

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 7 February 2020.

**PRESENT:** Councillors Councillors J Hobson (Chair), D J Branson, D P Coupe, C Dodds, L Garvey, J McTigue, M Nugent, J Rostron and J Thompson and G Wilson

**PRESENT AS OBSERVERS:** J Cain

**ALSO IN ATTENDANCE:** R Davison, Councillor C Hobson and L Wall

**OFFICERS:** P Clarke, A Glossop and G Moore

**DECLARATIONS OF INTERESTS**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor J Hobson	Non-Pecuniary	Agenda Item 5 (Item 2 and 3) Ward Councillor

19/28 **WELCOME AND EVACUATION PROCEDURE**

19/29 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 6 DECEMBER 2019**

The minutes of the Planning and Development Committee meeting, held on 6 December 2019, were taken as read and approved as a correct record.

19/30 **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.

**SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS**

**ORDERED** that, in accordance with Council Procedure Rule No 5, the committee agreed to vary the order of business.

**ORDERED** that the following applications be determined as shown:

**19/0629/LBC and 19/0739/FUL Erection of glass veranda to front at 8B Astbury , Middlesbrough, TS8 9XT for Mr and Mrs Paul**

The Development Control Manager advised that the above applications 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 applications and the plan status were outlined in the reports. The reports contained a detailed analysis of the applications and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

In respect of the site, the Development Control Manager asked Members to determine two planning applications collectively, one seeking Listed Building Consent and the other seeking full planning permission for the erection of a veranda (canopy) at the front of the residential property.

Members were advised that the key issues to consider were the potential impact of the proposed canopy on the character of the host property, the surroundings and the listed building.

The committee was advised that permission was sought for a veranda to the front of the dwellinghouse measuring 2.0 metres in length, 3.8 metres in width, 2.2 metres in height to eaves and 2.5 metres in height to the lean to roof.

The application property of No. 8b Astbury was built as an adjoining farm cottage - slightly later than the farmhouse, now 8a Astbury - for Bonny Grove Farm.

During the late twentieth century, the farm use was lost and the farm complex was converted to residential use and dwellings constructed around it as part of a housing estate. That resulted in Nos. 8a and 8b functioning as semi-detached dwellinghouses with limited curtilages surrounded by close boarded timber domestic fences.

The Development Control Manager advised that the application site was a residential dwellinghouse situated on the northern side of Astbury, at the head of the cul-de-sac. Along with the attached neighbouring property, it was a listed building.

The submitted planning applications advised that the proposed veranda would be an open structure, with an aluminium frame and glass panes in the roof and be finished in a pastel green colour (RAL 6019).

Both front elevations of Nos. 8a and 8b faced southeast, but their front gardens were enclosed with high timber fences typically found enclosing back gardens. Beyond that, a coniferous hedge separated the properties from the green open space situated immediately to the south within Astbury. That arrangement suggested that the front elevation and garden of both properties could read like a rear garden, particularly when viewed from the highway within Astbury.

The local road layout and proximity of modern dwellings added to the visual uncertainty about which elevation was the front and which was the back, or indeed how either property was accessed, which was quite different from what historic maps evidence existed originally.

It was noted that the overall height of the veranda would be 2.5 metres. A Member queried the height of the veranda, the Agent explained that the height of the veranda could have been reduced by 100-150mm, however, due to safety regulations the height could not have been reduced further.

Members were advised that with the height of the timber fences and conifer hedges being lower than that, the uppermost part of the veranda may be visible from the Astbury streetscene. Notwithstanding that, it was considered that the structure would be mostly screened from the street by the natural landscaping (raised green and trees within the Astbury streetscape). In addition to that screening, the proposed veranda benefitted from a good separation distance from the Astbury streetscene.

Whilst the structure was proposed at the front of the property, the historic setting of the property had altered over time and had lessened in prominence within the immediate area, with the front garden appearing more akin to a rear garden when viewed from the wider area.

Overall, the committee was advised that it was the officer view that the proposed veranda would be an acceptable form of development on the front of the host property. It was envisaged that, although positioned on the front elevation, it would not create an incongruous addition to the property or the general Astbury streetscene due to its screening and distance from the highway. The potential impacts on the living conditions of the nearby neighbouring properties had been considered and no significant harmful effects had been identified.

The Development Control Manager advised that although the veranda would be considered a modern addition to the historic property, the proposed veranda would be a minor development that would have a neutral effect on the listed building and would not harm its setting.

The application was subject to the standard notification of neighbouring properties, which included 11 separate addresses. After the consultation period, the application for Listed Building Consent had received four formal written objections and the application for full

planning permission had received two.

Objections had been received from neighbouring properties, a Marton West Ward Councillor and Marton West Community Council. There had been no technical objections from statutory consultees.

The Agent was elected to address the committee, in support of the application.

In summary, the Agent explained that the proposed veranda would be a small structure in metal and glass, in a subtle traditional style. It was considered that the use of glass for the roof panes and the open sides would provide a lightweight and largely transparent addition, which would thereby minimise its visual impact on the front elevation of the building and on the neighbouring properties.

A Ward Councillor for Marton West Ward and a resident of a neighbouring property spoke in objection to the application. In summary, the objections related to:

- the erection of the proposed veranda not being in keeping with the listed building, which had remained unchanged since 1740;
- the veranda being a modern addition to the property, detracting from listed architectural and historical provenance of the site;
- the proposed veranda being at the front of the property and visible from the road;
- the veranda projecting beyond the building line of Bonny Grove Farm;
- the veranda completely covering the facade of the cottage;
- the proposed materials of glass and aluminium impacting on the property; and
- the development changing the appearance of Bonny Grove Farm and its adjoining cottage.

It was advised that the Grade II heritage assets within Marton West, contributed to the development of the area from a rural to an urban setting. The Ward Councillor commented that the Marton West Neighbourhood Plan stated it was important that any proposed changes to a property did not detract from surrounding properties in style and materials or detract from the character of the property itself.

Members raised queries regarding the potential impact of the development on the host listed building.

A Member enquired whether English Heritage could remove listed building status, if the applications were approved. The Head of Planning advised that it was highly unlikely - as the proposed veranda was a structure, which was relatively easy to remove with no impact to the structure of the host property. Therefore, whilst the application proposed it as a permanent addition, it was capable of being removed with minimal physical impact on the listed building. Should the veranda be removed in future, it was advised that any small fixing holes into the render would be made good to remove physical evidence of the addition to the building and that was secured by a condition.

A Member commented that the recent addition of dormer windows to the roof was considered a modern addition to the historic property. The Development Control Manager advised that the windows were a permitted development, not requiring an application for planning permission.

In respect of the planning history of the site, the Head of Planning advised that in 2003, a planning application had been approved for the farmhouse (Bonny Grove Farm) to be split to form two dwelling houses, namely Astbury 8a and 8b. The farm buildings and barn at Bonny Grove Farm were listed as Grade II and those buildings had been brought back into beneficial use through refurbishment and conversion to residential use.

A discussion ensued and Members put forward their views on the impact of the proposed development on the character of the area and on the surrounding residential amenity.

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

**19/0574/COU Change of use from shop (A1) to hot food takeaway (A5) and installation of extraction flue to side at 61 Parliament Road Middlesbrough TS1 4JW for Mrs S Afza**

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 site was an end terrace, two storey property located on the corner of Parliament Road and Harford Road. The property was located within the Parliament Road Local Centre.

Planning permission was sought for the change of use of the ground floor from retail unit (A1) to hot food takeaway with installation of a fume extraction flue to the side.

Parliament Road Local Centre was within a residential area, and included a good mixture of units that served the day to day needs of the local community. There was also a somewhat sporadic offer of commercial/retail units along the road that were not within the local centre designation, yet in themselves reflected a local centre offer, with a number of those units offering hot food takeaway facilities.

An annual survey conducted most recently in March 2019 had identified a 6% proportion of hot food takeaways uses within the Parliament Road Local Centre boundary, with the additional approval of a further hot food takeaway within the centre at 140 Parliament Road (18/0581/COU) potentially increasing the proportion of uses to 9%. Approval of the current application would have seen the centre's hot food takeaway concentration increase to 12%. Therefore, the proposal would have resulted in the proportion of A5 hot food takeaways exceeding the identified 10% threshold for the local centre, thus detracting from its vitality and viability.

It was commented that in 2004 an application for planning permission in respect of a proposed change of use (from retail unit (A1) to hot food takeaway) had been considered by the committee and subsequently refused.

Neighbourhood consultations had taken place and no objections to the proposal had been received from nearby residents.

The Development Control Manager advised that the proposal had been assessed against local policy and guidance and it was considered that the proposed use would have resulted in an excessive number of hot food take-aways in the local centre. An excessive number of hot food take-aways would have had an adverse impact on the vitality and viability of the local centre. That would have been further exacerbated by other existing hot food takeaways within the surrounding area out-with the designated centre. As a result of being closed during the day, it was also considered that the proposal would have had an unacceptable impact on the character of the area. In addition, as a result of being open until 2am all days of the week, the proposal would have been likely to have an adverse impact on the residential amenity associated with surrounding residential properties.

The proposal was therefore considered to be an unacceptable form of development contrary to national and local policy and was therefore recommended for refusal.

A discussion ensued and Members commented on:

- the level of hot food takeaways within the local centre;
- the loss of a retail unit;
- the impact on the vitality and viability of the local centre; and
- the impact of the proposed use and its extended opening hours on the amenity of nearby residents.

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

**19/31 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****19/32 PLANNING APPEALS****Appeal Ref: APP/W0734/W/19/3229365 - 77 Thornfield Road, Middlesbrough TS5 5BZ - Appeal Dismissed**

The development proposed was two blocks of self-contained flats.

The main issues in the determination of the appeal were the effect of the proposed scheme on:

- the character and appearance of the surrounding neighbourhood;
- the living conditions of occupants of nos. 77-81 Thornfield Road and future occupants of the proposed apartments; and
- the operation of the local highway network.

**Appeal Ref: APP/W0734/D/19/3235920 - 11 Arnside Avenue, Middlesbrough TS3 8HA - Appeal Dismissed**

The development proposed was the siting of containers.

The main issues were the effect of the proposal on the character and appearance of the area and the effect of the proposed development on the living conditions of nearby occupiers with specific regard to outlook.

**Appeal Ref: APP/W0734/W/19/3235917 - Park End Clinic, Overdale Road, Middlesbrough TS3 7EA - Appeal Dismissed**

The development proposed was the siting of four containers and canopy roof.

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

**Appeal Ref: APP/W0734/W/19/3235859 - Land at Dell Close, Marton, Middlesbrough TS7 8JG - Appeal Dismissed**

The development proposed was originally described as 'outline application with all matters reserved for the erection of up to 5. No dwellings'.

The main issue was the effect of the proposed development on open space.

**Appeal Ref: APP/W0734/D/19/3238818 - 12 Devonshire Road, Middlesbrough, Cleveland TS5 6DP - Appeal Dismissed**

The development proposed is described as 'resubmission ref 19/0053/FUL proposed erection of timber fence to front and side'.

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

**Appeal Ref: APP/W0734/C/19/3233880 - 8 Windsor Road, Linthorpe, Middlesbrough TS5 6DR - Appeal Dismissed**

The appeal was made by Mr Mahboob Khan against an enforcement notice issued by

Middlesbrough Council. The requirements of the notice were to:

1. remove the wooden boundary fence from the top of the existing brick wall; and
2. return the wall to its condition prior to when the breach occurred.

The main issue arising in the appeal was the effect of the fence on the character and appearance of the area, including having regard to its proximity to the Linthorpe Conservation Area.

In respect of the appeals, the Development Control Manager provided Members with details of the issues raised by the Planning Inspectorate.

**NOTED**

19/33

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

A Member raised concerns about the damage caused to the highway as a result of development activities and works on land adjacent to the highway. The Member queried whether a condition could be attached to planning applications to ensure repair work was undertaken by the applicant.

The Development Control Manager advised that damage to the public highway and repair work was an issue for the Highway Authority. It was commented that highway damage resulting from development activities was subject to ongoing discussions between the local Planning Authority and Highways Authority.

**NOTED**