

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 1 March 2019.

PRESENT: Councillors Councillors M Walters (Chair), D J Branson, J Hobson, J McGee, L McGloin, J Rostron and V Walkington and

ALSO IN ATTENDANCE: M Knot, N Qurashi and B Stevenson

OFFICERS: A Glossop, E Loughran, G Moore, S Thompson and P Wilson

APOLOGIES FOR ABSENCE Councillors S E Bloundele, F McIntyre and N J Walker.

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point in the meeting.

18/31 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 1 FEBRUARY 2019

The minutes of the Planning and Development Committee meeting, held on 1 February 2019, were taken as read and approved as a correct record.

18/32 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 Development Control Manager reported thereon.

18/0757/FUL construction of a new roundabout at Nunthorpe Bypass (A1043) (Between the Poole Hospital Roundabout and Field House) for Economic Development and Infrastructure

Prior to consideration of the application, the Chair requested that the members of the committee disregard any correspondence that had been received from the objector (Persimmon Homes) prior to the meeting.

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 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 advised that the application sought consent for the construction of a roundabout on the A1043. The application site was located between the Poole roundabout to the west and Field House to the east. To the north of the site was an allocated housing site, to the south was agricultural land and buildings, with a small group of residential dwellings beyond.

It was considered that the proposed development planned to provide suitable access to the development site to the north and facilitate the delivery of a Nunthorpe park and ride facility by creating the necessary vehicle access onto the A1043. The development would not have resulted in any significant impact to the amenities of existing residents and would not have impacted on the safety and operation of the highway network.

An addendum report was tabled at the meeting, for Members' consideration. The report detailed an objection that had been received from Persimmon Homes, who had an application for housing currently being considered on the adjacent site.

The Development Control Manager summarised the comments made, together with the Local Planning Authority's considerations.

Comment (a)

The proposed roundabout could not have been implemented in isolation and would have been entirely dependent on future planning consents being achieved on adjacent land. The application was, therefore, clearly premature with no clear benefits at that time.

Response

The Local Planning Authority was duty bound to deal with any application when it was submitted. The roundabout would have provided strategic infrastructure associated with an allocated housing site. The application could have been implemented without a further application, although it was acknowledged that it was unlikely to be implemented until housing development came forward.

If approved, the applicant would have had three years to implement the consent. It was considered that refusing the application on prematurity would have left the decision open to challenge, particularly given there was an existing application for housing on the Nunthorpe Grange site and that it was an allocated site within the Local Plan.

Comment (b)

By bringing forward an application in advance of any development proposal there was no certainty that the A1043 roundabout would have offered the most appropriate access solution to facilitate efficient development of the allocated land to the north or the proposed park and ride facility to the south. Further analysis of those proposals and the available options should have been undertaken prior to the determination of the application.

Response

The Local Planning Authority had to consider the application as submitted, if it was considered acceptable. There was no technical requirement for changes to the scheme to be made and any future decision making would have needed to take into account extant approvals. The application had been considered by the Local Highway Authority and no objections had been raised, the application would have provided access to an allocated housing site in line with the requirements of Policy H29. It was also identified in the approved Nunthorpe Grange Design Code, which sought to define a general arrangement and access relating to the entirety of the Nunthorpe Grange Site. If, at a later date the applicant wished to alter the junction, they were able to submit a revised scheme/further application, as was the case for any application.

Comment (c)

There was insufficient information within the application to demonstrate the design of the roundabout was appropriate, particularly in respect of the capacity or how the roundabout would have operated within the wider access strategy and phasing of the development.

Response

It was understood that the roundabout had been designed based on the housing allocation figures for the adjacent site, and was therefore considered appropriate. However if at a later date the applicant wished to alter the junction they were able to submit a revised scheme. The access was in accordance with Policy H29 requirements and the Nunthorpe Grange Design Code.

Comment (d)

The roundabout did not provide any pedestrian or crossing facilities for either the allocated land to the north or the proposed park and ride facility to the south. Therefore, current designs would have needed to be amended. The design of the roundabout was therefore, not appropriate to facilitate the delivery of the adjacent residential allocation which it claimed to support.

Response

The need for pedestrian/cycle crossings would have arisen from the demands associated with occupation of the housing developments and they were likely to be a requirement, through

S106 Agreement, for each phase of housing development to contribute to their provision.

Comment (e)

No consideration had been given within either the submission documentation or the committee report to application 18/0786/FUL (Persimmon proposed housing scheme on Nunthorpe Grange) which proposed an alternative access from the A1043 and was therefore clearly a material consideration in the determination of the scheme.

Response

When the application for the roundabout was received, the housing application had not been submitted, therefore there was no requirement for a 2nd access onto the A1043 to be considered at the time of submission. However, Persimmon Homes should have considered the implications of both accesses. If it could have been demonstrated that both accesses would have worked together to the satisfaction of the Local Highway Authority, in terms of safety, and to the Local Planning Authority, in terms of how it would have affected the aspirations of the masterplan, then those would have been fundamental material planning considerations. It was advised that this approach had been the case previously with existing developments and was demonstrated by the Stainsby Hall Farm development and the adjacent Low Lane development where two accesses were approved, despite a desire for only one access.

It was understood that Persimmon Homes had been informed, by the Council, of the roundabout proposals in October 2018 with the design proposals sent to them directly. The information submitted with their application did not take the roundabout into account. A road safety audit had been undertaken for the Council's roundabout application. It was understood that in November and December 2018 Persimmon Homes was advised that a road safety audit should have been undertaken, for their proposed access, if they wished to access their site by any other means than the roundabout, which had been designed. To date, a road safety audit had not been submitted for the housing application.

There was a need for the roundabout application to be considered on its own merits as the application from Persimmon Homes had not been approved. Although it was a material consideration, it could not have been given significant weight.

Comment (f)

Despite the potential for significant quantity of trees, hedgerows and habitats to be lost as a result of the roundabout, the application was not supported by either an Ecological or Arboricultural Survey. The true impact of the roundabout on biodiversity could not have therefore been established, meaning that the NPPF's requirement for planning policies and decisions to "contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity" could not have been evidenced.

Response

The proposed development would have inevitably impacted on ecology but the key consideration was whether or not the development as a whole could have had an unacceptable adverse impact.

The red line application boundary included areas outside the construction of the road itself as it included land which would have been a highway verge and which was likely to assist the construction of the scheme. Along both sides of the bypass was a hedgerow and mainly semi-mature trees, the majority of which would have offered limited benefit to roosting bats. The removal of the hedge and semi-mature trees was considered to be minimal with the majority of the works taking place to the north of the carriageway. The hedgerow and trees were not protected and could have been removed by the land owner at any time. In relation to the protection of birds in that instance, largely related to the protection of nesting birds within the hedgerow and trees. Legislation separate to planning covered the removal works with particular attention to the protection of birds and bats. The developer was required to carry works out in accordance with that legislation. Given the minimal land coverage beyond the existing carriageway it was not deemed necessary to require an ecology assessment or arboricultural survey in that instance.

Although the application for the roundabout would not have enhanced biodiversity, the housing site would have had significant landscaping works within it. The Design Code identified numerous landscaped areas including a village green, wildlife habitat area, a linear park and pocket parks, which would have enhanced opportunities for biodiversity. Policy H29 also required the retention and enhancement of the planting buffer along the A1043. As a result any loss of hedgerow from the construction of the roundabout would have been compensated as part of the landscaping scheme for the housing development.

The land which was not carriageway or hedgerow was open field, having little impact on ecology.

Comment (g)

Incorrect ownership certificates had been signed and provided as part of the application. In accordance with the NPPG, the application should therefore not have been valid. Therefore, a determination of the application could not have been made upon the correct certificates and the appropriate notice given the current agricultural tenant(s).

Response

It was understood that the Council was the current freehold owner of the land and it had been confirmed by the applicant that, in April 2018, the farmer who leased the land from the Council surrendered his tenancy to the Council. At that point, the Council entered into a short term lease until the end of September 2018 as crops were already in the ground. The Council had not entered into any other lease agreements. In view of those matters, it was considered that the correct certificates were submitted with the application.

The Highway Authority had permitted development rights which allowed them to construct a roundabout without the need for planning permission in the instance that it was located entirely within the adopted highway (highway and associated verges). However, the positioning of the proposed roundabout exceeded the area of land which was adopted highway and therefore permission was required.

Members heard that the level of traffic anticipated to be generated from adjacent allocated Local Plan sites had been used as the basis to determine the size and design of the proposed roundabout. As part of the design process it was also the intention to reduce the speed limit on the A1043 from 60mph to 40mph between the A172/A1043 Poole Roundabout to a point North East of the proposed roundabout together with a supporting scheme of street lighting.

Notwithstanding the design parameters for the roundabout, the application simply sought approval for the construction of a roundabout and as such traffic volumes on the A1043 would not have been affected by the proposal as the junction would not have generated traffic in its own right. However, it had been designed to receive traffic levels from the allocated housing site and the principle of an access onto the bypass had also been established as a result of the housing site allocation.

A combined Stage 1/2 Road Safety Audit had been undertaken by independent highway consultants. The Road Safety Audit process considered the proposed design and identified whether there were any road safety issues which could have been created or exacerbated by the proposals. The audit had not identified any significant matters and any minor matters would have been dealt with through the detailed design process for construction should the proposals be approved.

The application was advertised in the local press, site notices were posted and letters sent to local residents. Following the consultation exercise six letters of objection were received from residents. A ward councillor and Nunthorpe Community Council had also submitted objections. The objections primarily related to highways matters. A number of the comments related to the housing development to the north and were therefore not material to the planning application, which was for the consideration of a roundabout only. Further details pertaining to the objections were included in the submitted report, for Members' consideration.

A representative from Persimmon Homes spoke in objection to the application and raised the concerns detailed in the addendum report. The representative requested that the application

be deferred and that planning officers entered into an open-dialogue with Persimmon Homes to consider and review alternative access options.

The Development Control Manager advised that issues of the principle of the proposed development, the impact of the proposed scale and design, the highways implications of the proposal, and of local amenity had been considered fully and were not considered to result in any inappropriate or undue affects. Accordingly, officers considered that there were no undue material planning considerations and therefore the application was recommended for approval.

A discussion ensued regarding the highways matters raised and the appropriateness of the application.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report.

18/0798/FUL Erection of 6 storey student accommodation building consisting of 300 Units at Cornell Car Park, University Of Teesside, Woodlands Road, Middlesbrough for Teesside University

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 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 advised the committee that the application sought planning consent for the erection of a 300 bedroomed student accommodation building on the Teesside University Cornell car park. The site was located on the junction of Southfield Road and Woodlands Road at the edge of the University campus and was currently utilised as a surface car park for the University. The proposed building was to provide accommodation for 300 students in individual rooms, arranged in clusters, with a shared communal living space. Five percent of the rooms would have catered for those with special mobility needs.

The building would have been positioned around a central courtyard with a one way vehicle access from Clarendon Road through to Fern Street. The building design would have been a modern flat roof with a maximum height of six stories at the corner of Woodlands Road and Southfield Road, stepping down to four stories at the northern corner of the site and three stories towards the residential properties along Fern Street. The maximum six floors of the building would have been toward the existing University buildings with the four and three stories towards the existing residential properties associated with Fern Street. Given the existing height of the buildings within the immediate area, the overall height and modern design was considered to fit in with the surrounding street scene.

It was advised that the building had been designed to provide clusters of 5-8 bedrooms with a shared kitchen / dining area for each cluster. Shared living spaces were planned for the ground floor with a laundry room, gym, movie room, office, entrance lobby and an internal cycle store. The building was laid out in somewhat of a horseshoe shape and had an external courtyard area within which would have been the cycle store, substation, external seating and landscaping. Internal refuse facilities were provided on the ground floor with access doors for collection from Fern Street by private collection twice weekly.

The development involved the removal of a total of 10 trees within the site to be replaced with 11 trees, additional landscaping to the front along Southfield Road, internal landscaping within the courtyard areas, sedum roofs and new hard landscaping throughout the site which planned to regenerate the street scene character.

An addendum report was tabled for Members' consideration. The report advised that amendments had been made to reduce the size of the sub-station, reduce the number of

cycle store spaces from 160 to 135 high quality Josta cycle rack spaces, provision of additional bat and bird boxes to be installed within the elevations and the provision of additional low level smoke vents within the roof.

The application had been advertised in the local press, site notices had been posted and statutory consultees, local residents and Ward Councillors had been informed. Following the consultation exercise, 3 objections were received and 2 letters of concern. The objections and concerns were based on matters including, loss of privacy, shadowing effect, traffic issues including congestion, lack of parking, refuse collection block, emergency vehicle access, bin numbers generating smell and vermin, noise from substation and height. Further details pertaining to the objections were included in the submitted report, for Members' consideration. No objections had been received from statutory consultees. No objections had been received from statutory consultees.

Two residents spoke in objection to the application. With the loss of 180 surface car park spaces that were utilised by the University, concerns were raised as there was already inadequate parking provision in the area. Concerns were also raised in respect of the potential increase in traffic, noise and disturbance and the close proximity of the development to residential dwellings.

The Development Control Manager advised that, in respect of the loss of parking utilised by University staff, it was common place for town / city centre businesses / operators to not have their own large scale parking provisions but instead rely on the existing public parking elsewhere. It was added that with alternative peripheral parking, movement of traffic was likely to reduce in the area.

A discussion ensued regarding the design of the development and its potential impact on the level of traffic generated, the highway network and parking provision.

The Transport Development Engineer advised that vehicle access points would have been gated and only utilised during term start and end dates and for servicing/maintenance requirements. A travel plan was also proposed to actively promote sustainable travel in line with the current car parking strategy across the campus. In light of those factors, there was considered to be no significant impacts in terms of traffic congestion or parking issues.

The Development Control Manager advised that the proposal was considered to be an acceptable form of development fully in accordance with National and Local Policy. It was a positive improvement to the built form of the surrounding area, a positive expansion of the accommodation provided by the University, which planned to assist in the expansion of the University Campus and stimulate further regeneration, economic growth, job opportunities and investment potential without any significant impacts on the surrounding premises and was therefore recommended for approval.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report.

19/0090/FUL Single storey extension at rear to provide classrooms and associated circulation space and facilities, enclosure of existing courtyard to front of school building to provide additional kitchen space, and erection of bin store at front of site at Breckon Hill Primary School, Breckon Hill Road, Middlesbrough, TS4 2DS for Asset Management, Middlesbrough Council

The Principal 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 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 Principal Planning Officer advised that proposed development was required at the site to

ensure adequate pupil spaces were provided at the school for the start of the next school year (September 2019).

Breckon Hill Primary School was situated on the south side of Breckon Hill Road. The school buildings and grounds covered an area of approximately 2.5 hectares. The area surrounding the primary school was mainly residential.

The application sought planning permission for various development within the school, which included a single storey extension at the rear of the school building to accommodate three classrooms and associated facilities, an in-fill development at the front of the school building to provide additional space within the school kitchen, and the creation of a bin store to the front of the site.

The committee was advised that the classroom extension at the rear of the building would have measured approximately 22 metres in length, and 26 metres at its widest point. The extension would have incorporated a dual-pitched roof measuring 5 metres at the ridge. The materials in the external appearance of the building would have been timber cladding, brickwork and render for the elevations and a membrane for the roof.

The in-fill development at the front of the building would have been flush with the existing frontage and have a rendered finish.

The proposed bin store area at the site entrance, which would have been 3.9 metres in width and 4.5 metres in depth, would have been enclosed with 2.1 metre high open-boarded timber fencing.

Consultation with surrounding neighbours had been undertaken - and was still underway - and did not expire until the 5 March 2019. No objections or other representations had been received to date.

The Principal Planning Officer advised that the key considerations with the application related to the design and arrangement of the proposals, the highways related considerations, and the implications on surrounding properties.

The Transport Development Engineer considered the proposed extension to the school and had raised no concerns over the level of parking at the site, which was expanded following approval of a car park at the school in 2018 which had since been constructed. It had been requested however, that additional cycle parking was provided at the school to support sustainable travel and a condition was recommended to achieve that.

The committee was advised that overall, it had been demonstrated that the proposed development would have constituted a high quality, sustainable development, which would have enhanced the school site, without harming the allocated open space, and provided essential facilities and resources to meet anticipated demand. It was also considered that the design and layout of the scheme were acceptable and fully in accordance with the relevant local and national policies and had no undue harm to surrounding uses.

There were no additional material planning considerations that officers were aware of, however, the consultation period for the application did not expire until the 5 March 2019. As such, the officer recommendation was that Members supported the approval of the scheme based on the report and delegated final determination of the application to officers, to allow officers to consider any additional comments that were received during the remaining days of the consultation phase and to take any measures considered appropriate to address any such additional comments.

ORDERED the final **determination of the application be delegated to officers** on or after 5 March 2019, based on approval with conditions, subject to due consideration of any comments received between 1 and 5 March 2019.

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).

NOTED

18/34

PLANNING APPEALS

The Development Control Manager informed the committee that three appeals had been submitted to the Planning Inspectorate against Middlesbrough Council's refusal to grant planning permission.

APP/W0734/W/18/3208137 - 12 - 14 Albert Road, Middlesbrough, TS1 1QA - Appeal Dismissed

The development proposed was change of use of former recruitment agency (A2) to taxi booking office (sui generis).

The main issues were the effect of the proposal on highway conditions and public safety in the area, and the effect of the proposal on the living conditions of nearby residents, with particular regard to noise and disturbance

APP/W0734/W/18/3213781 - Holbeck Avenue, Brookfield, Acklam, Middlesbrough TS5 8DR - Appeal Dismissed

The development proposed was a dwelling at the rear of the existing property, with its own dedicated access. The property was a large plot and there was sufficient space to accommodate the new dwelling in a way that would have secured privacy and amenity distances.

The main issue was the effect of the development on the character and appearance of the surrounding area, including the adjoining designated Green Wedge at Bluebell Beck Valley.

APP/W0734/W/18/3208917 - Land at Strait Lane, Stainton TS8 9BB - Appeal Dismissed

The development proposed was described as outline application for the development of an assisted living apartment building (use class C2), land at Strait Lane, Stainton.

The main issues were:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the living conditions of the occupiers of nearby dwellings having particular regard to privacy and outlook.
- Whether there was a requirement for the proposal to make provision for affordable housing.
- The effect of the proposal on highway safety having particular regard to parking provision.

NOTED