

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 9 October 2015.

PRESENT: Councillors Cole, (Chair), Bloundele, Coupe (substitute for J Hobson), Cox, Higgins, Lewis (substitute for P Purvis), McGloin, Shan and Walters

OFFICERS: A Hughes, S Lightwing and E Vickers

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors J Hobson, McIntyre and P Purvis.

DECLARATIONS OF INTERESTS

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

1 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 11 SEPTEMBER 2015

The minutes of the Planning and Development Committee held on 11 September 2015 were taken as read and approved as a correct record.

2 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 1990 and the Head of Planning reported thereon.

SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS

ORDERED that, in accordance with Council Procedure Rule No 5, the Committee agreed to vary the order of business.

ORDERED that the following applications be determined as shown:

M/FP/1033/15/P - Change of use of land to residential curtilage and erection of boundary fence at 80 Cookgate, Nunthorpe, Middlesbrough for Mrs M Cook

and

M/FP/1034/15/P - Retrospective boundary fence at 80 Cookgate, Nunthorpe, Middlesbrough for Mrs M Cook

With the agreement of the Committee, the above two applications were considered concurrently.

The Head of Planning advised that both applications 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 applications, planning history and plans status were outlined in the reports. The reports contained detailed analysis of the applications and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

Neighbourhood consultations had taken place and three objections had been received from residents in respect of application M/FP/1033/15/P. Objections had also been received from the Community Council, Parish Council and the local Ward Councillors, the details of which were included in the submitted report.

Neighbourhood consultations had taken place and five objections had been received from residents in respect of application M/FP/1034/15/P. Objections had also been received from the Community Council, Parish Council and the local Ward Councillors, the details of which

were included in the submitted report.

There were no objections from statutory consultees in respect of either application.

An objector addressed the Committee and spoke in objection to both applications. The Ward Councillors addressed the Committee and both spoke in objection to the two applications.

ORDERED that the application **M/FP/1033/15/P** be **Approved on Condition** for the reasons set out in the report subject to the following condition:

The boundary between points B & C on the attached plan shall be defined by a fence to match that approved under planning permission M/FP/1034/15/P and after a period of 2 years that fence shall be removed in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and for the avoidance of doubt.

A scheme for a boundary hedge to match that undertaken on the boundary of M/FP/1034/15/P shall be submitted to and approved in writing by the Local Planning Authority and thereafter planted in accordance with a programme also to be approved by the Local Planning Authority. That hedge shall occupy the boundary between points B & C on the plan attached. Any plants that fail shall be replanted in accordance with a programme of work to be agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and for the avoidance of doubt.

ORDERED that the application **M/FP/1034/15/P** be **Approved on Condition** for the reasons set out in the report subject to the following condition:

The fence shall be retained in its existing form between points A & B on the submitted plan and copy attached hereto, in conjunction with a corresponding fence design between points B & C on the plan attached to planning permission M/FP/1033/15/P. At the expiry of 2 years from the date of this permission the fence shall be removed.

Reason: In the interests of amenity and for the avoidance of doubt.

A boundary hedge shall be established, in order to match that planted under permission M/FP/1033/15/P and any plants which should fail shall be replanted in accordance with a programme of work to be agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and for the avoidance of doubt.

M/FP/1001/15/P - Garage extension at 18 Rutland Avenue, Middlesbrough for Mr P Murray

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 two objections to the application had been received. There were no objections from statutory consultees.

The Head of Planning informed the Committee that Northumbrian Water had confirmed that they would liaise directly with the Developer in relation to any Building Over Agreement requirements.

The Head of Planning also confirmed that the height of the proposed extension above the

existing fence would be 0.7 metres at gutter level.

The Applicant elected to address the Committee and spoke in support of the application. An objector and the Ward Councillor both spoke in objection to the application.

ORDERED that the Application was **Refused** for the following reasons:

The proposed garage extension is considered unsatisfactory, having regard to the level change between the application site and the adjoining dwellinghouse, together with the scale and position of the extension and this would create an unacceptable oppressive impact on the adjacent occupier, to the detriment of their amenity, in conflict with Policy DC1 (test b, design/relationship and test c, amenities) and Policy CS5 (test c, high standard of design) in the Councils Local Development Framework.

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 and all material considerations, including Supplementary Planning Documents (SPD) and the particular circumstances summarised below:-

DC1 - General Development
CS5 - Design

In reaching this decision the Planning and Development Committee were mindful of the particular circumstances of this application, namely that having carried out a Committee site visit, Members were fully conversant with the details of the proposed garage extension and its relationship with the adjoining dwellinghouse. Having done so, Members considered the extension unacceptable because it was located at a higher level than the adjoining dwellinghouse and in a southerly position and this, together with the removal of the beech hedge, would assume a dominating and oppressive impact on the adjoining occupier.

M/FP/0912/15/P - Single storey extensions to side/rear and porch to front at 23 Pennyman Way, Stainton, Middlesbrough for Mr J Rutherford

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.

The proposal sought retrospective permission for a single storey extension to the side and rear and porch to front. The application was required following non-compliance with the previously approved extension.

Neighbourhood consultations had taken place and four objections to the application had been received. The statutory consultees had offered no objections to the application.

With the agreement of the Chair, a further written objection received from the occupier of 19 Meldyke Lane was tabled at the meeting.

An Objector spoke in objection to the application. The Ward Councillor elected to address the Committee and spoke in objection to the application.

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

The form of the single storey extension at rear is considered unsatisfactory, having regard to its scale and appearance, relative to the limitations of the plot dimensions at the rear of the

site and in its existing form it created an unacceptable impact on the amenity of the adjacent occupiers in conflict with Policy DC1 (test b, design/relationship and test c, amenities) and Policy CS5 (test c, high standard of design) in the Councils Local Development Framework.

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

In reaching this decision the Planning and Development Committee were mindful of the particular circumstances of this application, namely that having carried out a Committee site visit, Members were fully conversant with a previous planning permission for a single storey extension and the details of the extension at rear in its built form, which enabled Members also to examine the proximity of the rear boundary. Members were also able to examine the proximity of the extension to the adjacent occupiers property and in so doing, were able to assess the impact of the extension on these occupiers. It was considered the extension was not acceptable and had an adverse impact on those occupiers caused by its oppressive nature. Members resolved not to grant planning permission and also to enforce against the retention of the extension in its present form.

M/FP/0994/15/P - Variation of condition 1 of M/FP/1097/14/P to substitute house type at land at Gypsy Lane, Marton, Middlesbrough for Mr N Tutty

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.

The application sought consent to alter the previously approved house type for five of the previously approved dwellings. The number of dwellings and layout of the overall scheme would remain unaltered.

Neighbourhood consultations had taken place and four objections to the application had been received. There were no objections from statutory consultees.

An Objector addressed the Committee and spoke in objection to the application.

ORDERED that the application be **DEFERRED** to enable Members of the Planning and Development Committee to carry out a site visit.

M/FP/0843/15/P - Two storey extension at side/rear, single storey extension at rear at 1 Oldford Crescent, Middlesbrough for Mr M Nazir

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.

It was noted that the application was deferred from the Planning and Development Committee meeting held on 11 September 2015 at the request of the Applicant to allow some changes to the scheme to be made.

Neighbourhood consultations had taken place and three objections to the application had been received in response to the original scheme, the details of which were included at Appendix 1 to the submitted report. No further objections had been received in relation to the amended scheme. There were no objections from statutory consultees.

ORDERED that the Application was **Approved on Condition** for the reasons set out in the report.

M/RES/1139/15/P - Erection of 1 no 2.5 storey dwelling with attached garage and annexe above at Plot 2, De Brus Park, Brass Castle Lane, Marton, Middlesbrough for Mr L Conway

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 one objection to the application had been received, the details of which were included in the submitted report. The statutory consultees had offered no objections to the application.

ORDERED that the Application was **Approved on Condition** for the reasons set out in the report.

3 **PLANNING APPEALS**

The Assistant Director Organisation and Governance submitted a report to advise Members of the findings of the Inspector appointed by the Secretary of State for Environment, Transport and the Regions, with regard to the following planning appeals:-

Appeal Ref: APP/W0734/W/15/3033360 - Land adjacent Ford Close Riding Centre, Brass Castle Lane, Middlesbrough, TS8 9EE (M/OUT/0079/15/P) - Appeal Allowed

Appeal Ref: APP/W0734/W/15/3032588 - 4 Evergreen Way, Marton in Cleveland, Middlesbrough, TS8 9ZD(M/FP/1059/14/P) - Appeal Allowed

Copies of the decision notices in respect of the above appeals were attached at Appendices A and B to the report for Members' information.

ORDERED that the report and its contents be noted.

4 **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).

NOTED