

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 12 June 2020.

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

**PRESENT AS OBSERVERS:** C Benjamin.

**ALSO IN ATTENDANCE:** Councillor R Arundale, F Farooqui and Councillor T Furness.

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

**DECLARATIONS OF INTERESTS**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor J Rostron	Non-Pecuniary	Agenda Item 5, Item 2 Ward Councillor.

1 **WELCOME AND INTRODUCTION**2 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 6 MARCH 2020**

The minutes of the Planning and Development Committee meeting, held on 6 March 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.

**20/0017/FUL Single storey extension to rear and part conversion of detached garage to residential annex including installation of 7no roof lights at 15 Connaught Road, Nunthorpe Middlesbrough TS7 0BP for Mr and Mrs Rhodes**

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 approval for the installation of 7 roof lights to an existing outbuilding at the rear of 15 Connaught Road, to support its conversion to a residential annexe. The use of the garage as a residential annexe did not, however, require planning permission. Approval was also sought for a single storey extension to the rear of the main dwelling to create a larger kitchen space.

The application site was a modest, two storey, semi-detached dwelling that was located on Connaught Road in Nunthorpe. The property had a long rear garden, which was characteristic of the properties in that area. The application proposed a small single storey extension at the rear of the property, extending an existing single storey sunroom. The extension planned to incorporate a flat roof, have an overall height of 3.2m and a set of doors centrally along the rear elevation. The extension planned to project 0.5m further than the existing sunroom and would have an eaves height which was 0.5m greater overall.

The proposed extension was considered to be subservient to the main dwelling, being relatively minor beyond the existing built form. The Development Control Manager advised that, with being at the rear, it would have a very limited impact on the character and appearance of the area. It was also stated that the overall footprint of the property and the

extent of outdoor amenity space would not significantly change as a result of the work.

The extension planned to sit close to the shared boundary with No.13, which had a set of double doors within its rear elevation, positioned close to the boundary. Due to the existing layout, the neighbouring property's window, would, to a degree, be set in between two extending elements that was arguably detrimental to light. However, as the projection and increase in height was minimal, the additional impact was considered to be limited. The Development Control Manager advised that the neighbour's rear double doors would still receive a reasonable level of the light following the works.

In terms of the works to the outbuilding, planning permission was not required for the use of the outbuilding as accommodation, provided it was used solely as an annex to the main property and occupied by persons who had a direct relationship to the occupiers of the main (host) property. Consideration could therefore only be given to the external alterations being proposed to the outbuilding. The Development Control Manager advised that, whilst the use of the outbuilding could already occur, it was recognised that through the insertion and operation of the proposed roof lights, an additional impact was likely to occur. It was added that the roof lights would allow views out and could be opened. Thereby, noise generated within the outbuilding could be heard external to it, in close proximity to adjacent gardens, to a greater degree than would otherwise be the case.

Within the outbuildings front roof slope (facing the host property) there had been initially four roof lights proposed and a further four in the rear. That was considered to be excessive and a request was made to limit the impacts of roof lights on neighbouring properties. A revised scheme had been submitted with seven roof lights shown, three to the front and four to the rear.

Whilst the roof lights would be visible within the roof plane of the outbuilding, given their angle, size and position, it was considered that the actual impact would be relatively limited. Although it was accepted that the perception of being overlooked could be greater, should windows be opened and voices, music and general domestic noise generated within the property, be audible within the adjacent rear gardens. It was advised that whilst that may not be significantly different to existing properties adjacent, the proposed windows would arguably be more noticeable, being in direct sight. Whilst that was considered to be a detrimental impact for the privacy and perception of privacy associated with adjacent properties, on balance, it was considered that it would not be so significant as to warrant refusal of the application.

Neighbouring properties had been consulted on the proposal, five objections had been received from four of the adjacent neighbouring properties. Comments received were summarised in the submitted report or appended in full. Concerns had been raised with regards to loss of privacy and overlooking to main habitable rooms, noise, parking provision, the outbuilding being turned into a separate private residence and the impacts on wildlife/conservation.

Importantly, the Development Control Manager advised that using the outbuilding as a residential annexe within an established residential area would lead to more 'residential related noise' in the area. However, it was added that it would not introduce a new noise type (industrial / commercial noise) and arguably may not result in greater noise than if someone were minded to construct a patio/decking or summerhouse in the same position - all of which could be constructed without the need for planning permission. The outbuilding and the associated roof lights being proposed were within close proximity to the site's boundaries and being at the end of the garden that was different to the general relationship of properties within the streets. However, properties and their windows were relatively close to one another's boundaries along the street, as was typically the case in a residential area. It was not uncommon for noise generated at a neighbouring property to be heard within the garden of an adjacent property. For those reasons, it was considered that the proposed roof lights should not, where reasonably used, amount to a significant detrimental impact on the residential amenity of adjacent occupiers.

In terms of privacy and overlooking, it was explained that where close to boundaries/windows associated with other properties, ideally, roof lights should be set above the head height of the internal room that they served - in order to avoid overlooking. However, due to the existing fixed height of the existing garage, and position of the upper floor level within it, that was not achievable.

The Development Control Manager advised that initially four roof lights had been proposed and a further four in the rear. That had been considered to be excessive and a request was made to limit the impacts of roof lights on neighbouring properties. A revised scheme was submitted with seven roof lights shown, three to the front and four to the rear. Of the three roof lights in the front roof slope, two planned to serve a study/office and one planned to serve an en-suite. The changes made had also indicated the en-suite roof light would be fixed (non-openable) as well as being obscurely glazed. In the rear roof slope, there were four roof lights proposed, one serving an en-suite (obscure but not fixed), two serving the office/study and one serving a stairwell.

It was commented that the roof lights were approximately 80cm long and 55cm wide. Importantly, roof lights operated and provided a different aspect than more traditional windows within a vertical elevation. The roof lights proposed were of a limited width and provided a much reduced angle of viewing from within a room, than a more typical window arrangement. Therefore, roof lights had a reduced impact on privacy in general terms. However, building occupiers were still able to stand at a roof light and get a view out and therefore the impact on privacy still required consideration.

With regard to the location of the outbuilding to neighbouring properties, the committee was shown several images to demonstrate the potential impact.

The Development Control Manager advised that the greater impact of views from the windows, would be into the gardens associated with those properties. Due to the limited scale of the windows, such views would not be achieved from large areas internal to the rooms within the outbuilding. Notwithstanding that, the views that were achievable were at particularly close quarters to the adjacent gardens and there were two key aspects to consider, which were, the impact on privacy and the perception of privacy. Whilst the proposal could have a detrimental impact on the privacy and perception of privacy associated with adjacent properties, on balance, it was considered that it would not be so significant as to warrant refusal of the application.

In terms of other matters, concerns had been raised regarding conservation, particularly the impact on birds/owls. Specific reference was made to an owl nesting box in the adjacent tree, positioned close to the edge of the garage. Tees Valley Wildlife Trust had been consulted on the issue and it was advised that in order to minimise the impact on nesting, it was considered appropriate to restrict the construction phase of the development to ensure work was undertaken outside of the owl nesting season. A suitably worded condition had been recommended, which was detailed in the report.

In response to a Member's query, the Development Control Manager advised that the roof lights would not be installed between or during the months of March to September.

If approval was granted, whilst the proposal would have a detrimental impact on privacy and amenity of neighbouring properties, as the use of the outbuilding as an annexe was a permitted development, it was considered that the impacts would not be so significant as to amount to a notable harm. The Officer recommendation was to approve the application, subject to the conditions detailed in the submitted report.

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

In summary, the Agent explained that the extension and roof lights had been designed so that their appearance was complementary to the existing dwelling house. The objections received in respect of the application had been duly noted and the scheme had been revised so that it would not have a detrimental impact on the amenity of any adjoining or nearby residents. The number of roof lights had been reduced, and fixed (non-openable) and obscurely glazed options had been considered and proposed for some roof lights.

Following receipt of the evidence, a discussion ensued regarding the concerns that had been raised with regards to loss of privacy. In response to a Member's query, the Development Control Manager advised that the garage was positioned 23m from the rear elevation of No.4 Bedford Road and 28m from the rear elevation of No.2. That was notably beyond the design guides distance between opposing habitable rooms of 21m and raised no concerns in terms of inter relationship between opposing windows. It was added that the intervening distance between a garden and window (within separate properties), in planning terms, was not dictated by planning policy but nevertheless it did impact on privacy and was therefore deemed a material planning consideration.

Several Members proposed adding a condition to the application to ensure that the roof lights on the rear elevation were obscurely glazed. Members commented that the additional condition would reduce/limit the impact of privacy. The agent confirmed that the applicants were not opposed to this requirement.

**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:

#### **Obscure Glazing**

**Notwithstanding the details on the plans hereby approved, all rooflights within the rear roof slope (facing properties on Bedford Road) shall be obscurely glazed and the glazing within those rooflights shall remain obscured in perpetuity to opacity level 4.**

**Reason: In order to retain adequate levels of privacy for the occupiers of properties in Bedford Road in accordance with Local Plan Policy DC1.**

**20/0091/COU Change of use from (A1) retail to (A5) hot food takeaway and retrospective planning permission for single storey extension to rear, installation of flue and new shop front at 429 Linthorpe Road Middlesbrough TS5 6HH for Mr Holt**

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 (429 Linthorpe Road) was a commercial unit located within a row of terraced properties towards the southern end of Linthorpe Road and within the Linthorpe Village Local Centre. The building was a mid-terrace property with part two-storey and part single-storey offshoot to the rear. It was previously used as a retail unit and the first floor used as storage space, however, the whole unit was now vacant.

Planning permission was sought to change the use of the premises from retail (A1 use) to a hot food takeaway (A5 use), construct a single-storey extension and install a fume extraction flue to the rear. It was confirmed that construction work, at the site, had already commenced. It was planned that the arrangement of the shop front would remain the same but the door and window would be renewed.

Neighbouring properties had been consulted on the proposal and two objections had been received. Comments received were summarised in the submitted report or appended in full. Objections had been received regarding the harmful increase of hot food outlets in the location, that the use would damage the daytime economy and would have a detrimental impact on public health and on the amenity of local residents.

The unit to the north was a restaurant and the unit to the south a hairdresser/beauty salon. Residential properties were located to the rear on Benson Street, Oliver Street and Rudd's Yard, although no residential premises immediately adjoined the premises. Properties on the opposing side of Linthorpe Road were a mix of retail and commercial uses. There was one residential property above the commercial units and planning permission had been granted for student accommodation at 420-422 Linthorpe Road. However, the student accommodation was not yet complete.

The application site was identified as being within the Linthorpe Road South area of the wider town centre, where a mix of retail, professional services, restaurants, drinking establishments and hot food takeaway uses operated. The application site was located within an area defined as 'Linthorpe Village Local Centre' in the Local Development Plan, where uses such as hot food takeaways were considered to be appropriate - providing they did not detract from the vitality and viability of the centre. The interim hot food takeaway policy determined proposals would be permitted for hot food takeaways, where the use would not result in the proportion of total units in a centre exceeding 10%, result in more than two adjacent hot food takeaways, or be located within designated primary shopping frontage. The most current local centre survey carried out in 2019 showed that the centre currently had a 7% proportion of hot food takeaways and a 4% vacancy rate. Planning records showed that there was one further extant approval for a hot food takeaway within the Linthorpe Road Village Centre that had not yet been implemented. Even when taking into account the previously approved A5 use and the current proposal, the percentage would still only be 9.2%.

The Development Control Manager advised that neither of the units adjoining the application site were takeaways (A5 uses). Therefore, the proposal would not result in more than two adjacent hot food takeaways in accordance with policy. It was added that the impact on the appearance of the local centre would also be limited, should the premises have restricted opening hours.

It was advised that consideration should also be given to the benefit of bringing into use a vacant premises. The current vacancy rate of 4% demonstrated that whilst there was not a high demand for retail units, which would be demonstrated by no vacancies, there was also not a high vacancy rate. Furthermore, it was also considered that using the premises as a hot food takeaway was preferable to having the unit stand empty.

The Council's Interim Policy on hot food takeaways recognised the link between takeaway food and obesity. In order to promote healthier communities, the policy determined proposals for hot food takeaways should not be located within 400m walking distance of a secondary school. In that respect, it was confirmed that the proposal met that criteria.

The Development Control Manager commented that the proposed extension would project from the rear elevation, by approximately 5m, so that it was line with the end elevation of the existing single storey offshoot. Therefore, effectively infilling the return between the offshoot and the shared boundary wall with No. 427 Linthorpe Road. It was advised that the proposed extension would project above the rear boundary wall by approximately 900mm.

It was planned that the proposed ventilation flue would project 4.5m above the roof of the extension to the rear of the building and 1.4m above the main eaves - but not above the ridge of the main roof. The Development Control Manager advised that the flue would sit between the rear offshoots at the application property and the adjoining property and would therefore be shielded from view to a significant degree. The extension and the ventilation flue would be visible from the rear of the property but would be screened from view, to a large extent from the wider area, by the main body of the building and the two storey offshoots.

The Council's Environmental Health Officer advised that a noise assessment should be submitted prior to the use commencing and that could be secured by a condition. The noise assessment planned to identify noise from sources, such as - deliveries being made, noise from fixed plant and machinery as well as any measures necessary to protect neighbouring premises from noise.

The Development Control Manager advised that, if approval was granted, the hours of opening/use would be restricted to between the hours of 10:00am and 11:00pm Monday to Sunday as per the recommended condition.

In terms of highways, there was no off street parking associated with the premises as it was located on Linthorpe Road where there were parking restrictions on the highway to the front of the property. The premises was however, in a local centre, in a highly sustainable location and uses were of a scale and nature that served the local area and it was expected that the majority of patrons would walk to the local centre/amenities. The Council's Highway Engineer

had considered the proposal and had raised no objection.

The applicant had indicated that waste storage would be provided in the rear yard area. The Council's Waste Policy Officer had considered the proposal and had raised no objection.

The Development Control Manager advised that comments had been made regarding litter and anti-social behaviour. It was highlighted that those issues were not material planning considerations, therefore, they should not influence assessment of the application.

The proposal had been considered against national and local guidance and policy. The Development Control Manager advised that it was considered that the proposed use was acceptable in principle in the local centre location and would not undermine the vitality and viability of the local centre. It was also considered that the proposed extension and ventilation flue would, due to their scale and location to the rear, not have a detrimental impact on the amenity of nearby residents or on the character of the area. As stated in the conditions, providing that any measures identified in the noise impact and odour assessment report were implemented, there would be no significant impact on the amenity of local residents. The Officer recommendation was to approve with conditions.

A Ward Councillor spoke in objection to the application.

In summary, the Ward Councillor raised the following issues:

- There was limited/restricted access via the alleyway to the rear of the property, which would impact on waste storage and waste collection.
- There was a number of restaurants in the locality that were now operating as takeaways due to the current Covid-19 crisis. The Head of Planning confirmed that restaurants had a different use class, therefore, they were not identified as takeaways in the local centre. The extended permitted development for hot food takeaways enabled restaurants to change their use class to allow for the provision of takeaway food, but that was only temporary and would come to an end.
- There was extant approval for a hot food takeaway within in the Linthorpe Road Village Centre, which had not yet been implemented and already increased the number of takeaways in the locality.
- Due to restricted access, deliveries and customers may cause obstructions, thereby impacting on highway safety.

Members expressed concern with regard to the fact that construction work had already commenced at the site. The Development Control Manager confirmed this was not a material planning consideration.

Members commented on the number of hot food takeaways in the locality and questioned the boundaries of Linthorpe Village Local Centre. It became apparent that there were fish and chip shops/takeaways located on Chipchase Road and Oliver Street, which were just outside of the boundary. Concerns were raised with regard to concentration of hot food takeaways in the location. The Head of Planning advised that the boundaries had been defined during the Local Plan process and that boundary predated 2009. It was commented that the Local Plan was currently being reviewed, therefore, the boundary may be subject to change. However, it was explained that in policy terms, the current boundary needed to be considered when determining the application.

Members commented on the link between takeaway food and obesity. Concerns were raised that the proposal did not support the health and wellbeing of the local community and that the aim should be to reduce, rather than increase, the number of hot food takeaways.

Members commented on the noise levels at the site, along with the noise that would be generated at the development and its impact upon neighbouring premises. Other concerns raised by Members included the increase in traffic, parking issues and odours. It was also commented that due to the limited/restricted access to the rear of the site, waste storage and waste collection from the rear yard area would be problematic. The Development Control Manager gained clarification from Members on their areas of concern.

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

**Impact on residential amenity**

In the opinion of the Local Planning Authority the proposed change of use will have undue impacts on the amenity associated with the nearby residential properties as a result of the noise which will be generated using the rear yard area in the late evening and as a result of open windows within the kitchen, which are in close proximity to residential properties and as a result of odours generated from the proposed use which is without sufficient evidence / survey work to demonstrate otherwise, contrary to Local Plan Policy DC1(a), (c), (f).

**Waste Storage**

The rear yard is relatively small and has a particularly small access into the alleyway to the rear. In the opinion of the Local Planning Authority this is likely to result in storage of waste bins within the alleyway in an area which is not only commercial but also residential in nature and which will lead to unacceptable impacts on the amenity associated with the nearest residential properties, contrary to Local Plan Policy DC1(c).

**20/0208/FUL Single storey extension to provide additional student facility at Acklam Grange School, Lodore Grove for Middlesbrough for Design Services, Middlesbrough Council**

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 planning permission was sought for the erection of an extension to an existing school to provide an Autism teaching area, consisting of a classroom for 16 pupils, staff room for 3 additional staff and a small number of ancillary rooms, including WCs and a meeting room.

The site was a modern purpose built school divided into separate blocks arranged around a central courtyard with external teaching areas between. The buildings were predominantly two-storey with flat roofs. The school site had extensive playing fields around the outer areas and it was set within a residential area of Acklam. Surrounding the school grounds were a mix of two-storey domestic dwellings along the boundaries to the north, east and south and open land to the west with the A19 beyond.

The proposal subject of the application was to construct a new Autism Resource Centre (ARC) within the school by providing an additional block, which would include a classroom (up to 16 pupils), staff room, meeting room, group room, meditation room and changing room/WCs. It was advised that the extension would be positioned to the western end of the most southerly block, measure approximately 12m x 20m, be constructed from brick/render and have a flat roof. It was also commented that the Autism Resource Centre would have a small garden area, which would be fenced off with a 2m high weld mesh fence.

Neighbouring properties had been consulted on the proposal, 37 objections had been received and one letter of support. Comments received were summarised in the submitted report or appended in full. A number of objections had been received in relation to the proposal, the vast majority related to the existing and additional impacts on traffic movements, congestion, parking, pedestrian safety, blocking of driveways and construction traffic. A map was displayed, which highlighted those properties that had submitted comments on the proposal.

Individual comments related to:

- general traffic;
- second access needed;
- suggested drop off at Mandale or Acklam Road;
- pollution;
- emergency vehicle access;
- noise from additional traffic and construction traffic;
- impact on environment;
- drainage;
- litter;
- blocking of driveways;
- anti-social behaviour;
- existing road being too narrow to deal with current traffic;
- vibration from construction vehicles causing damage to houses;
- entrance at Heythrop Drive should be used more; and
- parking issues on Lodore Grove.

The Development Control Manager explained that it was understood that living within a street that provided access to a school, would be subject to some traffic and pedestrian impacts at certain times of the day, similarly to the same impacts that people living on main roads into town/city centres would experience. The application, however, had to be considered on its own merits as the existing impacts of the school traffic were just that, an existing situation, which would have been considered and dealt with under previous planning applications/considerations. In planning terms, it was not appropriate to mitigate the impacts of an existing situation but instead, consider a scheme in the context of its own impacts, against the backdrop of the existing situation. The proposal put forward was for a modest sized extension to the school building for an additional 16 pupils and 3 staff to be accommodated at the school.

The school fields were located within land allocated in the Local Plan as Green Infrastructure, Green Wedge and Primary Open Space, which would generally seek to restrict new development from taking place within them. The proposed addition, although a new extension, maintained the same use as that of the existing school. It was a modest extension to the school building, which did not undermine the intent and functioning of the school fields as open space or green wedge. It was explained that the school fields would still form a buffer between nearby development elsewhere and other allocations within the Local Plan.

Reference was made to Policy CS16 (Education), which was also relevant. The policy advised that the Council would ensure that everyone had access to the facilities required to meet their educational needs and that when considering the provision of new facilities (including extensions), regard would be given to its contribution to regeneration, elimination of overcrowding, design and use of materials to provide a high-quality learning environment and ensuring facilities were accessible.

Permission was sought for the extension of an existing school building. The site fell within the development limits for the borough and in a sustainable location and was therefore acceptable in principle.

In terms of character and appearance, the proposal was for a relatively small addition to the overall school building. It was proposed to be single-storey, have brick lower section and render upper section which would fit with the character and appearance of the existing school building. It was explained that the proposed building would be attached and accessed as part of the main building and therefore assimilate into the existing school functioning. The proposed building was set a significant distance away from the nearby residential properties and would only be viewable at distance, across the existing school fields.

In terms of the impacts on adjacent residential amenity and privacy, there were two aspects to privacy and amenity to consider in that regard, firstly the impact of the use at the location it was proposed and secondly the traffic impacts of the use on residential amenity. The latter had been the source of notable objection.



Notable objection had been received in relation to the impacts of traffic on the access roads, Lodore Grove in particular. Objectors referred to both the existing problems that were experienced due to traffic at drop off and pick up times and the additional traffic that the proposal would lead to.

The Development Control Manager advised that the school had a student capacity of 1,470 students, currently hosting 1448 students and that the proposal would increase that by 16 students, which equated to an increase of 1.09%. Similarly, the net internal floor area was 10,990sqm and the proposal was approximately 250sqm, which equated to a 2.3% increase in floorspace. Those were very minor additions to the overall school provision and existing capacities. It was also understood that the school currently had:

- 150 car park spaces, plus 8 accessible bays for school use accessed from Lodore Grove;
- 15 linear drop of bays, accessed from Lodore Grove for school/parent use;
- 27 car park spaces, plus 4 accessible bays for MIC use from Lodore Grove; and
- 85 car park spaces, plus 2 accessible bays for school and Acorn use from Heythrop Drive, plus a large service yard that accommodated site vehicles and more parking as required.

It was considered that the additional traffic/pedestrian activity associated with the application would not amount to a level of demonstrable harm to residential amenity that would warrant refusal of the application.

The Council's Highways Team had considered the application, the existing traffic situation in the area and provision at the site, as well as the indicated numbers of additional pupils that the proposed development would result in. The Highways Officer had confirmed that the site currently provided over 158 car spaces, a level of provision that was in accordance with the Tees Valley Highway Design Guide Standards. It was the Highways Officer's professional opinion that any associated traffic increase with such a small change in pupil and staffing numbers would be negligible on existing highway/parking related matters and that there were no grounds to object to the proposals nor to seek mitigation works/contributions based on such minor increases.

It was considered that the additional pupils/impact on traffic related matters would be negligible and likely to be unperceivable and whilst it was noted that there were impacts on the highway, congestion etc. as a result of the school, that was not entirely uncommon at most schools. In recommending on the application, it was not the Highways Officer's view that there were no highway implications relating to schools, or indeed Acklam Grange School, but that the proposal was of a scale that would not result in additional significant impacts on highway safety or highway related matters - such as need for additional on-site parking or schemes to reduce congestion or mitigate road safety.

Objectors had raised concerns about access for emergency services and whilst noted, it was considered that the negligible increase in pupils/staff at the school would not unreasonably increase such impacts.

The proposed development was for a modest extension to the existing school building, which would introduce a small addition to pupil and staff numbers above the existing situation. The building had been designed to be in keeping with the existing school building and would not unduly affect the open aspect of the site or extent of greenspace at the site in accordance with relevant policies. The additional traffic and pedestrian movements associated with the proposed development were considered to be negligible to the overall movements and would not unduly increase the impacts of existing traffic-related matters within the adjacent residential streets.

In response to Members' queries regarding construction traffic utilising an alternative route to Lodore Grove, the Development Control Manager advised that, as a general rule, planning conditions did not tend to control construction traffic. Generally, the only construction conditions imposed by planning related to the hours construction vehicles could enter the site. However, it was explained that with imposing that type of condition, it often meant vehicles

would queue outside a site (on the highway) prior to the stipulated access times, which caused greater harm. Furthermore, planning had no powers to prevent that from happening. It was added that the level of traffic that would be generated to build the development would not be significant given the scale of the development. The officer recommendation was to approve the application subject to conditions.

Members also commented that the provision of alternative access routes, to the school, would address the traffic impacts of the school on nearby residents. The Development Control Manager advised that, in respect of considering the current proposal, it was not appropriate to mitigate the impacts of an existing situation but instead, consider the scheme in the context of its own impacts, against the backdrop of the existing situation.

A Ward Councillor spoke in objection to the application.

In summary, the Ward Councillor raised the following issues:

- The increase in vehicle traffic on Lodore Grove is unreasonable.
- There had been a steady increase in vehicles accessing the Lodore Grove entrance to the school, particularly since the rebuild. It had now reached the stage at start and finish times that people could not get out of Ruskin Avenue or Keswick Grove in their cars because traffic was backed up from inside the school gates to the traffic lights on the Acklam Road junction.
- There were concerns over access for emergency vehicles.
- When the new school was proposed, had there not been an existing school on the site, the application would have been refused on the grounds of access - thereby recognising the problem at that time.
- A more even distribution of traffic between Heythrop Drive and Lodore Grove would alleviate the existing traffic congestion.

A discussion ensued and Members acknowledged that having only one existing entrance caused problematic traffic queues at school drop off and pick up times. A Member raised concerns about access for emergency services during those periods. Members commented that an additional entrance being accessible via on Heythrop Drive, which was identified as a former access route into the school, would alleviate impacts of traffic on Lodore Grove.

Members were mindful that there was a requirement to consider the proposal on its own merits, as the current impacts of school traffic were already in existence. Therefore, it was suggested that Ward Councillors could liaise with the Executive Member for Regeneration to discuss potential solutions to alleviate existing traffic and congestion problems.

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

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#### **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**