

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 7 June 2019.

PRESENT: Councillors J Hobson (Chair), D J Branson, D P Coupe, D Davison, J McTigue, J Rostron, J Thompson, G Wilson, S Dean (As Substitute) and C Dodds (As Substitute)

PRESENT AS OBSERVERS: J Cain and A Pain

ALSO IN ATTENDANCE: Dr Azam, Councillor C Hobson, Councillor L Lewis, N Rushall, S Salm, Councillor M Storey, J Sullivan, G Swarbrick and H Williams

OFFICERS: P Clarke, J Etherington, A Glossop, G Moore and S Thompson

APOLOGIES FOR ABSENCE Councillors J Platt and S Walker.

DECLARATIONS OF INTERESTS

| Name of Member | Type of Interest | Item/Nature of Interest |
|----------------------|------------------|-------------------------|
| Councillor J Hobson | Non-Pecuniary | Item 2 |
| Councillor J McTigue | Non-Pecuniary | Item 3 |
| Councillor J Rostron | Non-Pecuniary | Item 4 |

1 APPOINTMENT OF THE CHAIR PRO TEM

Nominations were sought for the appointment of a Chair Pro Tem of the Planning and Development Committee.

Councillor Coupe was nominated and seconded and, following a vote, appointed as Chair Pro Tem of the Planning and Development Committee.

AGREED that Councillor Coupe appointed as Chair Pro Tem of the Planning and Development Committee until amended by the Committee.

2 APPOINTMENT OF THE CHAIR OF THE PLANNING AND DEVELOPMENT COMMITTEE FOR 2019/20

Nominations were sought for the appointment of Chair of the Planning and Development Committee.

Councillor J Hobson was nominated and seconded and, following a vote, appointed as Chair of the Planning and Development Committee.

AGREED that Councillor J Hobson was appointed as Chair of the Planning and Development Committee.

3 APPOINTMENT OF THE VICE-CHAIR OF THE PLANNING AND DEVELOPMENT COMMITTEE FOR 2019/20

Nominations were sought for the appointment of Vice Chair of the Planning and Development Committee.

Councillor Coupe was nominated, seconded, and appointed as Vice Chair of the Planning and Development Committee.

AGREED that Councillor Coupe was appointed as Vice Chair of the Planning and Development Committee.

4 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 1 MARCH 2019

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

5 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.

18/0294/COU Change of use from (A1) retail to (A5) hot food takeaway and installation of ducting at 123 Victoria Road, Middlesbrough, TS1 3HX for Mr S Salm

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 for the change of use of 123 Victoria Road from a retail use (A1 use class) to hot food takeaway (A5 use class). It was commented that the applicant had provided a sequential test providing justification for the need for the use in the proposed location, suggesting it would have been a Kurdish takeaway and would have provided for the local community.

The proposal planned to include internal alterations to provide a service area, preparation area and store room/w.c on the ground floor, with an external flue to be placed on the rear elevation. Externally, no alterations were planned for the frontage of the property with an external flue to be located on the rear elevation. The proposed hours of operation were between 11am and 9pm Monday to Sunday.

The committee heard that the application site was an end of terraced property at 123 Victoria Road. The site was a corner property at the junction of Victoria Road and Egerton Street. The properties within the area were predominantly residential with several of the ground floors of the corner properties having being converted into commercial premises. Retail units currently occupied the three remaining corner units at the junction of Victoria Road and Egerton Street. To the rear of the property was 27 Egerton Road. The upper floor of the property was a residential flat that had a separate access from Egerton Street.

The development was considered to be an appropriate use for the unit and was of an appropriate design that would not have impacted on the privacy or amenity of neighbouring properties, the character and appearance of the area and highway safety.

Members were advised that the main considerations with the proposal were the principle of the development, the impact on the character and appearance of the street scene, the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.

The application site was outside of the defined town centre, district centres and local centres but was within walking distance of the town centre and the main bus route links along Borough Road and Linthorpe Road, therefore it was considered to be in a sustainable location.

The Development Control Manager advised that change of use from a retail unit to an A5 hot food takeaway would not have prejudiced the character and function of the area and did not significantly affect any landscaping or prevent adequate and safe access to the site. The change of use was consistent with the existing uses of the location and it would not have been detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the change of use would not have been of a level likely to result in an

unacceptable impact on nearby premises taking into account the existing use of the premises.

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

Following a consultation exercise, there had been five objections submitted, 3 from ward councillors and 2 from nearby residents. In summary, the objections related to the number of takeaways in the area with no diversity of shops, concerns regarding public health, highways safety issues, litter, anti-social behaviour and potential fire and safety issues for the first floor residents. Further details of the objections were contained in the submitted report. No objections to the application were received from the statutory consultees.

The Applicant spoke in support of the application and two ward councillors spoke in objection. A photograph of a HGV parked within the area was passed to Members suggesting larger vehicles were servicing the shops within the area.

A discussion ensued and concerns were raised regarding hot food takeaways and the impact on public health. In response to the issues raised, it was conveyed by the Head of Planning that the end-user of any commercial premises could have been subject to change.

The Development Control Manager advised that the Council had an emerging Local Plan. The consultation period had expired, with the submission date for review of the plan being June 2019. Although not formally adopted, limited weight could have been given to the policies at that stage. The relevant policy within the emerging Local Plan was ECG7 Hot Food Takeaways.

ECG7 stated that hot food takeaways should have been located within defined centres with the number of hot food takeaway uses being limited to - not exceed a total of 10% of the total uses within the centre, not result in more than 2 adjacent hot food takeaway units and not within a designated shopping frontage. In addition, consideration should have been given as to the proximity of the hot food takeaway use to a school and submission of the application should have been supported with a Health Impact Assessment.

With the application being submitted prior to the publication of the emerging Local Plan, Members were advised that the applicant had not submitted a Health Impact Assessment in support of the application.

Members expressed concerns that Abingdon Primary School was located a minimum of 300 metres from the property. The Development Control Manager explained that, with the school teaching primary-aged pupils, children would not have the opportunity to leave the school premises at lunchtime and purchase food from the application site.

ORDERED that the application be **Refused** for the following reasons:

In the opinion of the Local Planning Authority the proposed A5 Use (Hot Food Takeaway) would have resulted in comings and goings to the premises and loitering in and around the premises, which would be of a different manner to that associated with the existing A1 Use (retail), and which would be detrimental to the residential character of the area which lies outside of any designated centre.

18/0605/OUT Outline application with all matters reserved for the erection of up to 3no dwellings at Land at Dell Close, Middlesbrough, for Mr J Asbury

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 explained that the application sought outline consent for the erection of up to 3 dwellings, with all matters reserved. As a result, the report only related to the principle of the development of the site.

It was explained that should permission be granted, the reserved matters of access, layout, appearance, scale and landscaping would have needed to be subject of a further application. However, the applicant had submitted a set of indicative site layout plans to illustrate the location of the three dwellings within the site, with the frontages being in-line with the existing dwellings and facing towards the highway.

The application site was an area of land located adjacent to a residential area positioned between the current housing on Dell Close and the Marton Beck Valley/Fairy Dell Park. The land was undeveloped land with an informal footpath link to Fairy Dell Park and a pumping station with associated vehicle access sited towards the western boundary.

It was advised that the application site comprised an area of 2.3 hectares and was defined as Green Wedge and Primary Open Space. The site was located to the west of an established residential cul-de-sac at Dell Close, which consisted of detached and semi-detached bungalows and dormer bungalows with an un-adopted access road. To the west was Marton West Beck / Fairy Dell Park and to the south was Fairy Dell. A footpath / steps led to Fairy Dell, located in the south west corner of the site. To the north were residential properties along Montrose Close with residential properties to the east along Dell Close. The land sloped steeply downwards from the western and southern boundaries of the site.

The application was initially submitted for the erection of up to 5 dwellings, although through the application process that was reduced to 3.

The Development Control Manager advised that the development was a technical departure from the Local Plan, in relation to saved Policy EC2 and EC7, as it proposed development of a section of designated green wedge and open space. However, it was considered that the location of the development site (at the edge of the existing cul-de-sac), the retention of areas of green space within the development site, the nature and character of the site relative to the remainder of the green wedge and open space and the fact the development would not have impacted on the existing green infrastructure links, meant the majority of the criteria requirements had been met and did not cause any notable harm to the purpose of the green wedge and open space designations.

The committee was advised that the proposal met the national planning policy framework and guidance regarding housing, sustainable development and efficient use of land. However, it was clarified that further detailed information in the form of a reserved matters application was necessary to fully consider the appropriateness of the scale of the development, design, access and layout - to ensure the proposed housing development would not have been out of scale and character within the surrounding area and would not have been detrimental to the local and residential amenities of the area.

The Development Control Manager advised that the principle of up to 3 dwellings on the site was considered to be acceptable. It was further advised that the recommendation be amended to remove reference to the Indicative site plan from the approved plans list.

It was conveyed that the principle issues that the committee had to consider related to the appropriateness and sustainability of the site and the impact on the highway network.

Following the consultation exercise, 67 objections were received from 49 properties. In addition, objection comments had been received from Councillor C Hobson and from the Marton West Community Council. There was one letter in support and one neutral letter received. Further details in respect of the comments and objections were contained in the submitted report. There were no technical objections from statutory consultees to the proposal in terms of the sustainability of the site or the ability of the site to meet necessary drainage and highway requirements, ecology and mitigation.

The Agent spoke in support of the application and a ward councillor spoke in objection.

A discussion ensued regarding the impact of the proposed development and the loss of a section of the green wedge and open space located in the area. Reference was made to Marton West Neighbourhood Plan, which was formally adopted in 2016.

ORDERED that the application be **Refused** for the following reasons:

In the opinion of the Local Planning Authority, as a result of the sites position within the Green Wedge and Primary Open Space designations of the existing and emerging Local Plans, the proposed development would have been contrary to Policy MW3 of the Marton West Neighbourhood Plan and both existing and emerging local plan Policies E2, E7, INFRA 7 & INFRA 8, which sought to maintain the openness and character of the area and which sought similar or improved replacement where small losses were deemed acceptable.

18/0675/COU Retrospective change of use to builder's yard for material storage (B8) and re-siting of 1no storage container at land at rear of 35 - 39 Saltersgill Avenue Middlesbrough, TS4 3LD for Mr M Finnegan

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.

An addendum report was tabled at the meeting for the committee's consideration. The report contained additional correspondence and photographs that had been submitted by a ward councillor. The Development Control Manager read out the content of the Addendum Report.

The Development Control Manager advised that the application sought retrospective planning approval for the change of use of land to a builder's yard for the purpose of material storage.

Although the site was not a complementary use to the local centre or the nearby residential properties, it was complementary to the existing builder's yard that existed immediately adjacent. It was considered that the use of the extended area would not have notably detracted from the vitality and viability of the local centre and could have been adequately controlled to prevent undue harm to the character and appearance of the area and the amenities of the adjacent residential properties.

The committee was advised that the application related to an area of land that was situated between the rear of 35a-39 Saltersgill Avenue and the rear of 38-46 Holmwood Avenue. The application was initially submitted seeking retrospective planning approval to use the area of land as a builder's yard, however, the site was not operating as such and was amended to be described as a yard for material storage associated with the adjacent builder's yard, along with the siting of one container.

The Development Control Manager commented that the proposed use would not have prejudiced the character and function of the area and did not significantly affect any landscaping or prevent adequate and safe access to the site. The proposed use would not have been detrimental to any adjoining or surrounding properties.

The traffic generated and noise associated with the use would not have been of a level likely to result in an unacceptable impact on nearby premises.

It was advised that the application was therefore 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.

Following a consultation exercise, two objections had been submitted, one from a ward councillor and one a former ward councillor. Further details of the objections were contained in the submitted report and the addendum report. No objections to the application were received from the statutory consultees.

The Agent spoke in support of the application.

A discussion ensued and further clarification was sought in respect of use limitation, landscaping and access to the site, some of which were conditional requirements to the approved and operating section of the wider site. The Development Control Manager advised that those were not matters which affected the suitability of the proposal before Members, although confirmed that officers would consider the matter of the existing site not being operated in accordance with the approved scheme separately from the proposal.

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

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

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 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.

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 brickwork and roof tiles matched the existing property with the front elevation garage doors being timber and the windows and side access door being UPVC.

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.

It was conveyed to Members that the application was therefore 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.

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.

A resident spoke in objection to the application. The resident raised a number of concerns and objections to the retrospective development and indicated that the garage detailed on the plans was a habitable room.

The Development Control Manager advised that officers and Members were unaware of the specific use of the room in question although highlighted that it was a retrospective application and any plans being considered should properly reflect the situation on site. In light of the evidence received, a discussion ensued and it was established that further clarification was required

ORDERED that the application be **Deferred** for the reasons set out below:

Deferred to allow officers to re-visit the site and ascertain the internal uses of the building.

19/0068/COU Change of use from care home (C2 use) to 9no supported accommodation apartments (C2A use) at 2 - 4 Eastbourne Road, Middlesbrough, TS5 6QW for Mr Harrison

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 planning consent for the change of use of 2-4 Eastbourne Road from a care home (C2 use) to 9 supported accommodation apartments (C2A use). The application site was a pair of terraced properties located at 2-4 Eastbourne Road. The properties were located on the junction of Eastbourne Road and The Avenue and were within the Linthorpe Conservation Area and Article 4 designated area. Residential properties were located to the north, west and east with Holy Name of Mary Roman Catholic Church located directly opposite. To the rear of the building was an alleyway providing vehicle access. The building had been extended to the rear with a modern single storey extension and conservatory. The application proposed to remove a small section of the existing single storey rear extension and replace the single glazed UPVC windows on the rear elevation with double glazed UPVC windows. Revised plans had been submitted to retain the door access on the first floor front elevation to the balcony area. The building had been vacant since the closure of the care home in 2015.

On the ground floor, the proposed accommodation planned to provide five one bedroom apartments, a group room and an office on the ground floor with two laundry rooms. On the first floor, three one bedroom apartments and a single two bed roomed apartment were proposed. The application proposed to convert the rear detached garage into an office with bin store and cycle provision to be provided in the rear garden.

The proposed use of the building would have been individual supported accommodation apartments with additional office spaces, which included 24 hour staff assistance.

The application had been supported with a Design and Access Statement.

The main considerations with the proposal were the principle of the development, the impact on the amenity of the neighbouring premises, the impact on the character and appearance of the street scene and the Linthorpe Conservation Area, the impact on highway safety and any other residual matters.

The Development Control Manager advised that the change of use would not have prejudiced

the character and function of the area and did not significantly affect any landscaping or prevent adequate and safe access to the site. It was added that, in light of the current care home use, the proposal was not considered to increase the level of traffic generated or increase the demand for parking. Furthermore, the noise associated with the change of use would not have been of a level likely to result in an unacceptable impact on nearby premises.

The application was therefore 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.

Following consultation, there had been 13 letters of objection received and a single form signed by 40 residents. The objections related to the lack of parking, noise, privacy, impact on the conservation area, intended C2A (supported accommodation) use, anti-social behaviour, security and impact on nature conservation. No objections to the application were received from the statutory consultees.

The Applicant spoke in support of the application and a two residents spoke in objection.

A discussion ensued regarding the impact of the proposal on neighbouring properties and the committee proposed that an additional condition be applied to the application, which specified limited use for the supported accommodation.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report and **subject to inclusion of the additional condition** detailed below:

Restrictions on Use

The premises shall be used for the supported accommodation as granted under this permission and for no other purpose (including any other purpose in Class C2A of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure a satisfactory form of development.

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

The application had been deferred and was planned for submission to a future meeting of the committee.

6 **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