

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 9 March 2018.

**PRESENT:** Councillors S E Bloundele, J Blyth, S Dean, J Hobson, J McGee, L McGloin, F McIntyre, V Walkington, D J Branson(As Substitute) and L Lewis(As Substitute)

**OFFICERS:** A Glossop, M Lawton, K McGough, J McNally

**APOLOGIES FOR ABSENCE** Councillor J Brunton Dobson, Councillor M Walters.

**DECLARATIONS OF INTERESTS**

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

**17/36 MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE - 2 FEBRUARY 2018**

The Minutes of the Planning and Development Committee held on 2 February 2018 were taken as read and approved as a correct record.

**17/37 SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

**17/0795/FUL, Former Sports Ground, Hutton Road, Middlesbrough, TS4 2LG, erection of 86no dwellings with associated works for Mr Chris Dodds of Gleeson Regeneration Ltd.**

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.

Full details of the planning application, planning history and the plan status were outlined in the report.

The Development Control Manager informed Members that a full planning application was submitted seeking the erection of 86 dwelling houses on the former sports ground, off Hutton Road. Members were advised that being a full application they must consider the principle of residential development as well as the detailed matters including the appearance, layout, scale, access and landscaping.

The Development Control Manager informed Members that the application site was located in a highly residential area and, despite not being specifically allocated for housing in the adopted local plan, residential use on this site had been firmly established through a number of previous planning permissions. The most recent planning permission was for outline approval in 2010. It was advised that since this time, there had been no fundamental changes in local or national planning guidance, and consequently, the development of the site for residential purposes was still considered to be acceptable.

Members heard that the proposals included 13 different house types, including 52 semi-detached dwellinghouses and 34 detached dwellinghouses.

The Highways Officer informed Members that In terms of traffic generation, based on the nationally recognised TRICS database, a residential development of this scale could be expected to generate in the region of 49 and 54 vehicular movements during the AM/PM peak network hours respectively. It was advised that this level of traffic equated to less than one additional vehicle every minute during the peak network hours. Members heard that such an increase in traffic was deemed to be negligible and would not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent network. In view of these matters, the traffic generated by the proposed development was not judged to have a material impact on the free flow of traffic or operation of adjacent junctions.

Members were advised that access to the site was from the A172 Longlands Road via Hutton Road. A new priority junction onto Hutton Road is proposed to serve the site. Members heard that visibility at the proposed site access is in accordance with national guidance. It is noted that on-street parking occurs along Hutton Road and, as such, officers had recommended that bollards or other appropriate verge protection was provided as part of the scheme to prevent vehicles parking close to the site access. The Highways Officers advised that overall, the access was considered suitable to serve the level of development proposed and would not give rise to any highway safety issues.

The Highways Officer advised that the accident history for the stretch of adjacent highway had also been investigated. This had demonstrated that there are no accident patterns or clusters of accidents that could be exacerbated by the proposed development.

The Applicant informed the Committee that Gleeson provided quality low cost homes and stressed that they do not sell to investors. The Committee was advised that Gleeson's would impose 27 covenants on every property, including, for example preventing future occupiers from renting out the property and maintain the property in a good state. It was advised that the properties would be constantly monitored by Gleeson's. It was also advised that the development would contribute to local jobs and that 4 apprentices would be taken on to work on this development.

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

The objections included:

- Traffic
- Vehicles had previously been crashed into by other vehicles
- Visibility not clear on road
- Parked cars should not be used as a traffic calming measure
- Only 1 entrance to the site
- Pollution
- No yellow box junction on Hutton Road
- Careless drivers
- Road not wide enough
- Size and shape of road not suitable
- 30 flats to be built opposite
- Condition of road following development
- Puffin crossing not working correctly

The Highways Officers reiterated the points that he had provided to the Committee regarding the concerns raised, in particular, the amount of anticipated traffic being low, the operation of the lights at the Longlands / Hutton Road Junction and the presence of a box junction at this location. Given the nature of comments raised, the Highways Officer stated that he would contact the Traffic Signals Department to ensure that the Puffin crossing is running correctly.

Councillors raised concerns over the single access, the width of the proposed access road and suitability to take 2 way traffic, into the site access, traffic increase and congestion. The Council's Highways officer confirmed the road width as being 4.8m and being sufficient for 2 way traffic and a fire appliance. It was also confirmed that traffic numbers are based on the National TRICS database and that the Highways Authority have powers to get developers to repair any defects caused by construction traffic into the site.

The representative from Gleeson's was asked whether they would consider a second access into the site. The representative from Gleeson's advised that, on the advice of their own Highways Consultants, national guidance and the Council's own Highways Officers, that the number of dwellings being proposed did not require a second access to be provided and as such they did not wish to reconsider this element of the scheme.

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

In the opinion of the Local Planning Authority, the combination of scale of the proposed

development and the existing highway arrangements on Hutton Road, including the road width and associated on street parking, would lead to an awkward access and egress arrangement for the site. The lack of a 2nd access being proposed for the site and the impact of congestion from the development onto the existing highway are considered to be contrary to Local Plan Policy DC1 (d), which requires developments to have a limited impact on the capacity of existing and proposed transportation infrastructure both during and after completion with no impact on highway safety.

**17/0895/FUL - Erection of 92no dwellinghouses (including 39no bungalows) at Bishopton Road (Phase 2) Middlesbrough, TS4 2TP for Mr Nick Corrado, Thirteen Housing Group.**

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 that the Committee that the application sought consent for the erection of 92 residential dwellings and associated works. The application site was in a residential area, on a brownfield site allocated for housing development within the Housing Local Plan and which was previously an area of housing. The site is in close proximity to a number of services and provisions making it a sustainable location for new residential development.

The Development Control Manager stated that of the 92 residential dwellings, 39 would be 2/3 bedroomed bungalows and 53 dwellings would be made up of 2,3,4 bedroomed properties. Of the proposed dwellings 86 are semi-detached, the remaining 6 dwellings consist of two terrace rows of three dwellings.

The proposed dwellings are affordable housing units. They would be social rented initially with tenants being offered shared ownership options and right to buy in the longer term.

The Development Control Manager advised that following a consultation exercise no comments had been received from residents.

The Committee were informed that the Applicant had worked with Cleveland Police Architectural Liaison Officer and all concerns had been addressed.

The Development Control Manager advised that the application had been assessed by the Council's Education Department who had highlighted that there is a current shortage of primary school places in the area. As a result education had requested a S106 contribution of £250,000 towards primary school facilities in the town. The Development Control Manager advised that the applicant had advised that the scheme would be unable to take this contribution and remain a viable prospect and that evidence has been submitted to the District Valuer on this matter to independently consider this point..

**Ordered** that the application be **Minded to Approve** subject to officers finalising discussions in relation to S106 contributions for education and subject to conditions as laid out in the Committee report.

**17/0903/FUL, Erection of single storey ward block with two storey entrance and plant area and construction of new car park for Mr Robert Cowell, Roseberry Park, Marton Road, Middlesbrough, TS4 3AF.**

This item has been deferred to the next meeting of the Planning and Development Committee which will be held on 6 April 2018.

17/38

**PLANNING APPEAL - VERBAL UPDATE**

The Development Control Manager provided a verbal update on a planning appeal for a Shisha bar/restaurant at the Old Bottle Exchange in Middlesbrough. The Development

Control Manager discussed the case and the merits of the Inspectors Decision.

17/39      **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

17/40      **ENFORCEMENT MANUAL - TO BE TABLED AT MEETING**

Katie McGough, Senior Planning Officer attended the meeting to deliver a presentation to Committee Members on Middlesbrough Council's Enforcement Manual.

Members were informed that the Local Planning Authority have the powers to exercise the enforcement of planning regulations.

NPPF (Para. 209) states:

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and Local Authorities should act proportionately in responding to suspected breaches of control. They should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

Members heard that Tees Valley Audit Service had undertaken an audit the main findings of the audit were:

- Enforcement manual had not been updated since 2008
- Complaints had not been responded to in accordance with current Enforcement manual timescales
- No procedures in place to monitor the Enforcement performance

Members were advised that the Manual seeks to define how Planning Enforcement is undertaken;

- Explanation of planning enforcement / methods;
- Life cycle of a complaint / breach and response times;
- Taking Action
- Complaints are confidential

The Senior Planning Officer explained the Planning Enforcement Methods to the Committee Members:

- Enforcement Notices
- Stop Notices
- Breach of Condition Notices
- Planning Enforcement Orders
- Appeals and compensation

Members heard that Enforcement should only be taken where it will have an unacceptable impact on the amenity of the area, and action should be proportionate to the breach. It was advised that Council's should not over enforce otherwise they can leave themselves open to challenge.

The Senior Planning Officer advised Members of the life cycle of a complaint/Breach

- Received into planning team & logged
- Prioritised

- Initial Site Visit - 2, 5, 10 working days
- Response to no breach found

Where a breach is found;

- Engage with site owner / operator
- Negotiate
- Update complainant each 20 days whilst breach is live.

The Senior Planning Officer advised that taking enforcement action was a last resort and would happen where negotiations have failed to achieved necessary outcome.

Members heard that enforcement actions needs to be;

- Evidence based,
- Physical change, logged activity etc;

A report is then produced which;

- Considers breach against planning policy and material planning applications,  
Defines why it is 'expedient' to take enforcement action. (public safety, amenity,  
privacy, character erosion etc)  
Details what needs to be done to remedy breach and by when

The Senior Planning Officer advised that she will circulate a copy of the Enforcement Manual to all Councillors. The Members were also informed that the Middlesbrough Council website will be updated and a new complaints form is being devised. It was also advised that if action is being taken the Senior Planning Officer would consult with local Ward Councillors.