

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 1 December 2017.

**PRESENT:** Councillors S E Bloundele, J Brunton Dobson, J Hobson, J McGee, L McGloin, F McIntyre, V Walkington and M Walters

**OFFICERS:** P Clarke, A Conti, R Farnham, A Glossop, J McNally,

**APOLOGIES FOR ABSENCE** Councillor S Dean, Councillor J Blyth.

**DECLARATIONS OF INTERESTS**

There were no declarations of interest at this point of the meeting.

**1 MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE - 3 NOVEMBER 2017**

The minutes of the Planning and Development Committee held on 3 November 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 and the Head of Planning reported there on.

**ORDERED** that, in accordance with Council Procedure Rule No 5, the committee agreed to vary the business.

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

**17/0585/OUT, Outline application for residential development comprising 3no apartment blocks (28 no apartments in total) with associated access and parking at land to Rear 50 - 60 Hutton Road, Middlesbrough, TS4 2LG for Ayresome Developments.**

The Development Control Manager 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 Development Control Manager advised the Committee that the outline application proposed a flatted development consisting of 3 blocks containing 28 units with associated parking.

Full details of the outline 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 Development Control Manager stated that being an outline application, consideration need only be given to the principle of the development with the detailed matters of the appearance, layout, scale, access and landscaping of the proposed development being 'reserved matters' which would be considered under a separate application were this outline permission to be granted.

The Development Control Manager reported that residential use on this site has been firmly established through a number of previous planning permissions. The Development Control Manager stated that outline planning permission for a flatted development had most recently been granted in 2014.

The current outline application sought planning consent for the same development approved

previously, which had recently expired. Members were informed that since the 2014 approval, there have been no fundamental changes in local or national planning guidance. Consequently, the principle of the development remains acceptable and conditional approval was recommended.

Members were advised that following the standard notification exercise, five representations from local residents have been received. A site notice had also been displayed at the site.

The Development Control Manager advised that the indicative details of the proposal demonstrated that the development of this essentially backland, brownfield site within the defined limits of development would be an acceptable site for residential development whilst being in keeping with the character of the surrounding area. The proposed scheme would significantly improve the appearance of the site by removing a neglected and overgrown area of derelict, former commercial land and replacing it with a residential land use which is compatible with the immediate surrounding uses.

Two Ward Councillors spoke in objection to the application.

The objections included:

- Current maintenance of the site
- Site currently overgrown
- Traffic
- Current gate locked so one resident is unable to gain access to his own dwelling
- Security of railway boundary
- Residents fences have been damaged due to the site being overgrown
- Noise from railway

The Applicant responded to concerns raised by Members and objectors.

In response to the concerns raised over the current maintenance of the site the Applicant stated that clearance of the site was now underway. The Applicant also stated that the gate to the site had been locked due to flytipping however he could be contacted at any point to allow access.

In response to the concerns raised over the increase of traffic, the Highways Officer confirmed that the access would be suitable for this type of development and that a potential of 10-15 maximum journeys would be expected in peak hour traffic which would not cause a significant impact.

In response to the concerns raised over the noise from the railway it was advised that the site had been given previous approval and that a vibration and noise assessment test had been carried out.

In response to members concerns over the state of the site the Development Control Manager advised that the Local Planning Authority had powers under S215 of the Town and Country Planning Act to force site owners to tidy untidy sites should this continue to be an issue and that the current state of the site should not prevent this proposal being considered.

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

**Ordered** that the application be **Minded to Approve on Condition** for the reasons set out in the report.

**17/0419/COU, Change of use to Bed and Breakfast at Ryehill House East, Brass Castle Lane, Middlesbrough, TS8 9ED for Mrs Susan Holmes**

The Development Control Manager 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 Development Control Manager advised the Committee that the application sought approval to convert the existing property of Ryehill House into bed and breakfast use.

The Development Control Manager advised that the key issues with the application related to access/egress arrangements, parking provision, and the waste storage proposals.

Committee members were advised that the initial submission proposed a circular access and egress arrangement, that is, an access via the private driveway of Ryehill House (east) and an egress via the farm track of Ryehill Farm (west). The Development Control Manager reported that following concerns from local residents and the Council's Highways authority, the applicant had revised this arrangement and proposed both the access and egress via the private driveway of Ryehill House.

Committee Members were advised that further indicative details had also been submitted for the location of the waste storage and parking provision.

The Development Control Manager stated that the submitted additional details were deemed to be acceptable and would result in an overall development that would neither harm the residential amenities of neighbouring occupiers nor harm the character and appearance of the surrounding countryside.

**Ordered** that the application be **Minded to Approve on Condition** for the reasons set out in the report.

**17/0470/FUL, Former Community Centre Loxley Road, Middlesbrough, conversion of former place of worship and community building to 2no retail units (A1) with external alterations and associated access and parking for Arifeen Property Development Ltd.**

The Development Control Manager reported that planning permission was being sought for the conversion of a vacant church to two shopping units and comprised minor cosmetic changes to the exterior of the building, creation of three access points and provision of associated parking.

The Development Control Manager advised that twelve individual objections, a 23 signature petition and an objection from two of the Ward Councillors had been received in relation to the proposal. Concerns related to lack of parking, impact on amenity, impact on nearby local centres and highway safety.

Members were advised that the proposal had been considered against local policy and guidance and it was considered that the proposed retail use would have minimal impact on amenity of nearby residents or matters of highway safety. It was advised that although the proposal would have some impact on the vitality and viability of nearby local centres, it would bring back into use a vacant building and create four full time jobs. The Development Control Manager advised that on balance, it was considered that the proposal reasonably accords with the guidance of relevant Local Plan Policies and that there is insufficient detrimental impacts of the scheme to justify refusal of planning permission.

The Development Control Manager advised the Committee Members that the physical changes to the site would be as follows:

- Blocking of windows to north, south and east elevations.
- Replacement of existing access lobby to east elevation with new shop front with double entrance doors and rendering of brickwork.
- New access door and steps to south elevation.
- 21 Parking spaces
- New Vehicular access to Loxley Road and to The Greenway.
- Widening of Loxley Road and alterations to radius of highway.

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

The objections included:

- Car parking
- Deliveries to the retail unit
- Narrow road
- Location in the middle of a housing estate
- Security of retail units
- Anti-social behaviour
- Increase of traffic
- Traffic hazards
- Noise disturbance

Members asked questions on the delivery times, the Development Control Manager advised that deliveries would take place between 7am-9pm Monday to Saturday and 9am-7pm Sunday. Members asked if the delivery times could be restricted. The Development Control Manager advised that this could be put to the applicant and referred back to the Committee. Concerns over the locking of the gate for the delivery vehicles was also raised, the Development Control Manager advised that a condition could be put in the servicing management plan that the gate is locked.

Members raised concern over anti-social behaviour and asked if a condition of planning could be the installation of CCTV to deter this, the Development Control Manager advised that a CCTV scheme could be agreed.

The Development Control Manager advised that the proposal had been assessed in terms of the principle of the use in this area and its impact on the vitality and viability of nearby local centres and it was considered that, it will have no significant impact on the function of the local centre. The proposal had also been considered in terms of effect on the amenity of nearby neighbours and highway safety and found to have no significant impact although it is accepted that it will change the character of this immediate area.

In view of the above, and subject to controlling conditions in relation to opening and servicing, amended access, works to the highway, servicing operations, lighting and other matters, the proposal is considered to be an acceptable form of development in accordance with National and Local policy and was therefore recommended for approval.

**Ordered** that the application be **Deferred** for the reasons set out above in relation to servicing and CCTV.

**17/0597/FUL, 42 Dorothy Street Middlesbrough, TS3 6JD, conversion of dwelling to 2no self-contained flats for Miss Nagina Iqbal.**

The Development Control Manager advised that planning permission was sought for conversion of an end terrace dwelling into two self-contained flats. The proposal included only minimal alterations to the exterior of the property with access to the flats taken from the existing front door.

Members were advised that nearby neighbours had been informed of the proposal and no objections had been received.

The Development Control Manager advised that the proposal had been assessed against local policy and guidance and it is considered that the conversion to flats would be in keeping with the residential nature of the surrounding area and would not have an adverse impact on the character of the area, amenity of nearby residents or matters of highway safety. All other issues raised had been considered but do not justify refusal of planning permission. The Development Control Manager advised that the application is recommended for approval.

The Development Control Manager informed the Committee Members that additional

comments had been received from Councillor Lewis Young in objection to the proposed scheme. Objections raised are detailed below;

- That the living space of the first floor flats would be much smaller than an acceptable standard for a living space. Furthermore, the size of the yard would cause issues for both storage for both flats, and privacy for the ground floor occupants.
- That the application is incompatible with Middlesbrough Council's, and indeed wider community's ambition for the area. The officers are minded to accept to the application on the basis of North Ormesby's current perceived character - of low cost, often last resort housing - not the well stated ambition we as a Council have for the area.
- That the nature of the flats could be perceived as 'last resort' housing, potentially adding to the transient nature of the area that Middlesbrough Council through Selective Landlord Licensing, is trying to tackle.

The Development Control Manager advised Committee Members that an identical proposal had been approved several months ago by officers.

A discussion ensued on the size of the accommodation that would be provided if the property was split into two 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.

### 3 **PLANNING APPEAL**

The Development Control Manager 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/W0734/D/17/3176277, 6 Heythrop Drive, Middlesbrough, Cleveland, TS5 8QA, Appeal Refused**

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

**ORDERED:**

- That the report and its content be noted.

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

The Head of Planning submitted 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.

### 5 **EXCLUSION OF PRESS AND PUBLIC**

**6 INTERIM POLICY ON CONVERSIONS OF RESIDENTIAL PROPERTIES**

A report was presented by the Head of Planning, Planning Policy Manager and Development Control Manager to the Planning and Development Committee on the Interim Policy on Conversions of Residential Properties. The Committee were advised that the report would be presented to the Executive on 19 December 2017.