

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 6 March 2020.

**PRESENT:** Councillors J Hobson (Chair), D Coupe, S Hill (as substitute for J McTigue), M Nugent, J Rostron and G Wilson.

**PRESENT AS OBSERVERS:** J Cain (Press).

**ALSO IN ATTENDANCE:** S Parker and S Slorach (in attendance for Agenda Item 5 – Item 2).

**OFFICERS:** P Clarke, A Glossop, C Lunn, S Thompson and J Youngs.

**APOLOGIES FOR ABSENCE** Councillor D J Branson, C Dodds, L Garvey, J McTigue and J Thompson.

**DECLARATIONS OF INTERESTS**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor D Coupe	Non Pecuniary	Agenda Item 5 (Item 1) - Acquaintance of the applicant.

**1 WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all in attendance to the meeting and read out the fire evacuation procedure.

**2 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 7 FEBRUARY 2020**

The minutes of the Planning and Development Committee meeting, held on 7 February 2020, were taken as read and approved as a correct record.

**3 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 reported thereon.

**M/FPL/0822/15/P Listed building and planning for erection of 3no dwellings with boundary treatments on former car park at Stainton Grange, Stainton Way, Middlesbrough, TS8 9DF for Mr P. Kahlon**

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.

Members were advised that planning permission was sought in 2015 for the erection of three dwellings on land associated with Stainton Grange, a Grade II\* listed building in the south of the town. The application was submitted and considered on the basis of it achieving enabling development, which would provide funds for the owner to then re-invest into the renovation and structural stabilising of Stainton Grange. The principle of new dwellings on the site was contrary to policy, however, enabling development to support heritage assets could be a material planning consideration. Although initially recommended by officers for refusal, the application was approved by Committee, subject to a S106 Agreement being signed to ensure that the enabling works to the listed building were undertaken.

The expectation of the Local Planning Authority was that, where enabling development was approved in a location where development would otherwise be refused, there needed to be a clear understanding as to what enabling works would take place to the listed building, and that permission existed for those works so that there were no barriers to them being undertaken. This prevented ambiguity and prevented the enabling development being undertaken and no renovation / structural repairs being achieved to the heritage asset.

The Committee heard that officers had worked with the applicant and agent in an attempt to gain adequate information to support the signing of the S106 Agreement. However, limited information had been forthcoming and, after a long stalled period, the applicant had now confirmed an intention to submit a new application for an alternative proposal, albeit of a similar nature. This had left this application in an undetermined position without the S106 Agreement that was a requirement of the decision that the Committee previously made in 2016. In this instance, the development was considered to be contrary to the previous decision and contrary to policy without the S106 Agreement. Therefore, the application was being brought back before the Committee with a recommendation to refuse.

The application site was located in the southern part of Middlesbrough, off Stainton Way. The former farmhouse had historically been surrounded by farmland, although residential development and the new Police Hub had, over recent years, edged closer to the site.

The property (former offices and previously a farmhouse) was a listed building (Grade II\*), which sat within a defined curtilage, having garden and landscaping to the front and outbuildings and other structures to the rear. A former car park (application site) laid outside of what would be considered to be the front garden boundary for the property. Stainton Grange was currently in residential use and had not been used for offices for several years.

The application sought listed building consent and planning permission for the erection of three dwellings and associated boundary treatments, hard surfacing and other works on the former car park area.

The Development Control Manager provided details regarding the planning history of the site. Members were directed to the two earlier reports to Committee in relation to this proposal, as appended and as dated March 2016 and July 2016. These provided a wider context to what was essentially an update report to the previous Committee decision.

It was noted that this application was put to Committee on 4 March 2016 with a recommendation to refuse, due to it being outside the limits of development and the proposed dwellings affecting the setting of the listed Stainton Grange. This took into account Historic England advising against the Council supporting the proposal. However, following the site visit, the Planning Committee indicated they were minded to support the application, although required further actions. The Planning Committee requested that the advisor from Historic England visit the site and re-consider the comments made, as the initial comments made were not based on a site visit. Historic England visited the site, although still advised against the scheme being approved. The application was subject to the standard notification of neighbouring properties. After consultation activity, eight letters of support had been received from residents.

The application was taken back to Committee in July 2016 and Members overturned the officer recommendation in that they resolved to approve the development, subject to a legal agreement being entered into to ensure funds from the development of the dwellings went back to support the renovation of the listed building. No such legal agreement had been forthcoming and the applicant was now advising that they did not intend to proceed with the three dwellings as proposed, but instead intended to pursue an alternative scheme which would need to be considered under a new application.

A Member commented that he had attended a previous visit to the site as local Ward Councillor, and explained that a concern raised by Heritage England regarded the views from the house being affected by the development. Reference was made to the Police Community Hub and the large mast that could be seen from the house.

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

**19/0663/FUL Construction of three-storey Art College building, with associated car park and landscaping works at Site of Denmark Street Car Park, 32 Wilson Street, Middlesbrough, TS1 1RP for Mr Martin Raby (The Northern School of Art)**

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 Committee was advised that planning permission was sought for the erection of a three-storey building of 5,200sqm on the site of the Denmark Street Car Park. The application site wrapped around the southern and western elevations of the adjacent Sainsbury's supermarket, and was positioned on the corner of Newport Road and Hartington Road. The proposed building was intended to be occupied by the Northern School of Arts, which would provide accommodation for up to 725 students.

The building would follow a north-south axis along the existing car park. Pedestrian / student access to the building would be from the Newport Road frontage.

In addition to the building, consent was sought for associated landscaping works and car parking. Vehicular access into the site would be retained from the access point to the east (shared with servicing arrangements for Sainsbury's supermarket); the existing access point close to Hartington Road would be removed.

Along the southern and western boundaries of the site, cycle ways and footpaths were proposed providing links between the town centre and Cannon Park.

The proposed scheme included provision of a new access into the site, car parking, landscaping, public realm, the building, as well as enclosed outdoor space. The principle of the education establishment and a building of this scale was in accordance with policy in terms of its general location, the sustainable credentials of the site, and that it would add footfall into the town centre, which would support the vitality and viability of the town centre.

The building was considered to be a well-designed, bespoke development with high quality materials to its facades, which would uplift this part of the town and sit well within the street scene. The external appearance of the building would be glazed ceramic terracotta. Further to this, the applicant and agent had worked with officers throughout the scheme to provide a high quality area to the front of the site, which would provide good access to and from the building as well as for other users of the highway network.

The application had been the subject of the standard notification of neighbouring properties by letter drop, which included 98 different addresses. Site notices were also displayed at locations around the application site. Following the consultation period, no comments, objections or other representations were received.

The Development Control Manager tabled an addendum report to the Committee, which provided details of an additional condition regarding works being required to the embankment supporting the B1262 / retaining structure as may be required, or an alternative scheme of measures to improve the pedestrian and cycle facilities at the junction of Hartington Road / Newport Road.

A discussion ensued and Members commented on:

- The impact on the vitality and viability of the town centre;
- The impact on aesthetics and the character of the area;

- The impact on the reputation of the Art College; and
- The relocation of the Art College from its current Green Lane (Linthorpe) locality.

**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:

**Works to Support B1262 Embankment or Other Measures**

**Details of the works required to the embankment supporting the B1262 / retaining structure as may be required, or an alternative scheme of measures to improve the pedestrian and cycle facilities at the junction of Hartington Road / Newport Road, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved scheme shall either be implemented on site or measures put in place to achieve the same, which have first been agreed with the Local Planning Authority in writing, prior to the building hereby approved being brought into use.**

**Reasons: In the interests of the safe and free passage of highway users.**

**19/0752/FUL Single storey extension to rear to provide 14 no. additional bedrooms at Fountains Court Care Home, The Pastures, Middlesbrough, TS8 0UJ for Mr George Dixon**

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 related to Fountains Court Care Home, which was situated at the head of a cul-de-sac to the north western corner off the Pastures estate in Coulby Newham off Bonnygrove Way, in what was a predominately residential area. The site sat directly to the south of Stainton Way.

The application sought planning approval for a single storey extension to create an additional 14 bedrooms with en-suite facilities.

Although relatively large, the extension had been designed well so that it would not have a detrimental impact on the character and appearance of the area, or significantly impact the amenities of the adjacent residential properties.

Following consultation, three objections had been received from residents (out of 22 original neighbour consultations). In summary, the objections related to:

- A potential increase to the volume of traffic;
- A potential increase to the number of vehicles parking in the vicinity / cul-de-sac;
- A potential impact on highway safety; and
- A potential increase in noise and disruption.

As part of the proposal, additional parking had been provided in line with the requirements of the design guide standards. It was indicated to the Committee that there were 14 spaces at present, which would increase to 18 with this development.

It was explained to Members that the comments received in respect of parking tended to relate more to when the care home was holding events, or when an incident had occurred at the premises. Parking was not necessarily provided for all eventualities. However, notwithstanding this, the development did intend to provide some additional parking. Members were of the opinion that if there was an existing parking problem, a resolution should not be sought through this application. In response to an enquiry, the Committee was

advised that the neighbouring properties in the cul-de-sac did have provision for off-road parking.

The Transport Development Engineer advised the Committee that if parking was of concern to Members, an additional condition for further parking provision could be assigned. The Development Control Manager referred back to the site visit and highlighted the potential space available to the front of the building, which could have provided additional parking space should Members wish to add a further condition.

The Transport Development Engineer explained that, if assigning a further condition, this could also include reference to a travel plan, as predominantly the demand for car parking would be greatest for staff during peak periods. Events held outside of peak periods could also be taken into consideration in terms of minimising the car parking impact.

A Member commented that, if problems continued to persist once an additional condition had been assigned (i.e. creation of further car parking space and completion of a travel plan), consultation with residents in relation to car parking could potentially be undertaken.

**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:

**Additional Car Parking**

**The development hereby approved shall not be occupied until a scheme for additional parking has been submitted to and approved in writing by the Local Authority and constructed and laid out in accordance with those details.**

**Reasons: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.**

4 **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).

A Member made reference to application reference 19/0619/FUL and queried the type of waste that would be processed at the facility. In response, the Committee was advised that this referred to timber waste.

**NOTED**

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

**Conservation and Planning Training**

The Head of Planning advised that conservation and planning training had been scheduled for Tuesday, 10 March 2020 at 1.00 p.m. One area of focus concerned the issue of significance and how this would be assessed when considering applications.

**NOTED**