

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 3 November 2017.

PRESENT: Councillors S E Bloundele, S Dean, J Hobson, J McGee, L McGloin, V Walkington and M Walters

ALSO IN ATTENDANCE: D Harrison, J Hollyman, S Metcalfe, K Tomlinson

OFFICERS: A Glossop, M Lawton, J McNally, S Pearman

APOLOGIES FOR ABSENCE Councillor J Brunton Dobson, Councillor F McIntyre, Councillor J Blyth.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor S Dean	Non Pecuniary	Item 4 Application number 17/0487/COU

1 MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE - 6 OCTOBER 2017

The minutes of the Planning and Development Committee held on 6 October 2017 were taken as read and approved as a correct record.

2 SCHEDULE OF 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.

17/0249/FUL - Conversion of dwelling into 2no flats and erection of 1 no bed apartment to side at 11 Islington Walk, Middlesbrough, TS4 3RB for We Buy Any House.

The Planning Officer 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 Planning Officer advised that the application sought planning permission for conversion of an end terrace dwelling into two, one bedroom, self-contained flats and the erection of a two storey extension to the side to provide an additional one bedroom dwelling.

Following a consultation exercise no comments had been received from residents.

The report advised that the proposal had been assessed against local policy and guidance and it was considered that the development would be in keeping with the residential nature of the surrounding area and will result in a choice of low cost homes and would not have an adverse impact on the character of the area. The proposal would not have any significant impact on the amenity of nearby residents and adequate parking facilities are to be provided within the site, thereby preventing any significant impact on matters of highway safety. All other issues raised had been considered within the report but did not justify refusal of planning permission.

Officers considered the proposal to be an acceptable form of development fully in accordance with National and Local policy and was therefore recommended for approval.

The Development Control Manager highlighted the proposed provision of parking at the site along with the properties being provided with some outdoor amenity space.

A discussion ensued on the size of the accommodation that would be provided if the property was split into three flats, Members felt that they would be extremely small and overcrowded.

Ordered that the application be **Refused** for the reasons set out below:

In the opinion of the Local Planning Authority, the property has been built as a small family home and is of insufficient size to reasonably provide for future residents. Provision of such small property types would be out of keeping with the character of properties throughout the wider area, contrary to both the Local Development Plan and the National Planning Policy Framework (para. 17 & 58) which requires new housing development to be of a high quality, provide a good level of amenity for future occupants and to function well and add to the overall quality of an area.

17/0467/FUL - 1 no dormer window to front at 196 Guisborough Road, Middlesbrough, TS7 0JG for Mr Singh.

The Development Control Manager advised that the above application had previously been refused by the Planning and Development Committee, it was also advised that the appeal deadline had been missed so a new planning application had been submitted.

The above planning 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.

Members heard that planning permission had been sought for the erection of 1 no. dormer window at the front of the residential property.

The Development Control Manager informed the Committee that objections had been received from four properties, the Community Council and the Parish Council. The objections related to the scale, design, appearance and impact on the character of the area and the streetscene. The Development Control Manager also indicated that the applicant intended to construct a dormer window to the rear of the property and that this was permitted development and was therefore not something which officers could not consider in reaching a decision.

A resident spoke in objection to the application, concerns raised included:

Objections:

- Detract from the streetscene;
- Dominate the roofscape;
- Incongruous, distasteful and un contextual;
- Unbalance the properties;
- Disproportionate roofline;
- Not aesthetically pleasing;
- Not sympathetic to the design or character of the building;
- Negative impact on streetscene;
- Dormers to rear will result in loss of privacy;
- In conflict with Urban Design SPD;
- In conflict with Nunthorpe Design Statement;
- Challenge the view that the rear dormers are permitted development;
- Would give the appearance of a three storey property.

The Development Control Manager re-affirmed that the rear dormer was in line with permitted development and should not be considered further in determining this application.

The Development Control Manager advised that the proposal had been assessed and that the application was satisfactory in that the design of the proposed dormer window accords with the principles of the Local and National Planning Policy, highlighting that the property is not listed or within a conservation area and is set back a considerable distance from the highway behind a tree belt.

Officers consider that the proposal is 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.

A discussion ensued on how the front dormer window would be out of character for the area and would change the whole appearance of the dwelling. Members also raised concerns on the loss of privacy for neighbouring properties.

The Development Control Manager re-addressed Members highlighting the positioning of the building relative to the highway and the positioning of the tree belt to the front as matters which reduced the prominence of the building within the street scene and which would serve to reduce the impact of the development.

Ordered that the application be **Refused** for the reasons set out below:

In the opinion of the Local Planning Authority, by virtue of the scale of the proposed dormer window to the front of the property, the proposed development would result in an incongruous, unsympathetic and dis-proportionate addition to the dwelling, being contrary to the principles of the Middlesbrough Urban Design Guide (para. 5.11) and Policies DC1 and CS5 of the Middlesbrough Local Development Framework Core Strategy Document.

17/0487/COU - Change of use from doctors surgery (D1) to funeral directors (A1) at 283 Acklam Road, Middlesbrough, TS5 7BP for Mr Ciaran Nolan.

The Development Control Manager tabled an updated Committee report in respect of the above planning application.

The above planning 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 Development Control Manager advised that planning permission had been sought for the change of use of the property from a doctor's surgery to a funeral directors. The property is located in the Acklam Road Local Centre and is partially attached one side to a residential dwelling.

A total of 13 neighbours were consulted and four objections were received.

The main considerations are the principle of the use, impact on the amenity of nearby neighbours in terms of noise disturbance and ventilation and safe operation of the highway.

The report indicated that the proposal had been assessed against local policy and guidance and it was considered that the proposed use as funeral directors is an appropriate use in the Local Centre and will not have any significant adverse impact on its vitality or viability. The use will not have any significant impact on the amenity of nearby residents or on the safe operation of the highway.

The Applicant's representative was elected to address the committee in support of the application.

A Ward Councillor and a resident spoke in objection to the application.

The objections included:

- Inadequate access to rear
- Impact on junction at Church Lane/Acklam Road/Lodore Grove
- Impact on enjoyment of dwelling due to nature of use and proximity to residential dwellings
- Lack of parking
- No need for use
- Noise and disturbance
- Overlooking/ loss of privacy
- Odours
- Objection to 24hr usage
- Proposal will prevent emergency vehicles accessing existing properties.

The Applicant's representative responded to concerns raised by Members and objectors.

In response to a query regarding opening hours it was advised that this branch is only expected to be involved in around 50 funerals per year, or one or two per week. It was also advised that during evenings deceased people would be taken to the main branch in North Ormesby and transported to this site during daytime hours.

In response to a query regarding inadequate access to the rear it was confirmed that the applicant had provided a swept path analysis showing how vehicles would enter, turn and exit the site using the rear lane which demonstrated that there is sufficient space within the access road and the site to allow an ambulance or similar sized vehicle to enter and leave the site in a forward gear. The Council's Highways Officer explained the movements associated with the swept path plans as part of the presentation.

The Development Control Manager advised that the proposal has been assessed against local policy and guidance and it was considered that the proposed use as funeral directors is an appropriate use in the Local Centre and will not have any significant impact on its vitality or viability. It was pointed out that there is a reasonable screening from residents' gardens of the rear of the premises and views would only be achievable from the first floor. The use will not have any significant impact on the amenity of nearby residents or on the safe operation of the highway.

In view of the above, the proposal was considered to be an acceptable form of development fully in accordance with National and Local policy and was therefore recommended for approval.

A discussion ensued on the impact on residents, members felt that it would have an adverse impact on the local people and amenities. The matter of access and manoeuvring of vehicles was raised as a point of concern for members and the Development Control Manager highlighted that evidence had been provided which demonstrated that suitable manoeuvres could be achieved. A Member raised concerns over relying on the movement of vehicles as a reason for refusal given the information before Members and the applicant having the ability to control the level of parking within the rear area whilst deliveries are taking place. The Development Control Manager also pointed out that any obstruction to the access road, whilst it may prevent vehicles to get access, this would be a private matter of obstruction and should therefore not guide Member's considerations.

Ordered that the application be **Refused** for the reasons set out below:

In the opinion of the Local Planning Authority and by virtue of both the access road serving the premises being also used by residential traffic, and the unloading bays being visible from residential properties, the proposed use and associated operations would have an undue impact on residential amenity within the immediate area contrary to Local Plan Policy DC1c.

The Head of Planning submitted a report to advise members of the findings of the Inspector appointed by the Secretary of State for Communities and Local Government, with regard to the following planning appeal:-

Appeal Ref: APP/WO734/D/17/3179851, 59 Stokesley Road, Marton-in-Cleveland, Middlesbrough, TS7 8DT, Appeal Refused.

A copy of the appeal decision, in respect of the appeal, were attached as appendices for Members information.

The Development Control Manager discussed the case and the merits of the Inspector Decision and how the matter would be taken forward to gain compliance with the decision and in relation to future decision making.

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).

AGREED:

- That the content of the report be noted.