

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 4 September 2020.

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

ALSO IN ATTENDANCE: J Burt, K Conway, S Dodds, Councillor C Hobson, R Holland, D Marjoram, M McClintock, Councillor J McTigue, Councillor J Rathmell and Councillor M L Smiles

OFFICERS: S Bonner, P Clarke, A Glossop, D Johnson, C Lunn, G Moore, A Perriman and S Thompson.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor J Hobson	Non-Pecuniary	Agenda Item 5 (Item 3) - Ward Councillor
Councillor G Wilson	Non-Pecuniary	Agenda Item 5 (Item 1) - Acquaintance of representative from Persimmon Homes

1 WELCOME AND INTRODUCTION

2 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 10 JULY 2020

The minutes of the Planning and Development Committee meeting, held on 10 July 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.

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:

18/0786/FUL Erection of 97 residential dwellings with associated access, landscaping and infrastructure at Nunthorpe Grange, Nunthorpe, Middlesbrough for Persimmon Homes

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 site was located on the northwest side of the A1043 (Nunthorpe Bypass) approximately half way between the Poole Roundabout and Swans Corner. It comprised 5.84ha of green field.

During the application process revised details had been submitted reducing the number of dwellings proposed from 128 to 97 and changes had been made to the housetypes and layout.

Permission was sought for the erection of 97 no. dwellings with associated works, including the creation of a temporary vehicle access onto the A1043, an internal highway network, drainage works and landscaping.

The 97 dwellings proposed were made up of 17 housetypes comprising 16 two-bed dwellings, 34 three-bed, 37 four-bed and 10 five-bed. The dwellings were a mix of two and three storey, detached, semi-detached, and terraced properties.

Following a consultation exercise, 54 objections had been received from 42 properties, the Community Council, Nunthorpe Parish Council and Ward Councillors. The comments received were summarised, or set out in full, in the submitted report.

The Head of Planning made reference to the content of the Housing Local Plan, which had been published in 2014. In respect of Nunthorpe Grange site and the key policy considerations for the committee's determination, the plan stated:

'Land is allocated at Nunthorpe, South of Guisborough Road for a maximum of 250 predominantly three and four bedroom detached and semi-detached dwellings, and associated access arrangements.'

Development proposals will be expected to:

- *provide a residential development that reflects the housing types within the surrounding area;*
- *take account of the topography, features and views of the site in the design process;*
- *provide a new vehicular access arrangement off the A1043;*
- *ensure that there is no vehicular access onto Guisborough Road;*
- *retain and integrate existing mature trees and hedgerows, where possible;*
- *retain and integrate existing footpaths, which should be combined with additional cycle and footpath routes;*
- *retain and enhance the planting buffer alongside the A1043 and the railway;*
- *retain the existing play pitches on the site;*
- *set-a-side approximately 3 hectares of land for public open space/recreational purposes;*
- *provide any necessary off-site improvements to transport infrastructure to ensure traffic generated by the development does not have a significant detrimental impact upon the highway network;*
- *provide 15% on site affordable housing or an equivalent off-site financial contribution;*
- *provide off-site improvements to school provision to accommodate the educational needs of future residents;*
- *create an approximate 3.5 hectare wildlife habitat in that part of the site designated within flood zone 2-3;and,*
- *maximise any potential use of SUDs and/or de-culvert, along watercourses and natural pond areas, where appropriate;*

A noise assessment will be required to take account of traffic noise from the A1043 and railway line.

This site will not be brought forward until an agreement on the provision of a park and ride facility has been secured or the Longlands Road to Ladgate Lane road have been secured and a timetable for implementation agreed.

Development will be required to make a contribution to the provision of the transport infrastructure requirements identified within the Infrastructure Delivery Plan.'

In addition to Policy H29, the adopted Nunthorpe Grange Design Code provided more detailed guidelines on the key layout principles, types of housing, landscaping and the quality of development that the Council was seeking in the development of Nunthorpe Grange. The design code referred to a maximum number of 350 dwellings across the entire site.

Within the Design Code, several sections clearly stated that access to the A1043 should be via a roundabout that would serve the Nunthorpe Grange site plus potentially a future park and ride on the southern side of the A1043. That approach sought to minimise the number of vehicle access points onto the A1043 in order to maintain traffic flows and minimise any

associated highway safety risks.

The Head of Planning advised that the two sample areas, contained in the Nunthorpe Grange Design Code, required consideration - Sample Area E and Sample Area F.

Sample Area E stated that:

'In this area the homes are located between the A1043 and the Wildlife Habitat Area. The houses in this part of the site are starting to reduce in density from areas in the centre of the development and will be predominately detached homes.'

The houses are accessed from a Type A road with housing to just one side. The road only requires a pavement on the housing side of the road. Where a path from the Wildlife Habitat Area meets the road a table top crossing point will be created (1) in a contrasting material to the road. The edge of the Wildlife Habitat Area will be protected by a timber fence (2) to prevent any verge parking.

The front line of the houses is informal with the depth of front gardens varying. This allows for a mix of in-curtilage parking with some to the front of the house (3) and some to the side (4). A low front boundary treatment is required (5).

The rear gardens of these properties end at the bottom of the tree lined embankment of the A1043 (6). Houses must be located to avoid the root protection zone and overshadowing from these trees. An assessment of appropriate noise attenuation is required to mitigate traffic noise from the road.'

Sample Area F stated that:

'In this area homes are located on the northern edge of the site with the railway to the rear and facing onto the Wildlife Habitat Area. The houses in this area are the lowest density of the development, below 18 homes per hectare, with large homes on generous plots. This is a desirable area of the site where homes have an open aspect to both the front and rear. The low density ties in with the adjoining low density Nunthorpe Gardens and minimises traffic movement around the Wildlife Habitat Area.'

The houses in this area are accessed from a Type B road, and a shared drive further along, with housing to just one side. The road has the same features as other Type B roads, such as; shared surface road (1), protected pedestrian zone (2) and landscaped traffic calming (3).

Detached houses are set away from the road edge in an informal arrangement. A mix of house types must be combined so that each home does not look like a copy of its neighbour.

The rear gardens of these properties adjoin the railway (4). Appropriate noise attenuation must be provided to minimise noise disturbance from passing trains.'

The committee was shown images displaying the layout of the dwellings proposed by Persimmon Homes for Sample Area E and Sample Area F.

The design guide set out a figure of 20 dwellings per hectare for development areas across the site but specifically stated that the part of the wider site, which the application related to, should have a lower density (18 dwellings per hectare) than the rest of the site, in part due to the flood zones within the site and the opportunity that presented in terms of providing a high quality landscaped area, and due to its position adjacent to Nunthorpe Gardens which had a lower density of approximately 11 dwellings per hectare. The proposed development had a density over the developable area of approximately 25 dwellings per hectare and in respect of the two areas of the site where the smaller properties were focused, the density was even higher.

The developer had argued that even with the higher density on the site, the remaining areas could still be delivered without going over 350 dwellings (as set out in the design code) and therefore the increased number on the site did not jeopardise the wider aims and objectives of

the design code. It was the view of the Local Planning Authority that simply looking at numbers did not take into account the overall design quality and aspirations of the allocation and design code and deliverability of the scheme, as the proposal would result in restrictions being placed on future developments. If approved in its current form, the development would be the highest density over the wider site rather than the lowest density as set out in the design code.

It was commented that Policy H29 stated that the development would not be brought forward until an agreement on the provision of a park and ride facility had been secured or the Longland/Ladgate link road had been secured. Whilst that element of policy H29 had not been met, the Council was duty bound to consider the application submitted and considered that the lack of a full agreement in relation to the park and ride was not justification on its own to refuse the application.

In highway terms, the proposed development would not have a material impact on the operation of the surrounding highway network.

Within the Design Code, several sections clearly stated that access to the A1043 should be via a roundabout that would serve the Nunthorpe Grange site plus potentially a future park and ride on the southern side of the A1043. That approach sought to minimise the number of vehicle access points onto the A1043 in order to maintain traffic flow and minimise any associated highway safety risks.

The Local Authority had previously submitted a planning application 18/0757/FUL for the roundabout, which had previously been considered and approved by the Planning and Development Committee. As such, the roundabout was a material planning consideration and had a consent which could be implemented at any time. The scheme proposals sought to access the site via a priority T junction with right turn ghost island approximately 220m east of the approved roundabout. The applicant had advised that the access serving their site was to be temporary and that as soon as the roundabout was implemented would be removed.

Highways officers had serious reservations over such an approach. Whilst it was technically possible to ensure that the temporary access was removed, at the appropriate point, by legal mechanism such as a S106 Agreement, in practice that would be very difficult to achieve. Should the application be approved then the Local Authority would have granted approval for the new access onto the A1043, the access would therefore be lawful.

The Head of Planning advised that the developer proposed to create a pedestrian link to the North of the site into Nunthorpe Gardens. That route planned to provide access to local facilities and public transport within nationally recommended walking distances. However, the land over which that link would cross was outside of the red line planning boundary, was not publicly maintainable highway and was outside of the ownership/control of the applicant. The applicant had confirmed that a ransom strip existed. A further consideration was that the applicant was seeking to agree a right of access without ownership. Without ownership (or agreement of the landowner) the route could not be adopted as publicly maintainable highway.

Without the footpath link to Nunthorpe Gardens, the distance to local facilities and services was in the region of 1.5km. That distance was outside of national guidance covering acceptable and desirable walking/cycling distances to such facilities. The alternate route would have involved walking/cycling on the grass verge alongside the A1043, which was unlit and subject to a 60mph speed limit. That route was not attractive to pedestrians/cyclists for a number of reasons including the lack of surfaced route, lack of lighting, speed/volume of traffic and presents itself as a hostile environment.

The principle of residential dwellings on the site was acceptable however the proposed development, whilst providing a good mix of dwelling types in an attractive landscaped setting, had a density which was too high for the site and not in keeping with the surrounding properties in conflict with the adopted Design Code.

It was considered that the issues with the layout would result in a development that would not

function well, would detract from the visual amenity of the area, would not meet the principles of secured by design, was not sympathetic to the local character of the surrounding area, and would not achieve the Council's aspirations for the development of Nunthorpe Grange.

It was therefore recommended that the application be refused.

A discussion ensued and clarification was sought regarding the provision of a park and ride facility. The Head of Planning commented that the lack of a full agreement in relation to the park and ride facility was not justification on its own to refuse the application.

In response to a Member's query regarding the density of the development, the Head of Planning advised that the key issue was that the proposed development did not meet the design aspirations for the site. Planning officers did seek to reduce the number of dwellings and the density of the development further, however, the Applicant was only willing to reduce the number of dwellings to 97.

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

In summary, the Agent explained that:

- The wider site that the application formed a part of had been allocated since 2014 for 250 dwellings but since 2014 the context of the housing market had changed considerably.
- The design code referred to a maximum number of 350 dwellings across the entire site.
- There was a need to recognise the changes to the housing market in terms of need and demand.
- Work had been undertaken with planning officers and the landowner to lower the density of the development to deliver the right mix of both affordable and market dwellings.
- The proposal adhered to the key aspects of the design code, which had resulted in a 25% reduction of dwellings from the 128 that were originally proposed.
- The parts of the development above the proposed density had been located in certain areas of the site to ensure residential amenity, local character and other design rules had been adhered to.
- The lower density area of the site had been proposed as an interface with Nunthorpe Gardens.
- The higher density areas work within the building lines, the key role of which was to frame the landscape setting of the scheme.
- The scheme was a high quality development, providing affordable housing provision of a high standard with a modern and contemporary design with bespoke and unique features.

The Chair of Nunthorpe Parish Council was elected to address the committee, in objection to the application.

In summary, the Objector explained that:

- The entire area of Nunthorpe Grange had been allocated for the construction of up to 250 houses. It was unreasonable for Persimmon Homes to pre-empt agreement on the allocation of housing across the area by assuming that it could take for itself 97 of the 250 houses, just because it had made the first submission.
- The Persimmon application was premature, not only pending agreement on its share of the housing numbers available, but also pending agreement on its share of the wider contribution to improvement of the environmental and infrastructure issues created by any development in Nunthorpe Grange.
- A number of Nunthorpe's community groups had been involved with the Council's comprehensive consultation about Nunthorpe Grange. The Council was looking to develop a new masterplan for the site in consultation with all the residential groups.
- A further fundamental issue was the specific prohibition on house-building in Nunthorpe Grange until substantial progress had been made with the Ladgate Link

and/or the park and ride. Neither of which had progressed. Therefore, the proposed development would further exacerbate highways issues such as the 'Marton Crawl'.

Two Ward Councillors were elected to address the committee, in objection to the application.

In summary, the first Ward Councillor advised that:

- The development was not in keeping with the surrounding area.
- The proposed density was far too high.
- The access from the A1043 was extremely problematic and nearby amenities could only be accessed by car, which was not healthy for future residents or environmentally friendly.
- A consultation was currently ongoing in respect of the Nunthorpe Grange site and the scheme had not been put forward as part of that consultation.
- There was a need to approach the development of the full Nunthorpe Grange site in a whole and holistic way, not in a haphazard and piecemeal way.

In summary, the second Ward Councillor explained that:

- The density of the proposed scheme was a severe issue on such a small site.
- The proposed properties would see the loss of green barriers and wildlife corridors essential to the character of Nunthorpe and the thriving local wildlife.
- The development would increase traffic on to the A1403 at a point of relatively low visibility from vehicles approaching via the railway bridge section of the road, posing a risk to road users.
- Due to the lack of pedestrian access through Nunthorpe Gardens, residents would be expected to walk along a dangerous stretch of road which was known for vehicle collisions and fatalities.
- The scheme was a selfish proposal, which did not take into account the factors that the Council and the residents were trying to drive forward.

In light of the comments that had been made by speakers, the Head of Planning advised that:

- In respect of local amenities, the site had been allocated for a housing development, not to provide facilities for residents. However, pedestrian access would be required through Nunthorpe Gardens, to provide a link to facilities. Unfortunately the current proposal did not provide that link and therefore access to amenities was not sustainable.
- The Adopted Housing Local Plan stated that the site was allocated for a maximum of 250, therefore there was a need for the committee to consider that policy when considering the proposal.
- A number of the comments raised relate to a Nunthorpe Vision consultation, which was ongoing. That consultation was not being carried out by the Local Planning Authority and was wholly separate to the consideration of the proposed scheme. It was not adopted or emerging planning policy or guidance and as a result it was to be given no weight in the decision making process for the application.

The Head of Planning advised that in the opinion of the Local Planning Authority, the proposed development did not represent a high quality scheme as it was too high in density and had a poor layout. In particular, the high density and issues surrounding parking provision, excessive hard standing at the front of properties and lack of natural surveillance to parking courts would result in a development that would not function well, would detract from the visual amenity of the area, did not meet the principles of secured by design and was not sympathetic to the local character of the surrounding area. The development was contrary to guidance in the adopted design code and policies DC1(b), CS5(c,e and f) and H29 (a) of the Local Plan, and paragraph 127 of the NPPF.

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

20/0132/FUL Erection of 1no dwelling and erection of boundary treatments and entrance gates at 5 Bridlewoods, Middlesbrough, TS8 9GJ for Mr Kevin Conway

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 a dwelling with associated garage and boundary treatments. Outline consent had previously been granted for 5 plots on the wider site, however the outline application had now lapsed. As a result the application was a full plans application for plot 5 of the wider site.

The application site was a plot within a wider site that had outline consent for 5 no. dwellings, 3 of which were approved through reserved matters applications. The wider site was located on the east side of Brass Castle Lane.

During the application process, in light of planning officer comments, significant changes had been made to the proposed dwelling reducing its scale, changing the design and appearance and reducing its visual impact. The revised details were the subject of the report.

Following a consultation exercise, two objections had been received, one from a Ward Councillor and the other from the Marton West Community Council.

The application site formed one plot of a larger site that was granted outline planning permission on appeal for 5 dwellings in 2015. A variation to the outline application was later approved in 2018. Therefore, the principle of a residential dwelling on the application site had been established in 2015 and reconfirmed in 2018. The outline consent had only recently lapsed and therefore it was considered that the principle of a residential dwelling on the site was still afforded some weight in planning policy terms.

The application site was not within the urban area, therefore the proposed development was contrary to Policy H1 of the Local Plan, however it was within an ongoing development site.

The site was within the Marton West Neighbourhood Plan area, however, there were no specific policies within that document that referred to the development of the Bridlewoods site.

In respect of highways issues, there were no objections. The proposals were in accordance with the previously approved consent. There were no issues in relation to access, egress or visibility. The access road had previously been approved for 5 dwellings.

The proposed dwelling was a bespoke building designed over two levels to assimilate with the significant changes in ground levels across the site with the ground levels dropping towards the east and northeast of the site. The site sat on a lower level to the adjacent highway (Brass Castle Lane). The dwelling had been designed to be low level and to sit below the road and the boundary treatment, which consisted of a low stone wall with a hedge behind it which was common place in rural areas and in keeping with the approved boundary treatment for the rest of the site where it abuts the highway. The only element which would be visible above the boundary treatment was a small section of the stone rear elevation and the low pitched roof which would be a sedum planted roof and would appear as part of the landscaped setting. When viewed from the public highway, the dwelling would have a rural appearance and would not be larger in scale than an agricultural building but would be softer in appearance due to the sedum roof.

Reference was made to paragraph 131 of the NPPF, which stated that:

'great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

It was the Local Planning Authority's view that the proposed dwellings did lift the standard of design in the area and the town as a whole and it would also fit in with the surroundings.

It was therefore recommended that the application should be approved, subject to conditions.

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

In summary, the Applicant explained that:

- The proposed dwelling would become his personal home.
- As a local small-scale builder, the plot would be self-build in nature
- The low pitched roof, which would be a sedum planted roof, would mean that passing vehicles would see shrubbery. No roof would be visible, making the dwelling invisible.
- Although the proposed dwelling would be a departure from the local plan, the NPPF stated that great weight should be given to outstanding or innovative designs that promote high levels of sustainability. The proposed dwelling was of a high quality bespoke design, which was in keeping with the rural setting and would provide an attractive streetscene.

A Ward Councillor was elected to address the committee, in objection to the application.

In summary, the Ward Councillor advised that the application was contrary to the Local Plan as the site was located outside the limits of development. It was added that the proposed dwelling did not fall within the exception criteria for dwellings in such places. Planning permission had previously been granted by the Planning Inspectorate as the Council did not have a 5 year deliverable supply of housing, the Council now had in-excess of a 5 year supply of housing. A request was made to the committee that the application be refused as it was outside the limits of development.

In response to a Member's query, the Head of Planning advised that although the application was contrary to the Local Plan and outside the limits of development, the committee was required to determine whether the design of the proposal was of such a quality that it could be considered as an exception to that policy context. If that was determined, then policy considerations could be set aside (as stated in the NPPF).

The Head of Planning advised that in the opinion of the Local Planning Authority, the proposed development should be approved, subject to conditions.

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

20/0153/FUL Residential development comprising 36 no. bungalows with associated vehicular access, roads and landscaping works at Land at Beechwood for Mandale Homes

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 the application was for the erection of 36 dwellinghouses on a site at the northern part of Beechwood allotments. Being a full planning application, Members were required to consider the principle of residential development as well as the detailed matters including the appearance, layout, scale, access and landscaping.

The application site was located within an established residential area and was specifically allocated for housing in the adopted local plan. Consequently, the development of the site for residential purposes was considered to be acceptable.

The application site itself took a linear form and measured approximately 1.25 hectares in size. In recent years, the site had been used as open space along with the wider green space directly to the south.

Following the consultation period, 5 letters of objection had been received. The objections made reference to traffic problems/additional vehicles, concerns with access through Kirkham Row, loss of playing areas and green space, issues with drainage on the site, noise and dust

pollution from construction works, impacts on wildlife and loss of trees and hedgerows.

It was planned that the development would be accessed off the existing road of Kirkham Row, a vehicular access at the north-eastern end of the application site.

Whilst Housing Local Plan Policy H35 identified the Beechwood site for approximately 28 dwellings, Policy H1 made it clear that the figure should be seen as a minimum requirement.

It was acknowledged that on-street parking occurred on Kirkham Row and that had the potential to hinder traffic accessing the proposed development. In seeking to address that, as part of the development proposals, it was proposed that on-street visitor/casual-caller car parking be formalised, which planned to enable two-way flow to be maintained on Kirkham Row. That arrangement would be achieved by creating on-street parking bays within the hard surfaced area to the eastern side of Kirkham Row. If approval was granted, those works would be secured through a suitably-worded condition and delivered by the developer as part of their scheme.

Due to the proximity of the site to the hospital, it was recommended that the proposed development be included within a residents parking scheme to prevent unmanaged on-street parking occurring, which was consistent with the approach taken on surrounding streets.

The Head of Planning advised that since submission of the committee report, it had come to light that there were a series of gates located at the end of Kirkham Row, which provided access onto the open space. Those gates had been erected to prevent quadbikes and motorbikes from accessing the open space and to reduce antisocial behaviour. In light of that, if Members were minded to approve the application an additional condition was recommended to ensure that the gates were re-provided or alternative measures were implemented to ensure that a safety mechanism was brought forward to prevent antisocial behaviour.

The existing site was predominantly covered with grass and featured many linear hedgerows and individual trees. Many of those would be removed as part of the proposed works. Although it might be beneficial to preserve some of the existing trees or allow them to form part of the proposed development, it was considered that none of the trees within the application site were worthy of further protection under a tree preservation order. However, in order to supplement the proposed residential development, and to compensate for lost vegetation, an indicative tree planting scheme had been shown for the development. A suitably-worded condition requiring the precise details of the number of trees, their proposed positions, species and sizes was recommended to secure appropriate planting within the site.

The Head of Planning made reference to condition 19 regarding a no fuel burning plant. Members were advised that the condition had been included in error and required removal if the committee was minded to approve the application.

On the whole, it was considered that the proposals were for a high quality sustainable residential development, which planned to contribute to economic growth in the town and help to provide a broader mix of housing in that part of Middlesbrough.).

In response to a Member's query regarding the removal of trees, the Head of Planning advised that the application would be required to submit a detailed scheme for tree planting and associated soft landscaping works and that scheme would require submission to, and approval by, the Local Planning Authority. That was secured by condition 9, which was detailed in the submitted report.

In response to Members' queries regarding traffic generation and parking provision, the Transport Development Engineer advised that:

- In terms of traffic generation, during the morning and afternoon peak highway periods, the development was estimated to generate 29 two-way vehicle movements. In perspective, that equated to a little under one vehicle every two minutes. Such a level of traffic was not expected to have a material impact on the free flow of traffic nor the operation of adjacent junctions.

- The site was considered to be in a highly sustainable location in highways terms with both bus stops and pedestrian/cycle infrastructure within nationally recognised walking distances of the site.
- Although the proposed vehicular parking within each plot was below that required by the highways design guide, the site was in a highly sustainable location. A reduced standard of parking had therefore been considered acceptable as there was not expected to be detrimental displacement of car parking onto the adopted highways.
- There would be provision of managed parking areas along Kirkham Row, secured by a suitably worded condition. That would ensure that a two-way flow of traffic could be maintained on Kirkham Row.
- Contributions had been secured for highways uses, which would be taken from the capital receipt for the site. Such funding would be used towards strategic highway improvements and the creation and amendment of Traffic Regulation Orders (TROs). If approval was granted, a residents parking scheme would also be implemented to prevent unmanaged on-street parking occurring.

In response to a query regarding antisocial behaviour, the Head of Planning advised that it was envisaged that the development of the site would potentially assist in reducing antisocial behaviour. Furthermore, the additional condition would ensure the implementation of safety measures to assist in the preventing antisocial behaviour.

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

In summary, the Agent advised that:

- The design of the proposed houses and the site layout was of a high quality.
- A number of the properties had a principal outlook over the green space.
- In respect of the layout, the Applicant had worked proactively with the Local Planning Authority to achieve a development that was suitable from a planning and highways perspective.
- The proposed development offered a good standard of amenity for all existing and future occupants.
- In developing the proposal, great importance was attached to the visual appearance and layout of development and its relationship with the surrounding area in terms of scale, design, amenities of occupiers of nearby properties and the use of materials.
- The scheme proposed bungalows as it would increase the stock of single storey properties in the area. The development intended to increase the number of housing options in the borough.
- The site was in a highly sustainable location, with services and facilities being accessible on foot.
- On-street visitor/casual-caller car parking would be provided able to enable a two-way flow to be maintained on Kirkham Row.
- A substantial area of open space would be maintained on the development site.

A Ward Councillor was elected to address the committee, in objection to the application.

In summary, the Ward Councillor advised that:

- The trees and hedgerows, some of which were 70 years old, would be removed.
- The fence and gates had been erected to prevent access into the open space, as previously cars had been stolen and torched on the site.
- Off road bikers had been accessing the site.
- Closure of footpaths required approval from the Government.
- The provision of parking bays on Kirkham Row could not be achieved due to the location of kerbs, bollards and lampposts etc.
- The development would have an adverse impact on nearby residents.

The Transport Development Engineer advised that a suitable number of bays could be provided for without significantly affecting the infrastructure. However, if changes to the infrastructure were required then those highways works would be carried out at the cost of the Applicant. The intention was to create a dedicated formal area for on-street parking for current

residents of Kirkham Row and visitors. It was also added that the footway facilities proposed to be extinguished were to be re-provided as part of the site infrastructure through the Town and Country Planning Act 1990 and that was completely independent of granting planning consent.

It was therefore recommended that the application be approved, subject to conditions and inclusion of an additional condition relating to the boundary treatment to prevent antisocial behaviour and the removal of the condition relating to the fuel burning plant.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report and **subject to the removal of the condition relating to the No Fuel Burning Plant** and the **inclusion of the additional condition detailed below:**

Replacement Fencing

Prior to the commencement of the development hereby approved (including site clearance), a scheme of boundary treatments for the southern section of the site in order to minimise ease of access for motorised vehicles to the land to the south shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type and layout of the boundary treatments as well as a timetable detailing when the existing gate/fencing would be removed and when the proposed boundary treatments would be erected. The approved boundary treatment shall then be erected in accordance with the approved details.

Reason: In order to replace the existing gate/fencing to reasonably address matters of anti-social behaviour.

20/0140/COU Change of use from dwellinghouse (C3) to residential institution (C2 - Children's Home) at 39 Appleton Road, Middlesbrough for Mr Eric Lambert

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 the applicant was seeking retrospective planning consent for the change of use 39 Appleton Road from a dwellinghouse (C3 use) to a single occupancy children's home (C2 use). The site was a semi-detached property located towards the junction of Appleton Road and Marion Avenue. The application was retrospective as the site had been running as a children's home for a number of years.

The proposed children's home planned to provide accommodation for one child between the ages of 13 and 18 years with 24 hour adult support, provided on a shift rota with a maximum of two adults present. There would be no external changes made to the building with the parking provision provided by the front driveway area. Internally the ground floor layout provided two lounges and a kitchen with the upper floor layout providing three bedrooms and a bathroom. Staff would have their own bedrooms for overnight accommodation.

Following the consultation process there had been 6 letters of objection received. The objections related to anti-social behaviour, increase in number of cars accessing the property and parking issues, noise, potential increase in crime and unsuitable location for the use in a residential area.

The proposal had been considered against national and local policy. It was considered that the proposed use was acceptable in that area of Linthorpe and the loss of a single dwellinghouse would not have a significant impact on the Council's Housing Delivery Strategy. It was considered that the level of the intended use as a single occupancy children home and the fact there would be no external alterations to the property meant the proposed change of use would have no significant impact on the character and appearance of the area or the amenity of the neighbouring properties.

The condition on the proposal to limit the use of the property to a single occupancy children's

home, and no other use within the C2 use class, would ensure there would be no future significant impact on the amenity of the neighbouring properties.

The proposed change of use was considered to be acceptable for the site and was in keeping with the relevant policies. It was the Local Planning Authority's view that the proposal would not have a detrimental impact on the amenity of the occupiers of the surrounding properties and visual amenity of the streetscene.

It was therefore recommended that the application should be approved, subject to conditions.

A discussion ensued and several Members were in agreement that the impact of a single occupancy children's home would have a minimal impact on the amenity of nearby residents.

A representative acting on behalf of the Applicant was elected to address the committee, in support of the application.

In summary, the representative advised that the Applicant's company had been working with young people aged 16 to 18 for 15 years. The company had been practicing as an unregulated placement. There was no legal requirement for unregulated placements to register with Ofsted as the Local Authority was responsible for ensuring that any placements in an unregulated setting were suitable. Middlesbrough Council conducted annual inspections and in respect of the most recent inspection, the setting had achieved 100%. The setting had been supporting young people into independence. The setting now intended to provide accommodation for one child between the ages of 13 and 18 years, therefore, with the age range encompassing 13, 14 and 15 year olds there was now a requirement for the setting to become registered as a children's home and regulated by Ofsted. If the committee was minded to approve the application, Ofsted would begin conducting 6 monthly inspections.

A discussion ensued regarding the placement, the change of use and the potential impact on amenity of neighbouring properties. The Applicant's representative responded to queries put forward by Members.

In response to a Member's query regarding anti-social behaviour, the Development Control Manager advised that the likelihood of antisocial behaviour was not a material planning consideration.

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

20/0090/COU Change of use from dwellinghouse (C3) to residential institution (C2 - Children's Home) at 46 Studley Road, Middlesbrough, TS5 5BP for Mr Eric Lambert

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 confirmed that the details of the application were almost identical to the application for 39 Appleton Road with the exception of the property being detached and an objection being received regarding waste.

Comments had been received regarding the litter/waste that had been placed within the front garden area and the private access road to the side of the property. The Council's Waste Officer had commented they had no objections to the proposal as adequate bin store provision was provided within the curtilage of the site. If waste was being stored on the private access road to the side of the property that would be a civil issue between the owners of the private access road and the persons responsible for the waste.

Following the consultation process, there had been 4 letters of objection received. The objections relate to anti-social behaviour, noise issues, loss of privacy, parking problems, rubbish issues, devaluation of properties and unsuitable location for the use.

The proposed change of use was considered to be acceptable for the site and was in keeping with the relevant policies. It was the Local Planning Authority's view that the proposal would not have a detrimental impact on the amenity of the occupiers of the surrounding properties and visual amenity of the streetscene.

It was therefore recommended that the application should be approved, subject to conditions.

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

20/0257/COU Change of use of ground floor from A1 (Retail) to A3/A5 (Restaurant/Hot Food Takeaway) at 283 Linthorpe Road Middlesbrough for Dr Mubashar Ahmad

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 planning permission was sought to change the use of the premises from a retail use (A1) to an A3/A5 (restaurant/hot food takeaway).

Three objections had been received, which in summary related to there being too many hot food takeaways along Linthorpe Road, litter/pest issues, anti-social behaviour, odour, noise, health impacts, parking problems, loss of active frontage and that work had commenced without planning permission.

The main considerations relating to the proposal were the principle of the development, the impact on the character and appearance of the area, the impact on the amenity of the nearby residents and highways.

The application site was 283 Linthorpe Road a commercial unit located within a row of terraced properties. The building was a mid-terraced property with a two-storey off-shoot and enclosed yard to the rear. The building was vacant with the ground floor unit being for retail and the upper floors being storage.

The Linthorpe Road South area was within the Town Centre and offered a mix of uses with a strong retail presence. An A3 use in the area accorded with policy. An annual survey conducted in March 2019 showed the Town Centre currently had a lower than 10% proportion of hot food takeaways, in addition the unit was not adjacent to an existing A5 use. The change of use to hot food take away was in accordance with policy and, as a main town centre use, was appropriate in the location.

The Head of Planning advised that the proposal complied with the Interim Hot Food Takeaway Policy, which aimed to manage the location of hot food takeaways in certain locations stating that hot food takeaways would only be permitted where:

- the total proportion of the A5 uses within the centre would not exceed 10%;
- the use would result in no more than 2 adjacent hot food takeaways or;
- be within a primary shopping frontage area; and
- the use should not be located within 400m walking distance of a secondary school.

The application site was located within the Linthorpe South area of the designated Town Centre boundary. The Head of Planning advised that the Town Centre boundary was quite large and, at the moment, the area had just over 5% of units operating as hot food takeaways, which was well within the 10% limit detailed in the Interim Policy. Also, although there were a number of hot food takeaways in that location, there was not an A5 use directly opposite the application site.

Commercial units were located on either side of the ground floor of the premises at 281 and 285 Linthorpe Road. A residential flat was located on the first floor of the adjoining building at 285 Linthorpe Road with residential properties to the rear. The upper floors of the building had recently been granted permission for two residential flats with a condition requiring a noise

assessment to be submitted in relation to any potential noise from the nearby commercial units.

In respect of the application, the Council's Environmental Protection Officer had requested that a noise assessment be submitted prior to the use commencing, including noise from fixed plant and machinery and deliveries along with any required mitigation measures, to ensure there would be no impact in terms of noise to the neighbouring premises.

Concerns had been raised regarding the potential noise impacts to residents during the evening from the proposed A3/A5 use. The applicant had submitted details of the opening hours as between 10am and 11pm. With the application site being located within the town centre there was an element of existing night time noise, particularly given the mixture of commercial and leisure uses which already existed along this northern end of Linthorpe Road.

The Environmental Protection Officers had no objections in terms of noise, given the town centre location.

The applicant had submitted drawings showing the intended box grill flue on the rear elevation for fume and odour extraction. The proposed box grill on the rear elevation would have no significant impact on the overall appearance of the property. The Environmental Protection Officers had advised that specific details of the fume extraction equipment and the odour control measures would need to be submitted to ensure there would be no impact on the neighbouring premises, which would be secured by condition.

Comments had been raised that the proposed use would create parking issues. There was currently no curtilage parking provision for the existing retail unit to utilise. That section of Linthorpe Road had restrictive meter parking to the front and was considered to be in a highly sustainable location on a main bus route and within walking distance of the bus and train station and several public car parks.

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

In summary, the Agent explained that unfortunately the picture framing business that had been located at the site ceased trading approximately 18 months ago. It was also commented that the Applicant was a Middlesbrough resident who wished to re-locate his business from Hartlepool to Middlesbrough.

In conclusion, the proposal had been considered against national and local policy. It was considered that the proposed use was acceptable in that area of Linthorpe Road South and would not undermine the vitality and viability of the town centre.

It was therefore recommended that the application should be approved, subject to conditions that intended to reduce the impact of the proposal on the amenity of local residents.

A discussion ensued and several Members commented that they were minded to refuse the application, whilst commenting on:

- the loss of retail space;
- the high concentration of hot food takeaways located in that part of the town centre;
- the fact that work had commenced without planning permission;
- the impact of hot food takeaways on the health of Middlesbrough's residents;
- the impacts on the amenity of the neighbouring premises; and
- the lack of curtilage parking provision creating parking issues.

The Head of Planning advised that, of those issues raised, the impact on the amenity of the neighbouring premises and the impact on parking were the only valid material planning considerations that could warrant refusal of the application on the basis that the proposal would have had an unacceptable impact upon residential amenity and the lack of in curtilage parking would exacerbate parking issues in the area.

ORDERED that the application be **Refused** for the reasons outlined below:

In the opinion of the Local Planning Authority, the proposed change of use of the premises would result in parking problems along Linthorpe Road which was a heavily trafficked key road into the town centre thereby having an adverse impact on the freeflow of traffic, contrary to Local Plan Policy DC1(d).

In the opinion of the Local Planning Authority, the proposed use would have an adverse impact on residential amenity in the immediate area in view of the premises operation contrary to Local Plan Policy DC1(c).

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).

NOTED