

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 5 February 2016.

PRESENT: Councillors J G Cole (Chair), P Cox, T Higgins, L McGloin, P Purvis, A Shan and M Walters

OFFICERS: B Carr, A Hughes, P McGregor, S Pearman, C Pitcher and E Vickers.

APOLOGIES FOR ABSENCE Councillor S E Bloundele, Councillor J Hobson, Councillor F McIntyre.

DECLARATIONS OF INTERESTS

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

1 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 4 DECEMBER 2015**

The minutes of the Planning and Development Committee held on 4 December 2015 were taken as read and agreed 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/1445/15/P - Demolition of existing buildings and erection of a three storey building, comprising a convenience store (A1) and two ground floor units (each for use either as a shop (A1), office (A2), cafe (A3) or hot food shop (A5), with 21no flats at 1st and 2nd floor levels and associated works including 36no car parking spaces at Newbridge Court, Off Rievaulx Drive, Tollesby, Middlesbrough for Jomast Developments Limited.

The Chair announced that the above application had been deferred to the next meeting of the Committee.

M/FP/1345/15/P - Erection of 1 no dormer bungalow with detached garage and landscaping (demolition of existing garage at 20 Fountains Drive, Middlesbrough for Mr T Lawton.

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

The applicant elected to address the Committee in support of the application.

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

M/FP/1412/15/P - Erection of 9 no self-contained dwellings with associated boundary works (demolition of existing building) at 44 Westbourne Grove, Middlesbrough for Mrs S Khan.

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 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. The Council's Highway's Department had advised that the car parking provision for residents and visitors to the development would be 14 spaces, however due to the good level of sustainability this could be reduced to 9 spaces which equated to 1 per dwelling. The Highways Department had however expressed concern regarding the level and the layout of the proposed 5 car parking spaces for the site.

A Committee Note was circulated to all Members of the Committee advising that North Ormesby Community Council had offered no objections to the application and detailing a Summary of the Agent's response to the consultee's comments.

The applicant's agent elected to address the Committee in support of the application.

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

The proposed development is considered unsatisfactory in that it is unable to provide the necessary on-site car parking and would result in a shortfall of spaces. This would, of necessity, cause residents cars to be parked on the surrounding streets and be to the detriment of amenity and the free flow of traffic. This would, therefore, be in conflict with the Councils Highways Design Guide and Specification and would also conflict with the Councils Local Plan, Policy DC1 (test C, amenity and test d, impact on transportation infrastructure).

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
CS4 - Sustainable Development
CS5 - Design
REG10 (North Ormesby)
Middlesbrough Urban Design Guide

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 familiar with the content of the proposed scheme and its potential relationship with the adjoining premises and the surrounding locality. The site visit, in particular, gave Members the opportunity to examine the nature and capacity of the immediate highway. Members were not convinced that the proposed car parking arrangement to serve the development could provide adequate accommodation for future residents needs and cars would, per force, be required to park on the adjoining highways. This would add further competition for car parking spaces and be to the annoyance and detriment to the amenity of those existing residents and also detract from the proper operation of the highway as a link

road.

M/FP/0469/15/P - Erection of drive-thru restaurant with associated servicing, car parking and landscaping at Former Arundale Mazda Site, Dalby Way, Coulby Newham, Middlesbrough for Jomast Developments.

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 four objections to the application had been received, including a 24 signature petition containing signatures from the residents from the adjacent Care Home. The Care Home had subsequently withdrawn their objection to the application. The Statutory Consultees had been consulted and Environmental Protection had worked with the applicants to reduce the impact of the development and had suggested appropriate conditions to address the issues raised by the objectors should the application be approved.

A Committee Note was circulated to all Members of the Committee which amended the suggested opening times detailed in the report at paragraph 2 and advised that as a result of the proposed development, 30 new full time jobs would be created. The Committee Note also advised that subsequent to the Committee report being compiled, comments had been received from Councillor Culley and the daughter of a resident of the Care Home, the details of which were included in the note.

The Chair invited the representatives from Environmental Protection to address the Committee. The representative from Environmental Protection addressed the Committee and responded to questions by Members.

The applicant's representative addressed the Committee in support of the application and responded to questions by Members. The applicant's representative advised that the applicant would be willing to offer further conditions to alleviate the concerns raised during the application process.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report and subject to the revision of Condition 5 and the inclusion of further conditions as follows:-

1. A scheme for the design of the landscape area located between the drive through approach road/acoustic fence and eastern boundary of the site, shall be submitted to and approved by the Local Planning Authority in writing and such scheme shall be implemented in accordance with a programme of works, also to be agreed by the Local Planning Authority in writing, The design of the landscape scheme shall include details of those retained existing trees and shrubs and the manner in which those examples shall be protected and managed during the implementation of any agreed scheme.
2. The acoustic fence shown on plan 2014/42/PD04/C shall be erected as shown on plan, before the construction of any part of the permitted development and in accordance with a programme of works to be agreed in writing by the Local Planning Authority.
3. The works of construction of the approved development shall only take place within the following times:- 8am to 6pm Monday to Friday, 9am to 1pm Saturdays. At no time on Sundays or Bank Holidays.
4. The management procedures set out by the applicant on page 37 of report 4547.2F shall be put in place by the operator of the premises and be observed at all times by the operator.

3 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