
APPLICATION DETAILS

Application No:	17/0432/FUL
Location:	47-49 Linthorpe Road, Middlesbrough, TS1 5BS
Proposal:	Change of use of first and second floors into HMO accommodation consisting of six pods with a total of twenty beds
Applicant:	2020 Group UK
Agent:	Steve Dodds
Ward:	Central
Recommendation:	Approved with Conditions

SUMMARY

Planning permission is sought to convert the upper floors of Nos. 47 and 49 Linthorpe Road into a 'house in multiple occupation' (HMO). The application site is identified as being within the town centre where retail and commercial are the primary uses.

Objections have been received from Central Ward Councillors who consider the use to be unsuitable in this location on grounds that it would be harmful to the economic vitality of the town centre, potentially increasing anti-social behaviour and that access for the residential property should be considered from the rear of the site.

Whilst the concerns raised by the Ward Councillors have been acknowledged, it is the officer view that the proposed conversion will not be harmful to the vitality and viability of the town centre owing to the proposals being for the upper floors only and not affecting the ground floor uses. It is considered that the use of the existing entranceway, which is set back from the main shop frontage, would neither adversely affect the commercial character of Linthorpe Road nor increase anti-social behaviour. Access from the rear of the site is not considered to be suitable as it does not provide a safe and attractive environment for future occupiers.

Overall, it is considered that the proposed development is in accordance with both local and national planning policies, the issues raised have been considered and addressed, and it is the officer recommendation to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is on the western side of Linthorpe Road in the heart of the town centre's primary shopping area. The application seeks to convert the upper floors of the two units to HMO use.

At present, the two units are occupied at ground floor level by Hayes Travel (No. 49) and Virgin Money (No. 47). Immediately adjacent to No. 49 is an entranceway providing access to the upper floors. This would be retained as the principal access to the HMO.

There are no proposed alterations to the external elevations of the building.

PLANNING HISTORY

There is no relevant planning history.

PLANNING POLICY

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(s) 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:

- a) *The provisions of the development plan, so far as material to the application;*
- b) *Any local finance considerations, so far as material to the application; and*
- c) *Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *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).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning

authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

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

CS13 – Town Centres etc Strategy
CS5 – Design
DC1 – General Development
H1 – Spatial Strategy
H11 – Housing Strategy
CS4 – Sustainable Development
REG20 – Principal Use Sectors
REG21 – Primary Shopping Frontage

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>

CONSULTATION AND PUBLICITY RESPONSES

Neighbouring properties and statutory consultees have been notified of the proposed development and the following responses have been received.

Technical Consultees

Highways Engineers – no objections.

Planning Policy – no objections.

Conservation Officer – no objections.

Environmental Health – no objections subject to one condition.

Other Representations

Central Ward Councillors Storey, Lewis and Uddin – object to the proposals.

- The proposals could have a detrimental effect on the economic vitality of the area and exacerbate anti-social behaviour.
- The main entrance/exit opens directly onto Linthorpe Road, which is considered too close to local shops. Any entrance or exit would be better located at the back of the building.

Public Responses

Number of original neighbour consultations	19
Total numbers of comments received	1
Total number of objections	1 (letter signed by three Ward Councillors)
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

1. This is a full planning application for the conversion of the upper floors of Nos. 47-49 Linthorpe Road to HMO use. There are no proposed alterations to the external elevations. These floors currently sit above two A2 commercial units (Virgin Money and Hayes Travel), which are within the primary shopping frontage of the town centre.
2. The relevant policies contained within the Housing Local Plan, Core Strategy and Regeneration DPD are H1 (Spatial Strategy), H11 (Housing Strategy), DC1 (General Development), CS4 (Sustainable Development), CS5 (Design), CS13 (A Strategy for the Town, District, Local and Neighbourhood Centres), REG20 (Principal Use Sectors) and REG21 (Primary Shopping Frontage). These policies seek to achieve high quality sustainable development, which is in the right location and minimises the impacts on the surrounding properties.
3. As there are no proposed alterations to the external appearance of the premises, the main issues to consider with this application are the principle of the use for residential (C4) purposes, and the potential impacts of the use on the adjacent and nearby properties. Inclusive in the potential impacts from the use include noise transference from the future occupiers as well as the proposed access arrangements from Linthorpe Road.

Principle of proposed change of use

4. National guidance contained within the National Planning Policy Framework (NPPF) recognises that residential development can play an important role in ensuring the vitality of centres and it advises local authorities to set out policies to encourage residential development on appropriate sites within centres. The principle of the proposed residential development is therefore considered to be in line with national planning guidance.
5. The application site being on the upper floors of Nos. 47-49 Linthorpe Road will enable the ground floors to continue their operation as commercial units within the primary shopping area of the town centre which will therefore retain their positive impact on the economic vitality and viability of the town centre, in accordance with the Council's policies for the town centre CS13, REG20 and REG21.

6. Objections to the proposals have been received from the three ward councillors, all of whom express concern that the application site is at the heart of Linthorpe Road and the proposals could have a detrimental effect on the economic vitality of the town centre.
7. As the upper floors are currently vacant, it is considered that their re-occupation and bringing into use a site in the town centre is beneficial to the vitality of the local economy. The occupation of these vacant floors and their location within the town centre, where future residents will have access to a wide range of services and goods as well as sustainable transport links, is considered to adhere to the Council's Sustainable Development Policy CS4.
8. Notwithstanding the above, the concerns raised by Councillors are acknowledged. Were the residential occupation of the premises to generate anti-social behaviour, this may have a negative impact on the character and vitality of the immediate town centre area, which has a primary function of retailing. It is, however, difficult within planning considerations to make assumptions in relation to future tenants. Future tenants could have an entirely positive impact on the area and could just as easily have a negative impact. Residential use within the town centre area is generally considered to be a positive addition as it adds more footfall and movement within the area, and provides better surveillance of the area. It is considered that without appropriate evidence that this is highly likely to result in a negative impact, there are no reasonable planning grounds to withhold planning permission. Importantly, were planning permission to be granted and anti-social behaviour were to take place at or as a result of the site's use, then appropriate measures would need to be taken by the authorities who have responsibility for such matters.
9. The proposal is deemed to contribute to achieving the Council's spatial vision and objectives as identified in the Housing Local Plan regarding stabilising population decline through the creation of sustainable communities and by creating a balanced housing stock in accordance with Policy H1. Local Policy H11, which permits a wide range of housing types and seeks to increase the supply of housing to meet the aspirations of the economically active population, is considered to be adhered to.

Other Matters

10. As there are no proposed alterations to the external elevations, the proposals are not considered to have an impact on the character, appearance or setting of the nearby House of Fraser building, which is on the Council's Local List. The proposed development will not have an adverse impact on the town's heritage assets.
11. As noted previously, it is the intention of the developer to access the upper floors directly from Linthorpe Road via the existing entranceway situated to the side of No. 49. Concerns were raised by local Councillors that this front access from the main shopping frontage is harmful to the local area, and consideration should be given to access the site from the rear of the building.
12. However, as the front entranceway is set back approximately 1.2 metres from the front windows of No. 49 and the adjacent property of No. 51, this layout is considered to be acceptable and would not be seen as adversely affecting the function or character of the primary shopping frontage. Following receipt of these objections, consideration was given as to whether the rear of the building could provide a suitable entrance for the future occupiers of the building. However, the rear of the building is served by Newport Crescent, which is a cul-de-sac and predominantly a service/delivery area to the site. This is considered to be an unsuitable environment to serve as the primary access to a residential property as it would raise concerns over potential conflicts with delivery vehicles as well as an area lacking in natural surveillance and thereby raise safety

issues for residents in the late evening and early morning accessing and egressing the premises.

Conclusion

13. On balance, the proposals are considered to comprise acceptable development. The proposed development would not automatically lead to any adverse impacts on any nearby occupiers and the proposals do not detrimentally effect the vitality and viability of the town centre. It is the officer recommendation to approve conditionally.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications received on 3rd August 2017 and shall relate to no other plans.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

2. 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.

3. Assessment of Noise

Before work on the conversion hereby approved commences, a noise report from a specialist noise consultant shall be submitted to and approved in writing by the local planning authority. The noise report shall identify the existing levels of attenuation within the building and assess the noise levels that future residents are likely to be exposed to from commercial premises in the vicinity (including their fixed plant and machinery). The report shall also identify all works that will be necessary to protect all future residents from noise and include a scheme that has been designed to protect these residential units from any noise disturbance. Any approved scheme to protect the proposed development from noise shall be fully implemented and completed prior to the approved use being occupied.

Reason: To ensure a satisfactory form of development and to safeguard the residential amenities of future occupiers of the HMO.

Reason for Approval

This application is satisfactory in that the conversion of the first and second floors into HMO accommodation accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1, CS4, CS5, CS13, REG20, REG21, H1 and H11 of the Council's Local Development Framework).

In particular, the HMO use will not prejudice the character and function of the town centre of Middlesbrough and does not significantly affect any landscaping or prevent adequate and safe access to the site. The HMO use will complement the retail and commercial uses of the

town centre and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the HMO use will not be of a level likely to result in an unacceptable impact on nearby premises.

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.

INFORMATIVES

Informatives: Highways related matters

If a scaffold/hoarding is required to facilitate the work, or a skip is required for the disposal of waste, a licence is required from the Highway Authority (tel: 01642 728156) before any work commences on site.

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

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on (01642) 728155.

Case Officer: Peter Wilson

Committee Date: 6th October 2017

