

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 5 July 2019.

**PRESENT:** Councillors Councillors J Hobson (Chair), D P Coupe, L Garvey, J McTigue, J Platt, J Rostron and J Thompson and G Wilson

**PRESENT AS OBSERVERS:** F Bullock, J Cain and J Robinson

**ALSO IN ATTENDANCE:** S Barker

**OFFICERS:** Paul Clarke, A Glossop, E Loughran and G Moore

**APOLOGIES FOR ABSENCE** Councillors D J Branson and M Nugent.

**DECLARATIONS OF INTERESTS**

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

**19/7 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 7 JUNE 2019**

The minutes of the Planning and Development Committee meeting, held on 7 June 2019, were taken as read and approved as a correct record.

**19/8 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.

**18/0803/VAR Variation of condition 1 (Approved Plans) on application 16/5308/FUL at 1 Cambridge Avenue, Linthorpe, Middlesbrough, TS5 5HQ for Mr M Mousa**

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 retrospective permission was sought to vary an existing approved scheme for a single storey garage to the side/rear of the dwelling. The previous planning permission was granted in 2016 under application 16/5308/FUL.

Members were advised that the proposal had initially been considered at a previous of the Planning and Development Committee, which was held on 7 June 2019. At that meeting, a resident had indicated that the garage detailed on the plans was a habitable room. In light of that information, Members deferred the application to allow officers to re-visit the site and ascertain the internal uses of the building.

Since that meeting, two visits had been made by officers. On the first visit, the main room within the extension appeared to be a storage area, with a small kitchen area. The kitchen had since been removed, which was noted at the time of the second visit. The plans submitted had been revised to show the extension as providing an area of internal storage, a gym, w.c. and steam room.

The application site was 1 Cambridge Avenue, an end terraced property that was located within the Linthorpe Conservation Area and Article 4 designated area. The site was within a residential estate with residential dwellings to the north, west and east. The variation related to the overall length and height of the garage. The ridgeline roof height of the garage approved in 2016 was 3.2 metres lowering at the rear to 2.9 metres and for a total length of 14.3 metres.

The variation application sought permission for an increased ridgeline roof height along the full length of the garage of 3.6 metres and a reduced overall length of extension to 13.1 metres. Internally, the 2016 approval was for a garage whereas the proposal showed the internals as providing for a garage, gym, steam room and w.c.

The committee was advised that the extension to the side and rear was designed so that its appearance was complementary to the existing dwelling house and so that it would not have had a detrimental impact on the amenity of any adjoining or nearby residents. The extension to the side and rear would not have prejudiced the appearance of the area or the Linthorpe Conservation area and did not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

Following a consultation exercise there had been three objections received from neighbouring properties. In summary, the objections related to the scale of the extension, its impact on the neighbours in terms of overbearing and loss of light and it being out of character with the conservation area. No objections to the application were received from the statutory consultees.

It was conveyed to Members that the application was considered to be an acceptable form of development, fully in accordance with the relevant policy guidance, and there were no material considerations that would have indicated that the development should have been refused.

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

**19/0254/COU Change of use from retail shop (A1) to hot food takeaway (A5) at 197 Linthorpe Road, Middlesbrough, TS1 4AG for Ms M Cocker**

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 planning permission was sought to change the use of the premises from a retail use (A1) to a hot food takeaway use (A5). The application site was a mid-terrace unit situated on the western side of Linthorpe Road within the Linthorpe Road South area of the town centre where a mix of retail, professional services, restaurants, drinking establishments and hot food takeaway uses operated.

It was planned that the upper floors of the unit would be for ancillary storage and space for the hot food takeaway. As part of the change of use, a flue would have been positioned on the rear elevation of the building. The exact details for the flue and ventilation system had not been provided.

The proposal was for the premises to be open during the day time from 11am and during the evening, which planned to provide an active frontage to the premises that would assist in ensuring the vitality and viability of the area.

Within the section of Linthorpe Road, there was currently a mixture of uses, including retail, bars, restaurants and takeaways. It was noted, however, that within the seven units between Psyche and Housams (Nos. 189 and 207 Linthorpe Road) there were three existing hot food takeaway uses (A5), as well as two restaurant uses (A3). The proposed development would have therefore created a fourth hot food takeaway use in that micro-area. Despite that seemingly high concentration of A3 and A5 uses in that area, it was considered that all existing units promoted the role of Linthorpe Road as a cafe and bar quarter, which it was defined as within the existing Local Plan. The additional use planned to contribute to the role of that area and was therefore considered to satisfy the relevant criteria of Policy REG24.

With regard to the emerging policies, it was accepted that the development would have resulted in two hot food takeaway uses being situated adjacent to one another, and would

bring the total percentage of hot food takeaway uses to approximately 17% within that section of the Linthorpe Road South Area. That exceeded the 10% guidance set out in emerging Policy EG7. It was emphasised that Policy EG7 was an emerging policy only and at that stage could not have been given the same weight as the existing policy.

The Development Control Manager advised that, as Linthorpe Road was acknowledged in current local plan policy as a bar and cafe quarter, it was considered that the loss of an A1 retail unit in that location and its change to an A5 use would not have a significant impact on the vitality and viability of the area.

Although the use would not have necessarily adhered to all the criteria of the emerging Policy EG7, only limited weight could have been apportioned to that, given the emerging plan was yet to be adopted, and that there were extant objections to the policy. With regard to current policy, the development was considered to support the cafe/bar quarter associated with Linthorpe Road south and the wider University sector. It was also considered that the proposed change of that unit to a hot food takeaway use would not have been detrimental to the vitality and viability of the Linthorpe Road centre.

Overall, the proposed change of use at the location was considered to represent acceptable development. In line with current government guidance with regards to allowing diversity in town centres it was considered that the non-A1 use would have been appropriate and would, on balance, accord with local policy.

The application was subject to the standard notification of neighbouring properties, as well as internal technical consultees and ward councillors. Three objections had been received from the adjacent Central ward councillors. The Development Control Manager also advised that following the publication of the report, an additional objection had been submitted by a Newport ward councillor. The issues raised were summarised as follows:

- There were too many hot food outlets in the location.
- Potentially add to existing anti-social behaviour, noise and litter issues.
- Proposed A5 would have been harmful to the daytime economy.
- Detrimental impacts on public health due to the number of takeaways, and the knockon effects in terms of pressure on health services and other public services delivered by the Council.

No objections had been received from statutory consultees.

The Development Control Manager advised that a potential increase in antisocial behaviour, noise and litter were not material planning considerations.

A representative spoke on behalf of the applicant. Members heard that, as part of the Gresham Student Village proposed development, three properties along Linthorpe Road had been acquired by the Council to enable a link between the proposed Student Village and the main university campus on the other side of Linthorpe Road. It was advised that one of the three properties acquired by the Council was a Pizza Hut Delivery (A5 Use Class) at 151 Linthorpe Road. Pizza Hut Delivery had advised that they intended to move their business to the premises subject of the application, which would have assisted in retaining 15 local jobs.

The Development Control Manager advised that the issue of the relocation of the unit to enable the regeneration of Gresham was not a material planning consideration as the site had already been acquired by the Local Authority for such a purpose and it was not a condition of sale. However, whilst the operator of a unit was not normally a material planning consideration, the operator had indicated that the move of premises would assist in retaining jobs, which was considered to support the local economy - in broad accordance with guidance contained within the National Planning Policy Framework.

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

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).

The Chair advised that Members were notified, on a weekly basis, of planning applications that had been submitted for approval. If a Member required background information, supporting documentation, advice or guidance in respect of a particular application, the Chair advised Members to contact the Planning Department.

#### **NOTED**

19/10

#### **PLANNING APPEALS**

##### **Appeal Ref: APP/TPO/W0734/6998 - 43 Harrow Road, Middlesbrough TS5 5NT - Appeal Allowed for Sycamores T1 and T2 and Dismissed for Horse Chestnut T3 and Sycamore T4**

The work proposed was removal of 3 Sycamores and 1 Horse Chestnut.

The main issues were the effect of the felling on the character and appearance of the area and whether sufficient justification had been demonstrated.

##### **Appeal Ref: APP/W0734/D/19/3220920 - 27 Green Lane, Middlesbrough TS5 7SJ - Appeal Dismissed**

The development proposed was a 2-storey side and rear extension and a single storey rear extension.

The main issue was the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of the occupiers of neighbouring properties.

##### **Appeal Ref: APP/W0734/D/19/3223137 - 10 Rutland Avenue, Middlesbrough TS7 8JY - Appeal Dismissed**

The development proposed was described as a dormer extension to front.

The main issue was the effect of the proposed development on the character and appearance of the host property and the surrounding area.

##### **Appeal A - Ref: APP/W0734/W/18/3209428 - OS 74 Linthorpe Road, Middlesbrough TS1 2LA - Appeal Dismissed**

##### **Appeal B - Ref: APP/W0734/W/18/3209427 - OS 86 Linthorpe Road, Middlesbrough TS1 2JZ - Appeal Dismissed**

##### **Appeal C - Ref: APP/W0734/W/18/3209425 - OS 102 Linthorpe Road, Middlesbrough TS1 2JZ - Appeal Dismissed**

##### **Appeal D - Ref: APP/W0734/W/18/3209436 - OS 107-109 Linthorpe Road, Middlesbrough TS1 5DH - Appeal Dismissed**

##### **Appeal E - Ref: APP/W0734/W/18/3209443 - OS 129 Linthorpe Road, Middlesbrough TS1 5DE - Appeal Dismissed**

The development proposed was installation of electronic communication apparatus.

In all cases the main issues were the effect of the siting and appearance of each electronic communication apparatus (kiosk) on:

- the safe and efficient operation of the highway; and
- the character and appearance of the area.

##### **Appeal A - Ref: APP/W0734/W/18/3209444 - OS Rede House, Corporation Road,**

**Middlesbrough TS1 1LY - Appeal Dismissed**  
**Appeal B - Ref: APP/W0734/W/18/3209431 - OS 25 Corporation Road, Middlesbrough**  
**TS1 1LP - Appeal Dismissed**  
**Appeal C - Ref: APP/W0734/W/18/3209433 - OS 14 Corporation Road, Middlesbrough**  
**TS1 1LJ - Appeal Dismissed**  
**Appeal D - Ref: APP/W0734/W/18/3209434 - The Corner, 1 Newport Road,**  
**Middlesbrough TS1 1LE - Appeal Dismissed**

The development proposed in each case was described as installation of an electronic communications apparatus.

In all cases the main issues were the effect of the siting and appearance of each proposed electronic communication apparatus (kiosk) on:

- the safe and efficient operation of the highway; and
- the character and appearance of the area.

**Appeal Ref: APP/W0734/D/18/3218704 - 2 Calluna Grove, Middlesbrough TS7 8SP - Appeal Dismissed**

The development proposed was a single storey extension to the side of dwelling.

The main issue was the effect of the proposed development on the character and appearance of the area.

**Appeal Ref: APP/W0734/W/18/3216829 - 107-109 Waterloo Road, Middlesbrough, Cleveland TS1 3HZ - Appeal Dismissed**

The development was described as timber doors to rear wall.

The main issues were the effects of the doors on:

- The character and appearance of the area; and
- The living conditions of the occupiers of No 46 Acton Street in relation to noise and odours.

In respect of each appeal, the Development Control Manager provided Members with a detailed account of issues raised by the Planning Inspectorate.

**NOTED**

19/11

**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

**Meeting Schedule**

The Chair advised that there had been a proposal to hold future meetings on Thursdays.

Due to potential clashes with other committee meetings and the availability of Members, it was agreed that meetings would continue to take place on a Friday. However, Members were in agreement that should a future application require urgent attention, consideration would be given to holding the meeting earlier in the week to enable the prompt publication of the decision notice.