

**PLANNING AND DEVELOPMENT COMMITTEE**

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

**PRESENT:** Councillors M Walters (Chair), S E Bloundele, D J Branson, J Hobson, J McGee, F McIntyre, J Rostron and V Walkington and

**ALSO IN ATTENDANCE:** Councillor E Dryden and A McVickers

**OFFICERS:** A Glossop, E Loughran, G Moore, S Pearman and S Thompson

**APOLOGIES FOR ABSENCE** Councillors L McGloin and N J Walker.

**DECLARATIONS OF INTERESTS**

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

**1 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 11 JANUARY 2019**

The minutes of the Planning and Development Committee meeting, held on 11 January 2019, were taken as read and approved as a correct record - subject to the inclusion of the following paragraph on page 3:

*The Head of Planning advised that the applicant had not provided a proper assessment of the vitality and viability of the Town Centre or one that could be effectively assessed in considering the impacts of the proposal upon the health of the Town Centre. The assessment undertaken was felt to be superficial and did not credibly represent the Town Centre. As such, in line with national government guidance, there was a need for Members to take a cautionary approach in assessing the impacts of the application.*

**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 Development Control Manager reported thereon.

**18/0319/FUL Erection of 1no restaurant (A3) with drive-through facility and associated car park at The Tad Centre, Ormesby Road, Middlesbrough, TS3 7SF for Chicken Villas Limited**

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 planning permission was sought to construct a single storey stand-alone KFC restaurant with drive-through facility and associated car park within the existing car park of the Tad Centre on Ormesby Road. Access to the development would have been taken from the existing Tad Centre access point.

Members heard that the application site was located in an area currently used as car parking for the adjacent TAD Centre off Ormesby Road. The site was adjacent to, but not within, the Berwick Hills District Centre. The car park associated with the district centre was immediately to the north and west of the site, the TAD Centre building was to the south with residential properties on the opposite side of Ormesby Road to the east.

The committee heard that the proposal had been considered against local guidance and policy and it was considered that the principle of the use was not acceptable due to the site being outside of the Berwick Hills District Centre. Concerns were raised as a sequential test that was subsequently submitted had not shown sufficient flexibility and robustness to demonstrate that no other suitable sites were available, therefore, an out of centre location was not justified. Four alternative locations were suggested, although the applicant had not responded to the suggestions.

The Transport Development Engineer advised that the proposed development sought to utilise the existing junction to Ormesby Road. Members heard that concerns had been raised regarding the intensification of use of the existing access and the proposed layout of the scheme, which could have led to vehicles backing up onto Ormesby Road - a main arterial route and a bus corridor.

It was advised that currently, the internal layout beyond the site access operated as a one-way system. As such vehicles entering the site were directed/moved away from the junction without being opposed by oncoming vehicles. Exiting traffic approached the internal junction along the Northern boundary and as such was either outside of the swept path of incoming traffic or had a good level of forward visibility to wait until the junction had cleared.

Under the proposed internal arrangements there was two-way traffic within the internal layout, which had a 90 degree bend leading to the junction. Traffic exiting the drive-through also joined the internal layout at that bend and would have either crossed the internal road to wait in the grill bays or would have exited the site. Both manoeuvres appeared difficult/convoluted. A swept path analysis, which was submitted with the Transport Statement, demonstrated that technically the junction could have potentially accommodated movements but it was considered that an improved solution could have been achieved to accommodate the operation.

Members were informed that revised trip rates demonstrated that the level of traffic to the site would not have a material impact on the surrounding highway network.

In terms of parking, the Transport Development Engineer explained that 111 spaces were currently provided on the site. The reconfiguration of the internal layout would have led to some spaces being lost and some new spaces being provided. It was commented that figures provided within the Transport Statement indicated that sufficient parking was provided within the site for existing and currently vacant business uses at the TAD Centre as well as the proposed use. However, the applicant had not proposed to identify/manage which parking was to be used by which end user. As a result, concerns were raised regarding how the separate parking provision would have been managed. Officers had some reservations with such an approach as there was the potential for either the KFC or TAD Centre to utilise a higher level/proportion of the car park area leading to a shortfall for the other users on the site.

The Development Control Manager advised the committee that in the opinion of the Local Planning Authority, the proposed use would have, due to its location relative to residential properties and associated opening hours, resulted in noise and disturbance to nearby residents.

Members heard that on the basis of the conclusions of the submitted noise assessment, it would have been difficult to substantiate a reason for refusal of planning permission based on noise and disturbance. However, the report did not identify noise from customers using the outside seating area located to the east of the building, which would have been approximately 45m from the front elevation of the nearest properties. It was difficult to quantify noise from raised voices but the proposal had the potential to attract customers to the outside seating areas who could have remained at the site up to and beyond the closing time of 11pm, when raised voices had the potential to cause disturbance at a time when residents could have expected to enjoy peace and quiet. It was considered, therefore, that on balance the proposal would have resulted in unacceptable noise and disturbance.

The Development Control Manager advised that the Food Environment Assessment Tool showed that there was a saturation of fast food outlets in the area with 52 takeaways within

one mile of the development postcode. It was added that the proposed use would have contributed to the proliferation of hot food takeaways in an area with already high levels of such use and was located in close proximity to a nursery and school, thereby undermining the Council's aspirations for improved health and well-being of the local population.

It was explained that there was a need for planning decisions to aim to achieve healthy places, including enabling and supporting healthy lifestyles. Details were provided that demonstrated that Middlesbrough had a higher than average mortality rate for preventable cardiovascular disease. Furthermore, the proposal was in a ward where levels of excess weight in children was higher than the England average. The site was within 300m of Unity City Academy and on the same site as a day nursery, therefore, there was a need to consider the impact on consumers, particularly on children and young people.

Neighbourhood consultations had taken place and nine objections to the application had been submitted. A 48 signature petition had been received, along with seven individual letters of objection. Two ward councillors had also submitted objections. Concerns had been raised regarding the location of the proposal and its potential impact on road safety, noise/disturbance, public health/obesity and the vitality of nearby local centres. Further details pertaining to the objections were included in the submitted report, for Members' consideration.

In view of the issues raised, the Development Control Manager conveyed that the proposal was considered to be an unacceptable form of development contrary to both national and local policy and it was therefore recommended for refusal.

A ward Councillor spoke in objection to the application. The ward councillor raised concerns about the proximity of the proposal to a school and residential dwellings. The proposal was considered to contribute to the proliferation of hot food takeaway facilities in the area to the detriment of the health and well-being of local residents.

A discussion ensued and concerns were raised regarding the proximity of the proposal to Unity City Academy, the proposed location being outside of the district centre and the noise impact. Highway implications were also discussed, with the suggestion that the parking area had been designed to support the Tad Centre and that there was not sufficient space for the proposal, that the site was very tight, as would have been traffic arrangements.

**ORDERED** that the application be **Refused** for the reasons set out in the report.

**18/0320/ADV Various illuminated and non- illuminated signs including fascia signs, totem signs and directional signs associated with proposed restaurant and drive-through facility at The Tad Centre Ormesby Road Middlesbrough TS3 7SF for Chicken Villas Limited**

The Development Control Manager advised that the application sought planning permission for the erection of the 15 No. signs. An additional application for the site had been considered by the committee earlier in the meeting, which pertained to the erection of 1no restaurant with drive-through facility and associated car park. The size and layout of the site had been changed under the full application for the restaurant/drive-through (18/0319/FUL). The committee was advised that the amended plans that reflected those changes had not been received for the advert application, therefore, it was recommended that the application be deferred until the necessary information was received.

**ORDERED** that the application be **Deferred** for the reasons set out in the report.

**18/0558/FUL Detailed application for the remix of approved housing scheme and erection of additional 104no residential dwellings (309 total dwellings) at Land at Cleveland Police Headquarters Ladgate Lane, Middlesbrough for Persimmon Homes Teesside**

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 the committee that permission was sought for the erection of 309 dwellings on the eastern part of the housing development site, at the former police headquarters on Ladgate Lane.

Members were informed that the site currently had full permission for 375 dwellings of which 89 had been built, a further 81 were to be constructed on the western part of the site. The application for 309 dwellings increased the number of dwellings on the wider site by 104 to 479. The remaining 205 dwellings proposed in the current application were a redesign of those already approved.

The 309 dwellings proposed consisted of:

- 48 two bed dwellings
- 177 three bed dwellings
- 84 four bed dwellings.

Of which 58 were three-storey dwellings (two-storey with rooms in the roof space), the remaining 251 were two-storey.

The committee was informed that the applicant had increased the level of open space on the site. The revised open space located centrally made significant improvements on the previous layout that provided green space. The previous layout, due to its small size and location, was wholly surrounded by dwellings and it did not provide open aspects which could have reduced its use by the wider site. In contrast, the proposed green space was larger and provided open views and green links to the north and south. The improved landscaped area aimed to deliver significant benefit to the community as it provided leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area.

The Principal Planning Officer explained that it was considered that the proposed development would have provided a good mix of high quality dwellings in an attractive landscaped setting with an appropriate layout.

The committee was informed that the proposals sought to increase the number of units by 104. The increase in residential units would have occurred within area A, thus increasing the units on that part of the site from 205 to 309. Area B and the associated site access was unaffected by the proposals.

In planning and highway terms there was a need to consider the net difference between the scheme that had previously been granted planning consent and that which was being proposed.

It had been demonstrated that the level of traffic generated by the proposed scheme and its subsequent impact on the adjacent highway network was not materially different to that previously considered, mitigated for and approved by the Local Authority. As such no objections were raised subject to standard conditions.

Members heard that the development would not result in a significant detrimental impact on the amenities of existing local residents. Strategic work to the highway network would have mitigated against the impact of the development on the local highway network.

The committee was advised that the application site was an allocated site within the approved Housing Local Plan. Although the additional dwellings increased the total number on the site above the 375 stated in the Housing Local Plan, the plan stated that the figure was a minimum. The proposed development met the requirements of that policy and other relevant local and national policies. On balance, the increased number of dwellings above 375 did not

outweigh the social, economic and environmental sustainable benefits of the development.

The Principal Planning Officer explained that none of the material objections raised would have resulted in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals did not conflict with local or national policies relating to sustainability, design, transport, open space or flood risk. Furthermore, the development would have supported the spatial vision set out in the development plan.

The analysis of the development determined that the proposals were for a sustainable development, which would have assisted in economic growth in the town. The proposed layout and dwellings were of a design that would have provided a pleasant and sustainable environment. Significant landscaped areas would have enhanced ecological potential and would have benefited the wider community. There were no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

Neighbourhood consultations had taken place and two objections to the application had been received. One was received from a resident and one was submitted by the Marton East Community Council. No objections to the application were received from the statutory consultees.

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

The committee was advised that the impact on the highway network was not materially different to that previously approved. It was also highlighted that the parking provision on the site included in curtilage and dedicated on street visitor parking bays. Parking spaces provided were also larger than those previously approved and the overall parking provision had been increased in comparison to the approved scheme.

Members were advised that further financial contribution had been sought that would have been used toward improvements to sustainable travel infrastructure in the locality of the site, which would have provided enhanced sustainable facilities and reduced dependence on the private car. Furthermore, as the committee had expressed a concern regarding the lack of play facilities for residents in the locality, it was agreed that officers planned to negotiate with the applicant to ensure appropriate facilities were provided. Members confirmed that they did not wish to see the details of those discussions and officers planned to determine the appropriate requirements.

Members welcomed the introduction of two bed dwellings on the development, however, concerns were raised regarding potential buyers purchasing the smaller properties on a buy-to-let basis. The committee was advised that the Local Authority was unable to impose any conditions/restrictions in that regard.

**ORDERED** that the application be **Approved** subject to 106 Agreement, and officers' agreement of the provision of play equipment, for the reason set out in the report.

### 3 **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).

#### **NOTED**

### 4 **PLANNING APPEALS**

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

**APP/W0734/D/18/3213129 - 7 Emerson Avenue, Middlesbrough, TS5 7QW - Appeal Allowed**

The development proposed was the erection of an orangery to the front/side and a retrospective application for alterations to boundary fence and the placement of a shed.

The main issue was the effect of the proposed development (the orangery) on the character and appearance of the surrounding area.

**APP/W0734/D/18/3212463 - 30 Thornfield Road, Linthorpe, Middlesbrough TS5 5DE - Appeal Dismissed**

The development proposed was removal of front wall to create a driveway for access of transport for disabled person.

The main issue in the appeal was the effect of the proposal on the character and appearance of the area, with due regard to the Linthorpe Conservation Area.

**APP/W0734/W/18/3208727 - 80a The Avenue, Linthorpe, Middlesbrough TS5 6SB - Appeal Dismissed**

The development proposed was change of use of annex to self-contained dwelling.

The main issues were:

- Whether the development would have provided adequate living conditions with particular regard to internal space, and cycle and bin storage, and;
- The effect of the development on parking provision and highway safety in the area.

**APP/W0734/W/18/3194179 - 1 Gretton Avenue, Middlesbrough TS4 3QT- Appeal Allowed**

The development proposed was conversion of existing dwelling into 2/no flats and erection of new 1 bed apartment to side garden.

The main issues were:

- The effect of the proposed development on the character of the area; and
- Whether, having regard to the development plan and material considerations, the proposed development would have provided adequate living conditions for future occupiers.

**APP/W0734/W/18/3199268 - 79 Broadwell Road, Middlesbrough TS4 3NL - Appeal Allowed**

The development proposed was described as 'conversion of single dwelling house into 2 flats with additional apartment to side in new erection'.

The main issues were:

- The effect of the proposed development on the character and appearance of the host building and the surrounding area;
- Whether the proposed development would have provided adequate living conditions for future occupiers, with particular regard to outdoor amenity space and storage of refuse, garden waste and recycling bins; and
- The effect of the proposed development on highway safety, with particular regard to parking.

The committee was advised that the appeal was dismissed with regard to the erection of 1no. dwelling, however, the appeal was allowed with regard to the conversion of the existing dwelling house into 2no self-contained flats.

**APP/W0734/W/18/3194177 - 11 Islington Walk, Middlesbrough TS4 3RB - Appeal Allowed**

The development proposed was conversion of existing dwelling into 2/no flats and erection of new 1 bed apartment to side garden.

The main issues were:

- The effect of the proposed development on the character of the area; and
- Whether, having regard to the development plan and material considerations, the proposed development would have provided adequate living conditions for future occupiers.

In respect of each appeal, the Development Control Manager and the Principal Planning Officer provided Members with a detailed account of issues raised by the Planning Inspectorate. Copies of the appeal decisions had been included in the agenda pack, for Members' information.

**NOTED**