
APPLICATION DETAILS

Application No:	17/0560/FUL
Location:	265 Cargo Fleet Lane Middlesbrough TS3 8EX
Proposal:	Erection of 1st Floor Extension and enclosed staircase to provide residential flat at first floor level.
Applicant:	Mr H Singh
Agent:	Mr Gordon Henderson
Ward:	Berwick Hills/Pallister
Recommendation:	Approved with Conditions

SUMMARY

Planning permission is sought for the erection of a first floor extension above an existing store for a retail unit (A5 Hot Food) with enclosed external staircase, to form a two bedroom apartment.

Following a consultation exercise, no objections were received from residents or statutory consultees.

The development is considered to be an appropriate use for the area. It is consistent with the surrounding uses (retail with apartments above and residential) and will not have a significant impact on the amenities of the neighbouring properties, the character of the area, and highway safety.

The development is considered to be in accordance with the requirements of relevant policies DC1, CS4, CS5 and H11.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an end terrace property located on the west side of Cargo Fleet Lane, south of the junction with Admirals Avenue. It consists of a two storey property with a hot food takeaway on the ground floor, including a single storey rear extensions, and a residential apartment above.

The premises is one of a small block of four retail units which are in a residential area, it is not an allocated local or neighbourhood centre. To the rear of the site is a parking area

which is currently blocked off by bollards. The land to the north is privately owned and does not form part of the adopted highway.

There are residential dwellings to the north, east, south and west consisting of a mix of two-storey semi-detached and terraced dwellings with front and rear gardens. There is also a single storey retail unit on the opposite side of Admirals Avenue.

The proposal subject of this application is for the erection of a first floor extension above the single storey element of the building to the rear. The extension will form a two bed apartment accessed from an open staircase to the north, to be enclosed by a wall.

The proposed extension measures 6.4m by 10.1m with a height of 5.5m to the eaves and 8.1m to the ridge. The apartment consists of a living/kitchen area, a bathroom and two bedrooms. The external floor area for the apartment is 64.64 square metres.

PLANNING HISTORY

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:

- DC1 - General Development
- CS4 - Sustainable Development
- CS5 - Design
- H11 - Housing Strategy

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

Following a consultation exercise no comments were received from local residents.

MBC - Highways

No objection

MBC - Environmental Health

No objection subject to conditions relating to noise and odours.

Cleveland Police - Secured by Design

The applicant is advised to contact the Architectural liaison officer for any advice and guidance.

Public Responses

Number of original neighbour consultations	5
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Policy

1. The application site is not specifically allocated within the Local Plan for any use (white land) and consideration of this proposal therefore needs to be against the general Local Plan Policies DC1 (General Development), CS4 (Sustainable Development), CS5 (Design), and H11 (Housing Strategy). These policies seek to ensure high quality sustainable development which does not significantly impact on the amenity of nearby residents; the character of the area and highway safety are not adversely affected by the development and the provision of a varied range of housing types and a balanced and sustainable housing stock.
2. In principle, it is considered that the proposed apartment would contribute to the provision of a choice of homes and assist in providing a balanced and sustainable housing stock in accordance with Policy H11 and NPPF paragraph 50.

Sustainability

3. The proposed development is located close to local amenities and sustainable transport routes, it is considered to be a sustainable form of development in accordance with policy CS4.

Amenities

4. The application has been considered in relation to the amenities of existing residents and businesses in the area and the future residents of the apartment should this application be approved.
5. The Council's Environmental Health team have assessed the application in relation to noise and odours from the adjacent commercial premises which includes a hot food takeaway. Environmental Health have raised no objections subject to the requirement for assessments relating to noise and odour to determine what, if any, mitigation is necessary to ensure that such matters are appropriately addressed. Conditions are recommended to address these matters.
6. The living room window proposed on northeast elevation is in close proximity to the existing windows of the first floor flat above the take away. If left to have unobstructed views between these windows it is considered that there would be an unacceptable loss of privacy between the two dwellings. The proposed plans have indicated a boundary fence to be erected between the two windows to ensure the retention of privacy for the existing resident and protect the privacy of the future residents. This is considered to reasonably address this matter given the nature of these properties being above ground floor commercial premises.
7. The window on the southwest elevation faces a blank gable wall at a distance of over 28m. The windows on the northwest elevation overlook an area of open space, highways and rear gardens. The closest residential property is over 45m away.
8. No windows are proposed on the southeast elevation which overlooks the rear yards and single storey offshoots of the adjacent retail units.
9. Due to its location at the rear of the site, and the large separation distances detailed above, it is considered that the development will not have a significant impact on

direct sunlight to any properties. Given its close proximity to the existing apartment above the hot food takeaway, it will result in loss of light to the windows on the existing apartment. However, given that the existing apartment is located on the end terrace, it benefits from additional windows on the northwest elevation. As a result it is not considered that the impact on light to the existing apartment will be so detrimental that it warrants the refusal of the application.

10. It is considered that the proposed development will not have a significant impact on the privacy of any of the surrounding properties or light to the properties in accordance with the requirements of policy DC1.

Design / Streetscene

11. The proposed development is designed with a gable roof. The ridge is approximately 0.6m lower in height than the existing building. The development includes an external staircase to access the proposed apartment and to provide additional access to the existing apartment. The staircase will be enclosed at ground floor level to soften its appearance and to enable access to the staircase to be restricted. The staircase enclosure also creates a secure storage area at the bottom of the stairwell.
12. The extension is located to the rear of the property and as such it is not visible from Cargo Fleet Lane. The property will be visible from the north of the site. Currently the view from the north is of the rear of the properties which are a variety of different height single storey extensions. It is considered that the proposed development will enhance the visual appearance of the area blocking from view those elements of the buildings that currently detract from the visual amenity of the streetscene.
13. In view of the above it is considered that the development has been designed to reduce its visual impact when viewed from the public highway, it will not have a significant impact on the character of the area in accordance with the requirements of Policy CS5.

Layout

14. The proposed development is accessed from a door on the northeast elevation. The apartment consists of a large kitchen/living area at the front of the premises, a bathroom and two bedrooms at the rear. There is a small area of amenity space at the front of the property and a secure storage area at the bottom of the external staircase. These areas would lend themselves to waste storage although no final details have been provided and a condition is recommended to agree final refuse storage details.
15. When considering the appropriateness of a development for an apartment, where it is a conversion of an existing residential property, it is necessary to consider the Council's recently approved 'Interim Policy on Conversions of Residential Properties' and to determine if the floor area of the apartment meets the standards set out in governments 'Technical Housing Standards' which give nationally prescribed space standards. As this proposal relates to a new extension to a commercial premises, the policy is not directly relevant to this proposal. Notwithstanding this, on the matter of space standards, the minimum gross internal floor area, as defined within Governments 'Technical Housing Standards', for a two bed 3 person apartment is 61 square metres. The proposed new build apartment has a floor area of 55sqm with a further 3sqm of storage taking the overall floor area to 58sqm. Whilst this does not meet the national guidance for housing standards, it is only a slight reduction of that and the internal layout, provides well sized and well-shaped rooms to provide a suitable level of accommodation.

16. In view of this, it is considered that the apartment provides sufficient living space for future residents in accordance with the national described space standards. It is considered that the proposed apartment is acceptable in terms of the layout and the living space provided in accordance with the requirements of NPPF paragraph 50 and policy DC1.

Highways

17. The development has been considered by the Local Highway Authority. It has immediate access to existing footway and cycleway infrastructure to the north on Cargo Fleet Lane. The development is to the rear of a retail and commercial area, which also offers access to bus services running along Cargo Fleet Lane.
18. There is parking provision to the north and south of the site which provides parking facilities to the retail and commercial areas. There is also a tarmac surface to the west, which backs on to the proposed development. This privately owned piece of land could also be utilised to provide sufficient parking accommodation for the development although this would be through separate agreements. It is understood that the surrounding residential area does not have any existing issues with on-street parking.
19. It is considered that the proposed development will not have a detrimental impact on the operation of the surrounding highway network, either from a capacity or road safety perspective. As a result the Local Highway Authority have confirmed that they have no objections to the development. The proposed apartment is considered to be in accordance with policy DC1 in relation to the local highway network.

Conclusion

20. The proposal has been assessed against local policy and guidance, it is considered that the extension to create an apartment will be in keeping with the residential nature of the surrounding area and will not have an adverse impact on the character of the area, amenity of nearby residents or matters of highway safety.
21. The scheme is considered to be an acceptable form of development fully in accordance with relevant national and local planning policies DC1, CS4, CS5 and H11

RECOMMENDATIONS AND CONDITIONS

Approved with Conditions

1. 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.
2. Approved Plans
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans.
 - a) Application Form, received 12th September 2017;
 - b) Location Plan, received 3rd January 2018;
 - c) Proposed Floor Plans, drawing no. 01 rev. A; and,

d) Proposed Elevations, drawing no. 02 rev. A.

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

3. Sample of materials

Prior to the commencement of development samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area.

4. Refuse Storage

A scheme for the storage and removal of refuse from the site shall be submitted to and approved by the local planning authority in writing and implemented before the use hereby approved commences.

Reason: To ensure a satisfactory form of development.

5. Noise Assessment

A report from a specialist noise consultant or suitably qualified person, indicating the likely noise levels expected at the proposed development when it is in operation must be submitted to and approved in writing by the Local Planning Authority. The assessment must identify noise from sources such as deliveries being made to the existing shops and the noise from fixed plant machinery at the shops. The report must include details of any scheme provided to protect local residents and businesses from noise. Any scheme of mitigation must be implemented on site prior to the first use of the premises, and retained in perpetuity.

Reason: In the interests of the amenities of residents, and to ensure a satisfactory form of development in accordance with the requirements of policy DC1.

6. Odour Assessment

An odour report from a specialist qualified person, assessing the impact of the existing retail uses, including the hot food takeaway, on the approved residential apartment, must be submitted to and approved in writing by the Local Planning Authority. The report must include details of any scheme of mitigation required to protect the apartment hereby approved from odours, this may include non-opening windows and an internal Mechanical Ventilation and Heat recovery system (MVHR). Any scheme of mitigation must be implemented on site prior to the first use of the residential apartment, and retained in perpetuity.

Reason: In the interests of the amenities of residents, and to ensure a satisfactory form of development in accordance with the requirements of policy DC1.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed extension to form an apartment accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the extension to form an apartment accords with the local policy requirements (Policies H11, CS5, CS4 and DC1 of the Council's Local Development Framework).

In particular the extension to form an apartment is designed so that its appearance is complementary to the existing property and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The extension to form an apartment will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the site..

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

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

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/diversion work that may be required.

The applicant must contact Northern Gas Networks directly to discuss requirements in detail.

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

Case Officer: Shelly Pearman

Committee Date: 12th January 2018



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