

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 10 July 2020.

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

**ALSO IN ATTENDANCE:** Councillor D Davison, R Gogna, H Heward, Councillor C Hobson, Councillor T Mawston, Councillor M Smiles and A Sterling

**OFFICERS:** P Clarke, A Glossop, C Lunn, G Moore, A Perriman and S Thompson

**APOLOGIES FOR ABSENCE** Councillor M Nugent.

**DECLARATIONS OF INTERESTS**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor L Garvey	Non-Pecuniary	Agenda Item 5/Item 2 - Ward Councillor
Councillor J Hobson	Non-Pecuniary	Agenda Item 5/Item 4 - Ward Councillor
Councillor J McTigue	Non-Pecuniary	Agenda Item 5/Item 5 - Ward Councillor

20/5 **WELCOME AND INTRODUCTION**

20/6 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 12 JUNE 2020**

The minutes of the Planning and Development Committee meeting, held on 12 June 2020, were taken as read and approved as a correct record.

20/7 **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:

**20/0074/FUL Erection of 9no dwellings and the inclusion of 4 additional housetypes at Land At Low Gill , Gypsy Lane , Middlesbrough , TS7 8BF for Mr G Kirk**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that the purpose of the application was to seek permission for the erection of 9 additional dwellings on the Low Gill housing development site, including 4 new house types. The site currently had full permission for 160 dwellings, the application was seeking to revise pockets of the scheme replacing 17 dwellings with 26 dwellings.

The site was allocated for housing in the Local Plan and permission had previously been granted for housing on the site. As a result the principle of dwellings on the land had been established. The purpose of the application was to seek to increase the total number of dwellings from 160 to 169. The initial planning permission for the site was for 164 dwellings. In

planning policy terms, there was a need to consider the principle of the additional dwellings on the site, the highways implications, and the detail of the dwellings proposed in terms of the landscaping, appearance, scale and the site layout.

Following a consultation exercise, 15 objections had been received from residents of Beau Gardens and Low Gill View and the Ward Councillors. The objections referred to the proposal being overdevelopment of the site, the reduction in landscaped front gardens due to extra parking, concerns over increased numbers of cars parking on road, poor visibility and increased traffic and congestion.

The changes proposed were located in three sections within the approved development. The committee was shown the areas that the proposal would effect. As a result, the smaller dwellings were located throughout the site rather than forming one area of smaller properties. Members were shown images of the approved layout, the initial proposed scheme and the revised proposed scheme for each of the three areas. During the application process, revisions had been made to the development in response to consultation responses and officer comments, which included the reduction in the proposed number of additional dwellings from 10 to 9.

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. By way of example, alterations had achieved an increase in landscaped front gardens through placing driveways to the sides of properties, achieved through the removal of a proposed dwelling. The revised scheme also provided direct access to gardens from parking at the rear rather than access being at the side away from the in-curtilage parking. It was commented that the developer had worked with the planning officers to make the necessary changes.

The site currently had full permission for 160 dwellings, as previously stipulated the application planned to revise pockets of the scheme replacing 17 dwellings with 26 dwellings i.e. 9 additional dwellings, bringing the total number of dwellings to 169. The revised scheme included 4 new housetypes and one previously approved housetype.

The 26 dwellings proposed in the re-plan consisted of:

- 6 two bed dwellings (single housetype);
- 15 three bed dwellings (three different house types); and
- 5 four bed dwellings (single house type).

The majority of dwellings were detached and 6 were semi-detached.

The Development Control Manager advised that officers recommended approval of the application. It was commented that in the interests of amenity of the area, nearby residents and highway safety, a condition had previously requested that plans for a traffic calming scheme be submitted and approved by the Local Planning Authority. The Development Control Manager commented that proposed plans had now been submitted and agreed by the Local Planning Authority, therefore, the condition would be amended to ensure implementation of the agreed scheme.

A Member raised concerns that the properties serviced by a shared drive would be required to make their waste and recycling receptacles available for collection at the nearest public highway and collections would not be made from the shared drives. The Development Control Manager advised that the drive in question was already part of the previously approved scheme. It was also added that there was a bin stand collection point located on the public highway.

A Member expressed concerns regarding the location of the Gypsy Lane railway station and commented that if there was an increase in the number of people using the station, there may be an impact on vehicles gaining access to Gypsy Lane. The Transport Development Engineer explained that the issue of car parking at the station was a separate issue, which

could not be addressed through consideration of the current proposal. However, the Highways Authority planned to monitor the situation and if on-street parking became an issue, consideration would be given to the implementation of parking restrictions.

An Objector was elected to address the committee, in objection to the application, on behalf of the residents of Beau Gardens.

In summary, the Objector explained that the development had been marketed as a family-friendly estate. 20 children currently resided in Beau Gardens and the estate was yet to be fully occupied. In respect of Beau Gardens, the application proposed to increase the number of properties from 6 to 9 and car capacity from 12 to 18. The principal concern was safety, each property currently occupied had at least 2 cars that had resulted in residents parking on the road and the pavement. Safety issues would be exacerbated if the proposal was approved. It was commented that proposal would involve vehicles reversing from drives onto a road which already had a blind corner. The 4 pairs of speed cushions proposed to address highway safety concerns were located near to the entrance of the estate, therefore, the scheme offered little safety to the residents of Low Gill View and no safety to the residents of Beau Gardens - as there were a number of blind bends located in those areas.

An Objector was elected to address the committee, in objection to the application, on behalf of the residents of Low Gill View.

In summary, the Objector explained that the application proposed to increase the number of properties from 9 to 14. In relation to highway safety, there would be an increase from 18 to 28 car parking spaces. In the area there were narrow roads with dead ends, no turning areas and blind corners. Therefore, the proposal would increase the amount of traffic in the area, posing a greater risk to both drivers and pedestrians. Access points of the development would also experience a greater number of vehicles causing increased traffic and congestion on the site and the surrounding area. Concerns were also raised in respect of the proposed bin storage and its impact on highway safety. The application proposed an increase of 55% in the density of the build within that proposed section of land located on Low Gill View.

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

In summary, the Ward Councillors raised the following issues:

- increase in the volume of vehicles accessing the site;
- traffic pressures would be further exacerbated;
- highway safety - narrow roads, issues for vehicles manoeuvring, residents reversing on or off drives owing to the road layout and an increase in the number of vehicles parking on the public highway;
- increased density not in keeping with the rest of the site, affecting the character of the estate; and
- residents purchased homes based on the initial site plans.

A Member raised a query in respect of parking. The Development Control Manager advised that each dwelling on the development had 2 parking spaces. In design terms, as the road was internal and did not lead to elsewhere, there was not a requirement to increase the number of spaces for each dwelling. The parking bays put forward as part of the proposed scheme were located further away from the corners than they had been on the approved scheme, which was therefore an improvement in terms of providing visibility round corners and cars reversing in close proximity to corners.

The Transport Development Engineer commented that based on survey data from other comparable sites, the development would be looking at an increase of around 10 additional vehicular movements, equating to just over 1 vehicle every 10 minutes. The parking for each plot and the types of dwellings have been designed in accordance to the Tees Valley Highway Design Guide. With regards to the geometry of Low Gill, it was sufficient to serve the level of development currently proposed and the additional dwellings would not change that position. With regards to the traffic calming and speed cushions being proposed for the initial section of the internal site access road only, the initial section was a much straighter alignment so the

risk of vehicles speeding would be greater. Further into the development, the layout becomes much more tortuous.

In response to a query regarding the information supplied to potential buyers when purchasing a property on the development, the Head of Planning advised that the information provided to potential buyers was beyond the Local Planning Authority's control.

A discussion ensued regarding the principle of the additional dwellings on the site and the highway implications. Concerns were expressed with regard to the increased volume of traffic and increased number of parked vehicles, and how those would impact on highway safety.

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

**The proposed dwellings would add to the existing number of properties within the development and result in awkward arrangements and place undue pressure on the existing highway. In particular, the provision of bin stand areas would adversely affect the street scene, there would be additional vehicular traffic at the site entrance affecting pedestrian access to the station, and the requirement to reverse out of plots will unacceptably affect safety of the highway within the estate contrary to guidance within Local Plan Policies CS5 and DC1.**

**19/0560/VAR Removal of condition 6 on application M0741/92. (The bar and restaurant approved as part of the building shall be used only for the purpose incidental to the training centre as such and shall not be used for general public purposes) at The TAD Centre Ormesby Road, Middlesbrough, TS3 7SF for Ms S Marshall**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that the original planning approval for the TAD centre was in 1992 and was subject to several conditions. Use of the unit as a restaurant and bar was approved as part of the original application for the TAD centre but was subject to a condition preventing it being open to the public.

The submitted application proposed removal of that condition to allow use of the premises by the general public and for the opening hours of 9am to 10pm Monday to Friday and 12pm to 10pm Saturday and Sunday.

The proposal related to an existing restaurant/bar use, which was currently located within and served the businesses within the TAD Centre.

The nearest defined centre (Berwick Hills District Centre) was located adjacent to the site.

A sequential test needed to be applied to the proposal in line with national guidance, and, unless material planning considerations dictate otherwise, only should an edge of centre be supported where no reasonable 'within centre' premises existed. The sequential assessment reasonably demonstrated that, apart from the former library, other available units within defined centre would not meet the businesses needs in terms of floor space. However, relocating the premises into a unit such as the library, would serve to either sever the business from the TAD Centre or require two businesses to be operated, one from within the District Centre and one from the TAD Centre, which was not the applicant's aspirations.

The walking distance between the entrance to the TAD Centre and the main entrance to the shops at the District Centre was approximately 340m which fell within the normal expected walking distance for shopping. In view of the site physically abutting the District Centre with no intervening uses or land, it was considered that the two sites did have some, albeit limited, opportunity to provide a supporting role to one another.

It was considered that although the sequential test submitted with the application did not robustly demonstrate that there were no more sequentially preferable sites available to

accommodate the restaurant use, there was sufficient evidence that there was a need for the use to be located within the TAD Centre as the facility helped to underpin the success of the training and business facility.

Nearby neighbours/businesses were notified of the proposal. 15 comments in support of the proposal were submitted. Comments were summarised within the submitted report and highlighted that opening to public would make the business more viable, restrictive opening times were bad for business and the business provided employment opportunities for vulnerable adults.

The Development Control Manager advised that the recommendation in respect of the application was to approve removal of the previous condition and add a new condition in respect of independent use. The condition stated that should the restaurant and bar facility ever cease to provide a restaurant and bar service to the businesses within the TAD Centre, then the use shall also cease all services to the general public.

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

In summary, the Agent explained that the application related solely to the variation of the original condition to allow use of the restaurant by members of the public. It was commented that without having the available to open to the public, the business would not be financially viable and would be forced to close. Financial information had been submitted to support the application, which demonstrated that without revenue from the general public, the restaurant did not make enough money to continue operating. It was also commented that the restaurant was based in a highly sustainable location. Its importance in the successful functioning of the TAD centre and the economy of the local area was also highlighted.

In response to a query regarding car parking spaces, the Development Control Manager advised that there was sufficient spaces available on the site.

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

**20/0138/FUL Erection of 1no dwelling, attached garage and boundary treatments at 1 Bridlewoods, Middlesbrough, TS8 9GJ for Mr L Spensley**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that 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.

The application site was a plot within a wider site, which had outline consent for 5 dwellings, 3 of which were approved through reserved matters applications. The wider site was located on the east side of Brass Castle Lane.

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 was established in 2015 and reconfirmed in 2018.

The development was contrary to the Local Plan as the site was located outside the limits of development defined within the plan and the proposed dwelling did not fall within the exception criteria for dwellings in such locations. Planning permission was given for the previous dwellings on the site when the Council did not have a 5 year deliverable supply of housing in which circumstances, national planning guidance prevented Local Plan housing policies from being relevant. As the Council now had in-excess of a 5 year supply of housing, the application had to be considered against the current Local Plan policies and any other material planning considerations.

The site was located to the rear of the wider plot, would not be overly visible from the highway and would complete the four plots to the north of the wider site with the three previously approved properties currently under construction. It was considered that the proposed dwelling was of high-quality design in an attractive setting with an appropriate layout and scale. The development would not result in any significant detrimental impact to the amenities of adjacent residents. The landscape scheme, boundary treatments, design and materials were in keeping with the area and the character of residential dwellings approved on the site.

Whilst the site no longer benefitted from outline consent and was a departure from the Local Plan in terms of being located outside of the defined limits of development, the previous permission had only recently lapsed and the proposed property arguably completed the grouping of properties proposed at the part of the wider site.

Access to the site and the impact on the local highway network in relation to capacity and safety was considered as part of the outline consent, whilst Members refused the application on highways grounds the Local Highway Authority had raised no objections. The Planning Inspectorate allowed the application on appeal and raised no issues in relation to the access to the site for five large dwellings. The new application had been considered by the Local Highway Authority who confirmed that the proposed development was in accordance with the previously approved consent and no objections had been raised.

The Development Control Manager advised that the scheme would complete a partially implemented and previously approved development without any notable harm to the wider area. The recommendation was for approval of the application subject to conditions.

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.

A discussion ensued regarding the proposed development being contrary to the Local Plan and the Marton West Neighbourhood Plan. In response to a Member's query, the Head of Planning advised that if the application was approved by the committee, the Local Planning Authority would not be setting a precedent for other applications - as each application had to be determined on its own merits. Whilst the application was contrary to the Local Plan, the Head of Planning advised that given the context of the dwelling and the previous consent on the site, it was considered to be an acceptable form of development.

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

**The proposed development represents a departure from Local Development Plan Policies H1, CS4, E20 and E22, being for residential development outwith the defined 'Limit to development' and does not meet the exception criteria within those policies. The proposal is also contrary to the guidance contained within Policy MW3 of the Marton West Neighbourhood Plan in that the location, scale, density and pattern of the development is not appropriate to the existing design characteristics within Marton West. It is considered there are insufficient material planning considerations which outweigh the policy of restraint in this regard.**

**19/0559/ADV Erection of a pole mounted sign board at Tees Valley Hospital, Church Lane. Acklam, Middlesbrough, TS5 7BH for Mr M Williams**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that an application had been submitted to seek advertisement consent for the erection of a non-illuminated sign board at the entrance to Tees Valley Hospital. The site was located to the rear of Acklam Hall off Church Lane/St. Marys Walk and within the Acklam Conservation Area and its proximity to listed buildings.

Following consultation, three objections had been received, mainly in relation to the scale of the proposed signage and its position relative to heritage assets. At the request of officers, details being proposed had been changed since the initial submission, from a V sign measuring 2.5m in height and having two 1.2m wide boards forming the V, to a single sign measuring 2.4m in height and 1.15m in width.

The Development Control Manager advised that although a revised scheme reducing the scale of the advertisement had been submitted, the objectors wished to maintain their objections.

The proposed sign would be set on the opposing side of the highway to residential properties, was non-illuminated and would in part be screened by the perimeter wall to the site. In view of those matters, although visible from surrounding properties, the proposed sign would not unduly affect residential amenity associated with those properties.

The character of the area was defined by the residential properties lining the opposing side of Church Lane/St Mary's Walk, the openness of the site immediately adjacent to the sign's proposed position and the proximity of the heritage asset of St Mary's Church. The sign was proposed to be positioned behind an existing wall, set a relatively significant distance away from the Church and as such would not dominate the building. With the expanse of open space to the north/east of the sign, it was considered that the proposed sign would be a very small addition within the setting and would not unduly compromise the character of the area.

In relation to Acklam Hall, the sign was set away from the areas where there was a strong visual recognition of the Hall and its key viewpoints that were largely related to its front. In addition, with the sign being located on the periphery of the Acklam Hall site, it was considered that it would not adversely affect either the significance or setting of the historic building.

The proposed signage would not unduly affect the character of the area, the amenity of surrounding residents or harm the setting or significance of the surrounding heritage assets. It was considered that the revised scheme, although proposing a modern sign, was of a scale that did not unduly compromise or dominate the nearby listed buildings or conservation area and was well located relative to the entrance into the site. The recommendation was to approve the application, subject to conditions detailed in the submitted report.

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

**20/0159/OUT Outline application for up to 55no residential dwellings, repositioning of sports pitches and changing facilities at Acklam Iron And Steel Works Athletic Club, Park Road South, Middlesbrough, TS4 2RD for Mr L White and Mr P Hall**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that the application site was part of the Acklam Iron and Steel Works Athletic Club located on the south side of Park Road South to the east of the junction with Valley Road.

The application was seeking outline consent with some matters reserved (including appearance, landscaping, layout and scale), for the erection of up to 55 dwellings with associated works, one adult and one junior sports pitch with associated changing facilities on the site of the existing Acklam Iron and Steelworks Athletic Club. The outline application was

only seeking permission for the principle of development and the site access.

The site was currently made up of a club house building and overgrown and currently unused sports pitches. The existing club building and parking facilities were located to the north of the site but had permission to relocate to the north west of the site.

The Development Control Manager made reference to the Local Plan extract - Policy H33 Acklam Iron and Steelworks Club:

*'The site is allocated for approximately 30 dwellings. Development proposals will be expected to:*

- *provide a residential development that reflects the housing types within the surrounding area; and*
- *ensure that the design of the proposal takes account of any surface water flooding issues without adversely effecting existing surrounding residential properties, and maximises opportunities for the use of SuDS, where appropriate.*

*Housing development shall not be located within the part of the site that is within Flood Zone 2. This area will be retained for sport and recreation and should be laid out as a senior pitch, the developer will also be required to provide associated changing facilities.*

*Development will not be permitted until appropriate playing pitch re-provision has been made elsewhere within the town for the junior pitch currently on the site.'*

The application proposed up to 55 residential units. Issues relating to the internal layout and parking arrangements would be considered at the reserved matters stage. If suitable provision could not be provided for 55 dwellings, the number of dwellings could be reduced as part of those considerations.

Although the number of proposed dwellings was a departure from the Local Plan, the development would contribute towards the requirements of Policy H11 providing houses in an affordable area of the town in a sustainable location.

Following the consultation process, two representations were received from local residents who did not object to the principle of the development but had comments relating to access, highway impacts, noise, the indicative layout and the type of housing proposed.

An objection had been received from Sport England relating to the loss of sports field and the retention of both pitches on site.

Policy H33 stipulated that an area of the site would be retained for sport and recreation use, to be laid out as a senior pitch (with the provision of changing facilities) and that a junior pitch would be re-provided elsewhere within the town. The applicant had been unable to find an alternative site for the re-provision of the junior pitch and the application proposed the on-site provision of a senior pitch, a junior pitch and changing facilities. Whilst that was not in line with the intention of the policy, it was considered to achieve the aim of the policy, which was the retention of an adult and a junior pitch in the town.

Sport England had commented that *'Policy H33 mistakenly uses the term playing pitch rather than playing field, the inescapable fact is that the proposal should be accompanied by details as to how the replacement playing field is to be provided in order to be in accordance with the Local Plan allocation.'*

The Development Control Manager conveyed the importance of considering Policy H33 of the Local Plan when determining the application. Policy H33 contained approved housing allocations for the site that had been ratified by the Secretary of State. The Local Plan used the term 'pitch', subsequently a senior pitch and a junior pitch would be provided as part of the proposal. It was also commented that drainage of the pitches would be secured by a condition.

On balance, the development of residential dwellings on the site and the retention of two sports pitches with new changing facilities was acceptable in principle. Although the number of proposed dwellings was in excess of that stated in Policy H33, the development would contribute towards the requirements of Policy H11 providing houses in an affordable area of the town. The sports provision would be retained on-site and therefore the number of playing pitches in the town would not be reduced.

In instances where there had been an objection from Sport England and the application was intended to be approved, the Local Planning Authority was required to give Sport England the opportunity to 'call in' the application for the determination of the Secretary of State. As such, the recommendation was minded to approve the application, subject to conditions.

In response to a Member's query regarding parking facilities, the Development Control Manager advised that the Social Club had its own associated parking and the use of the pitches could commence at any time without the need for planning permission.

**ORDERED** that the application be **Minded to Approve on Condition** for the reasons set out in the report.

20/8

#### **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**