

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 6 December 2019.

**PRESENT:** Councillors J Hobson (Chair), D J Branson, D P Coupe, C Dodds, L Garvey, J Rostron, J Thompson, G Wilson and J Platt (As Substitute)

**PRESENT AS OBSERVERS:** J Cain

**ALSO IN ATTENDANCE:** T Baker, Councillor C Hobson, Councillor J Rathmell, Councillor M L Smiles and S Thomason

**OFFICERS:** P Clarke, A Glossop, R Hamer, G Moore, S Thompson and J Youngs

**APOLOGIES FOR ABSENCE** Councillors J McTigue and M Nugent.

**DECLARATIONS OF INTERESTS**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor J Hobson	Non-Pecuniary	Agenda Item 4 (Item 2) Ward Councillor
Councillor J Platt	Non-Pecuniary	Agenda Item 4 (Item 4) Ward Councillor
Councillor J Thompson	Non-Pecuniary	Agenda Item 4 (Item 5) Ward Councillor
Councillor G Wilson	Non-Pecuniary	Agenda Item 4 (item 5) Ward Councillor

**1 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 1 NOVEMBER 2019**

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

**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.

**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:

**19/0458/FUL Residential development comprising 102 dwellinghouses (60 no replan and 42 no additional) with associated access and landscaping at Grey Towers Farm Stokesley Road, Nunthorpe, Middlesbrough, TS7 0NF for Barratt David Wilson Homes**

The Head of Planning 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 Head of Planning advised that permission was sought for the erection of 102 dwellings on

the Grey Towers housing development site. The site currently had full permission for 410 dwellings, the application was a re-plan of 60 dwellings and an additional 42 dwellings - increasing the number of dwellings on the wider site to 452.

The site was located to the south west of Dixons Bank (A172) and south east of Brass Castle Lane. It comprised 6.13ha of open fields, mature woodlands and farmland. The site was part of the wider Grey Towers development site, which was currently under construction.

The 102 dwellings proposed, consisted of:

- 66 three bed dwellings; and
- 36 four bed dwellings.

The proposed dwellings were made up of 3 three bed house types and 5 four bed house types. All the proposed dwellings were two-storey with the majority being detached and 10 dwellings being semi-detached.

The Head of Planning advised that the application before Members was a full application for the development of 102 dwellings and associated works, including roads, drainage and landscaping.

The application site was part of the wider Grey Towers site allocated in the Housing Local Plan for residential development where Local Plan Policy H28 applied. In 2012, outline consent for the Grey Towers development had been granted for 295 dwellings, in accordance with policy H28. Subsequent applications had increased the number of dwellings on the site and the application sought a further increase of dwellings by 42 units to 452 dwellings. It was commented that the increase would be contrary to Housing Local Plan Policy H28, which stated that the site should contain a bespoke executive residential scheme and provide a maximum 295 dwellings.

In terms of the increase of numbers, previous approvals on the site had accepted the principle of increased numbers of units beyond the policy allocation.

Policy H28 set out the overarching design concept for the development and required development proposals to provide an executive residential development, based on an approximate target density of seven dwellings per hectare. It also centred on three character areas (a village core, village streets and houses in landscape), which were different, distinct, interlinked, and reflected a North Yorkshire village setting. The application did not accord with the provisions of that policy in that it did not provide for executive housing and also exceeded the maximum number of dwellings specified.

The Head of Planning advised that although the proposal was contrary to Policy H28, consideration needed to be given to providing housing to meet needs and balancing the policy requirements in the Local Plan.

The development marginally increased the number of four bed properties and increased the number of three bed properties. The proposal provided opportunities for those who wanted to live in a high-quality development, which had significant landscaped areas, but did not want a large property. The increase in the number of three bed properties offered an enhanced choice across the wider site.

The proposed development also retained a significant amount of open space, sought to enhance the woodland at the site and provide play/art leisure facilities for community use. That in turn would retain the original high-quality North Yorkshire design ethos.

The proposal formed part of the Grey Towers Farm residential development scheme, which largely fell within the Nunthorpe Ward boundary. The phase of the scheme and the proposal site, however, was located within the Marton West Ward boundary.

Consultation letters had been sent to local residents, a press notice issued and site notices posted around the site. Following the consultation exercise, objections had been received

from 17 properties. The objections were summarised at paragraph 13 of the submitted report.

Objections were received from the Nunthorpe Ward Councillors, Nunthorpe Parish Council and Marton Community Council. There were no technical objections from statutory consultees.

The Head of Planning advised that, during the application process, revisions had been made to the layout and the house types in response to consultation responses and officer comments. The revised details were contained in the submitted report.

Members were advised that those comments, which were not material planning considerations, included:

- mis-sold properties;
- decrease in property values;
- loss of views; and
- the availability of services - such as doctors.

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

In summary, the Agent explained that the proposed scheme had been re-planned to align it to market demand in the area of the Town and wider area. It was commented that the proposal retained a significant amount of open space and also provided play/art leisure facilities for community use, ponds, swales, woodland and landscaped areas. Members heard that the proposed scheme would improve the economic, social and environmental conditions of the area and would not have inappropriate or undue effects on traffic or highways. It was advised that the scheme offered a high-quality design and materials to compliment the approved development.

In response to a Member's query regarding market studies, the Agent advised that the scheme had been re-planned to align it to market demand. It was advised that, over the years, the desire for larger properties had decreased and as a result the development had stalled.

A Member enquired whether the proposal would reduce the value of properties that had previously been built on the site. The Head of Planning advised that a potential decrease in property values was not material planning consideration.

A Ward Councillor for Marton West Ward, the Ward Councillors for Nunthorpe Ward and a representative from Nunthorpe Parish Council spoke in objection to the application. In summary, the objections related to:

- inadequate services (doctors, schools etc.);
- poor design and size of houses substandard;
- Marton West Neighbourhood Plan placing emphasis on provision of mixed housing e.g. bungalows
- the increase in traffic and congestion;
- road safety;
- poor broadband speeds.

A Ward Councillor for Nunthorpe Ward advised that a financial contribution of £750,000 was required as part of the original outline consent for the site to provide for additional capacity at a local school. The Ward Councillor commented that the money had not materialised and once received, would be spent on schools across the whole of Middlesbrough, rather than specifically on schools in Nunthorpe.

The Head of Planning advised that, in respect of education, the trigger points for receiving s106 financial contributions had not yet been reached. It was added that if the committee was minded to approve the application, the s106 agreement could be amended to ensure that the financial contribution of £750,000 was specifically spent to increase education facilities in Nunthorpe schools.

In respect of other community facilities, the Head of Planning advised that a contribution of £200,000 had been made towards Marton Library, as a result of the original s106.

The Head of Planning also advised that Policy H28 referred to a community centre being provided as part of the development. It was explained to Members that previous s106 agreements had sought contributions towards community facilities. It was clarified that further contributions were being sought towards community facilities and open space as part of the s106 agreement for the application - as a result of the additional 42 dwellings.

Members were informed that discussions would take place to ascertain what community facilities would be provided.

In respect of objections relating to the size of the dwellings being smaller and of a reduced quality, the Head of Planning explained that the proposed dwellings either met, or in the majority of cases exceeded, the government's space standards for new dwellings. The dwellings offered good amenity for the residents, which was considered to contribute towards a high-quality scheme.

Members heard that during the application process, officers noted a number of elements that were considered to undermine the overall achievement of high-quality development within the phase. As a result, the applicant was requested to alter the scheme to remove those elements and enhance the overall design quality to be more in line with policy guidance.

The NPPF required local authorities to deliver a wide choice of high-quality homes to significantly boost the supply of housing. The proposed dwellings offered a mix of high-quality styles and sizes with varying garden sizes. Therefore, the dwellings were considered to be in accordance with the requirements of the NPPF.

Previous applications for the site had been subject to conditions removing all permitted development rights for residential dwellings. Members were advised that it was considered that permitted development rights should also be removed for the proposed development. It was advised that, by removing permitted development rights, the Local Authority would have more control over the development and ensure that the high-quality designs of the dwellings, and their relationship with their neighbours and landscaped areas, were retained.

In respect of Marton West Neighbourhood Plan, the Head of Planning advised that the plan placed an emphasis on the development of bungalows on the riding school site. However, the plan made no reference to the development of bungalows on the Grey Towers Farm site. Members were advised that Marton West Neighbourhood Plan did not contain any specific policies in respect of the proposal site.

In respect of highways related matters, the Transport Development Engineer advised that previous consents for the site had been considered and approved and did not require further planning approval.

The application had been supported by a Transport Statement, which used the same methodology with regards to trip generation as the previously considered and consented schemes. That methodology utilised survey data from the occupied element of the development. The subsequent trip rate established was appropriate and comparable to both the TRICS database and a survey of another site in Middlesbrough.

Using the evidence based approach, the committee was advised that the 42 additional dwellings would generate 33 two-way vehicle movements during the AM/PM highway peak periods. Those peak periods were when the highway network was at its most sensitive. Currently, during peak periods there were 3900 vehicle movements, the additional 33 movements was an increase of 0.9%. Members heard that the impact could not be demonstrated to be significant or severe when assessed against the NPPF.

The internal highway layout had not materially changed from that considered and approved previously.

The developer had agreed to the dedication of a series of rights of way, bridleways and cycle paths throughout the application site and the wider Grey Towers development, therefore, connecting the different landscaped areas and woodlands in the site.

S106 contributions toward highway improvements and sustainable travel were also being sought to mitigate against the development and promote more sustainable methods of travel.

The Local Highway Authority had no objections to the scheme.

A Member commented that the traffic lights on Dixons Bank / Brass Castle Lane / Guisborough Road were no longer appropriate for the existing traffic. The Member added that the proposed development would not allow any highway improvement works to be undertaken to improve traffic flow. The Member also expressed concern in respect of access to the future Park and Ride facility planned for Nunthorpe. The Head of Planning advised that the previous consents that had been considered and approved could be implemented, without the need for further planning approval. The committee was shown the layout of the approved plans and proposed plans and both were similar in that they provided landscaping in the area next to Brass Castle Lane. The Head of Planning advised that if highway improvement work was required in future, the proposed layout could accommodate them.

In response to a Member's request to increase signalling at the junction of Brass Castle Lane and Dixons Bank, the Principal Highways Engineer explained that Dixons Bank was the strategic arterial route. Therefore, increased signalling at that junction, to allow cars to turn right onto Dixons Bank, would not bring any benefits to the operation of Dixons Bank.

In response to a Member's query regarding broadband, the Agent advised that there was provision on site for high speed broadband and residents would be able to gain access by requesting supply from broadband providers.

The Head of Planning advised that the proposed development would provide a good mix of dwelling types, which were considered to be of high-quality design and materials to compliment the approved development in an attractive landscaped setting with an appropriate layout. It was commented that the development would not result in a significant detrimental impact on the amenities of existing local residents. It was also added that strategic works to the highway network would mitigate against the impact of the development on the local highway network.

A discussion ensued regarding the impact of the proposed development in respect of the character of the area, the nearby residents and the community as a whole.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report and subject to an amendment of the s106 agreement to reassess the contributions for:

- affordable housing;
- community facilities;
- transport and highways;
- Marton West Beck; and
- open space.

**19/0616/FUL First floor extension and dormer to rear and installation of window to side at 75 The Oval, Middlesbrough, TS5 8EZ for Ms K Shepherd**

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 application sought planning permission for a first floor extension above the existing

offshoot to the rear and a dormer extension, also to the rear. Both were to be clad in timber. It was advised that the dormer extension would be permitted development if it used matching materials to the main house, however, as it was proposed to utilise non-matching materials, it required planning permission.

The key considerations for the proposal were the scale, design and materials used in the construction of the extension and dormer, their impact on the character of the area and the amenity of nearby properties.

Nearby Neighbours were notified of the proposal, comments were submitted by 4 neighbours. Information in respect of the comments received were detailed in the submitted report.

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

The committee concluded that due to its scale, design, use of materials and relationship to nearby dwellings, the proposed development would have an unacceptable impact on the character of the area and on the amenity of nearby residents.

In response to a Member's query, the Development Control Manager advised that the appropriate enforcement action would be taken.

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

**19/0613/COU Change of use from betting shop (sui generis) to mixed restaurant/bar (A3/A4), with new frontage and installation of extraction equipment at rear at 118-120 Linthorpe Road, Middlesbrough, TS1 2JR for Law**

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.

Planning permission was sought to change the use of the premises from a betting shop (sui generis) to a mixed restaurant/bar (A3/A4).

The application site was identified as being within the retail sector of the town centre on the adopted Proposals Map, where there was a mix of retail, professional services, restaurants and drinking establishments.

The key considerations of the proposal were the potential impacts of the restaurant/bar use on the vitality and viability of the local area of Linthorpe Road, and the impacts of the extraction equipment on visual amenity.

The application was subject to the standard notification of neighbouring properties, which had included 41 addresses. After the consultation period, no comments, objections or other representations were received. There were no technical objections from statutory consultees.

On balance, the proposed use and the associated equipment were deemed acceptable and accorded to local policy, and the officer recommendation was for conditional approval.

A discussion ensued and Members commented that the proposed change of use would contribute to the overall vitality and viability of the town centre.

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

**18/0110/FUL Erection of 6 dwellings and associated works at Land at Ladgate Lane, Middlesbrough, TS5 7YZ for Mr H Shan**

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 application sought permission for the erection of 6 dwellings on land off Ladgate Lane. The site was an enclosed paddock / grassland located to the north side of Ladgate Lane and to the east of the access road into the Middlesbrough Golf Club. The proposal provided six detached dwellings with integral garages positioned within a cul-de-sac arrangement with the highway access taken from the existing private access road into Middlesbrough Golf Club. The land was designated as Green Wedge within the adopted local plan.

The application had been advertised in the local press, site notice posted and consultations sent to the statutory consultees, local residents and Ward Councillors. Following the consultation exercise, 3 objections had been received. A summary of the objections received were detailed 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, highway requirements, ecology and mitigation.

Members were advised that officers recommended approval, subject to:

- the conditions detailed in the submitted report; and
- an acceptable scheme of drainage being submitted to, and approved by, the Local Planning Authority within 9 months from the date of the decision.

A discussion ensued and it was highlighted that, in the instance that a scheme of drainage for the site was not submitted and approved, the application would be refused.

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

**19/0617/FUL Change of use and two storey extension to rear of existing building to provide children's home and children's services hub (sui generis) at 118 - 120 Spencerfield Crescent, Middlesbrough, TS3 9HR for MBC - Children's Services**

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 application sought planning permission for the change of use and extension of premises off Spencerfield Crescent. The committee was advised that the existing building and the two-storey extension to the rear would accommodate the proposed children's home and children's services hub use (sui generis use class).

It was commented that, based on the drawings, the proposals would provide 8 bedrooms, which would accommodate up to six children and two members of staff. Over two properties, that would be the equivalent to two families. Such a scale of development was deemed to comply with local policy as the associated activities were not likely to create undue nuisance and disturbance, or to harm the quiet enjoyment of the open space in the Green Wedge.

The application was subject to the standard notification of neighbouring properties, which

included 4 addresses. A site notice was also posted on 5th November 2019. After the consultation period, there were no objections or other representations received. There were no technical objections from statutory consultees.

On balance, it was the officer view that the proposals would represent an acceptable form of development. It had been appraised that the development would neither be harmful to the character and appearance of the Green Wedge and Primary Open Space of Thorntree Park, nor to the Spencerfield Crescent street scene. It was explained that the scheme would also be designed to minimise any significant effects on the residential amenities of nearby occupiers.

Members heard that the proposed development would, therefore, be in accordance with the relevant local policies and the officer recommendation was for conditional approval. The extension and the intended use were acceptable in the location, and within the existing environment.

A discussion ensued regarding access and the Council's Edge of Care Operations Manager advised that on-site staff managed access to the site, ensuring gates were locked on evenings and opened on mornings.

**ORDERED** that the application be **Approved on Condition** for the reasons 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 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Members were reminded that a training session was scheduled to take place on Monday 16 December 2019. The session had been arranged to provide Members with information on planning policy in Middlesbrough and raise awareness of matters relating to planning and development

**NOTED**