's information.

The Head of Planning advised the Committee that he had been advised that it was proposed to retain the existing Post Office within the Acklam Road group of shops.

The Ward Councillor and Councillors Arundale, Hawthorne and Taylor spoke in objection to the application. A resident addressed the Committee on behalf of a number of residents present at the meeting, and the Secretary of Lodore Residents Association also addressed the Committee in objection to the application.

**ORDERED** that the application be **Refused** for the reasons set out in the report.

**M/FP/0011/15/P - Erection of 1 no. detached bungalow (demolition of existing garage) at 14 Skiplam Close, Middlesbrough for Mr L White**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly a site visit had been held on the morning prior to the meeting.

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and representations had been received from the occupiers of 12, 15, 16 and 19 Skiplam Close objecting to the scheme, the details of which were contained in the report. Councillor Williams had examined the plans and considered that there was adequate parking. He had indicated that although he did not like the scheme, he could not find a reason to object.

The Council's Environmental Health and Highways departments had suggested appropriate conditions, should the application be approved.

The occupier of no 15 Skiplam Close, addressed the Committee and spoke in objection to the application. With the agreement of the Chair, a copy of the original deed and a copy of the plan in relation to the proposed planning application were circulated to members of the Committee. The occupier of no. 12 Skiplam Close also spoke in objection to the application.

The Head of Planning clarified for the benefit of the Committee, that ownership of land was not a material planning consideration.

**ORDERED** that the application be **Refused** for the reasons set out in the report.

**M/FP/1273/14/P - Formation of vehicular crossing with listed building and conservation area consent for part removal/re-alignment of boundary wall to reinstate access at Stainton House, Marwood Wynd, Stainton, Middlesbrough for Mr N Woodall**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly a site visit had been held on the morning prior to the meeting.

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and representations had been received from the occupiers of 14 Church Close, 9 Hemlington Road and Councillor Williams, the details of which were contained in the report. The Council's Highways department had advised that the proposal provided the necessary splays and visibility required and they had suggested appropriate conditions should the application be approved. The Council's Conservation Officer had commented that in her view the wall was not of historic interest.

The occupier of 14 Church Close spoke in objection to the application on behalf of himself and Councillor Williams. The applicant and the applicant's representative responded to queries from members of the Committee.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report but that reference to the submission of the superseding plan dated 24 February 2015, incorporating the physical barrier, be included at Conditions no 1 and 6.

**M/FP/1243/14/P - Erection of 1 no. detached dwelling at Plot 68a Southwood, Coulby Newham, Middlesbrough for Mr K Conway**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly a site visit had been held on the morning prior to the meeting.

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and representations had been received from the occupiers 1 Fernwood and 86 Southwood, objecting to the application, the details of which were contained in the report. There had been no objections received from the statutory consultees.

The applicant addressed the Committee in support of the application.

**ORDERED** that the application be **Refused** for the following reasons:

The proposed dwelling would not be in accord with the general character of the estate, the proposed design would not be consistent with the adjoining properties and the proposed dwelling would appear excessive having regard to the configuration of the plot. If constructed, the proposed dwelling would therefore assume an obtrusive appearance, in conflict with the street scene and of detriment to the visual amenity of the surrounding occupiers.

All of this would be in conflict with Policies DC1 (General Development - test b visual appearance and test c amenity) and CS5 (Design - test c integration of design and test f quality of new development) in the Middlesbrough Development Plan.

**INFORMATIVE**

Planning permission was refused for the development because it was not in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004 or the policies of the Middlesbrough Development Plan set out below or all material considerations, including Supplementary Planning Documents (SPD) and the particular circumstances summarised below:-

DC1 - General Development  
CS5 - Design  
H1 - Spatial Strategy  
H11 - Housing Strategy

In reaching this decision the Planning and Development Committee were mindful of the particular circumstances of this application having carried out a Committee site visit. This enabled Members to be fully conversant with the configuration of the plot, the relationship between it and the adjoining properties, the scale and mass of the dwellings in the near vicinity and the general character of the housing estate. Having done so, Members considered the planning application and decided that the application was unacceptable because the proposed dwelling would not be in accord with the general character of the estate, the proposed design would not be consistent with the adjoining properties and the proposed dwelling would appear excessive having regard to the configuration of the plot.

If constructed, the proposed dwelling would therefore assume an obtrusive appearance, in conflict with the street scene and of detriment to the visual amenity of the surrounding occupiers. All of this would be in conflict with Policies DC1 (General Development - test b visual appearance and test c amenity) and CS5 (Design - test c integration of design and test f quality of new development) in the Middlesbrough Development Plan.

**M/FP/1283/14/P - Erection of 1 no. detached dwelling with detached double garage at Plot 69a Southwood, Coulby Newham, Middlesbrough for Mr K Conway**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly a site visit had been held on the morning prior to the meeting.

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and representations had been received from the occupiers 1 Fernwood and 86 Southwood, objecting to the application, the details of which were contained in the report. There had been no objections received from the statutory consultees.

The applicant addressed the Committee in support of the application.

**ORDERED** that the application be **Refused** for the following reasons:

The proposed dwelling would not be in accord with the general character of the estate, the proposed design would not be consistent with the adjoining properties and the proposed dwelling would appear excessive having regard to the configuration of the plot. If constructed, the proposed dwelling would therefore assume an obtrusive appearance, in conflict with the street scene and of detriment to the visual amenity of the surrounding occupiers. All of this would be in conflict with Policies DC1 (General Development - test b visual appearance and test c amenity) and CS5 (Design - test c integration of design and test f quality of new development) in the Middlesbrough Development Plan.

**INFORMATIVE**

Planning permission was refused for the development because it was not in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004 or the policies of the Middlesbrough Development Plan set out below or all material considerations, including Supplementary Planning Documents (SPD) and the particular circumstances summarised below:-

DC1 - General Development  
CS5 - Design  
H1 - Spatial Strategy  
H11 - Housing Strategy

In reaching this decision the Planning and Development Committee were mindful of the particular circumstances of this application having carried out a Committee site visit. This enabled Members to be fully conversant with the configuration of the plot, the relationship between it and the adjoining properties, the scale and mass of the dwellings in the near vicinity and the general character of the housing estate. Having done so, Members considered the planning application and decided that the application was unacceptable because the proposed dwelling would not be in accord with the general character of the estate, the proposed design would not be consistent with the adjoining properties and the proposed dwelling would appear excessive having regard to the configuration of the plot.

If constructed, the proposed dwelling would therefore assume an obtrusive appearance, in conflict with the street scene and of detriment to the visual amenity of the surrounding occupiers. All of this would be in conflict with Policies DC1 (General Development - test b

visual appearance and test c amenity) and CS5 (Design - test c integration of design and test f quality of new development) in the Middlesbrough Development Plan.

**M/FP/1290/14/P - Loft conversion to include 3 No. dormers at rear, 1 No. dormer to front and roof windows to front and rear at 5 Fearnhead, Marton, Middlesbrough for Mr and Mrs Hazard**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly a site visit had been held on the morning prior to the meeting. The Head of Planning advised that following the site visit, the applicant had telephoned the Planning and Development Committee's Governance Officer to query why the Committee had not visited the site. The applicant had been assured that the site visit had taken place earlier that morning and that the site had been viewed from both the front and back of the application site.

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and representations had been received from the Ward Councillor. There were no objections received from the statutory consultees.

The Head of Planning circulated a copy of an email received from the applicant's agent requesting that his past comments concerning Councillor Hobson's objections be read out at the meeting as he and the applicants would be away on 2 March 2015. A copy of the email was circulated to all members of the Committee.

The Head of Planning advised the Committee that the draft Marton West Neighbourhood Plan was currently the subject of a consultation process. Reference was made to points MW6 and MW7 of the draft plan which made reference to the fact that in terms of planning development, the inclusion of no more than 2 dormer windows per dwelling should be permitted. It was highlighted however that as the Neighbourhood Plan was at draft stage it had no legal status at this point in time.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report.

**M/FP/0875/14/P - Erection of carport to existing detached garage at 194 Guisborough Road, Nunthorpe, Middlesbrough for Mr Zaf Mahmood**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly a site visit had been held on the morning prior to the meeting.

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and representations objecting to the application were received from Nunthorpe Parish Council and Nunthorpe Community Council. There were no objections received from the statutory consultees.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report.

**M/LBC/0062/15/P - Listed building consent for the restoration and refurbishment of the Town Hall with interior and exterior works, including removal of interior walls, new staircase and glazed door entrance to carriageway and other associated works to improve public and communal facilities at the Town Hall, Albert Road, Middlesbrough for Mrs L Small.**

Full details of the planning application, planning history and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and no objections were received. It was highlighted that the Council's Conservation Officer and English Heritage had indicated that they both supported the proposals and the Historic Societies had offered no objections to the application.

The applicant provided the Committee with a presentation outlining the proposed works to be carried out. The applicant's agent and technical officer responded to queries from the Committee.

**ORDERED** that Members be **'Minded to Approve'** the application and that the application be **Endorsed** and **referred to the Secretary of State for consideration**, subject to the conditions detailed in the report and the inclusion of the following additional condition requested by the Council's Conservation Officer:

A Level 3 Recording of all parts of the building to be altered or demolished shall be made and submitted for approval before works commence. The report should be prepared by a suitably qualified professional in line with English Heritage guidance ("Understanding Historic Buildings") for addition to the Historic Environment Record.

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#### **APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).