

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 5 February 2021.

PRESENT: Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, S Dean (Reserve) (Substitute for J Thompson), C Dodds, L Garvey, M Nugent, J Platt, J Rostron and G Wilson

ALSO IN ATTENDANCE: Councillor R Arundale, S Litherland and Councillor E Polano

OFFICERS: P Clarke, A Glossop, D Johnson, E Loughran, C Lunn, G Moore and S Thompson

APOLOGIES FOR ABSENCE: Councillors J Thompson

20/32 **DECLARATIONS OF INTEREST**

| Name of Member | Type of Interest | Item/Nature of Interest |
|--------------------|------------------|--|
| Councillor S Dean | Non-Pecuniary | Agenda Item 5, Item 1, Ward Councillor |
| Councillor J Platt | Non-Pecuniary | Agenda Item 5, Item 2, Ward Councillor |

20/33 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 15 JANUARY 2021**

The minutes of the meeting of the Planning and Development Committee held on 15 January 2021 were submitted and approved as a correct record.

20/34 **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.

20/0004/FUL Demolition of existing caretaker's property and erection of 139 dwellings with associated improvements to St David's Way including access widening and landscaping at Former St Davids School, Acklam, Middlesbrough TS5 7EU for Mrs A McFaulds

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

The Development Control Manager advised that the purpose of the application was to seek planning consent for the erection of 139 dwellings with associated access works, landscaping and infrastructure on the former St David's School site in Acklam.

The site was located off Hall Drive at the southern end of St David's Way, just outside of the Acklam Conservation area boundary. To the north was Cowley Road and Adcott Road and to the west and south were Bewley Grove and Acklam Road. The Avenue of Trees provided the eastern boundary of the site and was within the Acklam Conservation area. The application site was within the vicinity of the Grade 1 Acklam Hall sited to the north across Hall Drive but did not form part of the immediate setting of the listed building.

Members were advised that under Local Housing Plan Policy H34, the former St David's School site had been allocated for residential use to provide 115 dwellings. The wording of the policy, was as detailed below:

"Land is allocated at St David's for a high quality, high value residential scheme, to provide a maximum of 115 dwellings. Development proposals will be expected to:

- a) *provide a residential development that reflects the housing types within the surrounding area, which is predominantly 3/4 beds housing with a mix of semi and detached properties;*
- b) *respond positively to the Acklam Hall Conservation Area and the adjacent historic avenue of trees;*
- c) *properties should front on to the avenue of trees however there will be no vehicular access on to the avenue of trees;*
- d) *utilise existing access road arrangements from St David's Way;*
- e) *maintain and enhance existing pedestrian footpath access arrangements from Acklam Road and Hall Drive;*
- f) *ensure that the design of the proposal takes account of any surface water flooding issues without adversely effecting existing surrounding residential properties, and maximises opportunities for the use of SUDS, where appropriate;*
- g) *retain the existing mature trees;*
- h) *15% of dwellings to be affordable provided as 5% of the dwellings on site and a 10% offsite affordable housing contribution; and,*
- i) *provide off-site improvements to school provision to accommodate the educational needs of future residents.*

Development will not be permitted until the re-provision of the playing pitches currently on the site is made elsewhere in the town."

It was explained that the key considerations, in respect of the proposal, were the policy criteria and any other material planning considerations.

Members were advised that, although the proposal exceeded the maximum number of dwellings, Policy H1 stated that:

"All housing requirements and housing allocations in the Core Strategy and Housing DPD 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."

Members heard that the 139 dwellings proposed consisted of:

- a) 14 x 2 bedroomed dwellings;
- b) 54 x 3 bedroomed dwellings;
- c) 5 x 3 bedroomed bungalows; and
- d) 66 x 4 bedroomed dwellings.

The proposal was for the erection of 139 dwellings that would comprise 2, 3 and 4 bedroomed properties. The house types would be a mixture of terraced, semi-detached and detached dwellings and would include semi-detached and detached affordable bungalows.

The layout of the development had been designed so that, where possible, dwellings fronted onto or had views towards any open space/landscaped areas.

Access to the site would be from St David's Way via Hall Drive and there would be a pedestrian footpath off Acklam Road.

In terms of drainage, a dual pumping station would be included within the open space area towards the north of the site. The station would ensure the surface water drainage from the site was restricted. Surface water would be collected and directed to an attenuation tank (below ground), which had been designed to take up to 100 year storm events with an additional allowance of 40% climate change. Further details in respect of flood risk were detailed at paragraphs 73 to 78 of the submitted report. The Local Flood Risk Officer and Northumbrian Water had considered the revised flood risk assessment and drainage details and had no objections, subject to relevant conditions.

There would be no trees removed within the Avenue of Trees to facilitate the development. The Arboricultural Impact Assessment set out that a sycamore tree located towards the entrance of the site, and a 15 metre section of hedgerow located immediately to the south of the current entrance off St David's Way, would be removed to enable the new footpath

entrance. A set of cypress trees sited within the front garden of the caretakers building and two trees within the existing access footpath, between the site and Acklam Road, would be removed as part of the development. The remainder of the trees within the site would be protected during the development works with tree protection measures. The existing hedgerow along the boundary with The Avenue of Trees would be strengthened and any gaps filled. Within the open space area to the north of the site there would be an area of meadow grass to encourage biodiversity.

Policies H12 and H34 required 15% of dwellings to be affordable provided as 5% on site and 10% off site contribution. Policy H12 allowed variations in the proportion of onsite and off-site provision where it could be demonstrated that would better contribute to the creation of mixed balanced communities through the diversification of housing tenure.

The original plans for the site provided 7 affordable terraced and semi-detached dwellings, which met the 5% onsite affordable housing provision. Following consultation feedback, the plans were amended to include 5 affordable bungalows within the development site. With the bungalows requiring additional floor space to ensure they fit in with the remainder of the site, the number of affordable houses within the site had been reduced to 5. Although slightly below the 5% level of onsite affordable housing, the number was still considered to be an acceptable level given the bungalow type of affordable housing being provided.

In addition to the onsite affordable housing provision, an off-site affordable housing contribution would be secured by a section 106 agreement.

Subject to the dwellings not being occupied until 2022, the Council's Strategic School Planning Manager had advised that no education contribution was required due the existing capacity within the schools and given the current capacity for school spaces.

Part of the site was the former playing pitch of the former St David's School. Policy H34 identified that the redevelopment of the site would require the re-provision of playing pitches within the town. Within close proximity of the application site was an area of land directly to the south of the existing Outwood Academy and Kader Football Club, which had been identified as suitable for the replacement playing pitches. The proposal included a contribution from the applicant for the installation of three playing pitches. The pitches long-term maintenance and installation costs would be secured through the section 106 agreement or equivalent legal agreement.

99 consultation letters were sent and objections had been received from residents at 25 properties with 1 letter of support. The objection comments were summarised in the submitted report.

In terms of the design of the scheme, the proposed layout and dwellings were of a high-quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. Landscaped areas within the site would enhance ecological potential and would benefit the wider community. It was considered that the proposed development would provide a good mixture of dwelling types which were of a high-quality design and materials that reflected the existing character of the area, whilst not detracting from the historic importance of both Acklam Hall and the Avenue of Trees.

The site layout provided areas of attractive landscaping throughout the site along with an open space area including a trim trail. The development would not result in any notable detrimental impact on the amenities of the existing residents. Highway works to the proposed access road at St David's Way, alongside the proposed cycleway/footpath linkages between Hall Drive and Acklam Road, were considered to provide a significant public benefit to the scheme.

At the entrance of the development was an area of open space which included a trim trail area with equipment and benches that could be utilised by the occupants of the properties and the wider public. The layout of the development had been designed so that, where possible, dwellings fronted onto or had views towards any open space/landscaped areas.

The frontage of the properties had a high-quality design with open porch and gable detailing, bay windows and a mixture of brickwork and render detailing with varying roof heights to provide some variety to the character of the dwellings. The frontages of properties had been designed to face towards the landscape areas within the site.

The scheme was considered to be a high-quality sustainable development. The application site itself was located within a predominantly residential area of Acklam and was within walking distance of local services, schools and bus links.

Member heard that comments had recently been received from the North East Chamber of Commerce. The correspondence received stated *“Representing the North East Chamber of Commerce, we would like to support this application in principle as it represents a key opportunity for regeneration of the area and utilises a brownfield site rather than a greenfield site. The project will provide employment and new housing stock and will act as an exemplar for what can be achieved for such sites. Officers have recommended the passing of the application as it meets planning guidance. Refusal of the application may serve to hamper future investment in Middlesbrough as future developers and investors may view planning as a costly process. As the economy may struggle in the coming months, due to continuing economic pressures, a site such as this and any future investments by other companies will be vital to the local economy. The developer has a strong reputation and is willing to work with the local community and utilise suppliers in the local area in delivering the homes on the site.”*

The Principal Highways Engineer provided the committee with information on the Local Authority's validated strategic highway model (Aimsun) and how the model had been used to test the potential impact of traffic associated with the proposed development on the existing highways.

Members heard that the Aimsun model was an evidence-based approach, which was built in stages. The model considered data in respect of traffic counts, journey times, GPS, bus routing, bus stops, traffic signal timings and road surveys. Once data was entered, it was validated and checks were undertaken. The model had also been audited and validated by a third party consultancy firm. The Aimsun model ensured that a holistic approach was taken when assessing the impact of the proposed development on the existing highways.

An estimated level of traffic generation was coded into the model, based upon the scale of the development proposed and using evidence-based trip rates. The traffic associated with the proposed development was then tested within the model, including future year scenarios. The approach allowed for traffic levels to increase as a result of traffic and other committed developments, irrespective of the current proposal. The results then established what impact the proposed development would have.

The scheme was estimated to generate in the region of 100 and 110 vehicle trips during the AM and PM peak periods, respectively. The network was tested during those periods as that was when there was greatest demand and the networks was at its most sensitive. Outside of the peak periods, greater levels of capacity were available and the network operated much more freely.

The traffic generated by the model distributed across the network, based upon origin and destination data. The greatest amount of traffic was seen at the site access junction then reduced as traffic took different routes on its journey. Acklam Road was a main North/South artery within Middlesbrough and as such existing traffic flows there were high. The proportion of traffic associated with the proposed development would account for less than 2-3%. As such, whilst traffic may generally slow slightly as a result of the development, the impact was very small. It was widely acknowledged and demonstrated that traffic flow could vary by 10-15% based upon the weather, the time of the day, month etc. The scale of the impact of development was therefore less than those daily fluctuations so in reality would not be perceivable.

Using the evidence based approach, it had been demonstrated that the impact of traffic associated with the development would not have a material impact on the free flow of traffic on the surrounding highway network. Members were advised that data used to inform the model was collected prior to Covid-19, which ensured further robustness when analysing the impact on the highway network.

In terms of safety, accident records were analysed to determine trends. Following analysis, it had been determined that the proposal would not exacerbate any highway safety issues.

Works to St David's Way would include the provision of managed on-street parking. That parking would be available for the public accessing facilities in the local area, including sports

pitches, the school or The Avenue of Trees and represented an improvement to the current situation.

The scheme also proposed the removal of the existing raised table at the Hall Drive/St David's Way junction and replacement with two sets of speed cushions either side of the junction with resurfacing works, as required. It also proposed the realignment of the junction kerbs at Hall Drive/St David's Way to create 6m junction radii with pedestrian crossing point consisting of dropped kerbs and tactile paving.

Members heard that within less than 500 metres of the site were the main bus stops on Acklam Road and Hall Drive, which meant the site was considered to be within a sustainable location.

Using an evidence-based approach, the development had been considered in relation to the impact on capacity, and the safety of the highway network, and it had been determined that the proposal would have no material impact.

A Member queried the reasons for the developer proposing 139 dwellings when it exceeded the maximum allocation for the site, as detailed in the Local Plan. The Head of Planning advised that since the development of the Local Plan in 2014, the NPPF had stated that local authorities needed to ensure the most efficient use of land and minimum allocations for housing sites should be referenced rather than maximum. It was also advised that Policy H1 of the Local Plan stated that proposals for more than the maximum dwelling requirements would be considered where it could be clearly demonstrated that a design led approach had been taken.

A Member raised a query in respect of car ownership. In response, the Principal Highways Engineer advised that there was a key distinction between car ownership and traffic generation. When analysing the impact of a proposal on the highway network, vehicle trips in respect of each residential dwelling were taken into account.

A discussion ensued and several Members expressed concerns in respect of the potential impact of the proposal on the junctions located in the vicinity and the highway network. The relevant officers responded accordingly.

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

In summary, the Agent advised that:

- work with the Local Authority had been undertaken over the past year to develop and finalise the proposal;
- through collaboration with officers, a high-quality scheme had been developed;
- the scheme planned to re-develop a brownfield site;
- the site was allocated for housing in the Local Plan;
- the scheme met the criteria outlined in Policy H34;
- the site was capable of accommodating 139 dwellings;
- due to the high-quality design of the scheme, Policy H1 allowed for an increase in the number of dwellings; and
- separation distances between the rear elevation windows of the existing residential properties, and the habitable room windows of the proposed dwellings, would be 21 metres or above.

The Agent outlined that the economic, social and environmental benefits of the scheme included:

- a high-quality design offering a good mix of dwelling types;
- a sustainable drainage system;
- increased pedestrian links;
- new improved access route on St David's Way;
- landscaped areas and open space;
- creation of an attractive public realm;
- creation of 430 direct and indirect jobs;
- generation of approximately £1.67 million in tax revenue;

- approximately £156000 in annual council tax revenue;
- provision of off-site sports pitches; and
- funding, in excess of 1 million pounds, through 106 agreement and capital receipts.

A Ward Councillor was elected to address the committee.

The Ward Councillor advised that the development was contrary to the Local Plan as it exceeded the maximum number of dwellings. The Ward Councillor also expressed concerns regarding traffic impact on Hall Drive. Members were advised that the design quality of the development was compromised due to the increased density of the scheme and the additional dwellings proposed. It was also commented that the design of the dwellings did not reflect the character and appearance of the area. Given the reasons outlined, the Ward Councillor recommended that the committee should refuse the application and that a revised scheme should be submitted that accorded with the Local Plan allocations.

With regards to visitors parking on the site, to gain access to the Avenue of Trees, a Member raised concerns that vehicles may park on the paving and enquired whether raised kerbs could be introduced. The Development Control Manager advised that the suggestion would be considered by the Highways Authority.

The proposal was considered acceptable and it was officer recommendation that the application be approved, subject to a 106 agreement.

A discussion ensued and a Member advised that he would be minded to approve the application if the maximum number of dwellings had not been exceeded. The Development Control Manager advised that there was a need for the committee to consider the application that had been submitted, which proposed the development of 139 dwellings. It was also added that the Applicant had been aware of the housing allocation prior to submission of the application.

ORDERED that the application be **Approved** for the reasons set out in the report, subject to a 106 agreement.

20/0496/FUL Mixed use development comprising retail use at ground floor with 24 no. apartments above with associated ancillary areas, parking and landscaping at Cawood Drive/Rievaulx Drive, Tollesby, Middlesbrough for Middlesbrough Development Company

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

The Head of Planning advised that the purpose of the application was to seek permission for the erection of a part-three/part-four storey mixed-use development on the site of the former Newbridge Court neighbourhood centre. The proposed development included 4 no. retail units on the ground floor with 24 no. residential units on the upper floors with associated parking and landscaping.

The wider Tollesby estate was predominantly constructed in the 1960s and was based on a very conventional housing layout. The majority of houses were constructed in traditional materials, semi-detached in nature with a generous number and diversity of bungalows. The focal point of the whole estate was a central amenity area containing a larger shop unit with ancillary smaller shops and a post office with flats on the first floor. A public house and motor repairs garage was also located in the group.

The site subject to the application was previously occupied by a two-storey building accommodating a number of retail/commercial units and car repair garage at ground floor and residential apartments at first floor. Following a prolonged period of the building being vacant, the building had been demolished and the site cleared and secured.

A total of 85 neighbouring properties were consulted on the application and 7 representations had been received, including 6 letters of objection and 1 other representation. The objections received were outlined and summarised in the submitted report.

The proposed development was laid out as a single building, in a horseshoe shape, having 3 sides with the ground floor central section being an undercroft parking area. The main section fronted onto Rivaulx Drive and had 4 stories, the uppermost being set back and of different materials to the main elevation which had been specifically designed to reduce the dominance of the uppermost floor.

Retail units were positioned on the ground floor with retail windows onto Rievaulx Drive and onto the inner courtyard parking area, which itself had a single point of access off Rievaulx Drive. The 1st, 2nd and 3rd floors were laid out solely as residential apartments, providing 22no. 2 bed apartments and 2no. 1 bed apartments, a number of which have outdoor seating areas in the form of small balconies, predominantly to the block adjacent to Rievaulx Drive and predominantly facing east and west, although with some facing south. A communal outdoor space existed on the roof of the central section.

Some of the apartments had balconies associated with them, those would provide a view across a public thoroughfare, and at distance. It was therefore considered that the privacy or perception of privacy lost, as a result of the balconies, would not be significant, particularly taking into account balconies at 1st and 2nd floor being relatively limited in size.

The proposals planned to bring a greater number of apartments onto the site providing more natural surveillance than was previously the case and, in terms of uses and in terms of appearance, providing a more compatible development within the domestic environment.

It was concluded that the proposals were acceptable and would not have a significant adverse effect on the living conditions, and residential amenities, of nearby occupiers. The proposed development was also considered to be of a good quality design, using high-quality materials to complement the surrounding built environment, and it was further considered that the traffic flow associated with the development could be reasonably accommodated within the existing environment and that the proposed car parking was sufficient for the development.

A discussion ensued and Members commented that the proposed scheme was considered to represent a significant improvement to the previous and current appearance of the site and would re-provide the locality with a much greater degree of sustainability through providing for some of the local day-to-day needs.

A Ward Councillor was elected to speak in support of the application.

The Ward Councillor commented that the proposal was welcomed as it provided a small retail centre to serve the local community.

The proposal was considered acceptable and it was officer recommendation that the application be approved, subject to conditions and the amendment to conditions 10 and 14. It was explained that the submitted report had stipulated that conditions 10 and 14 required implementation prior to the commencement of the development, however, following a request from the Applicant, those conditions had now been amended to allow the development to commence prior to those conditions being discharged.

ORDERED that the application be **Approved** for the reasons set out in the report, subject to conditions and the amendment of conditions 10 and 14 as detailed below:

Revised Condition 10 wording

Method of Works Statement

Prior to any above ground construction of the development hereby approved, a detailed method of works statement shall have first 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.

Revised Condition 14 wording

Adjacent Commercial Premises Noise Assessment

Prior to the internal fit out and installation of windows within the eastern block of development hereby approved, a noise assessment from a noise consultant detailing noise levels that residents are likely to be exposed to from the neighbouring/nearby commercial premises together with a scheme designed to protect these dwellings from any noise transference must be submitted to and approved in writing by the Local Planning Authority. The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial business is in use. The report shall also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development from noise shall be completed prior to any of the residential accommodation hereby approved being occupied. Any mitigation works must be retained on site 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.

20/35 **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

20/36 **LOCAL PLAN - AN UPDATE**

The Head of Planning provided Members with an update on the progress made with developing/revising the Local Plan.

Members were advised that the outbreak of the Coronavirus pandemic had impacted on timescales associated with reviewing the Local Plan and the Council had been unable to engage with the public, businesses and other stakeholders. The pandemic had also impacted quite significantly on the way in which evidence had been gathered from employers, when trying to determine the economic needs of the town in future years. The Coronavirus pandemic had resulted in massive implications for town centres and the retail sector.

It was advised that there had been some national policy changes in respect of housing (e.g. how housing numbers were calculated) and NPPF planning reforms.

Members were shown a table that identified the evidence-based documents that informed the development of the Local Plan. The table also provided an indication of when those documents were likely to become publicly available. Those documents included the Local Housing Needs Assessment, the Strategic Housing Land Availability Assessment, Retail and Town Centre Study, the Employment Land Review, the Green and Blue Infrastructure Strategy, the Gypsy & Traveller Accommodation Assessment and the Transport Study. The details of each document were outlined to the committee.

The Local Plan Development Group had met on several occasions to discuss and consider the overall strategy/vision, conservation policies, housing numbers and potential housing sites.

The revised timetable for the development of the Local Plan was outlined as below:

| Stage | Target Date |
|-------------------|--------------------|
| Preferred Options | April 2021 |
| Publication | October 2021 |

| | |
|------------|--------------|
| Submission | January 2022 |
| Adoption | June 2022 |

The implications of the delay needed to be considered in the context of:

- the status of the current Local Plan in respect of housing sites/numbers and planning decisions;
- the interim policies e.g. hot food takeaways and conversions; and
- Covid-19, the need to ensure that impacts could be assessed and that the Local Plan was sufficiently flexible to respond to the pandemic.

A Member queried whether the policy on hot food takeaways could be amended to change the definition of hot food takeaways. The Head of Planning advised that the Local Authority was unable to change the definition, however, it was able to revisit the policy framework to ensure that the Local Plan further supported and promoted public health.

NOTED