

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday 15th January, 2021
Time: 1.30 pm
Venue: Virtual Meeting

AGENDA

Please note: this is a virtual meeting.

The meeting will be live-streamed via the Council's [Youtube channel](#) at 1.30 pm on Friday 15th January, 2021

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 4 December 2020 3 - 12
5. Schedule of Remaining Planning Applications to be Considered by Committee 13 - 78

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Item 1 - Former Natures World (pages 15 to 33)
Item 2 - Land at Corner of Stockton Street/Commercial Street (pages 35 to 52)
Item 3 - 24 Church Lane (pages 53 to 65)
Item 4 - 2 Newport Crescent (pages 67 to 77)
6. Applications Approved by the Head of Planning 79 - 88
7. Any other urgent items which in the opinion of the Chair, may be considered

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 7 January 2021

MEMBERSHIP

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

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Georgina Moore/Chris Lunn, 01642 729711/729742, georgina_moore@middlesbrough.gov.uk/chris_lunn@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

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

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

ALSO IN ATTENDANCE: Councillor C Hobson, A Moseley, S Natkus and J Zigmond

APOLOGIES FOR ABSENCE Councillors M Nugent and J Thompson.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor D Branson	Non-Pecuniary	Agenda Item 5, Item 1, advocate for crossing on Brass Castle Lane adjacent to application site.
Councillor J Hobson	Non-Pecuniary	Agenda Item 5, Item 1, Ward Councillor.
Councillor G Wilson	Non-Pecuniary	Agenda Item 7, planning appeal for 42 Cinderwood, Ward Councillor.

1 WELCOME AND INTRODUCTION

2 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 6 NOVEMBER 2020

The minutes of the previous meeting of the Planning and Development Committee, held on 6 November 2020, were submitted 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.

20/0199/FUL Demolition of existing buildings and the erection of 69 dwellings (including 19no. bungalows) with open space and infrastructure at Land at Ford Close Riding Centre, Brass Castle Lane, Middlesbrough TS8 9EE for Stonebridge Homes and Susan Jamieson Ritchie

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 demolition of some existing buildings on the site and the erection of 69 dwellings, including 19 bungalows, with associated access, landscaping and infrastructure on land at the Ford Close Riding Centre to the east of Brass Castle Lane.

The site was located to the east of Brass Castle Lane, south east of the junction with Fulford Way, and comprised 5.5ha of open fields and mature woodland. Part of the site had an existing dwelling and buildings relating to the riding school located along the northeast boundary of the site. A telecommunications mast was located in the southeast corner of the site. The existing Eagle Park residential estate was located to the northwest of the site and the ongoing Grey Towers housing development was located to the southeast and northeast.

A woodland belt within the site was located to the south with housing past it, with further woodlands located outside the site to the northeast.

Permission was sought for the demolition of some of the existing buildings on the site and the erection of 69 dwellings. The dwellings proposed consisted of:

- 11 two bed bungalows;
- 8 three bed bungalows;
- 40 four bed two-storey houses; and
- 10 five bed two-storey houses.

In terms of consultation, the Local Authority had sent out 51 neighbourhood consultation letters. A total of 35 objections had been received from 25 properties. Only four of those properties were located within the immediate vicinity of the application site and had received a neighbourhood consultation letter.

The main issues raised by objectors included:

- that proposal was in conflict with planning policy;
- there was inadequate infrastructure to deal the scheme;
- there would be an increase in traffic and congestion; and
- there would be a detrimental impact on wildlife/ecology;

The principle of housing on the site had been approved through the allocation of the site in the adopted 2014 Housing Local Plan under policy H30. It was also recognised in the Marton West Neighbourhood Plan.

Policy H30 Land at Ford Close Riding Centre stated that:

'Planning permission will be granted for a high quality, high value executive residential development to provide a maximum of 50 dwellings, and associated access improvements. Development proposals will be expected to:

- *provide a residential development that reflects the executive housing types within the surrounding area;*
- *take account of the topography and features of the site in the design process;*
- *retain and integrate existing mature trees and hedgerows, where possible, including the retention of existing woodland buffers along identified watercourses;*
- *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; and*
- *provide pedestrian and cycleway links along the eastern and northern boundaries of the site to improve connectivity with adjoining residential areas to the north and south.'*

A number of comments had been received stating that the scheme was contrary to policy H30, as it exceeded the maximum of 50 dwellings.

Whilst policy H30 stated a '*maximum of 50 dwellings*' policy H1 (Spatial Strategy) stated '*All housing requirements and housing allocations in the Core Strategy and Housing Development Planning Document are minimum figures unless otherwise stated. Proposals for fewer than the minimum or more than the maximum dwelling requirements for a site will only be considered where it can be clearly demonstrated through a design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate.*'

It was explained that, as a result of policy H1, the number of dwellings proposed in itself was not a planning reason to refuse the application. More than 50 dwellings could be acceptable in planning terms, subject to full consideration of the design and quality of the development and site specific policy requirements.

The Head of Planning advised that a key consideration for committee members was whether

the scheme, by exceeding the maximum number of dwellings, undermined the design quality that Housing Local Plan was trying to achieve on the site.

The application site was within the boundaries of the 2016 adopted Marton West Neighbourhood Plan. Policy MW4: Land at the Ford Riding School - Brass Castle Lane stated that:

'Proposals for a high quality residential development at Ford Riding School will be supported where an element of the dwellings provided should be bungalows. Subject to negotiation, a proportion of the developer contributions should be made towards traffic calming measures within the vicinity and a donation made for the upkeep of Bonny Grove Park, Sudbury Pond and Fairy Dell.'

Whilst a number of resident comments referred to the need for a predominance of bungalows on the site, that had not been stated within the Marton West Neighbourhood Plan. The neighbourhood plan, at paragraph 35, stated, that: *'Marton West residents recognise the need for more housing but would suggest that this site has at least 40% of the development built as bungalows as a way of partly meeting the shortfall of this type of housing in south Middlesbrough'*. It was advised, however, that the target of 40% was an aspiration and did not form part of the policy.

In response to objections and officer comments reiterating the requirements of policy MW4, revised plans had been submitted that proposed 19 bungalows within the site. That figure represented nearly 28% of the proposed dwellings. Whilst that did not meet the 40% target referred to in the MWNP, it represented a significant increase in the numbers originally proposed and steps towards meeting the aspirational target.

Given the policy context, the principle consideration for Members was one of design and whether the proposed scheme undermined the design objectives of the site.

The site included an area of woodland, which was to be retained and the building line would sit behind the green belt. There would be a significant area of open space, including a SUDS pond/detention basin that would be located at the entrance to the site as part of the sustainable drainage scheme.

The layout of the site responded to existing natural features and the dwellings had been orientated to provide a maximum benefit from views over the open spaces and landscaped areas, with existing and new rights of way, cycle paths and bridleways penetrating the site connecting the properties to the landscaped and wooded areas and the wider right of way network.

The main footpath to the north and south would not follow Brass Castle Lane. A new footway would be provided to the sites northern boundary on Brass Castle Lane to connect into internal footpaths which in turn would connect into adjacent routes and the Grey Towers Farm development.

The woodland and landscaped areas were of a significant benefit to the community providing leisure opportunities through walkways connecting the open areas and landscaped spaces, and enhancing the visual appearance of the area.

Statement dwellings and corner turners had been located at prominent positions throughout the site to further enhance the streetscene and the quality of the development providing focal points. Where possible, dwellings would be fronted onto open spaces providing attractive views over landscaped settings. The bungalows were placed in a number of locations throughout the site resulting in varying roof heights enhancing the visual appearance of the area.

The existing mast that was located on the site was a constraint. Dwellings had been orientated so that the mast did not dominate views from the properties. Higher boundary treatments constructed from brick with timber inserts in that location assisted with ensuring the amenity of new residents was not compromised and also added an attractive element to the

streetscene.

The proposed housetypes were of a good size. 11 House types were proposed offering a mix of 2, 3, 4 and 5 bedrooms including bungalows and two-storey dwellings, i.e. 2 and 3 bedroom bungalows and 4 and 5 bedroom houses. The proposed housetypes incorporated various design details, including gable features, soffits, decorative porches, stepped elevations, windows set in the eaves and bay windows.

The permitted development rights would be removed for the site to enable the Local Planning Authority to further control alterations and extensions to the dwellings following their completion. Removal of permitted development rights planned to ensure that the high quality designs of the dwellings, and their relationship with their neighbours and landscaped areas, would be retained.

The scheme had a density of approximately 18 dwellings per hectare which was in keeping with the densities of the surrounding housing estates.

Members were showed several images in respect of the proposed house types, streetscene and access.

In terms of the works to the local highway environment, the 30mph/60 mph speed limit boundary on Brass Castle Lane would be relocated circa 45m south. That would result in the 30mph scheme and the street lighting being extended to a point south of the proposed site access. In addition, a new gateway feature at the change in speed limit would be introduced, consisting of signage, lining and a welcome sign to reinforce the change in speed limit and to influence driver behaviour.

The Head of Planning stated that in terms of infrastructure provision, the site provided affordable housing (11 bungalows). As part of the s106 agreement, contributions were being sought towards:

- Bonny Grove Park, Sudbury Pond and Fairy Dell - £50,000
- Marton West Beck improvements - £127,719
- Strategic highways works to Dixons Bank/Brass Castle Lane junction - £458,291
- Off site highway works would also be undertaken, including:
- upgrading of the adjacent inbound and outbound bus stops (two stops in total);
- provision of a formal pedestrian crossing point between the housing to the north of Brass Castle Lane and the northern site frontage;
- provision of a footpath linking the new crossing point to the proposed site access junction; and
- gateway/traffic calming feature on Brass Castle Lane.

Whilst policy H30 required a contribution to educational needs and comments had been made relating to the lack of school provision, the Council's education team had confirmed that there was no requirement for a contribution from the development.

The other issues raised as part of the consultation related to:

- The five year land supply - the five year supply was not there to be used as a tool to restrict development on allocated sites and could not be used as a reason for refusal, its purpose was to provide an indication of whether there were sufficient sites available to meet the housing requirement year supply.
- Status of the Local Plan - as the Local Plan had been adopted in 2014, where strategic policies were more than 5 years old, local housing needed to be calculated using the five year land supply.
- Contrary to NPPF - key elements of the NPPF stated that there was a need to look at the most effective and efficient use of land, therefore, the density of the scheme may have been considered to be too low and an increase in dwellings could have been proposed.
- Archaeology - the development had been considered in relation to the potential archaeology at the site. It was considered that any impacts on potential archaeology

- could be controlled by a suitably worded condition and watching brief.
- Ecology and wildlife - Ecological Impact Assessments had been submitted as part of the application documents. The majority of the application site was grassland with limited potential for wildlife. The existing woodlands and hedgerows were to be retained and enhanced with additional landscaping in the residential gardens and open spaces. The addition of the detention basin and grassland areas planned to enhance the visual appearance of the streetscene and would increase the ecological habitat on the site.

The Head of Planning advised that the main issues for consideration were:

- Is the design of the development of a high enough quality to justify exceeding the maximum number of dwellings specified in policy H30 of the Local Plan? If not, then why not?
- Is the existing infrastructure provision, including the proposed mitigation, sufficient to accommodate the level of development? If not, then why not?
- Does the inclusion of a significant number of bungalows provide justification for the scheme?

The Head of Planning advised that whilst the proposal was in excess of the allocation identified in policy H30, the scheme was of high design quality in terms of the layout, built form and landscaping, which would deliver a significant number and proportion of bungalows. The increased number of dwellings raised no additional issues with regards to impacts upon transport, or other infrastructure, which were not being addressed through the scheme or other developments.

It was recommended that the application be approved, subject to the signing of the S106 Agreement and the conditions specified in the submitted report.

A Member raised a query in respect of the distance of the site to local amenities. The Head of Planning advised that the small site allocation did not include a requirement for amenities, such as shops, to be provided as part of the scheme. It was advised that improved pedestrian access, proposed by the scheme, would assist in encouraging residents to walk to the range of amenities (e.g. shops and leisure facilities) located in the wider area.

A Member raised a query regarding pedestrian crossings. The Transport Development Engineer advised that in order to achieve the improved pedestrian facilities, one access into the Gas Governor was to be reinstated to full height kerb and landscaped to prevent vehicular access - with access retained from the western boundary. That would connect the site into existing infrastructure. It was also added that tactile paving and crossing points across the junction with Brass Castle Lane and Brass Castle Lane itself planned to enable pedestrians/cyclists to access the existing footway/cycleway on the northern side of Fulford Way/Brass Castle Lane. Therefore, there would be east/west connections and north/south connections. A diagram of proposed highway works was shown to Members to demonstrate the locations of the proposed dropped kerbs and tactile paving, typically the crossing points for pedestrians. It was clarified that those crossings points would be uncontrolled pedestrian crossings. Members expressed concern that the proposed crossing points would not be controlled.

A Member raised concerns in respect of the telecommunications mast being located in the southeast corner of the site and the removal of part of the hedgerow to provide access. The Head of Planning advised that the hedgerow within the site would have a section removed to provide access through it, however, the majority of it would be retained. It was also added that the development proposed a landscaping scheme, including the planting of new hedges and trees and the inclusion of wildflower planting at the detention basin and woodland edge. The Transport Development Engineer advised that, in terms of access and the removal of the part of the hedgerow, through design measures a pinch point could be introduced and a footpath, potentially, only on one side. Therefore, if Members had an issue with the proposed access, it could be reduced by approximately four metres to further minimise the impact. It was also added that access was limited with regards to other constraints e.g. the junction to the north and being able to achieve suitable sightlines. It was clarified that the access proposed did

meet all technical guidelines in terms of sightlines and junction spacing.

In response to a Member's query regarding the bungalows throughout the site, the Head of Planning showed plans of the proposed site layout to Members. It was advised that the 11 two bed bungalows provided the required 15% affordable housing on the site.

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

In summary, the Agent explained that:

- The application site was an allocated site within the approved Housing Local Plan and although the additional dwellings conflicted with some elements of Policy H30, the scheme met the other requirements of the policy and the justification for increased numbers as set out in policy H1.
- By proposing the 69 dwellings, the scheme ensured compliance with policy H30, by providing 50 executive homes, but also recognised the aspirations of Marton West Neighbourhood Plan by providing a proportion of bungalows on the site.
- In terms of the removal of part of the hedgerow, there were constraints in respect of where the access to the site could be located and the need to achieve suitable sightlines. To provide access to the site, nine trees would require removal, however, another 100 trees would be planted as part of the proposed scheme.
- In terms of highways and the impact of the 69 dwellings, the level of traffic generation represented a little under 1 vehicle movement per minute.
- The scheme had a low density of approximately 18 dwellings per hectare.
- The scheme would provide an attractive landscaped setting with four acres of open space on the site. The site included an area of woodland, which was to be retained and area of open space, including a SUDS pond at the entrance to the site.
- The scheme would deliver a high design quality in terms of the layout, built form and landscaping.

An Objector was elected to address the committee, in objection to the application.

In summary, the Objector explained that:

- The scheme would result in the overdevelopment of the site - the Housing Local Plan had stated that planning permission would be granted for a maximum of 50 high quality, high value executive dwellings. The 69 dwellings proposed by the scheme exceeded the maximum number of dwellings by 19.
- If planning permission was granted for the scheme, it would send a clear message to other developers.
- Internally, within the development, there were areas where the separation distances fell short of the 21m (front to front) and 14m (front to side) advised in the Urban Design SPD.
- Local residents to the site were concerned that their broadband connections were already inadequate and 69 new dwellings would undoubtedly result in reduced quality for existing broadband users. The submitted report advised that the Applicant would be required to enter into discussion with internet providers to provide infrastructure for the application site, however, that would not deal with the negative impact of the scheme on current broadband connections. A fibre optic cable, the length of Brass Castle Lane, should be installed and paid for by the developer.
- Increase in traffic and congestion - the location of access on Brass Castle Lane and increased traffic on the lane posed additional safety hazards. Assessing the impact of the proposed scheme on traffic generation in isolation did not assess the cumulative impact of all housing developments located in that particular area. The development would cause infrastructure issues and safety concerns for pedestrians and cyclists due to access being provided off Brass Castle Lane.

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

In summary, the Ward Councillor explained that:

- The development was contrary to the Local Plan and the Marton West Neighbourhood Plan, exceeding the maximum number of dwellings.
- Although the MWNP had an aspirational target of 40% of dwellings on the site being bungalows, neither the Local Plan and the Marton West Neighbourhood Plan suggested that the site should include the 50 executive dwellings plus additional bungalows.
- The advert for the sale of the land had stated that planning permission would be granted for a high quality, high value executive residential development to provide a maximum of 50 dwellings, and associated access improvements.
- There was a requirement for the Local Plan to control developments.
- The layout and design of the scheme were poor and three bungalows were located in close proximity to a telecommunications mast.
- There were areas within the development where the separation distances fell short.
- Policy H1 stated that proposals for more than the maximum dwelling requirements for a site would only be considered where it could be clearly demonstrated that the design was of exceptional and outstanding quality. The proposed scheme was neither.
- If approval was granted, it would set a precedent for future developments across the town.

The Head of Planning explained that in respect of separation distances, there was only a couple of areas within the development that fell short of the 21m/14m guidance. The separation distances fell short of the guidance by a matter of centimetres and did not impact on amenity because of location. It was considered that the shortfall in separation distances was minimal and assisted in providing a good quality layout and focal points within the streetscene, enhancing the overall urban design of the site. Therefore, on a minimal basis was considered to be a positive element of the development.

The Head of Planning advised that broadband was delivered by a third party and the issues raised in respect of broadband connections were not material planning considerations.

Another Ward Councillor spoke in objection to the scheme and commented that:

- Following approval by Full Council, a QC had endorsed Middlesbrough's Local Plan, therefore the maximum numbers stated in the Local Plan should not be changed.
- 35 objections to the scheme had been received, including two community councils, one parish council and four local councillors who were all in disagreement with the proposed development.
- The road was a country lane that was not designed for excessive traffic.
- If approval was granted, a condition should state that work should not be started until a signal controlled junction was implemented at Brass Castle Lane/Dixons Bank.

A discussion ensued and Members raised concerns that the model, used to assess the impact of the schemes on traffic generation, only assessed the impact of an individual scheme in isolation and did not assess the cumulative impact of all developments in that area. Members also expressed concerns in relation to the impact on capacity and safety of the local highway network.

A Member commented that the scheme failed to demonstrate that it met the level of design quality required to warrant approval. Members expressed particular concern in relation to the positioning of the SUDS pond at the front of the site, the loss of woodland to create the access road and the presence of semi-detached and terrace bungalows conflicted with policy aspirations for executive housing. Members also commented on the lack of spacing between properties.

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

In the opinion of the Local Planning Authority, the proposed development has failed to demonstrate that excess of the maximum number of 50 units as defined in Local Plan Policy H30 can be reasonably achieved on the site. Local Plan Policy H1 only supports greater numbers of units in instances where, through a design led approach, a greater capacity is more appropriate in achieving the policy requirements of reflecting the

executive housing types within the surrounding area. The proposal has failed to demonstrate that it meets the level of design quality required to achieve this. Areas of specific concern are the positioning of the SUDS pond to the front of the site, the loss of existing trees to support the access road, the presence of semi-detached and terrace bungalows resulting in a number of smaller dwellings conflicting with policy aspirations for executive housing, the spacing between properties and their relationship to each other. The proposed scheme is therefore considered to be contrary to Local Plan Policy H1 and H30, and Marton West Neighbourhood Plan Policy MW4 which limit the extent of development on site and which seek a high quality, high value development.

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

5 PLANNING APPEALS

Appeal Ref: APP/W0734/D/20/3251084 - 42 Cinderwood, Middlesbrough, TS3 9RH

Appeal Allowed

The development proposed was described as 'proposed single storey infill extension.'

The main issues were the effect of the proposal on (i) the character and appearance of the surrounding area and (ii) highway safety with regards to parking.

Appeal Ref: APP/W0734/D/20/3251710 - 6 Malvern Drive, Middlesbrough TS5 8JB

Appeal Allowed

The development proposed was described as 'double storey side extension.'

The main issue was the effect of the proposal on the character and appearance of the surrounding area.

APP/W0734/D/20/3256067 - 75 Southwell Road, Middlesbrough TS5 6NQ

Appeal Dismissed

The development proposed was two storey side extension and dormer.

The main issues were:

- The effect of the proposal on the character and appearance of the host property; and
- Whether the proposal would make suitable provision for car parking.

Appeal Ref: APP/W0734/W/20/3255427 - 4 The Crescent, Linthorpe, Middlesbrough TS5 6SE

Appeal Allowed

The condition in dispute was No 4 which stated that: Windows/doors - The materials of the windows and doors incorporated within the extension hereby approved shall be timber only.

The appeal site was located within the Linthorpe Conservation Area. Planning permission for a side extension to the dwelling included a condition requiring that windows and doors within the extension shall be timber only. The appellant had objected to that condition as he wished

to use uPVC for the windows and doors subject to agreeing an appropriate design. The proposed condition related solely to the use of materials, and did not include controls relating to matters including design.

Taking the background into account, the main issue was whether the condition was reasonable or necessary in the interests of the character or appearance of the Conservation Area.

In respect of each appeal, the Development Control Manager provided Members with details of the issues raised by the Planning Inspectorate.

NOTED

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Planning & Development Committee - 15th January 2021

Town planning applications which require special consideration

1	20/0566/FUL Kader	Applicant Interserve Construction Ltd Agent Mrs Kayleigh Dixon	Erection of school building (Class F1) with associated outdoor-sports areas, parking and landscaping Former Natures World, Sandy Flatts Lane, Middlesbrough, TS5 7YN
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2	20/0594/FUL Central	Applicant Mr Denny Agent Mr Hardcastle	Social garden and community hub comprising of single storey building including workshops, cafe and shop with parking and ancillary spaces Land At Corner Of Stockton Street/Commercial Street, Middlesbrough
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3	20/0623/FUL Acklam	Applicant GAC Family Services Ltd Agent Mr Graham Northern	Change of use from dwellinghouse (C3) to residential institution (C2 - Children's Home) 24 Church Lane, Acklam, Middlesbrough TS5 7EG
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4	20/0629/COU Central	Applicant Asad Shahzad Agent Mr Ben Wears	Change of use from retail A1 [E(a)] to hot food take away A5 (Sui Generis) 2 Newport Crescent, Middlesbrough TS1 5EP
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APPLICATION DETAILS

Application No:	20/0566/FUL
Location:	Former Natures World, Sandy Flatts Lane, Middlesbrough, TS5 7YN
Proposal:	Erection of school building (Class F1) with associated outdoor-sports areas, parking and landscaping
Applicant:	Interserve Construction Ltd
Agent:	Mrs Kayleigh Dixon
Ward:	Kader
Recommendation:	Approve Conditionally Subject to Section 106 Agreement

SUMMARY

Planning permission is sought for the erection of a special educational needs (SEN) school on a site to the north of Sandy Flatts Lane, at the southern end of the former Nature's World site.

The proposed scheme includes the school building along with the associated facilities and amenities, including car parking area, multi-use games area, landscaping and boundary treatments.

The application site is allocated on the adopted Local Plan Proposals Map as part of the Green Wedge. As well as the Green Wedge, the western side of the site is identified as Secondary Open Space, and the eastern side of the site is identified as Primary Open Space. The general principles of these allocations is to protect the open and green character and appearance and to resist most developments.

In this case, however, the benefits of the proposed SEN school to the local community are considered to outweigh the loss of this part of the Green Wedge. It is also concluded that the application site occupies a relatively small area of the larger Green Wedge allocation, and that the green character and open appearance of the Green Wedge is not significantly harmed.

Given the above, it is the officer recommendation to approve conditionally subject to the signing of a Section 106 legal agreement. The legal agreement would be used as part of future mitigation measures on the highway network and to secure School Keep Clear markings outside the school.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an irregular parcel of land measuring 1.73 hectares and situated on the southern side of Sandy Flatts Lane. The site boundaries include the existing earth mounds to the north and west, a greenlink footpath/cycleway to the east, and Sandy Flatts Lane to the south.

The application is detailed and all matters – including layout, scale, access, landscaping and appearance – shall be assessed.

The application is for the erection of a single storey school building, which would be located relatively centrally within the site with a slight bias to the west. To the front of the building would be the main car park, with the playing field facility to the rear and side.

Prior to the submission of the planning application, a Screening and Scoping Opinion was received to ascertain whether or not an Environmental Impact Assessment would be required to support the application. Although the development was deemed to be within Schedule 2 of the EIA Regulations, the proposals do not meet the other criteria to warrant the submission of an Environmental Impact Assessment.

PLANNING HISTORY

20/0565/EIASCR

Screening opinion for proposed Discovery Academy

EIA Not Required

14th October 2020

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)

- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

- CS17 - Transport Strategy
- CS20 - Green Infrastructure
- MWC4 - Safeguarding Minerals
- MWP1 - Waste Audits
- CS4 - Sustainable Development
- CS5 - Design
- CS16 - Education
- CS18 - Demand Management
- CS19 - Road Safety
- DC1 - General Development
- E2 - Green Wedges
- E7 - Primary Open Space (Existing)
- E10 - Secondary Open Space

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address. <https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

The application has been the subject of the standard notification of neighbouring properties by letter drop, which includes 92 different addresses. The application was also advertised in the local newspaper and site notices were displayed at locations around the application site.

Following the consultation period, 25 representations were received, including 22 letters of objection, 1 letter of support and 2 other representations.

The **objections** can be summarised as follows:

- The potential increased traffic on the estate is unacceptable and will impact greatly on road safety.
- Sandy Flatts Lane is narrow and will cause issues for larger vehicles accessing the school. The road was designed with limited access to the residents.
- There is inadequate parking within the development.
- There will be restricted access for emergency vehicles.
- The expected traffic problems when school finishes. Cars will park in the estate creating a single track road from Nature's World entrance to the roundabout.
- Parts of Sandy Flatts Lane become treacherous in the winter months.
- The siting of the school entrance and exit could be better positioned.
- The road should be widened to accommodate the development.

- The noise levels will be greatly increased during construction and during school operational activity, especially from the sports pitch.
- Many existing trees and landscape screening will be removed to enable the construction works, which will have an impact on the look of the local area.
- The wildlife local to the area would be affected by the development.

The letter of **support** states that the proposed school is welcome in the area to serve those with learning and physical disabilities.

Responses from Internal Technical Services

Planning Policy – Although the application is contrary to Policy E2 (Green Wedge), consideration should be given to whether the benefits of the proposed school to the community as a whole outweighs the loss of a relatively small area of the Green Wedge.

Highway Planning – Whilst there is an impact on the operation of the highway network, it is not at a level that would be considered as severe, which is the test in the NPPF against which a refusal could be considered. As part of the development, a 2 metre footway along the eastern side of Sandy Flatts Lane connecting the school to the existing footway provision and crossing points on Ladgate Lane. A funding of £2,500 is also being secured through a Section 106 agreement in the event of approval, which shall be used to provide School Keep Clear markings and associated zig-zags to assist in keeping the school frontage clear.

Local Flooding Officer – The proposed drainage strategy is considered to be acceptable as it follows the principles as outlined in the flood risk assessment.

Environmental Health – No objections subject to two conditions requiring a site investigation/remediation measures and validation testing of the proposed sound attenuation works.

Waste Policy – No objections.

Secured By Design Advisor – The development should be developed to accredited secured by design standards.

Responses from Statutory and External Consultees

Northumbrian Water – No objections subject to a condition requiring

Northern Gas Networks – No objections.

Cleveland Fire Service – No comments to make on the application, however Access and Water Supplies should meet the statutory requirements.

Summary of Public Responses

Number of original neighbour consultations	84
Total numbers of comments received	25
Total number of objections	22
Total number of support	1
Total number of representations	2

Site notice posted –
9th October 2020

PLANNING CONSIDERATION AND ASSESSMENT

National Planning Guidance

1. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF), which was most recently revised and published in February 2019. The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (paragraph. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework (paragraph 213).
2. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise.
3. Section 2 of the NPPF gives a broad outline on achieving sustainable development. To ensure sustainable development is pursued in a positive way, Paragraph 10 states that

the presumption in favour of sustainable development is at the heart of the framework. Paragraph 11 requires development proposals that are in accordance with the development plan to be approved without delay.

4. Specific Government guidance for school related development is held within chapter 8 of the NPPF. The chapter briefly outlines that *'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They [LPAs] should (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications, and (b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*
5. It is clear that the Government intends that decisions on planning applications should be in accordance with the relevant Development Plan and that new development should be in accordance with the relevant Development Plan for the area. However, other material considerations can be taken into account by the Local Planning Authority providing they are relevant to the development being proposed. The weight of these other material considerations and how they balance against the policies in the Development Plan is fundamental to the consideration of this application by Members.

Local Policy Context and Assessment

6. The relevant policies in the Development Plan regarding this application are detailed in the Planning Policy section earlier in this report. The development site lies within a designated Green Wedge; the western part of the site is also designated as Secondary Open Space and the eastern part as Primary Open Space.
7. Local Policy E2 seeks to retain Green Wedges as open space. The Policy sets out a number of criteria where planning permission will not be granted. These include:
8. *Criterion (i) Development would include substantial building works.* Whilst it is acknowledged that the proposed building has been designed to be predominantly single storey to minimise its visual impact, it would involve substantial building works.
9. *Criterion (ii) Development would result in loss of grade 1 to 3a agricultural land.* The application site is classified as grade 3 agricultural land, but has not been in agricultural use in recent years. As a consequence, development of the site would not result in any loss of land in productive agricultural use.
10. *Criterion (iii) Development would affect the predominantly open, green character of a Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to quiet enjoyment of the open space.* The proposed school site is located to the western edge of the Green Wedge and forms a relatively small area of the overall Green Wedge. As such, it is considered development of the application site would not be detrimental to the predominantly open, green character of the wider Green Wedge. A noise assessment has been submitted as part of the planning application which identifies mitigation measures that would minimise any potential adverse impacts on nearby properties or to the enjoyment of the open space.
11. *Criterion (iv) Harm visual amenity.* As noted above, the majority of the proposed development is single storey, which will assist in limiting its visual impact. Parts of the tree belt along the eastern boundary of the site are to be retained and will assist in screening and limiting the visual impact of the proposed building on the wider Green Wedge. When approaching the site from the south along Sandy Flatts Lane, however, the southern-most part of the site is proposed for a car park where no screening trees or landscaping is proposed. It is considered that this could result in the appearance of a

harsh urban landscape, dominated by parked cars, hard surfacing and ancillary structures. The submitted Arboricultural Impact Assessment identifies that the removal of trees along the southern boundary will have an unavoidable visual impact. Mindful of which, it is considered that boundary planting of this part of the site would assist to better integrate the proposed development with the surrounding natural environment and to retain the green character of the Green Wedge and Secondary Open Space.

12. *Criterion (vi) Impair public access to Green Wedges or compromise greenlinks.* It is understood that the proposed school site is not located on land that the public have a right of access over. A greenlink runs immediately adjacent to the east of the site, but it is the officer view that the proposed development would not negatively impact on public use of the greenlink.
13. *Criterion (viii) Reduce the physical separation between existing development.* Built development on the site will inevitably reduce the physical separation between existing development although the visual impact of this could be mitigated by additional landscaping and planting around the boundaries of the site.
14. Policy E7 seeks to safeguard Primary Open Space from development. The Policy does, however, allow development that is of over-riding benefit to the community as a whole provided that it would not result in the significant loss of specified types of open space, including open space within a Green Wedge. In this case, it is considered that the provision of a special education needs school would be of over-riding benefit to the wider community. The area of Green Wedge to be lost is considered to be relatively small compared to the broader Green Wedge in the locality, which will be retained. The Primary Open Space that would be included within the application site is a relatively thin strip of land. A proposed grass pitch would encroach into this area, which is deemed to be an appropriate use within areas of Primary Open Space. The proposals retain parts of the tree belt within the Primary Open Space along the eastern boundary, which would help to protect its visual and landscape value. Although the established tree belt along Sandy Flatts Lane would be removed, replacement tree planting is proposed albeit within a formalised appearance with hard boundary treatment resembling a typical school frontage.
15. Policy E10 advises that planning permission will only be granted for development on Secondary Open Space where it would not result in a loss of an area of significant recreational, visual or amenity resource or of significant nature conservation value. In all cases, the policy states that the predominantly green character of the open space should be retained. The proposed layout plan illustrates that the northern and eastern part of the site would be informal grassed areas (including grass pitch). The retention of green areas within the site along with the presence of adjacent sites to the north and east, which are largely undeveloped green land, would assist in retaining the predominantly green character within the locality. As referred to above in relation to Green Wedge, it is considered that the proposed development would benefit from tree planting and general landscaping along the south-western boundary to soften the car parking area and screen the sub-station.
16. Policy CS20 advises that the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted. The Policy specifically identifies Middlesbrough's 'green lung' and Green Wedge as part of the strategic network, which the site is located within. As already stated in relation to Policy E2 above, development of the site would result in the loss of a relatively small area of Green Wedge, though it is considered that additional tree planting and landscaping along the site's south western boundary would help to minimise the impact of the development on the integrity of the wider Green Wedge.

17. Policy CS5 requires all development proposals to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. This includes criterion (c) *ensuring development is well integrated with the immediate and wider context* and criterion (f) *ensuring a quality of new development that enhances both the built and natural environments*. Evidently, the site is recognised as a sensitive location being within the Green Wedge. It is important therefore that the design integrates well with the surrounding natural environment.
18. With a single storey height, the building is relatively low and unimposing in this Green Wedge setting. Not only are the chosen materials (brickwork with timber cladding) within the building intended to provide a rich sensory experience, but are considered to reflect the context of the surrounding environment – the brickwork reflecting the housing at Sandy Flatts Lane and the timber cladding responding to the open nature of the Green Wedge.
19. Whilst it has been discussed that the proposals could result in a harsh urbanised southern edge to the development, this shall be limited through appropriate planting and associated soft landscaping in order to better integrate with the surrounding natural environment and retain the green character of the Green Wedge and Secondary Open Space.
20. Policy CS4 requires all development to contribute to achieving sustainable development. This includes criterion (d) *that everyone should have access to the education facilities they need*. It is the officer view that the proposed school will assist in providing access to education facilities for pupils, in particular, those with special needs.
21. Policy CS16 seeks to ensure that everyone has access to the facilities required to meet their educational needs. The Policy sets out criteria when considering the provision of new schools. These include that: a high quality learning environment is created, opportunities to incorporate other related educational and community initiatives are considered, that the design and materials minimise maintenance and running costs, and that the education facility is accessible to the catchment it is designed to serve. It is considered that the proposed development will provide such facilities to help improve the quality of the learning environment for pupils with severe learning disabilities and complex special education needs and disabilities.
22. Policy DC1 requires that the effect of development on Green Wedge is limited, that the visual appearance and layout of development is high quality, that existing transport infrastructure has capacity for the development with no impact on highway safety, and that the amenities of occupiers of nearby properties is protected. The visual appearance and layout of the proposed development have been discussed and considered to be of a good quality and acceptable in this location.
23. In terms of the impacts on the amenities of neighbouring occupiers, the nearest properties to the site are over 100 metres to the west. For a development of this type and scale, it is considered that such a separation distance would result in no undue harmful impacts on the living conditions of existing occupiers. The proposed bin and cycle stores, however, at the front of the site would occupy a more prominent location. The location of where bins and cycles are stored is not something that usually requires planning permission, only the enclosures behind which they would be stored. As no finishing details of the bin and cycle stores have been submitted, a suitably worded condition is recommended to secure these provisions are sympathetically designed and do not have an adverse impact on the Sandy Flatts Lane streetscene.
24. A range of boundary treatments is proposed throughout the site: a 2.4 metre high secure fence around the site boundary, a 1.5 metre high tubular fence with matching gates at the front of the site, 3.0 metre high fencing to surround the multi-use games

area, a brick wall between 2.4 and 3.5 metres in height extending from the building to a play area used by the early years pupils, and green screens up to 2.2 metres in height fronting the car park. Other internal fencing is proposed although these would be in locations and of heights not requiring planning consent. None of the proposed boundary treatments is considered to cause undue harm to the amenities of the local area. Although visual specifications of the 2.4 metre high perimeter fencing have not been provided, it is detailed on the Landscape Masterplan as Ultimate fencing, which has an open profiled mesh appearance. Such fencing is considered to be an appropriate finish for the site perimeter in principle. The proposed implementation of a low, open fence to the front of the site is also considered to be acceptable, as this allows an aspect of the proposed school building as well as allowing the proposed planting to be prominent. The proposed fencing for the games area and the early years play areas are also deemed to be suitable, and provide necessary security and functionality whilst not impacting negatively on the wider area. Notwithstanding the above, however, a condition is recommended for the details of the finishes of the fencing to be submitted for written approval.

Transport Implications

25. Policy CS17 requires all development to be located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS19 seeks to reduce the impact of traffic and improve road safety and the quality of environment through school travel plans and safer routes to schools. It is noted that a travel plan has been submitted in support of the planning application following pre-application discussions to identify methods to achieve these. Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options. The proposals sought include dedicated cycle parking, which will provide a sustainable travel option for staff.
26. As noted, Policy CS4 requires all development to contribute to achieving sustainable development, which includes criterion (i) *locating developments that attract large numbers of people in locations accessible by sustainable forms of transport*. The site is in relatively close proximity to the bus network 'super core' route along Acklam Road and there are further bus stops along Ladgate Lane, providing a further sustainable transport option for school staff.
27. The application has been supported by a Transport Assessment and, as part of the process, the development proposals were run in the authority's strategic Aimsun model. When establishing the level of traffic generation, a methodology was used based upon the expected number of pupils, staff and their anticipated mode of travel. Due to the nature of the development, vehicular use is expected to be high. Robust assumptions have been made and supporting information has been provided by the Academy with regards to how the school would operate.
28. The Aimsun model takes into account committed development and assesses both the impact of the development in isolation and the cumulative impact upon the highway network. With regards to these proposals, the model has identified that there will be a material impact at the junction of Sandy Flatts Lane/Ladgate Lane. Further interrogation of the model has identified that the issue at this junction is due to the operation of the adjacent Blue Bell roundabout and the interaction of queues between these junctions.
29. Other factors to take into account are that the impact of the school is a small proportion of the overall capacity issue in the area. As the development is a school, it is expected that this impact will only be seen Monday to Fridays during term time. Any mitigation scheme is likely to be disproportionate in scale and cost to the school proposals.
30. Given the above factors, officers have negotiated and secured a contribution of £22,500 from the school. Should Members be minded to approve the application, this funding

will be secured through a Section 106 legal agreement; the majority of the contribution would be used towards feasibility, design and estimate studies for a mitigation scheme at the Blue Bell roundabout. Funding to deliver the mitigation scheme will then come forward proportionately from other sources which could include other S106s, capital funding or grants.

31. Whilst it has been analysed that there will be an impact on the operation of the network, it is not at a level that would be considered as severe, which is the test in the NPPF against which a refusal could be considered.
32. In terms of car parking at the site, the site plan identifies 50 car parking spaces, 10 minibus spaces plus an ambulance bay being provided with the school. This level of parking is in accordance with the parking standards set out in the Tees Valley Highway Design Guide and is consistent with the methodology used with regards to trip generation.
33. It should be noted though that due to the nature of the school, the applicant has advised that most pupils will arrive individually in either arranged taxis or minibuses. The number of pupils that will arrive in private car to be dropped off is negligible and, as such, it is not envisaged that there would be the type of parking issues which can be seen at other schools.
34. As for the Access arrangements, Sandy Flatts Lane is in the region of 5.5 metres wide. This width is considered to be sufficient to enable two-way traffic flow and is in accordance with national guidance on carriageway widths.
35. The site is proposed to be accessed via two new vehicular access points onto Sandy Flatts Lane, which are proposed to operate as a one-way entry/exit system. Whilst the Highways Authority would normally seek to reduce the number of vehicle access points onto the adopted highway, the access arrangements and internal layout in this case have been designed with regards to the specific needs of the end user – this being predominantly the need to achieve a safe access within the site for pupils to be dropped off.
36. The development proposals include the provision of a 2.0 metre wide footway along the eastern side of Sandy Flatts Lane, which will connect the school to the existing footway provision and crossing points on Ladgate Lane. As already noted, funding of £22,500 can be secured through a legal agreement should Members be minded to approve the application, and £2,500 of this contribution would be used towards the provision of School Keep Clear markings and zig-zags to assist in keeping the school frontage clear of any on-street parking.
37. Given the above factors, there are no objections to the scheme from a highways perspective, subject to conditions requiring details of the off-site highways works, the works being in line with the travel plan, the implementation of the cycle store, and a method of works statement to protect the existing highway.

Flood Risk and Drainage Implications

38. Given the area of the site and the sensitivity of the use, the application has been submitted with a Flood Risk Assessment. The site is within flood risk zone 1, which is recognised as an area with low probability of flooding. The submitted drainage information has been considered by the relevant drainage authorities who are satisfied with the proposed strategy as it follows the principles as outlined in the submitted Flood Risk Assessment. Four conditions in relation to the maintenance and management of the drainage system, as well as details of the foul and surface water arrangements, are recommended to secure appropriate details.

Ecological Considerations

39. The application was supported by an overarching preliminary ecological appraisal as well as individual species surveys for barn owls, bats and reptiles.
40. The submitted bat survey concluded that bats are unlikely to be commuting and foraging significantly on the site and no further surveys are required. The Bat Emergence and Re-entry Surveys, however, conclude that the developed site could be enhanced for the bat species observed foraging and commuting across the site by installing a number of bat boxes on trees around the site boundaries. It is, therefore, recommended that a condition is imposed to secure bat boxes to enhance wildlife at the site to meet the guidance contained in the NPPF.
41. A barn owl mitigation and enhancement plan was submitted with the application, which concluded that parts of the application site are a confirmed nesting site and that provision for barn owls should be incorporated into the proposed development. A condition is recommended to secure the provision of owl nesting boxes to provide temporary roosting provisions for barn owls while the works are completed.
42. The submitted Reptile Presence/Likely-absence Survey concludes that there is a likely-absence of reptiles on the site and that there are not anticipated to be any impacts on reptiles as a result of the proposed works.

Residual Matters

43. The application has been supported by an arboricultural assessment, noise impact assessment, preliminary ecological appraisal, and site investigation. All documents have been considered by the respective technical experts and no objections have been raised.
44. The submitted tree survey, which has been undertaken by a qualified arboriculturalist, identifies all trees that are to be removed as part of the proposed development. It has revealed that all trees are categorised as either B (moderate quality) or C (low quality); no trees to be removed are considered to fall under category A (high quality). Although it is preferable to retain as many moderate quality trees as possible, it is considered that replacement planting can compensate for the trees lost to make way for the development.

Conclusion

45. Although the proposed development could be considered contrary to Policy E2 (Green Wedge), it is considered that the benefits of the proposed special educational needs school to the community as a whole outweighs the loss of this Green Wedge. Moreover, the site area is a relatively small area of the larger Green Wedge allocation, which extends as far north as Linthorpe and as far east as Marton Road. As for the lost piece of Green Wedge, it is considered that if tree planting and landscaping were to be incorporated along the south western boundary of the site, this would reduce the visual impact of the development on the Green Wedge.
46. Overall, the officer recommendation is to approve subject to conditions and the signing of the Section 106 agreement.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally subject to Section 106 Agreement

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in accordance with the following approved plans:

- a) Site Location Plan (Rev P02)
- b) Site Plan – Proposed (Rev P11)
- c) Level 00 – Proposed Plan (Rev P17)
- d) Proposed Elevations (Rev P08)
- e) Roof – Proposed Plan (Rev P02)
- f) Building Section 1 – Proposed (Rev P03)
- g) Building Section 2 – Proposed (Rev P03)
- h) Indicative Site Sections (drawing no. 137060/8002 Rev B)
- i) Landscape Masterplan (drawing no. 137060/8001 Rev E)
- j) External Lighting Strategy Layout (Rev P01)

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the use of satisfactory materials

4. Validation Report of Remediation Works

Before the occupation of any part of the development hereby approved, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall confirm that all the proposed remediation works set out in the Phase I (UK19.4497, dated 3rd July 2019) and Phase II (UK19.4497C, dated 29th November 2019) Geo-Environmental Desk Studies by EPS were completed before occupation of any part of the site or school building hereby approved.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the potential occupiers of the site.

5. Sound Testing - Validation Report

Prior to the installation of any plant or machinery to be used as part of the school building hereby approved, it shall include sound attenuation measures that are based on the results of a desk-top noise impact assessment of the chosen plant or machinery that have first been submitted to and approved in writing by the Local Planning Authority. Any desk-top noise impact assessment shall include any specific mitigation measures to predict compliance within the given noise limits.

The chosen plant or machinery shall then be installed in accordance with the approved sound attenuation works and thereafter retained on site in full accordance with the approved details in an operational state for the lifetime of the building.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

6. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- i. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- ii. Details of any control structure(s) and surface water storage structures
- iii. Details of how surface water runoff from the site will be managed during the construction Phase
- iv. Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

7. Surface Water Drainage Management and Maintenance Plan

The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted and approved by the Local planning Authority; the plan shall include details of the following;

- i. A plan clearly identifying the arrangements for the adoption of the surface water system by any public authority or statutory undertaker (i.e s104 Agreement) and any other arrangements to secure the operation of the scheme throughout its lifetime.
- ii. Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

Reason: To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

8. Foul and Surface Water NWL

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

9. Surface Water Drainage Approved Details

The development shall not be occupied until the surface water drainage works have been implemented in accordance with the submitted and approved Drainage Philosophy, DISC-BGP-00-xx-RP-C-001 (issue 001) dated 14 August 2020 and Surface Water Drainage Plan, DISC-BGP-01-xx-DR-C-01130 (Revision P01), dated

29 July 2020 which should follow the principles as outlined in the Flood Risk assessment, DISC-BGP-00-xx-RP-C-002 (Version 1) dated 14 July 2020 and restricts surface water discharge from the development to a greenfield runoff rate of no less than 5 l/s per Ha or as specified by the LLFA.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

10. Traffic Regulation Order

Prior to the commencement of development hereby approved the details of necessary Traffic Regulation Orders to create a School Keep Clear zone to the site frontage must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

Reason: The development is in a location that is easily accessible by public transport, near a range of amenities including shops and leisure facilities, and within a controlled parking zone having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

11. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

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

12. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

13. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

14. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) 19213-HL-00-XX-DR-A-1600-S4-P12 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Provision of a 2m footway along Sandy Flatts Lane linking the site to existing facilities on Ladgate Lane, extending from Ladgate Lane to the sites Northernmost site boundary

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

15. Soft Landscaping

Prior to the occupation of the school hereby approved, a detailed scheme for tree planting and associated soft landscaping works (based on the indicative landscaping proposals on the approved Landscape Masterplan drawing) shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include details of the proposed trees to be planted, including their species, size and location. The tree planting and associated landscaping works shall take place during the first available planting season (October-March) following the completion of building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

16. Landscape Management Plan

A landscape management plan, including management responsibilities and maintenance schedules for a minimum of five years, and including arrangements for its implementation, for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development for its permitted use. Thereafter, the approved landscape management plan shall be carried out as approved.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

17. Replacement Planting

If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the general amenities of the area and a satisfactory landscaping scheme.

18. Details of Boundary Treatments

Notwithstanding the approved plans, prior to their installation, details of all boundary treatments for the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details for submission shall include the design, specification and positioning of the boundary treatments. Any approved boundary treatments shall then be implemented as part of the development hereby approved.

Reason: In the interests of the visual amenities of the local area and the character and appearance of the Green Wedge.

19. Details of Refuse Store

Prior to the first use of the development hereby approved, details of the proposed refuse store for the school shall be submitted to and approved in writing by the Local Planning Authority. The details for submission shall include the finishing materials and elevations of the refuse store based on the proposed location as shown on the approved drawings. Any approved specifications for the refuse store shall then be implemented as part of the approved development and retained in perpetuity.

Reason: To ensure an appropriate refuse store design that does not harm the visual amenities of the local area.

20. Details of Cycle Store

Prior to the first use of the development hereby approved, details of the proposed cycle store for the school shall be submitted to and approved in writing by the Local Planning Authority. The details for submission shall include the proposed finishing materials and elevations of the cycle store based on the proposed location shown on the approved drawings. Any approved specifications cycle store shall then be implemented as part of the approved development and retained in perpetuity.

Reason: To ensure appropriate cycle store provision for all users of the site in accordance with the principles of the NPPF.

21. Wildlife Mitigation

A scheme identifying the locations of bat and owl nesting boxes to be incorporated within the approved development shall be submitted to and approved in writing by the Local Planning Authority. The bat and owl nesting boxes of the approved scheme shall then be installed at the agreed locations within six months of the first use of the approved school use, and retained in perpetuity.

Reason: To enhance habitats for wildlife in accordance with the requirements and guidance of the National Planning Policy Framework.

22. Site Clearance and Protection of Nesting Birds

Any works to clear the site in preparation for development (including removal of vegetation and any groundworks) should be initiated outside of the bird breeding season (March to October). If preparatory site clearance works cannot be undertaken outside of the bird breeding season, a suitable methodology for undertaking site clearance works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved methodology shall be carried out on site.

Reason: To provide adequate protection for nesting and breeding birds.

23. Floodlighting

No floodlighting shall be erected other than in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development (including light spill), and the hours of operation of the lighting in accordance with the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light 2011'. The construction and use of the floodlighting shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the amenities of nearby residents and local wildlife having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

24. Construction Method Statement

The development hereby approved shall not be commenced until a detailed Construction Method Statement has been undertaken and then submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how pollution associated with the development hereby approved shall be controlled to protect priority habitats as identified in the submitted Preliminary Ecological Appraisal.

Reason: To ensure a satisfactory form of development in the interests of the protection of local wildlife having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

Reason for Approval

This application is acceptable as the proposed SEN school and associated works is in full accordance with the relevant national and local planning policies.

In particular, the proposed development adheres to the principles and guidance contained within the National Planning Policy Framework and the policies regarding sustainable development, the efficient use of land, transport and accessibility, appropriate measures to mitigate flood risk, conserving and enhancing the historic environment, and it would not be detrimental to the amenities of local residents and other neighbouring uses. Although the proposed school development would be situated in a location being allocated for Green Wedge, the benefits of the proposed development for the wider community are considered to outweigh the lost part of Green Wedge.

Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Informative: Northumbrian Water matters

How to satisfy the NWL condition: The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely: Soakaway, Watercourse, and finally Sewer.

If sewer is the only option, the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Informatives: Highways Related Matters

Works to Highway - S278

The proposals will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

Informative: Drainage Related Matters

Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

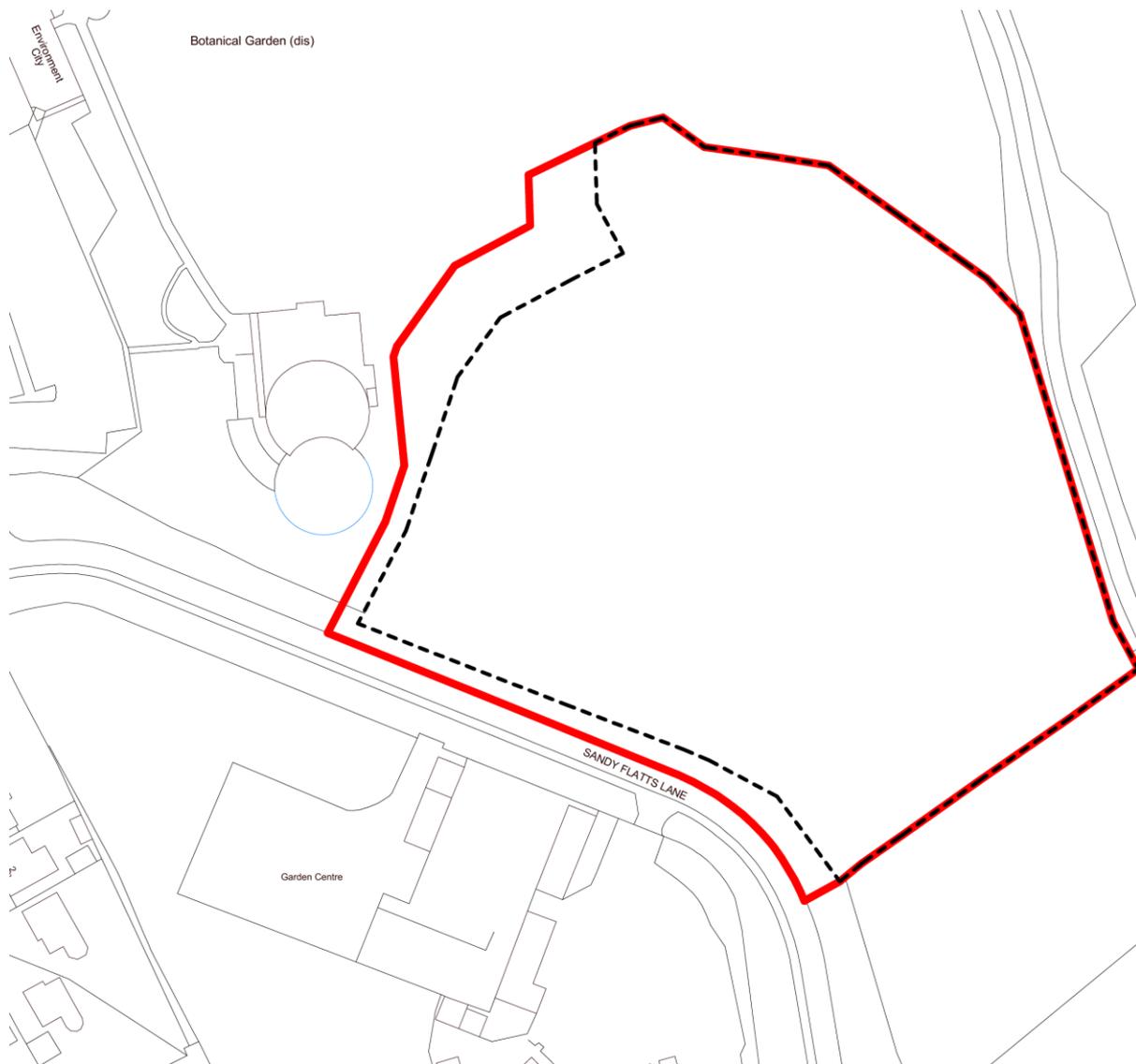
Informatives: Cleveland Fire Service

Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety. It is therefore recommended that as part of the submission consideration is given to the installation of sprinklers or a suitable alternative AFS system.

Case Officer: Peter Wilson

Committee Date: 15th January 2021



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APPLICATION DETAILS

Application No:	20/0594/FUL
Location:	Land At Corner Of Stockton Street/Commercial Street Middlesbrough
Proposal:	Social garden and community hub comprising of single storey building including workshops, cafe and shop with parking and ancillary spaces
Applicant:	Mr Denny
Company Name:	The Camphill Village Trust
Agent:	Mr Hardcastle
Company Name:	Corstorphine + Wright
Ward:	Central
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is sought for the erection of a building and creation of a site to provide a therapeutic support and opportunities hub to allow individuals and groups of differing backgrounds and abilities to engage with outdoor activities. The building will provide facilities for growing various fruit and vegetables, a street-front shop and cafe, and craft workshops.

The main considerations relate to the principle of the development and how it fits with the aspirations for the regeneration of Middlehaven, and the impacts it has upon the historical context and heritage assets of Middlehaven. Whilst no objections have been received to the proposal it is technically a departure to the adopted Local Plan, hence the need for the scheme to be considered by committee.

The proposal is in an area in Middlehaven identified in the Local Plan for residential uses. The scheme however is considered to be a good fit with the wider aspirations for Middlehaven, and will support the delivery of the remainder of the area for a high quality residential offer. In particular the proposal will provide an important buffer and transitional zone between the surrounding industrial uses and any future residential development enhancing the environment and the attractiveness as a place to live. Importantly the proposal is not considered to have any adverse impacts upon the heritage assets of the Middlehaven area.

The officer recommendation is to approve the application subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

Planning permission is sought for the erection of a building and creation of a site to provide a therapeutic support and opportunities hub to allow individuals and groups of differing backgrounds and abilities to engage with outdoor activities. The building will provide facilities for growing various fruit and vegetables, a street-front shop and cafe, and craft workshops.

The application site is the north western most plot within the Middlehaven Regeneration Area, a cleared and vacant site of multiple development plots centred around the old Middlesbrough Town Hall which is still present. Stockton Street lies to the west, Commercial Street to the north and a grouping of 2 storey historic buildings known as 'My Place' to the east. Vacant land lies to the south. The site slopes up from a low north-west point to a high south-east point towards the Middlesbrough Old Town Hall which lies within the centre, and highest part within the Middlehaven area.

The building proposed is a single storey L shape structure, parking is provided along the eastern boundary served off Commercial Street and the majority of the site is garden space. The boundary is intended to be created by a fence interspersed with short sections of wall.

PLANNING HISTORY

None relevant to this application.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

H1 - Spatial Strategy
H2 - Greater Middlehaven
H14 - Greater Middlehaven
H15 - Greater Middlehaven Development
H16 - Greater Middlehaven - Transport
MWC4 - Safeguarding Minerals
H11 - Housing Strategy
CS17 - Transport Strategy
UDSPD - Urban Design SPD
DC1 - General Development
CS5 - Design

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

MBC Environmental Health

A full and competent site investigation, including risk assessment must be undertaken and submitted to the Local Planning Authority for approval. This must identify any contamination

present and specify adequate remediation necessary. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

MBC Waste Policy

No Comments

MBC - Highways

No objections are raised and formal highway comments are as below.

Highways

Development proposals are for a social garden with associated café, shop and craft rooms for adults with physical and learning disabilities.

The application has been supported by both a Transport Assessment and a Travel Plan.

Access & Parking

Vehicular access to the site is to be taken via a new dropped vehicular crossing onto Commercial Street. Given the low numbers of vehicular movements the design is appropriate as it will provide pedestrian priority and support wider Middlehaven design objectives.

20 car spaces are proposed, together with some cycle parking.

Whilst the nature of development is bespoke a combination of using first principles with regards to staffing/visitors and the Tees Valley Design Guide has demonstrated that the level of parking proposed is realistic. Additional parking, should it be necessary (for events etc) is available both on-street around the site or within a short walk.

Highways Impact

It is anticipated that the development will result in 10 staff members.

The craft rooms can accommodate up to 14 visitors at once and the gardens can accommodate up to 27 visitors at any time. Due to the specialist nature of the proposals, the adult visitors will not drive and instead arrive by taxi. Based upon the trusts experience of operating the existing site at Larchfield, this is typically 3 adults per taxi, generating 14 vehicles (28 two-way movements).

Based upon the above the development is expected to generate in the region of 38 vehicle movements during the AM and PM peak periods. This level of traffic generation represents a little over 1 vehicle every 2 minutes. Such a level of traffic will not materially affect traffic flows in the local area nor the operation of adjacent junctions.

The café element of the development will be open to the general public as well as expecting to be used by those attending workshops at the site. This element of the scheme is ancillary and as such it is reasonable to assume that there will be a large proportion of linked trips i.e those visiting the garden/activity rooms will also visit the café.

Public use of the café is likely to occur outside of the peak highway network periods, when greater capacity exists and as such will not have a material impact.

Sustainability

The above approach is robust in that the site is in a highly sustainable location with the rail station and the wider town centre within nationally recognised walking distances. As the redevelopment of Middlehaven continues the sustainable nature of the site will further improve and integration within surrounding development will further reduce dependence on the car.

As part of the development proposals it is proposed to extinguish some historic highways, which are no longer required. The extinguishment process is separate to the granting of planning consent and will be progressed by the applicants through S247 of the Town & Country Planning Act 1990.

Northumbrian Water

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Management and Maintenance Plan". In this document it states the foul and surface water flows shall discharge to the combined sewer at manhole 5201. The surface water flows shall be restricted to 3l/sec.

Cleveland Fire Brigade

Access and Water Supplies should meet the requirements as set out in Approved Document B Volume 2 :2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Health and Safety Executive

The proposal is within at least one HSE Consultation Zone and has been considered using HSE's Land Use Planning Methodology. The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Northern Gas Networks

No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Cleveland Police Architectural Liason Officer

In relation to this application, I recommend applicant view the Secured By Design Commercial Document at www.securedbydesign.com for guidance on the Secured By Design scheme. I also recommend applicant contact me at earliest opportunity for any advice, input I can offer in relation to designing out opportunities for crime and disorder to occur.

This can include guidance on physical security measures of buildings doors and windows, boundary treatments, alarms, cctv, appropriate lighting of the building and car park and pathways, secure cycle storage amongst others.

Public Responses

Number of original neighbour consultations	19
Total numbers of comments received	1
Total number of objections	0
Total number of support	0
Total number of representations	1

Principle of Development and Key Considerations

1. The application relates to a site defined within the Local Plan as 'Middlehaven, Tees Neighbourhood', just to the north of the defined Town Centre Boundary and to the east of the allocated Riverside Park Industrial Area. Local Plan Policies relevant to development in this location are H1 (Spatial Strategy), H2 (Greater Middlehaven, H11 (Housing Strategy), Policy H14 (Greater Middlehaven Mix of Uses and Phasing), Policy H15 (Greater Middlehaven Development and Design Principles) and H16 (Greater Middlehaven Transport Infrastructure).
2. Policy H1 (Spatial Strategy) defines the Local Plan overarching strategy for general employment land, housing and mixed use brownfield land. Specifically it defines the provision of housing throughout the Borough over the plan period and for Greater Middlehaven, indicates the provision of 450 dwellings. This application site is located in the north western corner of the Middlehaven area adjacent to active industrial and commercial premises. It is considered that the more core sites within Middlehaven and those near to the Dock offer a more positive environment for new housing and this peripheral site has the ability to host a use which assists in buffering the residential on other sites within Middlehaven from existing commercial operations. In view of this, it is considered that the proposed non-residential use does not unduly affect the aims of Policy H1 to achieve 450 dwellings within the Middlehaven area.
3. Policy H2 (Greater Middlehaven) provides further guidance on delivery of development in the Greater Middlehaven Area, indicating the phased delivery of housing upto and post 2029 and the same for non-residential floor space including offices, leisure and educational uses. Importantly, the pre-ambule to the policy highlights that the Greater Middlehaven area will be brought forward in smaller development areas to enable infrastructure to be provided in a logical and timely manner. The recent approved developments of the Thirteen Apartment Scheme and Boho 8 to the south of Gosford Street have both commenced on site and signal a resurgence in development within this area of Middlesbrough and whilst the Local Plan advocates a progressive approach to development sites coming forward within this area, this proposed use in the north eastern most corner will assist in defining the outer edge of the Middlehaven area and will be able to provide an improved setting for other development on all other plots within the immediate vicinity, thereby improving their desirability for other developments. In addition, an application has been approved for housing to the west of Cleveland Street for residential apartments and one has also been submitted (yet to be determined) for Boho X, a 6 storey office building on land to the north of Gosford Street.
4. The proposed use is not precisely in accordance within the uses defined within the Policies for the Middlehaven area, however, it is argued that the proposed use is relatively unique and not something which is likely to have been considered against the more common uses of office, leisure, education and housing. The use does however offer a mix of education, leisure, and is considered to be beneficial to achieving a modern, mixed use development which will positively add to the office and residential uses intended in the immediate surroundings without undermining the policy objectives.
5. Local Plan Policy H11 (Housing Strategy) deals with the housing strategy for the borough and highlights for the Greater Middlehaven the expectations for housing within the area. Whilst the proposal is not to provide housing, it is considered that the aspirations of Policy H11 would not be compromised as a result of this proposal in view of

the nature of surrounding uses and other more suitable sites being available for residential development.

6. Local Plan Policy H14 (Greater Middlehaven Mix of Uses and Phasing) adds detail to the more strategic policies referred to above and divides the Middlehaven / Greater Middlehaven into more distinct areas (Boho, Middlesbrough Dock, Tees Neighbourhood, Tees River Front, Halterman Chemicals, Riverside Stadium, Cargo Fleet and the South Tees Industrial Zone). This application site is located within the 'Tees Neighbourhood' area (Policy H14c) which covers land bound by Stockton St to the west, Dock St to the east (college building), Vulcan St to the north and the old Town Hall (East and West St) to the south. Policy H14 defines the Tees Neighbourhood area as being for a residential focus, particularly family housing and specialist housing. Whilst this proposal does not seek to provide housing, policy requires the focus to be housing and thereby does not prevent other uses from being brought forward, and, as referred to previously, as industry still exists to the north and west of this development plot it is considered to be an undesirable location for housing at this point in time. The proposed use can assist in improving the street scene, providing a buffer use and assist in giving greater certainty of the surroundings for the development of other plots to the east, south and south east. Furthermore, it is considered that adequate land still remains within the Tees Neighbourhood area to achieve further housing in line with the policy aspirations. It is also recognised that a greater mix of uses than detailed within the Local Plan and greater overlap of uses within the areas can assist in a more modern and vibrant city style environment which is considered to be a positive attribute.
7. The proposal includes a café and shop which by themselves are considered main town centre uses and would in normal circumstances be required to satisfy the requirements of the sequential test. In this instance the uses are considered to be of very limited scale and ancillary to the main use of the scheme as a social farm, as such are not required to undertake such an assessment. In addition it is also felt that they are integral to the viability, success and operation of the scheme as a social farm. It is considered that this element of the scheme does not undermine the policy objective of protecting the town centre, and is a positive element of the scheme.

Site Layout and Building Appearance & Impacts

8. Local Plan Policy H15 (Greater Middlehaven Development and Design Principles) deals with the matter of development and design principles for Middlehaven, indicating that development will be expected to provide or achieve a number of specific criteria;
 - *reflect the traditional grid iron pattern of the Middlehaven Area,*
 - *contain a mix of uses within buildings*
 - *contribute to vitality with active ground floor uses*
 - *provide higher density development in specific areas,*
 - *have a range of heights for each particular plot / land use and contribute positively to views and vistas, reflecting innovative and contemporary design and integrate the development between areas.*
 - *have a movement framework in line with the Middlehaven Transport Strategy (REG 3) with pedestrian and cycle routes linking the areas,*
 - *Visual integrity and amenity of the key waterfront assets*
 - *be sensitive in or adjacent to conservation area an listed buildings where such features should be enhanced*
 - *create natural assets and high quality materials to support the innovative and contemporary architecture of the townscape and to integrate the different sites*
 - *create an identity and character for each area to provide a sense of place, legibility etc*
 - *incorporate biodiversity where practical.*

9. Taking these criteria, it is considered that although not a copy of the former grid iron pattern the proposed building and site do reflect principles of a grid iron pattern, having a building with a north/south and east/west axis which abuts effective public realm and along with the use of brickwork for walls and taking on a form somewhat akin to the wider buildings in the area, is considered to reasonably achieve this policy aim, particularly in view of this area of Middlehaven being one of the secondary area's to the grid iron axis which is visually apparent in the Middlehaven area running north, south, east and west from the Old Town Hall.
10. The proposed use will add to the mix of uses within Middlehaven and will add movement / vitality at the ground floor level and will draw people through Middlehaven to and away from the site which are all considered to be positive. Policy H15 guides for a higher density of development in specific areas of Middlehaven and a range of heights, which in the Middlehaven Development Framework is indicated as being mainly 2, 3 and 4 storey. Whilst this is not a dense development, and is single storey, it is considered to not undermine higher density being achieved in more key or prominent locations such as around the dock, and on key highway / public realm junctions. The proposed building has been amended since its initial submission to take account of likely views of its frontage from the top of North Street and the revised plans have sought to redefine the entrance in this location so that a clear visual representation and understanding of the buildings presence can be achieved. Importantly, long views of key buildings are part of the intrinsic character of the Middlehaven area and this proposal will in part retain that design principle.
11. The proposal seeks to provide a social garden within an urban context which will add a valuable semi natural asset to the area as well as creating a sense of place for the north western corner of Middlehaven. The proposed design shows a large expanse of social garden and fencing forming the greater part of the northern and eastern boundaries adjacent to the existing highway. This will allow views into the garden from outside and will significantly improve the appearance of this area, through both the re-development of the site but also by creating a greened street scene and will therefore be able to create a sense of place in its own right which aligns with the bio-diversity and legibility aspects of Policy H15. Furthermore, with the proposed low height building, views will be achieved of the Old Town Hall over the development / gardens, with the gardens in the foreground which is considered will be a positive aspect for this area.
12. Considerations of the Transport Strategy and sensitivity around heritage is considered in following paragraphs.
13. Importantly, Policy H15 advises that development should reflect the Development Framework for Middlehaven. This Framework identifies the proposal falling within the Tees Neighbourhood character area, need to confirm that. The Framework sees this area as predominantly residential but also one that can accommodate ancillary facilities, such as corner shops, cafes and other spaces that serve the community, as well as a range of other uses, including offices, education and leisure. The latter uses are concentrated along the edges of the neighbourhood and fronting onto main streets, where they can benefit from better access and visibility, while central parts are more residential and green. The Framework further goes on to identify that non-residential uses such as those with a visitor focus should principally be located on primary routes and around the edges where they can provide better enclosure to those streets, mitigate against impact from traffic, noise or neighbouring uses, such as MyPlace or industrial premises, while also benefit from greater visibility, accessibility and footfall. In turn the central areas provide a more coherent residential character. The proposal is considered to be compliant with the Framework and will help deliver the vision contained within it for Middlehaven.

14. The proposed building is of a limited height and footprint relative to its surroundings which are entirely commercial which is already subject to notable traffic movement including HGV's and industrial / commercial activity and noise. As such, it is considered that the proposed development and associated use would not unduly affect the use and development of surrounding land and buildings in accordance with the general requirements of Local Plan Policy CS5.

Heritage & Archaeology considerations

15. There are no statutorily protected buildings within the site although some exist within the wider area and both local and national planning policy requires an assessment of the impact of development schemes on heritage assets, taking into account their setting and their significance as a heritage asset.
16. The closest listed structures are the Old Town Hall and Clock Tower (Grade II) and Customs House (Grade II) and these are within a relative close proximity to the site whereby their setting and significance will be affected by the proposed development. Further listed buildings and structures include the former Captain Cook PH (Grade II) on Cleveland Street, the Transporter Bridge (Grade II*), the Vulcan Street Wall (Grade II) and those buildings associated with the Conservation area to the south of Gosford Street. The significance and setting of the Transporter Bridge and Vulcan Street wall is considered to be unaffected by this proposal as a result of its scale and position. Similarly, the conservation area to the south finds its significance in the arrangement, scale and design of buildings relative to the Rail Station, Queens Square and Exchange Square and this proposal for a social garden in the north west corner of the Middlehaven site will not adversely affect the setting or significance of the conservation area or the heritage assets within it.
17. The former Captain Cook PH gains its significance from the former use, its relevance to Middlesbrough Old Town and its emergence as an area and partly to the former layout of development within this area. In view of the land levels and the distance between the former Captain Cook PH and the application site (with other development plots in-between), it is considered that the proposal will not adversely affect the significance or setting of this as a heritage asset. The former grid iron pattern of Middlesbrough Old Town is visible to see from plan and in part on site, with the old town hall being a central point within the old town area. All other development has largely been demolished from this area so the old town Hall, Customs House and the former Captain Cook PH remain as the only remnants, alongside a relatively basic existence of the former grid iron pattern which itself is considered to be a non-designated heritage asset.

Consideration of Impacts on the Old Town Hall, Customs House and the former grid iron street pattern as heritage assets

18. These three aspects remain visible to different degrees. The former grid iron street pattern is mainly visible through the retention North street, East Street and West Street which form an axis for the clock tower of the old town hall and are considered to be significant in their own right in providing these longer views of the former town hall, which appears to have been specifically designed to have this setting over the surrounding area. Importantly, this proposal does not affect the presence or use of North St, East St or West St. Other aspects of the former grid iron pattern exist to the southern end of the wider development area although South Street has been removed, which is considered to be an important 4th axis of the old town hall clock tower. There have been two recent additions in terms of the road layout in the northern part of Middlehaven which are Tower Green Road and the stub road to the west of North St. These do not reflect the former grid iron pattern and arguably reduce the visual integrity

of the layout for Middlehaven in being able to preserve the key principles and benefits to the former grid iron pattern. Tower Green Road at its eastern end will be severed following the recent approval of apartments around the former Captain Cook PH and following discussions with the application for this application site, the proposed vehicle access into the site has been moved from the Tower Green Stub Road to be off Commercial St. this means the more modern road layout to the south east corner of the application site can be removed at some point in the future and allow a better recognition of the former grid iron to be achieved. In addition, the proposed scheme provides for a linear (east/west and north/south) boundary to the proposed site and similarly positions the L shape Building to have an east/west and north/south wing. Whilst the proposed building and site does not mimic the precise layout of former development, it retains the grid iron principles. In view of these matters, it is considered that the proposed development would have a positive impact on the grid iron pattern as a non-designated heritage asset through the re-positioning of the vehicular access, and a neutral impact in terms of the positioning of the building and its associated layout.

19. Customs House lies to the east of the application site and it has its rear elevation abutting what would be the car park for the proposed development. Customs House is considered to gain its heritage significance partly from its presence and history of 'old Middlesbrough' but also from its setting / positioning, with its main elevation fronting North Street. The building has been altered in recent times, with the addition of large glazed sections within the side / rear wall, its car park / servicing area to the rear and some other remodelling. In view of these matters, it is considered that the proposed scheme would not have a detrimental impact on the significance or setting of Customs House.

20. The Old Town Hall lies to the south east of the site and currently dominates the Middlehaven Area due to its raised position and the lack of other development around it created by previous demolitions / clearance schemes. The existing setting of the Town Hall is therefore temporary as it has always been policy intention to re-develop the various development parcels within the Middlehaven Area which surround the Old Town Hall to the north, east, south and west. The existing setting of the Old Town Hall is also arguably negatively affected by the lack of development around it which in turn limits the likely reuse and restoration opportunities for the Old Town Hall. As such, as a matter of principle, development and active uses on surrounding plots is considered to be a positive impact on the setting and long term viability for the Old Town Hall. The old Town Hall's significance comes from its former purpose, the history/evolution of Middlesbrough and from its setting within the Middlehaven area. This proposal is considered to only affect the setting of the Old Town Hall and how it relates to the historic grid iron pattern. The main historic views of the Old Town Hall are from the cross axis of North St, East St, West St (which still exist) and Street (which no longer exists) and of those, North St is arguably the most important as this provides a view of the frontage of the Old Town Hall with Clock Tower behind. These views remain unaffected by the proposed scheme and as such, the most important aspects of the setting of the Old Town Hall remain unaffected by this proposal. The proposed scheme has also been amended from its initial submission to gain vehicle access off Commercial Street, rather than off the road in-front of the Old Town Hall. This will allow for a reduced presence of vehicles within the area around the Old Town Hall as well as an ability to achieve an area of public realm or similar on land in-front of the proposed building. The alterations to the proposed access also provide greater options for access to other development plots which lie in the north western corner of the Middlehaven development area, and therefore provides a basis for greater recognition through other developments to relate better to the former grid iron pattern and the Old Town Hall. The proposed Social Garden and building will provide views into the garden area as well as sections of brick walling around its perimeter, with the building appearing to be positioned at the back of pavement, the latter of which are considered to be representative of a Victorian grid iron design / layout. Whilst the precise positioning of

the building does not mirror that of previous building lines, it is considered that it is important for new development within this area to respect the heritage of the area whilst bringing a modern and where appropriate contrasting form of development which can assist in highlighting the significance of the heritage. Given there would be a development plot between the application site and the Old Town Hall, it is considered that the proposed social Garden will be a positive addition to the Middlehaven area which respects the key principles of the Grid Iron Pattern, which does not result in harm to the heritage of the area and which will allow a modern development to take place and frame the north west corner of the Middlehaven regeneration area.

Archaeology

21. The proposed development area was part of the old town of Middlesbrough which was built in the mid-19th century. The area contained commercial and residential properties. The site was cleared in the 20th century and social housing was built across the site, which was again cleared by the early 21st century. No previous archaeological records have been noted within the submitted assessment although nearby trial trenching works on Sussex Street recorded 19th/20th century deposits and the subsequent excavation recorded residual prehistoric flint, medieval occupation and structural remains of medieval and post-medieval date. On land to the east and north of Sussex Street further trial trenching was undertaken which recorded nothing of archaeological significance.
22. The Archaeological report submitted recommends at para 1.7 that trial or evaluation trenching is undertaken to confirm the nature of any archaeological resource that may be present at the site although the most recent development were housing, both from the 1800's and more recently toward the latter part of the 20th century, the development of which are likely to have disturbed, damaged or removed archaeology which may have been in this location. Notwithstanding this, a condition is recommended which requires trial trenching and associated works to be undertaken so that adequate assessment and recording can be achieved.

Flood Risk and Drainage considerations

23. The River Tees is the local watercourse relative to the application site, being 150m to the north of the site. The application site has been, for the purposes of assessment relative to drainage and flood risk, being assessed as a greenfield site, which, in view of its current appearance and make up is considered to be appropriate. The site is in Flood Zone 1 (lowest risk of flooding) and an appropriate site for a development of this nature in terms of its flood risk vulnerability as defined by the National Planning Policy Framework.
24. The submission indicates that approx. 36% of the site will be made impermeable (buildings, hardstanding and car parking areas) , with the greater proportion of the site being permeable and achieving normal percolation following reasonable remediation of the site. This part of Middlesbrough does not lend itself to soakaways and cannot achieve direct discharge of surface water into the River Tees as a result of third party ownerships in-between the site and the river. As such, drainage to existing surface water drainage will be necessary. Northumbrian Water have been consulted and have raised no concerns to the proposal subject to the development being undertaken in adherence with the submitted drainage strategy which will allow the scheme to achieve appropriate water storage and controlled discharge which is aimed at preventing the scheme adding to the risk of flooding within the surrounding area. Importantly, the social garden can utilise any stored surface water as part of its operation and thereby be sustainable in this regard.

Highways & Parking Considerations

25. Local Plan Policy CS17 (Transport Strategy) guides on the delivery of a sustainable transport network for Middlesbrough whilst reducing the need to travel, seeking to;
 - improving connectivity within and beyond Middlesbrough,
 - improving accessibility for all,
 - facilitating and supporting the regeneration and development priorities identified in Local Plan Policy
 - fostering economic growth and inward investment,
 - promoting Middlesbrough Town Centre as a strategic Transport Hub,
 - improving the quality of the bus network relevant particularly to core and super core routes,
 - promoting alternative modes of transport other than the private car

26. Policy CS17 (Transport Strategy) advises that this will be achieved by giving priority to a balanced package of highway and public transport improvements, reducing congestions and bottlenecks, and improving reliability of the network / transport corridors through junction improvements at key interchanges, new road links and other mechanisms. Importantly, the policy requires development to be located where it will not have a detrimental impact on the operation of the strategic transport network and will deliver the policy priorities.

27. With regards to the Middlehaven area specifically, the councils Highways team consider there to be a need to have a hierarchy of roads and spaces, including pedestrianisation of key areas and ensuring the bulk of vehicle movements are kept to the perimeter of the site. The proposal is considered to be in a sustainable location, in reasonable proximity to the train station, the bus station and all the provisions associated with the town centre. Stockton Street is intended to be a key vehicle route around the Middlehaven area and works to improve its junction with Bridge Street West have recently been completed. It is anticipated that Stockton Street will also provide an off carriageway Pedestrian and Cycle route in the area and importantly, this scheme allows adequate space for that to be achieved in the future.

28. The proposed access is off Commercial Street which will limit the extent of hard surfacing / highway undertaken and will prevent vehicles having to enter into the Middlehaven Area via North Street, thereby minimising vehicle movements. The proposed parking is relatively limited, providing some disabled parking and 17 other spaces. This is considered to reflect the sites position in a sustainable location whilst recognise the nature of the use and the need for a modest amount of parking.

Land Contamination Considerations

29. A desk based Geo-Environmental study has been undertaken to provide an understanding of the potential for contamination of the site and the details of the necessary intrusive ground investigation that needs to be undertaken as a follow on step, along with adequate remediation and validation testing works to provide an appropriate site for the use as proposed. The desk based study indicates that the site previously accommodated mainly housing from the mid 19th century with some more commercial and industrial uses nearby. Based on previous drilling records in the area it is anticipated that there are obstructions just below the surface of the ground and may include cellars / foundations and the desk based report suggests further investigation is required of several matters including asbestos, unexploded ordinance etc. There is no evidence to suggest more significant matters of contamination beyond that reported and

a condition is recommended that requires site based investigation to be undertaken which will verify what exists below ground and provide a remediation strategy to allow the proposed use to be undertaken safely.

Other Matters

30. Consultation response from the Health and Safety Executive indicates that they do not object on safety grounds to the development taking place.
31. The Fire Authority and Police were consulted and have provided advice about making the development security conscious and undertaking the development to minimise risk of fire. Informatives are recommended to advise the applicant of these matters.

Conclusions

32. The proposal has been considered against national and local policy. Whilst technically a departure to the adopted Local Plan the proposal is considered to be acceptable in this location and accords with the key principles of the Local Plan policies, in particular the role the proposal will have in securing the wider aspirations for the successful regeneration of Middlehaven. In doing so it does not undermine the achievement and delivery of a high quality residential offer in the remainder of the Tees Neighbourhood character area.
33. The proposal through its location is in accordance with the Middlehaven Urban Design Framework, and it will act as an important visual and physical barrier between the surrounding industrial uses and the proposed residential area. This provides a positive solution to the development of this area helping to create an important transitional area that increases the attractiveness of Middlehaven as a residential location. It will also bring with it a level of activity and footfall that will help improve the vibrancy of Middlehaven.
34. An important consideration has been how the proposal interacts with the historic environment. The impact has been considered against a number of key listed buildings in the locality and the historic grid pattern of the Middlehaven area. Importantly the proposal is considered to have a positive impact on the setting and long term viability for the Old Town Hall. Overall it is considered that the proposed social Garden will be a positive addition to the Middlehaven area which respects the key principles of the grid pattern, which does not result in harm to the heritage of the area and which will allow a modern development to take place and frame the north west corner of the Middlehaven regeneration area.
35. The proposal is considered acceptable with regards to all other aspects and it is officer recommendation that the application be approved subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications as detailed below;

Site Location Plan - 19713-0301 Rev P-01 as received on the 22nd December 2020

Site Plan - 19713-0302 Rev P-02 as received on the 22nd December 2020

Floor Plan - 19713-0303 Rev P-02 as received on the 22nd December 2020

West Elevation Site Section - 19713-0304 Rev P-01 as received on the 22nd December 2020

South Elevation Site Section - 19713-0305 Rev P-01 as received on the 22nd December 2020

East & West elevations - 19713-0306 Rev P-01 as received on the 22nd December 2020

North and South Elevations - 19713-0307 Rev P-01 as received on the 22nd December 2020

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

3. Drainage Scheme

Unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority, development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Management and Maintenance Plan" dated "September 2020". The drainage scheme shall ensure that both the foul and surface water flows discharge to the combined sewer at manhole 5201. The surface water discharge rate shall not exceed 3.0 l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

4. Contaminated Land Site Investigation

Prior to the implementation of the development hereby approved a full and competent site investigation, including risk assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

This investigation must identify any contamination present on site, and specify adequate remediation scheme. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development-taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

Reason - In the interest of public safety in accordance with the requirements of the NPPF.

5. Evaluation Trenching

Prior to the commencement of development a scheme for evaluation trenching in accordance with the approved Archaeological Desk-based Assessment, reference no. 5366 dated September 2020, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the evaluation trenching must be implemented on site and the results reported to the Local Planning Authority.

Any further works required as a result of the evaluation trenching must be carried out on site prior to commencement in accordance with a Written Scheme of Investigation to be approved in writing by the Local Planning Authority.

The development shall not be occupied/brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured to the satisfaction of the Local Planning Authority.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the building having regard for policies CS4 and CS5 of the Local Plan and section 16 of the NPPF.

6. Construction of Access

Prior to the construction of the access the details of the gradients of the access to the public highway shall have first been submitted to and approved in writing by the Local Planning Authority. Such gradients shall not exceed 1in20 (5%)

The development hereby approved shall not be occupied unless or until the means of vehicular/pedestrian access from the public highway has been constructed and surfaced to at least a base course level, in accordance with the details shown on submitted drawing(s) 19713-0302-P-02, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users having regard for policy DC1 of the Local Plan and sections 9 and 12 of the NPPF and to ensure that vehicles can safely enter and leave the public highway and that the site is fully accessible to people with mobility impairments having regard for policies DC1 and CS5 of the Local Plan and sections 9 and 12 of the NPPF.

7. No openings over the highway

No gates or doors shall be fitted so as to open outwards over the adjacent public highway.

Reason: In the interests of highway safety and to prevent inconvenience and obstruction to other highway users having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

8. Levels

No development hereby approved shall commence on site until a scheme of levels for the site and building has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail;

- Existing site levels
- Proposed site levels
- Proposed building levels
- Proposed boundary treatment levels
- Adjacent land and footpath / road levels

Reason: To ensure the proposed development fits within the site context and considerations in reaching the decision in accordance with Local Plan Policies DC1 and CS5.

9. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the

development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

10. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be brought into use until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

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

11. Materials – Samples

Prior to the construction of the external elevations of the building(s) hereby approved samples of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

REASON FOR APPROVAL

This application is satisfactory in that it accords with the principles of the National Planning Policy Framework (NPPF) and will support the wider regeneration objectives for Middlehaven as set out in local policy requirements (Policy H1, H2, H14, H11, H15, H16, CS5, CS17 and DC1 of the Council's Local Development Framework). In addition it is in accordance with both the Urban Design Framework SPD, and adopted Middlehaven Masterplan. Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2019).

In particular, the Social Garden use will enhance the character and function of the area and will not prejudice the development of the wider area for residential development in pursuance of local policy. The proposed Social Garden will be a positive addition to the Middlehaven area which respects the key principles of the grid pattern, and which does not result in harm to the heritage of the area.

The application is therefore considered to be an acceptable form of development and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

Informative 1: Cleveland Fire Brigade

Access and Water Supplies should meet the requirements as set out in Approved Document B Volume 2 :2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Informative 2: Northern Gas Networks

NGN have advised that there may be apparatus in the area that may be at risk during construction works and ask the promoter of these works to contact them directly to discuss their requirements in detail.

Informative 3: Existing and Future Services

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/diversion work that may be required.

Informative 4: Cleveland Police Architectural Liason Officer

Recommends the applicant view the Secured By Design Commercial Document at www.securedbydesign.com for guidance on the Secured By Design scheme, and recommends the applicant contacts the Architectural Liason Officer at their earliest opportunity for any advice in relation to designing out opportunities for crime and disorder to occur. This can include guidance on physical security measures of buildings doors and windows, boundary treatments, alarms, cctv, appropriate lighting of the building and car park and pathways, secure cycle storage amongst others.

Informative 5: Extinguishment of Highway

Implementation of this proposal will require the extinguishment of publicly maintainable highway. The extinguishment process is a separate Legal process to the granting of planning consent and is not guaranteed to be successful. Extinguishment must be commenced before any work is commenced in the vicinity of the affected area and takes in the region of 6 months to complete. For further information contact the Highway Authority (tel: 01642 728153).

Informative 6: Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.

Informative 7: Dropped Kerb - S184

The permission hereby granted should not be construed as authority to work within the public highway. Highways consent is required for the creation/alteration of a dropped vehicle crossing under Section 184 of the 1980 Highways Act. Such works will need to be carried out at the applicant's expense by Middlesbrough Council approved contractors. The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156).

Case Officer: Andrew Glossop
Committee Date: 15th January 2021



APPLICATION DETAILS

Application No:	20/0623/FUL
Location:	24 Church Lane Acklam Middlesbrough TS5 7EG
Proposal:	Change of use from dwellinghouse (C3) to residential institution (C2 - Children's Home)
Applicant: Company Name:	GAC Family Services Ltd
Agent: Company Name:	Mr Graham Northern Northern Town Planning Ltd
Ward:	Acklam
Recommendation:	Approve with conditions

SUMMARY

The applicant is seeking planning permission for the change of use of 24 Church Lane from a dwellinghouse (C3) to a children's home (C2 use). The site is a semi-detached four bedroomed property located on a corner plot at the junction of Church Lane and Thirlmere Avenue. The property is sited within a predominantly residential area of Acklam.

The proposed children's home will provide accommodation for a maximum of three children between the ages of 8 and 18 years with 24 hour adult support, provided on a shift basis. Two members of staff will be present at the premises with an Ofsted registered manager living close by. There will be no external alterations to the property with an existing detached garage located within the curtilage of the property and a large area of hard standing located to the east side of the property.

Internally the ground floor layout will provide a lounge, sitting room, open plan kitchen and say room and a wet room with the first floor providing four bedrooms and a bathroom. One of the bedrooms will be utilised by staff as overnight accommodation.

The application is supported by a Design and Access Statement.

Following the consultation process there have been 46 letters of objection received. The objections relate to highway issues including increase in the volume of traffic and off-street parking, noise, light, privacy, litter, anti-social behaviour/ crime, impact on character and appearance of the street scene and the community, not suitable location for the use, no requirement for the facility, devaluation of properties, wider consultation should take place and not in accordance with the National Planning Policy Framework (NPPF) and local plan policies.

There were 2 letters of support received for the proposal which related to the proposal being a worthwhile cause and good for the community in helping out children and keeping them safe from harm and abuse with high quality care and support in education and healthcare.

Given the scale of the proposed use with a maximum of three children and two staff present and the fact there will be no structural changes to the property or the existing parking provision, the proposal is considered not to have a significant impact on the amenity of the neighbours properties and will not result in a significant impact on highway safety.

The development is considered to be in accordance with the requirements of Local Plan Policies CS4, CS5 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a four bedroomed semi-detached property located on a corner plot at the junction of Thirlmere Avenue and Church Lane. The frontage of the property faces Church Lane with the vehicular access being to the rear off Thirlmere Avenue. To the west is the adjacent semi-detached property at 22 Church Lane and to the rear is 17 Thirlmere Avenue with a private driveway to detached double garages located in between. Directly opposite the property to the south is the highway junction of Oldford Crescent and 19 and 21 Church Lane.

The property has a traditional double bay window frontage with a front garden area. To the rear of the property is a single storey extension and two-storey off shoot with a detached garage located within the rear garden. To the east side of the property the vehicle access and a large area of hard standing.

The proposal is for the change of use of the dwelling (C3 use) to a children's home (C2 use). The proposal will involve no external changes to the property with the internal layout providing a lounge, sitting room, open plan kitchen and day room with wet room and four bedrooms and a bathroom on the first floor.

The age range of the children will be between 8 and 18 years and there will be two members of staff at the property 24 hours a day and an Ofsted approved manager within the local area. The staff will operate on an 8 hour shift rota which will be between 7:30 to 15:30, 15:30 to 23:30 and 23:30 to 7:30 with sleep in or awake carers overnight.

PLANNING HISTORY

Previous planning permission for the property include the following :-

M/FP/1205/12/P - Single storey extension to rear, approved with conditions, 9th January 2013

M/AMD/1205/12/P- Non-material amendment to M/FP/1205/12/P to include 2No velux windows to roof of approved extension, approved with conditions, 28th May 2014

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as

amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

CS4 - Sustainable Development
CS5 – Design
CS18 - Demand Management
CS19 - Road Safety
DC1 - General Development

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Following the consultation and the site notice there have been 47 individual letters of objection received and an objection from Councillor Sheila Dean and 2 letters of support. The comments can be summarised as follows:-

Objection comments (summarised)

Highways

- a. Increase in traffic from visitors, tutors, deliveries, family members for 3 children, staff on three 8 hour shifts and business use
- b. Volume of traffic on 20mph road and parking issues.
- c. Traffic in Church Lane increased already in last 3-4 years with development at Acklam Hall, Sanctuary Close and Tees Valley Hospital and MBC has acknowledged this with the barrier to St Marys Walk, this development will increase the traffic.
- d. Road closure trial on Church Lane/St Marys Walk is increasing traffic at junction of Thirlmere Avenue/Church Lane and becoming a rat run and creating issues existing Olford Crescent
- e. 2 accidents in last 18 months within 20 yards of junction of Church lane and Thirlmere Avenue.
- f. Petition to reverse the road closure
- g. Traffic increase will make it more dangerous for primary and secondary children walking to school
- h. Off road parking obstruct pedestrians, particular issues with wheelchair access from the Woodlands Care Home residents 100 metres away.
- i. Parking issues as vehicle entrance on a narrow side street with joint driveway access not acceptable for a business.
- j. Application states 4 car parking spaces that can only occur if cars moved in and out.
- k. Insufficient parking for staff and off street parking limited due to the corner plot location.
- l. Access on a bend and poor visibility so potential for road accidents
- m. Previous issues on Oldford Crescent with private driveways being used for business and blocking pavement which were addressed by the Council.
- n. Traffic issues in the area mean not safe place to house vulnerable children which is Council duty of care to be placed in safest location.
- o. Impact on access for emergency vehicles

Business use

- p. Not a residential home but a 24 hour business with staff shift changes creating noise, light, disturbance and disruption
- q. Precedent set for future business use applications
- r. Provider does not appear to be part of the ne12 framework which the 12 Local Authorities have made a commitment to provide high quality service and no quality control in place to ensure safety of the young children apart from Ofsted.
- s. Lack of information provided to make a decision, no details of experience of the applicant to operate a home

- t. Planning Authorities under change of use applications should consider this development as improving economic, social and environmental conditions of the area and no evidence to support or achieve this.
- u. Accountability – premises run by private firm for profit and if problems no course of redress. Is need for children’s homes if they are owned and run by the Council.

Character and Appearance

- v. Change to the character of the residential area with a business use
- w. Design, appearance and materials
- x. Details of a security mesh fencing provided which will not fit in with the character of the area and heightens perception of anti-social behaviour.
- y. Lack of clarity on the proposed fencing means would request further consultation time to comment.

Amenity

- z. Increase in noise, particularly to the adjacent semi-detached property as not very thick party walls
- aa. Increase in litter
- bb. Environmental impact
- cc. Property layout with hard standing and 4 metres from pavement to the main entrance means no space for children to play and no green spaces within the immediate vicinity.
- dd. Overlooking from children looking out of windows
- ee. Not a stable environment which can lead to crime and no guarantees of safety of residents
- ff. Inadequately trained staff so high turnover
- gg. Devaluation of house prices in the area, already impacted on a potential sale
- hh. Section 20 of the Childrens Act referred by the applicant gives reasonable cause to believe that there is an immediate and serious risk to the health and welfare of a child which necessitates them being placed in care. As such probable that proportion of children will be disturbed or erratic, anti-social or delinquent behaviour which may impact on residents.
- ii. Increase in anti-social behaviour/criminal damage to area already a dispersal order in place
- jj. Unrealistic that home for 3 children without parent supervision would be equivalent to a family home
- kk. Intensification of the use of the property result in an adverse effect on the neighbouring residents
- ll. Mental state of the children who will be mixing in local parks unsupervised
- mm. Impact on the local children and wider community
- nn. Public House within 300yds and shop parade 350yrd and if not unsupervised children will congregate at the shops causing nuisance.
- oo. Destroy the community atmosphere which makes Acklam stand out
- pp. Neighbour works with young offenders who may be accommodated at the property and raises concerns they will be made aware of the neighbours address

Need for development

- qq. No justification of the need for the change of use and this is a relevant material planning consideration
- rr. Already two Care Homes within 5 minutes drive which bring crime related problems and devalue house prices and communities

Policies

- ss. Applicant relies on para 38 of the NPPF which is irrelevant as this relates to ‘development’ and there is no development in the sense used in para 38 as this is a

change of use. Does not satisfy para 117 of the NPPF as it would not promote the effective use of the property.

- tt. Breach the Council's Interim Policy on conversion or subdivision of properties as the amenity of nearby properties would be unduly affected which is a material planning consideration

Consultation and Legalities

- uu. Legalities of the application consultation period
- vv. Restrictive covenant on the property to not be used as a business
- ww. Will take the issue further legally if this application is approved
- xx. Wider consultation should have been undertaken

Support comments (summarised)

- a. It will be a good thing for the community and great for children in need
- b. Happy for the proposal to be approved to help needy children and is a worthwhile cause
- c. Keep children safe and free from harm and abuse can only be a positive and meaningful and provide high-quality care, support in education and healthcare.

Public Responses

Number of original neighbour consultations	23
Total numbers of comments received	49
Total number of objections	47
Total number of support	2
Total number of representations	1

Objections were received from :-

1. 9 Church Lane
2. 11 Church Lane
3. 12 Church Lane
4. 14 Church Lane x 2 individuals from this address
5. 16 Church Lane
6. 18 Church Lane
7. 20 Church Lane
8. 21 Church Lane x 4 individuals from this address
9. 22 Church Lane
10. 28 Church Lane
11. 31 Church Lane x 2 individuals from this address
12. 32 Church Lane
13. 33 Church Lane
14. 38 Church Lane
15. 40 Church Lane
16. 43 Church Lane
17. 44 Church Lane
18. 47 Church Lane
19. 49 Church Lane
20. Embleton Avenue x 2 individuals from this address
20. 1 Heather Drive
21. 11 Heather Drive x 2 individuals from this address
22. 26 Heather Drive
23. 63 Oxford Road x 3 individuals from this address
24. 15 Oldford Crescent x 2 individuals from this address
25. 16 Oldford Crescent

26. 19 Oldford Crescent
27. 23 Oldford Crescent
28. 26 Oldford Crescent
29. 28 Oldford Crescent x 2 individuals from this address
30. 29 Oldford Crescent x 2 individuals from this address
31. 43 Oldford Crescent
32. 55 Oldford Crescent
33. 46 Hayfield Way, Ackworth, Pontefract, WF7 7RH

Support comments received from;

1. 30 Church Lane
2. 6 Oldford Crescent x 2 individual comments

MBC Highways

The proposed change will not have a material impact in demand for car parking, nor will it in terms of the level of traffic generation when considering the existing use of the property, which could continue without the need for further planning consent. As a result, we have no objections.

MBC Waste Officer

No comments

MBC Environmental Protection

No Comments

Cleveland Fire Brigade (in summary)

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Cleveland Police (in summary)

Checks of Police systems on both the premises and the surrounding areas. No concerns have been identified.

PLANNING CONSIDERATION AND ASSESSMENT

1. The applicant is seeking planning consent for the change of use of the dwelling house (C3) into a children's home (C2) use. The key issues to be considered are the principle of the development, the impact on amenity, character and appearance, highway safety and any other issues.

Principle of the development

2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para 12). In determining planning applications due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213). As a

starting point, the proposal should be assessed against policies set out in the Development Plan.

3. The application site is located within a residential area of Acklam with Core Strategy policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development), H1 (Spatial Strategy) and H11 (Housing Strategy) being relevant.
4. Policies H1 (Spatial Strategy) sets out the need to increase the supply of housing to meet the aspirations of the economically active population and to consolidate and build on the success of popular neighbourhoods. Policy H11 emphasises the need to ensure a quality of life is maintained through protecting the existing high qualities of areas by ensuring that new development should be of a high quality.
5. Core Strategy CS4 (Sustainable Development) and CS5 (Design) sets out that new development should be high quality and located so that services and facilities are within walking distance to encourage sustainable transport methods.
6. The application site is located within a residential area of Acklam. The site is considered to be within a sustainable location with the Acklam Road/Mandale Road local centre and main bus routes being sited along Acklam Road approximately 170 metres walk from the property. The property is within walking distance of both Acklam Grange School on Lodore Grove and the Outwood Academy on Hall Drive.
7. The proposed use will result in the loss of a single dwelling house in the Acklam area. The loss of one housing unit is considered not to have a significant detrimental impact on the Council's overall housing delivery strategy.
8. A comment has been made that the change of use is not development so paragraph 38 of the NPF quoted within the Design and Access Statement does not apply and that the proposal does not satisfy paragraph 117 of the NPPF in terms of being an effective use of the property.
9. In planning terms the change of use is considered as a form of development and paragraph 38 is considered relevant. Paragraph 117 relates to planning policies and decisions promoting an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The proposed change of use will utilise an existing building whilst providing an additional use and so does fulfil the criteria of paragraph 117.
10. Overall, the proposal is considered to be located within a sustainable location and the loss of a single dwellinghouse is considered not to have a significant impact on the Council's Housing delivery strategy. The proposal therefore accords with Core Strategy Policies CS4, H1 and H11.

Amenity

11. Core Strategy Policy DC1 (c) - General development requires all new development to consider the potential impact on the amenity of the occupants of the neighbouring properties.
12. The proposed change of use will provide no external alterations to the property which would impact on the amenity of the neighbouring properties.
13. Objection comments have been raised regarding the potential noise generated from three children being accommodated within the house to the adjacent semi-detached property and the intensification of the use. Particularly as there will be no parental supervision, so the proposed use cannot be considered comparable to a family home.

14. The application is for a children's home for a maximum of three children between the ages of 8 to 18 years with two members of staff in attendance 24 hours a day. There will be an element of noise which will be generated from people within the property and utilising the garden areas. However, the number of children accommodated within the property will be a maximum of three with two staff present and the potential noise levels that would be generated will be similar to a family which occupy a four bedroomed property. The Council's Environmental Protection Officers have assessed the proposal and have no comments. To ensure the level of use of the building a condition will be placed on the application that limits the use to a three person children's home and no other use within the C2 planning use class.
15. Objection comments have been made relating to the loss of light generated from the proposal and the environmental impact. There will be no external alterations to the property and therefore no additional impact in terms of potential loss of light to the neighbouring properties or potential environmental impact.
16. Concerns have been raised regarding the lack of outdoor garden space available for the number of children within the building, given the hard standing and the proximity of the property to the highway. The property has an enclosed garden area to the rear of the property.
17. Objection comments have been received regarding the loss of privacy from children looking out of the windows. The proposal includes no additional windows within the property and the current occupants have the ability to look out of the windows and therefore the impact in terms of privacy will be the same as the existing situation.
18. Concerns have been raised regarding the increase in litter from the proposed use. The current building has adequate bin storage provision for the number of occupants and the Council's Waste Officer has no objections to the proposal.
19. Comments have been made that the proposal will breach the Council's Interim Policy on conversion or subdivision of properties as the amenity of nearby properties would be duly affected. The Interim Policy relates specifically to the conversion of properties into smaller residential units which does not apply to this proposed change of use.
20. Objection comments have been received regarding the potential children's home use generating anti-social behaviour particularly given the proximity to a public house and local shops, criminal damage, concerns on the safety of residents and their children and the wider community if the children will be unsupervised in local parks with a dispersal order already in place.
21. Whilst these comments are noted, there will be two members of staff present at the property with the staff members working 24 hour shifts and only three children being within the property. Consultation has taken place with Cleveland Police who have raised no issues with the proposed change of use and therefore given the number of children within the property and the staff present the change of use is considered not to have any associated impacts in terms of crime/anti-social behaviour.
22. Given the scale of the proposed use being for a maximum of three children with two adults being at the property at most times and the fact the potential noise levels would be similar to a family dwellinghouse use and a family residing at the property, the change of use is considered not to have a significant impact on the amenity of the neighbouring properties and accords with the guidance set out in Core Strategy Policy DC1 (c).

Character and Appearance

23. Policies CS5 and DC1 along with the Middlesbrough Urban Design Guide state that all new development should be a high quality in terms of layout and contribute to the character of the area.
24. The change of use will provide no external alterations to the property. An administration error did result in a set of incorrect fencing plans being registered temporarily on the website for the application, which has resulted in objection comments on the impact of the fencing and the design, appearance and materials of the proposal on the character of the street scene. There will however be no external alterations to the property through the change of use and as such the proposal is considered not to have a material impact in terms of the character and appearance of the street scene and accords with Core Strategy Policies CS5 and DC1.

Highway Safety

25. The application site within the curtilage of the property has a detached garage within the rear garden and a larger area of hard standing which is just over 20 metres in length located along side of the property and the rear garden area. The hard standing area to the side of the property has two vehicle access points off Thirlmere Avenue with one located to the side of the main building and the other towards the rear of the property.
26. The proposal will involve a maximum of two staff at the property at any time with the staff working on 24 hour shift rotas and an Ofsted manager being present off site.
27. Objection comments have been raised regarding the increase in the volumes of traffic and on street parking that will be generated from the change of use within a 20mph road where traffic has increased due to the temporary closure of St Marys Walk/Church Lane and generated issues exiting Oldford Crescent, thus creating highway and pedestrian safety issues.
28. Concerns have been raised regarding the current access to the hard standing parking area being unsuitable and inadequate for the proposed use with poor visibility with it being on a bend and the possible prevention of emergency vehicle access. Comments have been received relating to previous issues with business use on Oldford Crescent and off street parking.
29. The Council's Highway officers have assessed the proposal and commented that the proposed change of use will not have a material impact in terms of the demand for car parking or in terms of the level of traffic generated when considering the current use of property as a four bedroomed family dwelling could continue without any further planning consent. The Council's Highway officers have no highway objections to the proposal.

Other Issues

30. Comment have been made that the legalities of the consultation and that wider consultation should have taken place. Consultation for the change of use is only required of the neighbours around the immediate boundary of the site. Further neighbour consultation was undertaken than required to properties several houses on either side of the application site and a site notice placed outside the property for wider consultation.

31. Objection comments refer to a restrictive covenant on the property preventing business use. A restrictive covenant is a legal obligation on the property and is not a material planning consideration which can be assessed.
32. Objections have been raised that this change of use will set a precedent for similar change of uses in the area to business uses which will affect the character of the area. Each planning application is considered on its own particular planning merits and will not create a precedent for any future applications.
33. Comments have been made that as the application references Section 20 of the Childrens Act that there is reasonable cause to believe there is an immediate and serious risk to the health and welfare of a child which necessitates them being placed in care and as such probable the proportion of children will be disturbed or erratic, anti-social or delinquent behaviour which may impact on residents. The background of the children who will be accommodated within the property is not a material planning consideration in terms of the assessment of the change of use of the building.
34. Objection comments have been received that the provider does not appear to be part of the ne12 framework which the 12 local authorities have made a commitment to provide high quality service with no quality control in place to ensure the safety of the children apart from Ofsted. The planning permission material considerations for assessing the change of use is separate to the process for registering and monitoring the care home facilities, however the applicant has commented an application will be submitted for the children's home to be Ofsted registered.
35. Comments have been received objecting to the lack of information and experience of the applicants to run care homes. The applicant has stated within the Design and Access Statement that they will be Ofsted registered and the experience of the applicant is not a material planning consideration which can be assessed.
36. Objection comments have been received that the change of use will devalue the neighbouring properties and currently impacted on property sales, will lead to neighbours who work in young offenders possible having their addresses known by the children, inadequately trained staff so high turnover, children home is a profit making business and if not ran by the Council then no course of redress and that there is no justification for the use given several children's homes in the area. These points are noted but are not material planning considerations which can be assessed as part of the planning application.
37. Comments have been made that the change of use will destroy the community atmosphere which makes Acklam stand out. The proposed change of use will provide accommodation for three children within the property which could be apparent within a standard family home and as such is considered not to have a detrimental impact on the community.

Conclusion

38. The proposal has been considered against national and local policy. It is considered that the proposed use is acceptable in this area of Acklam and the loss of a single dwellinghouse will not have a significant impact on the Council's Housing Delivery Strategy. It is considered that the level of the intended use as a three person occupancy children home and the fact there will be no external alterations to the property means the proposed change of use will have no significant impact on the character and appearance of the area or the amenity of the neighbouring properties and accords with the guidance in policies DC1 (c) and CS5 (c).

39. The condition on the proposal which will limit the use of the property to a three person occupancy children's home and no other use within the C2 use class will ensure there will be no significant impact on the amenity of the neighbouring properties.
40. The proposed change of use is considered to be acceptable for the site and is in keeping with the relevant policies. It is the Development Control view that the proposal will not have a detrimental impact on the amenity of the occupiers of the surrounding properties and visual amenity of the street scene

RECOMMENDATIONS AND CONDITIONS

Approve with conditions

1. **Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990

2. **Approved Plans**

The development hereby approved shall be carried out in complete accordance with the following plans:-

- a. Location plan dated 16th October 2020
- b. Existing floor plan drawing 01 dated 16th October 2020
- c. Proposed floor plan drawing 02 dated 16th October 2020

3. **PD Rights Removed No Change of Use**

The premises shall be used for a three person children's home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the particular circumstances of the application to protect the amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

INFORMATIVES

Case Officer: Debbie Moody

Committee Date: 15th January 2021



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APPLICATION DETAILS

Application No:	20/0629/COU
Location:	2 Newport Crescent Middlesbrough TS1 5EP
Proposal:	Change of use from retail A1 [E(a)] to hot food take away A5 (Sui Generis)
Applicant: Company Name:	Asad Shahzad ARISTON PIZZAS
Agent: Company Name:	Mr Ben Wears Pyramid Architectural Designs
Ward:	Central
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is sought to change the use of the premises from retail A1 (E (a)) to an A5 (sui generis) hot food takeaway use and for the installation of a flue on the side elevation of the building. The application site is identified as being within the retail sector of Middlesbrough Town Centre, where there is a mixture of retail, restaurants, drinking establishments and professional services.

The main consideration relating to this proposal are the principle of the development, the impact on the character and appearance of the area, the impact on the amenity of the nearby premises, highway and other matters.

Three objection comments have been received from the local ward councillors to the proposal. In summary the objections relate to the demographics of the Central Ward and the impact of hot food takeaways being bad for health and storing up health problems for the future.

Whilst the concerns raised are acknowledged, it is considered that the principle of the development accords with the local plan policies for this area of the town centre. The proposed use is considered not to be harmful to the vitality and viability of the town centre as the proposal will not result in the proportion of hot food takeaways in the town centre exceeding 10%.

The proposed change of use will not materially alter the external appearance of the building

will only a flue being installed on the side elevation and is therefore considered not to have a detrimental impact on the character of the area or the amenity of the nearby residents. The proposed change of use is in accordance with both local and national planning policies and the officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is 2 Newport Crescent an end of terraced commercial two-storey building located within the town centre. The site is located within the defined retail sector of the town centre as identified within the local plan. The building is currently vacant with the ground floor being a retail use and the upper floor as storage.

The property is located at the southern end of a row of three commercial terraced properties which comprise of a fitness and sports unit and a menswear unit. The rear access to these units being located to the rear of the application site.

To the south of the building is an access pathway between Newport Crescent and Gilkes Street providing access to the rear of the commercial units. Across the access pathway to the south are the rear elevations of 12 and 14 Gilkes Street which are commercial unit being Greggs and Vape shop.

To the front of the building is the pedestrian area of Newport Crescent which provides access from Newport Road through to Captain Cook Square with commercial units opposite at 1 Captain Cooks Square, Poundland and 16-17 Newport Crescent, Waterstones.

The proposal is for the change of use of the ground floor into a hot food takeaway with the upper floor being utilised for storage with the only external alteration proposed being a flue on the side elevation of the building. The opening hours for the unit will be between 10am to 6pm Monday to Saturday with no Sunday or Bank Holiday opening.

PLANNING HISTORY

Previous planning permission for the property include :-

M/FP/2446/01/P – New shop front and two-storey extension at rear, approved with conditions, 5th February 2002

M/FP/1310/01/P – single storey extension at rear to existing shop and use for class A3 purposed, approved with conditions, 18th September 2001

M/ADV/0840/08/P - 1No internally illuminated fascia sign and 1 No non-illuminated banner sign, approved with conditions, 16th June 2008

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as

amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

- DC1 - General Development
- CS4 – Sustainable Development
- CS5 – Design

CS13- A strategy for the Town, District, Local and Neighbourhood centres.
REG20 - Principal Use Sectors
Interim Hot Food takeaway Policy
UDSPD - Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

There have been no comments received following the neighbour consultation with three objection comments having been received from the Councillor Linda Lewis, Councillor Matthew Storey and Councillor Zafar Uddin.

Objection comments can be summarised as follows:-

- Central Ward demographic include poor health through alcohol misuse, drug abuse and poor diet and the latter applies to this objection.
- Residents are dying prematurely with many residents unable to cook and living on sandwiches, pastries and takeaways as they inevitably live alone which is bad for their health and is storing up future health problems.

The following comments have been received from the statutory consultees:-

Middlesbrough Council Strategic Policy (in summary)

Considered a main town centre use, a hot food takeaway should be located within our centres. According to the most recent monitoring data (March 2019), the town centre has 4% HFTA. It has not been possible to update this information in March 2020 using the established methods due to COVID-19 lockdown restrictions; however, a desktop analysis in August 2020 suggests that a maximum of 5.2% of units could be HFTA (based on planning approvals in the meantime). As such, this application would not result in the proportion exceeding 10%, and is therefore appropriate in this location.

Middlesbrough Council Environmental Protection (in summary)

No objections subject to a condition regarding an odour and particle impact assessment to be submitted for approval.

Middlesbrough Council Highway Engineers

No objections

Middlesbrough Council Waste Officer (in summary)

The applicant would be responsible for ensuring the waste receptacles are collected. I would have concerns if there was a domestic element however with it being commercial I have no concerns.

Public Responses

Number of original neighbour consultations	13
Total numbers of comments received	3
Total number of objections	3
Total number of support	0

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this change of use application are the principles of the development, the impacts on the character and appearance of the street scene, the impacts on the amenity of the occupiers of the neighbouring premises and highway safety.

Policy

2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213). As a starting point, the proposal should be assessed against policies set out in the Development Plan. Under national planning policy hot food takeaways are classified as a main town centre use that should be located within the hierarchy of centres.
3. Policies DC1 and CS5 requires all development to provide a high quality of design in terms of layout and to contribute to the character of an area, whilst considering the impact on amenities of the occupiers of nearby premises.
4. The site is located within the Retail Sector of the town centre and policies CS13 and REG20 apply. These policies aim to encourage retail, commercial, leisure and cultural development within the town centre of an appropriate style and scale commensurate with its current scale and function. Policy REG 20 identifies the Retail Sector as primarily a retail area for (A1- shops , A2-financial and professional services and A3- restaurant and cafe uses) as of September 2020 these uses all fall within the new planning use class E – commercial, business and service use. With planning permission for A (hot food takeaways) being considered suitable where they are complimentary and will not harm the principle function of the sector.
5. The Interim Council’s Hot Food Takeaway Policy was approved by the council in March 2020. The Interim Policy is not an adopted policy within the suite of documents which support the current local plan with work ongoing on the new local plan. As such the Interim policy can only be given limited weight but is nevertheless relevant.
6. The Interim Hot Food Takeaway Policy recognises that hot food takeaways tend to provide closed frontages during the day due to the use forming part of the night-time economy and as such the hot food takeaways can have a negative impact on the primary function, vitality and viability of designated centres. The Interim Policy aims to manage the location of hot food takeaways in certain locations by setting out that hot food takeaways will 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.

Principle

7. The application site is located within the Retail Sector of the town centre where policy CS13 encourages retail, commercial, leisure and cultural development within the town centre of an appropriate style and scale commensurate with its current scale and function. National Planning Policy classes A5 – hot food takeaway uses as main town centre uses which should be located within our town centres.
8. The Interim Hot Food Takeaway Policy determines that proposals will be permitted for hot food takeaways where the A5 use will not ;
 - exceed 10% of the total number of A5 units within the centre,
 - result in more than 2 adjacent hot food takeaways or
 - be within a primary shopping frontage area; and
 - should not be located within 400m walking distance of a secondary school.
9. The most recent monitoring data (March 2019) had the town centre as having 4% Hot Food Takeaways. It has not been possible to update this information in March 2020 using the established methods due to the Covid 19 lockdown restrictions however a desktop study completed in August 2020 suggested that a maximum of 5.2 % of units could be hot food takeaways (based on previous planning approvals in the meantime). As such, this application would not result in the proportion of A5 – Hot Food Takeaway uses exceeding 10%.
10. The application site is not located adjacent to existing A5 uses so would not result in more than 2 adjacent A5 uses within the street, is located just outside of the primary shopping front area and is located more than 400 metres from a secondary school. The proposal is therefore considered to be compliant with the Interim hot Food Takeaway Policy.

Health

11. Objections have been received regarding the impact of an additional hot food takeaway on the current and future health and well-being of the community in this area of Middlesbrough.
12. The Council introduced the Interim policy on Hot Food Takeaways to assist in ensuring that hot food takeaways were located in areas identified within the National and Local plans as suitable for the use, namely town centres. The town centres are considered to be locations where hot food takeaways can contribute to the overall mix of provisions within the centres, with the Interim Policy restricting the overall number to 10%. The health implications of hot food takeaways is reflected within the interim policy by restricting the permission of hot food takeaways within 400 metres of a secondary school.
13. The concerns regarding the health of the community are noted, however the application site is located within the defined town centre, there are no hot food takeaways in either side of the premises, the current percentage of hot food outlets within the town centre is less than 10% and the premises is not within 400 metres of a secondary school.

14. Taking these factors into account, the proposed A5 use is considered to be in accordance with the Interim Policy on Hot Food Takeaways and is considered not to have an undue impact on the health and well-being of the community.

Appearance

15. Policies CS5 and DC1 along with the Middlesbrough Urban Design Guide states that all new development should be of a high quality in terms of layout and contribute to the character of the area.
16. The proposal will retain the existing shop front with the only external alteration being the installation of an external flue on the side elevation of the building. The scale of the flue has been kept to a minimum and has been set back from the main front elevation of the building to reduce any impact on the appearance of the building from the main pedestrian area.
17. The opening hours of the proposed use will be between 10am and 6pm Monday to Saturday which will ensure an active frontage to the unit.
18. The building has historically been extended which has resulted in no external yard area to rear of the property to enable bin store provision off the side access pavement. Currently the bins for the application site and each of the commercial units without a rear yard area are stored within this access pavement area to the south of the building. Since the original submission the plans have been amended to include an internal bin store are within the building itself. This is considered to be an improvement to the overall character and appearance of the pedestrian area to the side of the building.
19. Given there will be limited external alterations to the building provided as part of the change of use, the proposal is considered not to have a significant impact on the character of the area and is considered to be in accordance with policies DC1 (b) and CS5 (c).

Impact

20. Core Policy DC1 requires all new development to consider the potential impact on the amenity of the occupants of the adjacent properties both during and after completion of the development.
21. The main concern with hot food takeaways relates to the noise impacts and disturbance from the use and potential odour issues. The application site is located within a predominantly commercial area of the town centre with no residential properties within the immediate vicinity. The hours of operation of the unit will be during the daytime between 10am and 6pm with no Sunday or Bank Holiday opening and this will be secured by condition.
22. The applicant has submitted details of the external flue to be placed on the side of the current building. The Environmental Protection team have no objections to the proposal subject to a condition that an odour and particulate impact assessment be submitted and installed in accordance with the approved details
23. The proposal will remove the existing external bin store on the public footpath with a bin store area proposed within the building itself. The Council's waste officer has

commented that the applicant will be responsible for ensuring the waste receptacles are collected but have no concerns with the proposal.

Highways

24. The application site is located within a pedestrian area of the town centre within a highly sustainable location within close proximity of the main bus station.
25. The existing A1 retail unit operates with no off street parking provision and the default position is that the retail unit could still operate on this basis. The Council's Highway officers have no objections. As such it is considered that the proposal will not have a significant impact on highway safety and accords with the guidance set out in Core Strategy Policy DC1 (d).

Conclusion

26. The proposal has been considered against national and local policy. It is considered that the proposed use is acceptable in this area of the Retail Sector of the town centre and will not undermine the vitality and viability of the town centre in accordance with policies CS13, REG20 and the Interim Hot Food Takeaway Policy. It is considered that the alterations to the building to include the installation of the external flue on the side elevation of the building will, due to its design and scale have no significant impact on the character and appearance of the area or the amenity of the neighbouring properties and accord with the guidance in policies DC1 (c) and CS5 (c).
27. The conditions on the proposal require a noise and odour assessment which will ensure there are to be no significant impact on the amenity of neighbour premises in terms of noise and odour which accords with policies DC1 (c).
28. The proposed change of use is considered to be acceptable for the site and is in keeping with the relevant policies. It is the Development Control view that the proposal will not have a detrimental impact on the amenity of the occupiers of the surrounding properties and will support the vitality and viability of the area whilst having minimal impact on the visual amenity of the street scene.
29. Whilst the comment regarding the potential impact on the health of the community are noted, the proposal is located within the Town Centre which accords with National and Local guidance and accords with the Council's Interim Policy on hot Food Takeaways.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the following plans :-

- a. Site Location plan drawing dated 17th October 2020
- b. Block site plan dated 17th October 2020
- c. Block plan showing location of the flue dated 17th October 2020
- d. Existing plans / elevation drawing 01 dated 17th October 2020
- e. Proposed plans / elevation drawing 02 REV 1 dated 22nd December 2020

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

3. Odour and Particulate Impact Assessment

An odour and particulate impact assessment shall be provided by a competent and suitably experienced, specialist air quality or odour consultant and approved in writing by the local planning authority before first use of the proposed development. The assessment shall identify the impact of cooking odours and grease released to the air from the premises and detail methods to control them to prevent harm to the amenity. The report shall be carried out in accordance with the EMAQ guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' 2018 or an alternative appropriate assessment tool agreed in advance with the Local planning Authority. The report should include details of the position of internal ventilation extraction canopies, the position and height of the flue outlet and the type of filtration and or odour control units or other fume treatment to be installed. The systems and filtration and odour control units shall be installed and maintained in accordance with the manufacturer's recommendations including the frequency of replacement filters.

Reason: In the interests of the amenity of the neighbouring premises and to accord with Core Strategy Policy DC1.

REASON FOR APPROVAL

This application is satisfactory in that the change of use from a retail unit to an A5 (sui generis) hot food takeaway use accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS4, CS5, CS13 and REG20 of the Council's Local Development Framework). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018).

In particular, the change of use from a retail unit to an A5 (sui generis) hot food takeaway use and external flue to the side elevation of the building will not prejudice the character and function of the area and does not significantly affect the amenity of nearby premises, any landscaping or prevent adequate and safe access to the site. The change of use from an A1 retail unit to an A5 (sui generis) Hot food takeaway unit use will be consistent with the existing commercial uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the change of use will not be of a level likely to result in an unacceptable impact on nearby premises.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused.

INFORMATIVES

1. Building materials on highway
The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.
2. Deliveries to site
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early

Case Officer: Debbie Moody

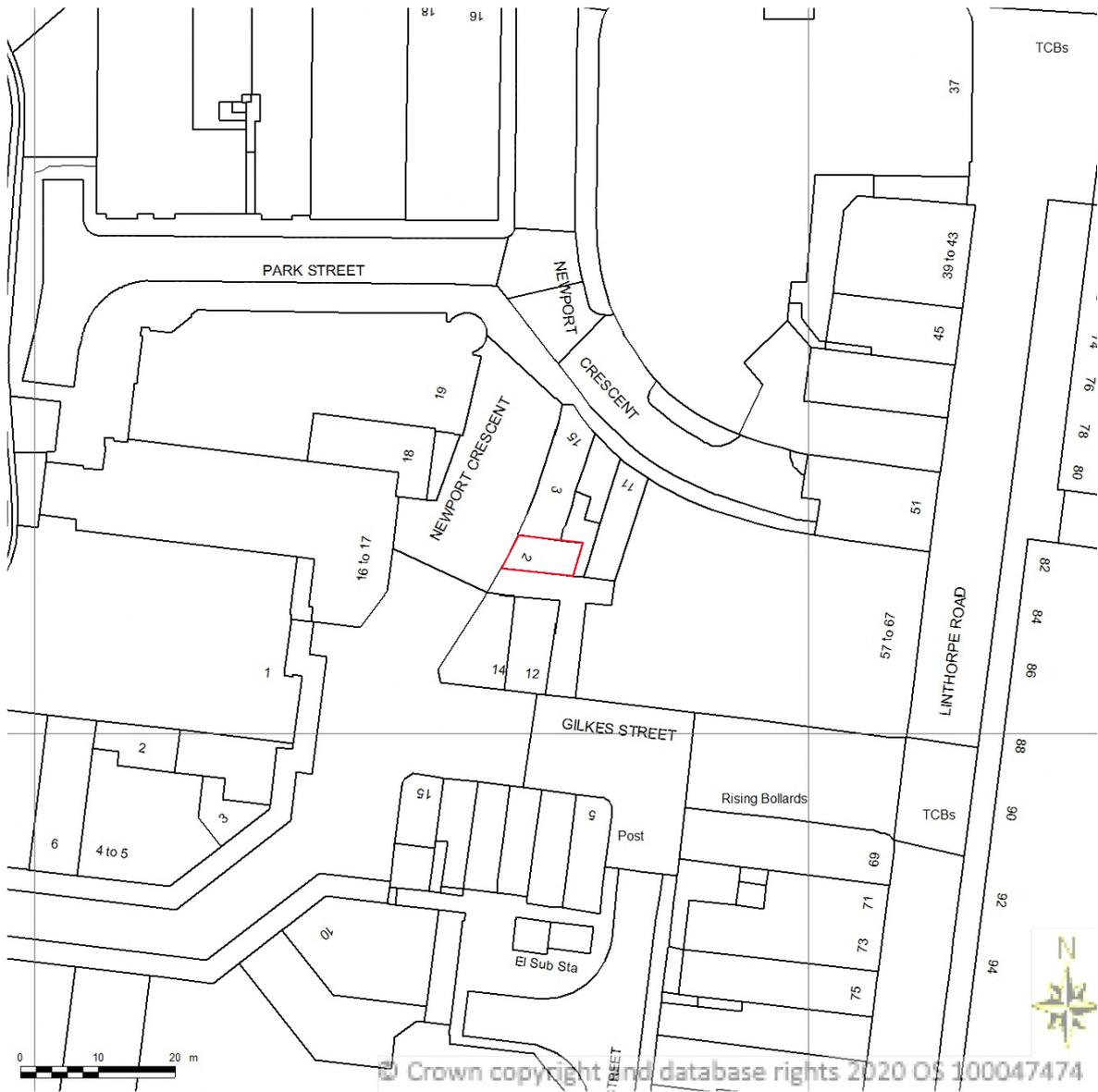
Committee Date: 15 January 2021

SITE LOCATION PLAN

AREA 2 HA

SCALE: 1:1250 on A4

CENTRE COORDINATES: 449367 , 520324



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**PLANNING & DEVELOPMENT COMMITTEE
APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting.

REFERENCE	PROPOSAL/LOCATION	DECISION
<p>19/0688/COU</p> <p>Central</p>	<p>Change of use from training centre (D1) to 22no bed HMO (sui generis) and external alterations</p> <p>Ferry House , Ferry Road , Middlesbrough , TS2 1PL</p>	<p>Approve with Conditions</p>
<p>19/0696/DIS</p>	<p>Discharge of conditions 3 (Sample of materials), 4 (Construction Compound), 5 (Details of Roads, Footpaths and Open Spaces Required), 8 (Public Rights of Way and Bridleways), 9 (Surface Water Drainage), 10 (Foul and Surface Water (NWL), 12 (Landscape Scheme), 13 (Landscape Management Plan), 14 (Tree Protection and Works) on application 19/0262/VAR</p> <p>Grey Towers , Nunthorpe , Middlesbrough , TS7 0PW</p>	<p>Full Discharge Conditions</p>
<p>20/0228/DIS</p> <p>Marton East</p>	<p>Discharge of condition 3 (access details) and condition 5 (play area) of planning application 19/0530/RES</p> <p>Land At Hemlington Grange , Stainton Way , Middlesbrough ,</p>	<p>Full Discharge Conditions</p>

20/0381/FUL Park	Retrospective installation of new roof and 2no roof lights, hipped roof to rear, single storey rear extension and proposed widening of driveway access, replacement front boundary wall, imprint concrete driveway and detached garage (demolition of existing garage). 16 The Crescent , Linthorpe , Middlesbrough , TS5 6SQ	Approve with Conditions
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20/0417/FUL Marton West	Erection of detached bungalow with raising of ground level at rear 94 Gunnergate Lane , Middlesbrough , TS7 8JD	Approve with Conditions
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20/0424/FUL Central	Conversion of dwelling to 4no flats with single storey extensions to side/rear. 25 Croydon Road , Middlesbrough , TS1 3HQ	Approve with Conditions
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20/0432/FUL Linthorpe	Single storey extension to side and rear 16A Appleton Road , Middlesbrough , TS5 5HX	Approve with Conditions
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20/0437/FUL Nunthorpe	Two storey and single storey extension to side, porch to front and erection of detached garage (demolition of existing garage) 10 Nunthorpe Gardens , Middlesbrough , TS7 0GA	Approve with Conditions
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20/0467/FUL Kader	First floor extension to side 505 Acklam Road , Middlesbrough , TS5 7HJ	Approve with Conditions
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20/0468/DIS Ladgate	Discharge of condition 7 (Ground Investigation Report) on planning application M/OUT/0173/11/P Land At Former Police Headquarters , Ladgate Lane , Middlesbrough , TS8 9EH	Part Discharge Conditions
20/0493/COU Newport	Conversion of dwellinghouse to 2no self contained flats 58 Laycock Street , Middlesbrough , TS1 4SL	Approve with Conditions
20/0495/FUL Marton East	Conversion of garage to habitable room 37 Turnbull Way , Middlesbrough , TS4 3RS	Approve with Conditions
20/0511/FUL Nunthorpe	Porch to front and conversion of garage to habitable room 16 Cookgate , Middlesbrough , TS7 0LP	Approve with Conditions
20/0521/FUL Kader	Single storey extension to side, porch to front and patio area to rear 2 Urlay Grove , Middlesbrough , TS5 8LB	Approve with Conditions
20/0524/FUL Ladgate	Single storey extension to side and rear 8 Sidmouth Close , Middlesbrough , TS8 9DN	Approve with Conditions
20/0534/FUL Linthorpe	Two storey and single storey extensions to rear 103 Roman Road , Middlesbrough , TS5 5PH	Refused

20/0535/FUL	Erection of four-storey office block and stand-alone substation with associated landscaping works A V Dawson , Dawsons Wharf , Depot Road , Middlesbrough , TS2 1UT	Approve with Conditions
20/0538/FUL Kader	First floor extension to side 34 Wolsingham Drive , Middlesbrough , TS5 8JU	Approve with Conditions
20/0557/COU Central	Change of use of storage building to hot food takeaway (A5) Rear Of 4-8 Fern Street , Middlesbrough ,	Refused
20/0558/FUL Marton East	Bay window and canopy to front elevation 1 Hawthorn Crescent , Middlesbrough , TS7 8DP	Approve with Conditions
20/0563/FUL Park	Erection of 1no dwellinghouse 4 The Crescent , Linthorpe , Middlesbrough , TS5 6SE	Refused
20/0564/FUL Nunthorpe	Single storey extensions to side and rear, relocation of existing fence 6 Thimbleby Close , Middlesbrough , TS7 0PL	Approve with Conditions
20/0570/FUL Acklam	Two storey extension at side 78 Emerson Avenue , Middlesbrough , TS5 7QQ	Approve with Conditions

20/0574/FUL Marton East	Revised layout to include 2 additional dwellings and the introduction of 3 new house types Land Off Gypsy Lane , Nunthorpe , Middlesbrough	Approve with Conditions
20/0575/FUL Acklam	Two storey extension to side and single storey extension to rear 6 Oldford Crescent , Middlesbrough , TS5 7EH	Approve with Conditions
20/0579/FUL Central	Single storey extension to rear 1 - 2 Whitfield Buildings , Park Vale Road , Middlesbrough , TS4 2JD	Approve with Conditions
20/0578/FUL Ladgate	Part single storey/part two storey extension to rear 595 Marton Road , Middlesbrough , TS4 3SD	Approve with Conditions
20/0586/FUL Park	Single storey extension to rear with attached garage 29 Sycamore Road , Middlesbrough , TS5 6QX	Approve with Conditions
20/0590/FUL	Installation of ground floor window and a fire escape door Unit 7 Tees Amp , Middlesbrough , TS1 1QW	Approve with Conditions
20/0591/ADV	1no illuminated fascia sign and 1no non-illuminated hoarding Unit 7 Tees Amp , Middlesbrough , TS1 1QW	Approve with Conditions

20/0595/FUL Longlands/Beechwood	Two storey extension to side and single storey extension to rear 16 Oakworth Green , Middlesbrough , TS4 3ES	Approve with Conditions
20/0596/FUL Trimdon	Single storey extension to front, two storey extension to side and single storey extension to rear (demolition of existing garage) 172 Trimdon Avenue , Middlesbrough , TS5 8RZ	Approve with Conditions
20/0598/FUL Nunthorpe	Single storey extension to rear 2 Knowle Close , Middlesbrough , TS7 0DF ,	Approve with Conditions
20/0599/FUL Linthorpe	Replacement front door 52 Thornfield Road , Middlesbrough , TS5 5DB	Approve with Conditions
20/0605/FUL Acklam	Single storey extension to rear 6 Thackeray Grove , Middlesbrough , TS5 7QX	Approve with Conditions
20/0607/FUL	Erection of two cabins for data storage facility with 2.4m higher perimeter fence Sotherby Road , Middlesbrough , TS3 8BS	Approve with Conditions
20/0612/FUL Linthorpe	Single storey extension at rear, detached garage at rear and recovering of the roof (demolition of existing rear offshoot and garage) 10 Barker Road , Middlesbrough , TS5 5ES	Approve with Conditions

20/0621/PNR Central	Change of use of existing offices (B1a) on first and second floors to 4 self-contained flats (C3) 74 Borough Road , Middlesbrough , TS1 2JH	Prior Notification Not Required/No Obj
20/0617/FUL Ladgate	Single storey extension to rear (Demolition of existing conservatory) 14 Cremorne Close , Middlesbrough , TS7 8RE	Approve with Conditions
20/0619/FUL Longlands/Beechwood	Two storey extension to rear 25 Beverley Road , Middlesbrough , TS4 3LE	Approve with Conditions
20/0630/COU Central	Part retrospective change of use of ground floor from retail to 9 student apartments (Sui Generis) Unit 3 Rede House , 73 - 75 Corporation Road , Middlesbrough , TS1 1LY	Refuse and enforce
20/0631/FUL Marton West	Single storey extension to rear 22 Fairwood Park , Middlesbrough , TS8 9XP	Approve with Conditions
20/0646/COU Acklam	Change of use from solarium (sui generis) to hot food takeaway (sui generis) 273 Acklam Road , Middlesbrough , TS5 7BP	Refused
20/0632/FUL Acklam	Conversion of garage to habitable room 5 Hustlers Way , Middlesbrough , TS5 7DT	Approve with Conditions

20/0637/FUL Coulby Newham	Single storey extension to rear 5 Applegarth , Middlesbrough , TS8 0UU	Approve with Conditions
20/0635/FUL Longlands/Beechwood	Residential development comprising of 36no bungalows with associated landscaping and external works Land At Beechwood , Middlesbrough	Approve with Conditions
20/0642/LBC Nunthorpe	Single storey extension to rear and increase in chimney height 6 West Side , Old Stokesley Road , Middlesbrough , TS7 ONN	Approve with Conditions
20/0645/PNH Nunthorpe	Single storey extension at rear 9 Bowland Close , Middlesbrough , TS7 0RE	Prior Notification Approved
20/0647/DIS Marton East	Discharge of condition 4 (Landscape management) on planning application 19/0516/RES Land At Alan Peacock Way , Middlesbrough , TS4 3AE	Full Discharge Conditions
20/0649/COU Central	Change of use of first floor flat (C3) to slimming clinic (Class E) Flat 1 , 47 Grange Road , Middlesbrough , TS1 5AU	Approve with Conditions
20/0656/FUL Trimdon	Single storey extension to rear 14 Salis Close , Middlesbrough , TS5 8FB	Approve with Conditions

20/0659/TCA Linthorpe	Felling of 1no Silver Birch 81 Cambridge Road , Linthorpe , Middlesbrough , TS5 5LD	Approve
20/0661/TCA Linthorpe	Removal of epicormic growth on Poplar tree at front 3 Cambridge Square , Middlesbrough , TS5 5PG	Approve
20/0663/FUL Nunthorpe	Two storey extension to side, porch and detached garage to front 16 Chandlers Ridge , Middlesbrough , TS7 0JL	Approve with Conditions
20/0664/DIS Trimdon	Discharge of condition 14 (Noise Mitigation) on planning application M/FP/0572/11/P Stainsby Hall Farm , Brookfield , TS5 8EH	Full Discharge Conditions
20/0665/FUL Kader	Single storey extension to rear 3 Birtley Avenue , Middlesbrough , TS5 8LH	Approve with Conditions
20/0667/FUL Hemlington	Single storey extension to front 6 Brampton Close , Middlesbrough , TS8 9HD	Approve with Conditions
20/0674/FUL Trimdon	Single storey extension at rear 263 Trimdon Avenue , Middlesbrough , TS5 8TL	Approve with Conditions

20/0677/PNH Kader	Single storey extension to rear 87 Malvern Drive , Middlesbrough , TS5 8JF	Prior Notification Not Required/No Obj
20/0696/TPO Nunthorpe	Removal of 3no Yew trees and 1no Bay tree Land At Grey Towers Hall , Wyke Lane , Middlesbrough , TS7 0GD	Refused
20/0708/PNH Nunthorpe	Single storey extension to rear 3 Marton Moor Road , Middlesbrough , TS7 0BL	Prior Notification Not Required/No Obj
20/0715/PNH Park End/Beckfield	Single storey extension at rear 3 Hexham Green , Middlesbrough , TS3 0HN	Prior Notification Not Required/No Obj

6 January 2021