

## PLANNING AND DEVELOPMENT COMMITTEE

**Date:** Friday 9th April, 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 9th April, 2021

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 5 March 2021 3 - 10
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6. Schedule of Remaining Planning Applications to be Considered by Committee 19 - 84
  - Item 1 - Ormesby Methodist Church (Update) - Page 21
  - Item 2 - Ryehill House East (Update) - Page 33
  - Item 3 - 436 Linthorpe Road - Page 51
  - Item 4 - 249 Acklam Road - Page 63
  - Item 5 - Site of old Southlands Centre - Page 73
7. Applications Approved by the Head of Planning 85 - 90
8. 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  
Tuesday 30 March 2021

**MEMBERSHIP**

Councillors J Hobson (Chair), D Coupe (Vice-Chair), B Cooper, D Branson, C Dodds, L Garvey, M Nugent, 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](mailto:georgina_moore@middlesbrough.gov.uk)/[chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk)**

**PLANNING AND DEVELOPMENT COMMITTEE**

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

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

**PRESENT BY INVITATION:** Councillors J Rathmell and M Smiles

**ALSO IN ATTENDANCE:** S Buckley, A Cooper, J Cove, M McClintock and S Sabin

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

20/37 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor C Dodds	Non-Pecuniary	Agenda Item 5, Item 1, patient of Borough Road & Nunthorpe Medical Group
Councillor J Hobson	Non-Pecuniary	Agenda Item 5, Item 1, patient of Borough Road & Nunthorpe Medical Group

20/38 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 5 FEBRUARY 2021**

The minutes of the meeting of the Planning and Development Committee held on 5 February 2021 were submitted and approved as a correct record.

20/39 **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.

**20/0644/FUL Erection of medical centre with associated car parking and landscaping at Land off Stokesley Road, Nunthorpe, Middlesbrough for Assura Aspire Ltd**

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 planning application was to seek approval for the erection of a single storey medical centre with associated parking and access.

The site was generally flat and had an area of approximately 0.48ha. The proposal was to construct a single storey medical centre, which included 30 vehicle parking spaces, motorcycle and cycle parking and associated landscaping to replace the existing health centre located on Guisborough Road. Access would be located to the southern boundary of the site from Stokesley Road.

Following the usual consultation process, 18 comments had been received from local residents, 17 of which were objections. Comments had also been received from the Ward Councillors and Nunthorpe Parish Council. The greatest concern, highlighted in numerous objections, was that of highway safety. Following discussion with the Applicant, a revised scheme showing relocation of the vehicular access was submitted. It was commented that the revised access arrangements for vehicles improved highway safety and met the relevant criteria in terms of highway design. It also separated the vehicular activity from the pedestrian activity.

Members heard that the building would have a gross external area of approximately 565 sq m. It had a t-shaped design intersecting pitch roof and would be constructed using a mix of brick and cedar cladding with slate roof tiles. It was highlighted that the site also provided the opportunity for the future development of a pharmacy, the expansion of the medical centre and additional car parking spaces, if required.

The site was currently used for agriculture but formed part of the Nunthorpe Grange site. H29 of the Local Plan identified the Nunthorpe Grange site to deliver a maximum of 250 homes. Although the adopted housing policy H29 did not specifically identify a medical centre use at the allocated housing site, the Nunthorpe Grange Design Code, subsequently adopted in 2019, did.

A large portion of comments from local residents related to various aspects of road safety. Members were advised of the concerns that had been raised with regards to the access arrangements and the provision of footpaths along Stokesley Road. It was commented that the proposed access arrangements for both vehicles and pedestrians met the relevant criteria in terms of highway design. A pedestrian crossing point was to be provided at the access point and while footpath provision fell short, of what would have been expected in a new environment, the existing footpath met the minimum standard and the proposed works provided a suitable arrangement whilst working within the constraints of an existing environment.

Access to the site was to be taken from a new junction onto Stokesley Road. Sightlines of 2.4mx43m would be provided at both the site access junction and pedestrian/cycle crossing point, which was in accordance with national guidance for the speed limit of Stokesley Road. It was commented that sightlines would be restricted, should no works to the hedges on site be undertaken. The hedgeline did require maintenance and as such would be trimmed back. Officers were satisfied that the necessary sightlines could be achieved either through maintenance of the hedge or works within land owned by the Local Authority. The sightlines and/or works would be secured through the suitably worded condition, which was detailed in the submitted report.

In response to a Member's query in respect of footpath provision, the Head of Planning advised that, as the site progresses, with a potential future development for community use coming forward, pedestrian access could be revisited and explored further. The Local Authority was also working with the community of Nunthorpe to consider the future infrastructure needs in the area.

In response to a Member's query regarding access, the Head of Planning advised that the access road would not serve the wider development of housing on the site.

In response to Members' queries regarding bus stops and sightlines, the Transport Development Engineer advised that the scheme was a 10 minute walk to bus stops on Guisborough Road and sightlines met national guidance and would be protected in perpetuity by the suitably worded condition, which had been proposed.

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

In summary, the Agent advised that:

- The scheme planned to deliver a state of the art GP surgery, which would meet the needs of current and future residents of Nunthorpe.
- The scheme would allow for more consulting rooms, improved waiting rooms and support the practice with its long-term service aspirations.
- Following concerns raised by local residents, work had been undertaken with the Local Authority to revise the vehicular access for the scheme to improve highway safety.

The Chairman of Nunthorpe Parish Council was elected to address the committee.

In summary, the Chairman advised that:

- The Nunthorpe community welcomed the relocation of the medical centre and it was

hoped that the committee would approve the application.

- Nunthorpe Parish Council strongly supported development of the scheme.
- Nunthorpe Parish Council appreciated that comments made throughout the consultation process had been fully considered and responded to by the Local Authority and the Applicant and had resulted in revised plans.
- The plans submitted did not include any provision for a footpath adjacent to the new building. Between the new building and the road there was a hedge and the hedge was located very close to the road. Therefore, there was no space, between the hedge and the road, for a footpath. There was space for a footpath on the opposite side of the hedge, closer to the building, however, a footpath in that location had not been proposed as part of the scheme. As a result, if a patient was to walk to the medical centre from Guisborough Road down the eastside of Stokesley Road - at the point where the patient would be getting close to the building the footpath provision would end, meaning that he/she would either be required to walk on the road or cross the road to the westside, walk the length of the building on the opposite side of the road and then cross the road for a second time to get back to the entrance of the medical centre. Nunthorpe Parish Council requested that a short section of footpath be provided, alongside the new building, to prevent pedestrians walking on the road or crossing the road twice.
- It was commented that residents living in properties within 1km of the medical practice should be able to walk to the medical centre.

A Member enquired whether, to alleviate the concerns of Nunthorpe Parish Council, the speed limit could be reduced to 20mph. The Transport Development Engineer explained that changing the speed limit on carriageways would require the support of the police and a Traffic Regulation Order, which was a separate process to that of granting planning consent.

A Member enquired whether a condition could be applied, which outlined the requirement to introduce a footpath in the location referred to by the Chairman of Nunthorpe Parish Council. The Head of Planning advised that there were safety concerns, in respect of the location proposed, as the path would effectively lead to a grass verge. The safest option would be to direct pedestrians across the road to the path on the western side.

The Ward Councillors were elected to address the committee.

In summary, the first Ward Councillor fully supported the development and commented that Nunthorpe residents had long awaited a modern GP surgery that was suited to the needs of the whole community. It was also commented that the Local Authority and the Applicant had fully considered and responded to the concerns of Nunthorpe Parish Council regarding the access point and its revised location assisted in improving road safety.

In summary, the second Ward Councillor advised that in respect of vehicle access, because of the staggered junction, there were safety concerns as it was situated closely to the bend and the junction of Grey Towers drive opposite and there was only a 30m distance from centreline to centreline. It was commented that the development was welcomed, however, there was a lack of car parking provision proposed and it was envisaged that it would not be sufficient to meet demand. It was also commented that the lack of parking would result in cars being parked along the road (i.e. Stokesley Road), which had been seen in Trimdon Ward where a GP surgery had been recently built.

A Member enquired whether the car park could be revised to provide additional spaces. In response, the Head of Planning advised that the level of parking provided within the site was considered to be appropriate. It was added that expansion space had been built into the development to provide additional spaces, if required in future.

A discussion ensued regarding parking and footpath provision.

The Head of Planning advised that the proposal was considered to be an acceptable form of development in accordance with national and local policy and was therefore recommended for approval, subject to relevant conditions.

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

**20/0683/FUL Erection of office building (B1) with associated access, car and cycle parking, services and landscaping at Melrose House, 1 Melrose Street, Middlesbrough, TS1 2HZ for Ashall Projects (MB) Ltd**

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

The Head of Planning advised that planning permission was sought for the erection of a four-storey office block on the site of the former Melrose House office complex in Middlesbrough town centre. The proposed building would provide over 4,300 square metres of Grade A office space.

The application site was a vacant, rectangular plot of land, measuring approximately 60 metres x 70 metres, within Middlesbrough Town Centre. The site was previously occupied by an office block known as Melrose House. The site was bounded to the north by Grange Road, to the south by a building along Borough Road, to the east by a pedestrian/cycle path and residential apartment blocks within Rutland Court, and to the west by Melrose Street.

Access would be taken from Melrose Street with existing vehicular access points stopped up and the kerb/footway reinstated.

Consultation had been undertaken with local residents, as well as external and internal technical consultees, and no objections had been received in respect of the proposal.

The proposed office block would have a masonry finish on the ground floor but the upper floors would feature a principally glazed external appearance. The overall appearance had been designed to complement the completed buildings within the wider Centre Square area.

The position and arrangement of the building on the corner was similar to the previous Melrose House office block, facing onto both Grange Road and Melrose Street. Mindful of its size and scale, not being too dissimilar to the former building, it was not considered to be overly intensive or dominate the adjacent buildings.

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

In summary, the Agent commented that:

- The previous Melrose House office building had been demolished and the scheme proposed a building of Grade A office space to replace that.
- The proposal was a continuation of the Centre Square developments (Buildings One and Two), which provided Grade A office accommodation and were hoped to beneficially impact on the town centre offer and on the local economy.
- The building would have a principally glazed external appearance and a high-quality contemporary design in-keeping with the wider Centre Square area.
- There was a common misconception in Middlesbrough that there was not a demand for office space, however, the empty units in the town were not fit for purpose and even with extensive investment to improve them they would not meet the standards of the modern Grade A office and the requirements of modern occupiers.
- Buildings One and Two had demonstrated that there was a demand for Grade A office space, as 85% of the floorspace of Buildings One and Two had already been let to various tenants.
- There were currently ongoing discussions for a pre-let of 60% of the proposed building.

A Member raised a query regarding the letting of floorspace. In response, the Agent explained that the building had been designed so that floorspace could be let to a single large tenant or numerous smaller tenants. By minimising the internal structure there would be an ability to partition off smaller areas to create smaller units.

The Head of Planning advised that the proposed scheme was recommended for approval, subject to conditions.

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

report.

**20/0764/FUL Erection of seven storey office building incorporating lecture theatre, cafe, swimming pool, gym, bar/event space with associated landscaping, public realm, cycle store and car parking at Boho X, Lower Gosford Street, Middlesbrough for Middlesbrough Council**

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

The Development Control Manager advised that the purpose of the application was to seek planning permission for the erection of a seven-storey office block on land at St Hilda's, which formed part of the Boho area of Greater Middlehaven. The proposed building would primarily provide office space for the digital and creative sector, with ancillary café, lecture theatre, swimming pool, gym, and bar/event space. Associated with the main building would be a high-quality area of public realm that allowed for movement of non-vehicular traffic. Two smaller ancillary buildings would be within the curtilage of the development site, which included a cycle store and plant store.

The application site was situated to the north of Middlesbrough Town Centre and within the area known historically as St Hilda's. The site took a rectangular form, being bounded to the south by Gosford Street, to the north by Feversham Street, to the east by Boho Four (Gibson House) and to the west by the Boho One car park.

Members were advised that the application was a re-submission of a previous scheme for Boho X, which also sought consent for a multiple storey, mixed use development. After concerns had been raised with regard to the initial proposals, primarily over the height of the overall building and its impact on nearby heritage assets, the current application represented the revised scheme that sought to address those concerns.

The two most significant areas that required Members consideration related to the impact of the development on the town's heritage assets and the highway implications.

Given that the proposed development was directly adjacent to the Middlesbrough Historic Quarter Conservation Area and within close proximity to a number of listed buildings, consideration had to be given to the impact of the development upon their setting. The application was supported by a Heritage Statement, detailed in the submitted report, which assessed the potential impacts of the proposals on the recognised and acknowledged heritage assets (historic gridiron road layout, for example).

To enable Members to understand the schemes impacts on the Historic Quarter Conservation Area and heritage, the Development Control Manager provided information on the significance of each asset, and its setting. Further information was outlined in the submitted report (see paragraphs 49 to 81).

Although much of the original buildings had been levelled, Historic England and the Council's Conservation Officer considered that the grid street pattern and the old Town Hall (retained) were legible and gave the area interest and distinctiveness, being recognised as a non-designated heritage asset, suggesting its retention had the ability to provide a sense of place for the new Middlehaven.

When considering the impacts, either positive or negative, on the grid iron pattern of Middlehaven, consideration had to be taken into account of Middlehaven as a whole. It was considered that the redevelopment of the Middlehaven area needed to be given greatest chance of success to regenerate the area and provide a future for both the intended new occupiers / uses as well as the heritage that was within the area, including the recognition of the former grid iron layout. Development needed to be able to demonstrate it preserved and enhanced heritage. In addition, the proposed scheme had the ability to re-define grid iron principles and by doing so could positively add to the heritage value of the area. The former grid iron hierarchy provided a main north, south, east, west axis and then secondary and third tier roads all of which provided frontage for housing and other buildings. Given only parts of the first and second tier elements of the former grid iron existed today, it was considered that respecting the first tier and second tier roads was key to maintaining and re-introducing the

grid iron character back into the regeneration of the Middlehaven Area, and concentrating on building lines and public realm was an appropriate approach to preserving the grid iron pattern.

In terms of highways matters, the Transport Development Engineer explained that whilst being considered as an isolated scheme, officers were satisfied that the proposal would not prejudice wider redevelopment proposals and would integrate into wider accessibility plans and strategies for Middlehaven. Members were informed of the new signalised junctions that had been introduced and works that had been undertaken in the area to provide high-quality pedestrian and cycle linkages.

A Member raised a query in respect of the future extension of South Street. The Transport Development Engineer advised that the aim would be to introduce a pedestrian/cycle route to deliver high-quality traffic free areas of public realm leading to the historic town hall, which was located at the centre of the regeneration area.

A discussion ensued and Members commented that:

- As future sites came forward for development in Middlehaven there was a need to ensure that it was well served by public transport.
- The proposed scheme would represent a significant addition to Middlehaven and a positive benefit to heritage value.

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

In summary, the Agent commented that:

- The development of the scheme had been well-informed by an extensive design/market analysis and consultation process.
- Following consultation with a wide range of statutory consultees, a number of changes had been made to the scheme to respond positively to the feedback received.
- The scheme planned to deliver job opportunities and create a new town centre environment that the people of Middlesbrough could be proud of.
- The scheme would result in the construction of a modern, high-quality office block building for the digital/creative sector, which planned to assist in the Council's delivery of the Boho area.
- The cafe, swimming pool, gym, bar/event space planned to deliver leisure opportunities for those working in the office space.
- The lecture theatre and event space would add to footfall in the area.
- The scheme planned to deliver a high-quality area of public realm that allowed for movement of non-vehicular traffic and landscaping.
- The vision was to create a vibrant working environment at the heart of Middlesbrough, which planned to significantly improve the town centre offer and deliver a positive benefit to heritage value.
- The delivery of the scheme was central to Middlesbrough's regeneration strategy and would act as a major catalyst for the wider development of the Boho area.

The Development Control Manager advised that following publication of the submitted report, revised plans for the position of the cycle store had been submitted. Members heard that the proposed scheme was recommended for approval, acknowledging the revised plans for the cycle store and subject to conditions.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report and acknowledging the revised plans for cycle store.

20/40

#### **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).

Members raised queries in respect of the refusal of an application for a change of use from public house (A4) to convenience store (A1). The Development Control Manager responded

and provided information on the restrictions associated with the proposed use being outside of the Local Centre.

**NOTED**

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**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Monday 8 March 2021.

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

**PRESENT BY INVITATION:** Councillors J McTigue

**ALSO IN ATTENDANCE:** M Massey

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

20/41 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor J Hobson	Non-Pecuniary	Agenda Item 4, Item 3, Ward Councillor

20/42 **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.

**20/0045/COU Change of use from Methodist Church (D1) to dance studio/community events centre (D2) at Ormesby Methodist Church, High Street, Middlesbrough for Mrs N Woodgate**

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

The Head of Planning advised that planning permission was sought to convert the vacant Ormesby Methodist Church to use as a dance studio and for community functions.

The application site was located in a residential area in Ormesby, Middlesbrough. It occupied a corner plot at the junction of Ladgate Lane with Pritchett Road.

As a main town centre use outside of a defined centre, a dance studio in the edge of centre location could have an adverse impact upon the vitality and viability of defined centres. In accordance with requirements of the National Planning Policy Framework, a sequential test had been submitted to assess the availability of more suitable premises within (or closer) to the nearby local centre. It concluded that there were no other viable sites available, that the application site was the preferred option in a sustainable location and the scheme represented an appropriate alternative use of Ormesby Methodist Church. It was considered that the use would not have a detrimental impact on the vitality and viability of the nearby local centre.

Members heard that no material alterations to the exterior of the building were proposed. It was commented that although the building was formerly used as a church, where traditionally the pattern of arrivals and departures may have been more concentrated at weekends, under its current use class (F2) the building could also be used for other less conventional types of worship or other uses such as a school, training centre etc. without the need for further planning permission. That could result in the pattern of attendance extending across the week and into the evenings. It was considered that the proposed use, as a dance school, would not result in a dissimilar pattern of operation to its current use. Therefore, it would not have any significant detrimental impact on the character of the area beyond the existing ability in how the building could be used, as a building visited and attended by the public for group activity.

Consideration had been given to the issues raised by local residents, however, it was considered that that the proposal would not result in a significant increase in terms of noise and disturbance to local residents or an increase in traffic or parking demand over and above the previous use.

A noise impact assessment had been submitted in support of the application, it concluded that, providing amplification of music was limited to a maximum of 85dB LAeq (15min). Therefore, the proposed activity associated with the dance studio would be considerably less than the pre-existing traffic noise in the area. The Council's Environmental Health Officer considered the noise report and requested further measurements to demonstrate that the suggested noise level would not have an adverse impact on nearby residents.

It was considered that the use of the building as a church (or other use in the current use class) had the potential to generate as much or possibly more noise than the proposed use being considered under the application.

The current use was also unlimited in terms of its hours of operation and so could potentially create noise and disturbance outside of what would be considered acceptable hours. The application provided an opportunity to limit the hours of operation and noise levels at the site, which would give greater control over potential disturbance. Taking that into consideration, it would be difficult to justify a refusal of planning permission in terms noise and disturbance arising from the proposed use, particularly where that was relating to the use of amplified music as the level of music being played could be easily reduced. A suitable condition limiting the hours of use, and noise levels at the site, had been recommended.

Concerns had been raised regarding privacy to a side facing kitchen window at No. 4 Chapel Close that faced towards the parking area. There was a fence along the shared boundary that would provide some screening, although due to the differing land levels that was reduced to a certain degree. The situation was, however, no different than it was with the current use. As such, it was considered that any increase in loss of privacy due to use of the car park would not be significantly different from that existing. Therefore, it would be difficult to justify refusal of planning permission on the basis of loss of privacy.

Concerns had been raised regarding the movement of traffic and parking on Pritchett Road. In assessing the level of traffic movements and likely demand for on street parking, account had to be taken of the existing situation. Use as a place of worship could result in a high level of worshippers arriving at the site at the same time. With the proposed use, it was likely that classes would take place at varying times thereby spreading the arrival and departure of vehicles across the times of operation. It was considered that the proposal would have a lesser impact than the existing use.

The Council's Highway Engineer had advised that the proposal should comply with the parking standards set out in the Tees Valley Highway Design Guide, which required that 1 parking space per 10m<sup>2</sup> of public space was provided. The Applicant had indicated a total of 175m<sup>2</sup> of public space within the building (dance studios plus café area), which would require 18 spaces to be provided. The proposed site plan indicated parking for 14 vehicles, which fell short of the required standard. However, as there was an existing building and use at the site, consideration also needed to be taken of the current situation. The parking standard for places of worship was for 1 space per six seats, there was no information provided for the capacity of the church but based on the size of the floor area of the main hall alone, the parking requirement for the existing church would be at least 25 spaces, which was greater than that needed for the proposed use. In view of the parking requirement for the proposed use being less than that of the existing use, it would be difficult to justify refusal of planning permission based on lack of parking as it would, in theoretical terms, be an improved situation.

The proposal had been assessed against local policy and guidance. It was considered that, due to its location close to the local centre, the proposed use was acceptable in principle and that the reuse of a vacant building that was close to local facilities represented a sustainable form of development. The proposal would not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway. All other issues raised had been considered but did not justify refusal of planning permission.

Members were advised that, as a result of the usual consultation process, objections from three local residents had been received. Those objections referred to:

- parking;
- loss of privacy due to proximity of parking to window;
- noise;
- access for emergency vehicles;
- highway safety;
- request for yellow lines; and
- property already in use as a dance studio.

A suitably worded condition had been proposed limiting the hours of use at the site, which restricted operation outside the hours of 0900hr to 21.00hrs. A condition had also been proposed to avoid undue noise and disturbance in the interests of the amenity of nearby residents.

In response to a Member's query regarding the number of parking spaces, the Head of Planning advised that the proposed site plan indicated parking for 14 vehicles. A tarmac area was provided, which did not have any car park markings, but would accommodate 14 vehicles.

Members requested clarification regarding the community use and the events that would be held at the site, if approval was granted.

A discussion ensued and several Members expressed concerns in respect of:

- the lack of parking provision provided at the site;
- the community use proposed, given the number of vehicles that could potentially need to access parking provision in the locality.

The Head of Planning advised that further discussions could be held with the Applicant, to reconsider matters, in an attempt to improve parking provision.

The Development Control Manager advised that the proposed use did fall short of the required standard. However, as there was an existing building and use at the site, consideration also needed to be taken of the current situation. It was also added that, given the comments made by Members, it had become apparent that parking problems were already in existence with the current use. A key consideration for Members was, would the change of use result in a situation that was notably worse. It was advised that if Members were minded to defer the application, there may be the opportunity to discuss parking solutions with the Applicant and achieve improved arrangements.

Members commented that the parking provision was inadequate and the number of community events held at the site, could be a cause for concern. It was anticipated that if regular events were held then the lack of car parking provision would undoubtedly impact on the amenity of nearby residents.

Members were in agreement that further information on the community use element of the proposal would be welcomed, specifically relating to the type and frequency of events likely to be held. Members also requested that the Applicant reconsidered parking provision on the site, in an attempt to improve arrangements.

**ORDERED** that the application be **Deferred** for the reasons set out below:

To obtain further information about the proposed use in terms of class sizes and traffic arrangements and to allow the applicant to consider providing additional parking at the site.

**20/0546/FUL Erection of 296 dwellings with associated landscaping and parking at Land at Grove Hill, Middlesbrough for Thirteen Group**

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 Principal Planning Officer advised that the purpose of the application was to seek consent for the erection of 296 residential dwellings and associated works.

The application site comprised 9.86ha of brownfield land. The site was split into three sections, one was located either side of Pinewood Avenue. The second was located to the south of Marton Burn Road between the junctions with The Vale and Deepdale Avenue. The third was located between The Vale, Ashfield Avenue and Keith Road. The site was previously housing, which had been removed as part of the wider Grove Hill regeneration scheme.

Following a consultation exercise, two comments had been received from residents but no resident objections were received.

Policies H19 identified Grove Hill for the development of approximately 610 new dwellings. The proposed 296 dwellings, plus 201 dwellings delivered to date, would result in 497 dwellings.

The scheme consisted of:

- 87 no. two bed bungalows;
- 1 no. three bed bungalow;
- 8 no. four bed dormer bungalows;
- 48 no. two bed houses - two storey;
- 130 no. three bed houses - two storey; and
- 22 no. four bed houses - three storey.

The proposed dwellings included 276 semi-detached properties, 6 terraced properties and 14 detached properties.

The development was for 100% affordable housing with the majority of the proposed dwellings for affordable rent and 16 were shared ownership.

Lengthy conversations had taken place with Cleveland Police, in respect of Secured by Design. One of the key points raised was permeability and vehicle access. Currently there were 6 vehicle entrance points to the main site, the scheme proposed to reduce the number of entrance points to two from Ashfield Avenue. Other access points were for private or shared drives and did not provide access through the site. Boundary treatments and methods, such as high kerbs, would also be introduced to prevent and discourage vehicle access to the open spaces. The proposed dwellings were orientated to provide natural surveillance of open spaces and pedestrian routes.

The proposed development would result in approximately 50 existing trees being removed from the site. The majority of those trees were classified as low quality and low value. The proposed landscaping scheme included the planting of trees throughout the site, with more than double the number removed being planted. The additional planting would mitigate the removal of the existing trees to enable the development. The landscaping scheme planned to create a green and pleasant environment with green links through the site to the adjacent open space on The Vale.

The proposed dwellings were contemporary in their design and the house types provided a varied mix of dwellings.

In terms of highways, the Transport Development Engineer advised if approval was granted for the scheme, the following works would be undertaken:

- the realignment of the The Vale and associated works in order to create a 4 arm signal controlled junction with Toucan crossing facilities;
- relocation of the existing bus stops on The Vale consisting of kerb works, widened footway and re-provision of bus stop facilities including shelter, high bus boarder kerbs, bus stop flag and signing/lining associated with the bus stop;
- provision of a 3.6m wide shared pedestrian cycle route along the South side of Keith Road between no.103 Keith Road and the existing Toucan crossing on Keith Road adjacent to St Chad`s Church.

The site had been designed in a sustainable manner and included highway works, such as the provision of a shared pedestrian/cycle route to the North side of Keith Avenue, linking existing crossing points and the development into the strategic North/South Route 65 of the National Cycle Network.

Within an 800m walk of the site were a large number of day to day facilities including schools and shops, with bus stops served by frequent services immediately adjacent to the site boundary.

There was a history of accidents at the Keith Road/The Vale/Hollyhurst Avenue junction. Interrogation of the accident history demonstrated patterns in both the type of accidents and highway users. The addition of further development traffic and new residents on foot and cycle could exacerbate that situation. As a result, officers had worked with the Applicant and it was proposed to modify the existing alignment of The Vale to create a 4 arm signal controlled junction.

The provision of managed areas of on-street parking were proposed as part of the scheme to minimise the risk of indiscriminate parking. The proposed parking provision, both in curtilage and on street parking, had been assessed and was considered to be acceptable for the development.

The Principal Planning Officer advised that the recommendation was to approve, with conditions, subject to a s106 agreement.

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

In summary, the Agent advised that:

- the design proposals had be redefined to ensure the scheme was a sensitive and high-quality development;
- the 297 dwellings aimed to provide a mix of two, three and four bed family houses and bungalows;
- the proposal aimed to provide a thriving and sustainable development, which was fully integrated with Grove Hill;
- the design aimed to utilise the current features and assets of the site to help create a landscaped environment that extends from the existing green space into the cycle route along The Vale;
- semi-private green spaces would be provided for the new community to share, giving the opportunity for new neighbours to interact with one another;
- the development was aimed at all ages and all household types and aimed to create a wide range of opportunities for social interaction and sustainable travel;
- strong frontages and street scenes would be provided throughout the site;
- a new landscaped area would be developed utilising existing mature trees to create a sequence of spaces that linked into the wider area;
- security had been raised as an important issue and in light of meetings with the Council's internal consultee on crime prevention, careful consideration had been given to the public/private space throughout the development and how different boundary treatments could be used to secure the communal private spaces within the housing blocks and bungalow properties;
- secure access to spaces would be via a gate with a key code;
- Thirteen Group and the design team were aware of the security issues in the wider area, therefore, great effort had been made to ensure that the public spaces were well overlooked and there would be good levels of natural surveillance throughout the development;
- the layout, lighting, accessibility, natural surveillance, boundary treatments, open spaces and landscaping had all been fully considered to address the security concerns associated with the site;
- the site was in flood zone 1, meaning it was at low risk of flooding.
- the development was for 100% affordable housing with the majority of the proposed dwellings for affordable rent and 16 were shared ownership.
- the scheme was a sustainable development, which planned to assist in economic growth in the town and would deliver many socio-economic benefits;
- the development would support the creation of new jobs, create additional expenditure within the local economy and boost the supply of affordable housing;
- the estimated construction spend was £39 million and that planned to support approximately 328 FTE construction jobs over the 5 year building phase; and
- the scheme would deliver £1.5+ million of direct gross value added over the build period.

A Member raised a query in respect of cycle lanes and the lack of internal routes. The Agent explained that the issue would be discussed with Transport Development Engineer to determine a way forward.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor was fully supportive of the proposed scheme and delighted that the development planned to re-use a brownfield site. It was also commented that there had been an increased need for social housing in area, over recent years, and the highway mitigation measures proposed were welcomed. A request was made for mature trees be planted to replace those that were scheduled for removal. It was also advised that the trees would need to be protected, as vandalism had occurred previously and trees had been damaged.

In response to the issues raised by the Ward Councillor, the Agent explained that development would deliver 100% affordable housing with the majority of the proposed dwellings for affordable rent and 16 would be shared ownership. The gardens would not be open plan, they would have hedges and railings. The Agent also commented that trees would be well protected and as large as they could possibly be.

A discussion ensued and Members commented on the positive elements of the scheme, such as:

- the need to develop the brownfield site;
- the proposal of a large number of bungalows;
- the development improving the economic, social and environmental conditions of the area; and
- the measures put forward to design out opportunities for crime and disorder and improve road safety.

Members raised concerns in respect of motorbikes and quadbikes gaining access to the site and it was suggested that boulders be placed around the site to prevent access. The Agent advised that measures to prevent access would be considered.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report, subject to a s106 agreement.

**20/0692/FUL Permanent siting of restored railway carriage for use as guest accommodation at Ryehill House, East Brass Castle Lane, Middlesbrough, TS8 9ED for Mrs Susan Holmes**

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 approval for the permanent siting of a restored railway carriageway for use as self-catering guest accommodation.

Ryehill House was a two-storey property accessed off a private driveway on the south side of Brass Castle Lane. The application site was one of a small number of properties in the local area, which was principally characterised by open countryside and copses of trees and other landscaping. Recent development of the Bridlewoods scheme of 5 houses would, when complete, somewhat alter the character to the north of the site.

The purpose of the application was to seek planning consent for the permanent siting of a restored railway carriage for use as guest accommodation, in association with the main building.

The application site was located close to the southern edge of the borough, beyond the limit to development and within defined special landscape area. Any proposed development beyond those boundaries needed to be considered against policies in the Local Plan and in the interests of protecting the open countryside.

Policy E21 determined special attention would be given to the protection and conservation of the scenic quality and character of the landscape in the areas designated as Special Landscape Areas. With development only permitted where:

- it would not detract from the special scenic character and quality of the landscape;
- it was of a high standard of design;
- it was carefully located to reflect the traditional scale and character of buildings and landscape in the area;
- the use of material was sympathetic to the locality; and
- it did not have a detrimental impact on features important to the landscape, such as trees and hedges.

It was considered that the development was a small scale proposal, which would have only a low impact on the special landscape and scenic character of the area.

Following consultation, seven objections had been received in relation to the proposal. The objectors raised issues such as the visual impact of the development on the character of the area, traffic, refuse and drainage.

In terms of addressing the impact of the development on parking, refuse and drainage, several suitably worded conditions had been proposed to address those concerns. It was also advised that an additional condition stipulated that should the carriage be removed from the site, then any structures associated with drainage, waste receptacles, vehicle parking and the carriage base would need to be removed.

Overall, the principle of the use and siting of the train carriage was considered to be acceptable and the officer recommendation was to approve the application, subject to conditions.

A discussion ensued and Members:

- commented that the development would prejudice the character of the local area;
- raised concerns in respect of the visibility of the carriage and queried whether screening could be enhanced;
- commented that the carriage would need to be tested for asbestos; and
- queried whether the proposal would exacerbate the parking and traffic issues already in existence.

The Development Control Manager advised that Members could request for a detailed landscaping scheme to be submitted for approval, so that trees that hold their leaves were planted as part of the scheme. The intention was for the carriage to sit on rails, which would be secured by a condition. It was commented that many of the issues raised in respect of traffic and road use were private matters. The carriage would be located at the entrance to the private drive and there was sufficient space for cars to park off the existing carriageway to turn and exit via Brass Castle Lane. As a result there should not be a requirement for vehicles to access other roads in the location.

Members queried why the proposed location of the carriage was so close to Brass Castle Lane, given the land available. It was also commented that the private land owned by Ryehill House should be utilised to provide an access road, instead of traffic passing Ryehill Cottage and Ryehill Farm Cottage. It was commented that alternative arrangements should be provided for accessing and egressing the carriage.

The Development Control Manager advised that Members may wish to defer the application, to allow the Applicant to consider the issues raised in respect of access and traffic.

**ORDERED** that the application be **Deferred** for the reasons set out below:

To ascertain additional information in relation to parking, traffic and turning associated with this proposal and with the other property served off the private drive.

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## Planning & Development Committee - 9th April 2021

### Town planning applications which require special consideration

1	20/0045/COU  Park End/Beckfield	Applicant Mrs Natalie Woodgate  Agent A J Riley Architects	Change of use from Methodist Church (F1) to dance studio/community events centre (F2)  Ormesby Methodist Church , High Street , Middlesbrough , TS7 9PA
2	20/0692/FUL  Marton West	Applicant Mrs Susan Holmes  Agent Mr M Carr	Permanent siting of restored railway carriage for use as guest accommodation  Ryehill House East , Brass Castle Lane , Middlesbrough , TS8 9ED
3	20/0742/FUL  Park	Applicant Mr K Gafoor  Agent Mr Ben Wears	Change of use from car wash (sui generis) to retail unit Class E(a)  436 Linthorpe Road , Middlesbrough , TS5 6HW
4	20/0760/FUL  Acklam	Applicant Mr Shaun Crake  Agent	Erection of pergola with glass panels to side over outdoor seating area to front  249 Acklam Road , Middlesbrough , TS5 7BW
5	21/0058/FUL  Park End/Beckfield	Applicant Environment And Commercial Services  Agent Design Services	Erection of single storey community facility, comprising of a multi-use hall and 2 multi-purpose rooms with associated car park and external works  Site Of Old Southlands Centre , Ormesby Road , Middlesbrough , TS3 0HB

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APPLICATION DETAILS

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Application No:	20/0045/COU
Location:	Ormesby Methodist Church High Street, Middlesbrough
Proposal:	Change of use from Methodist Church (D1) to dance studio/community events centre (D2)
Applicant:	Mrs Natalie Woodgate
Ward:	Park End/Beckfield
Recommendation:	Approve with Conditions

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UPDATE (to previous report presented 8/3/2021)

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1. The application was deferred at Planning and Development Committee on the 8<sup>th</sup> March 2021 to allow the applicant to provide further detail on how the proposed use operates and consider parking arrangements. This report should be read in conjunction with, and as an update to the main report from the 8<sup>th</sup> March 2021. (full report at appendix 1).
2. The following additional information has been provided by the applicant:

***Mondays, Wednesdays and Fridays;***

*Approx. 25-29 children attending (2yrs-10yrs old) between 4pm to 5:45pm*

*Approx. 25 children attending (10yrs to 16yrs old) between 6:15pm to 8:30pm.*

***Saturday***

*Approx. 25-30 children attending between 9am to 1pm with split timings again.*

*Parents don't stay, only drop off and pick up.  
Timings staggered to avoid traffic congestion.*

*Most parents share responsibility of picking up / dropping off of children. i.e. one parent drops the children off and the other collects them.*

*Several children live local and walk to the classes and some use local transport as their parents don't drive.*

***Competitions***

*Run once a month from February to June and September to December. They are local events with other dance schools from Middlesbrough, Acklam, Nunthorpe, Stockton, Yarm and local areas.*

*Competitions run from 9am to 8:30pm and are again split between age groups 2/10yrs and 10/16 years mornings and afternoons with approx. 25 to 30 attending. The stage can only accommodate these numbers due to its size, the parents do stay for these but always share cars.*

*There are never coaches/mini buses attending the events only private cars.*

### **Car Park**

*The car park will be marked out and clear turning points and drop off zones marked out.*

In responding to the request for additional information, the applicant has advised that the church previously operating from the site had funerals, weddings and normal congregation prayers, having 112 seats set out in the main church along with 30 seats in the Sunday school area and has sought to point out that these numbers are far greater than the dance studio attendance and has suggested that Funeral cars and Wedding cars all parked on the road outside the church during services.

The applicant has further advised that a dance school ran from the premises for over 12 years this only ceased after the church sold the site.

In view of these matters, and the level of parking being put forward, the applicant considers that it is not necessary to provide additional parking.

### **Material Planning Considerations**

3. The material considerations were provided within the main report and since the additional information has been submitted, the Councils Highway Engineer has considered the matter further and remains to be satisfied that, in view of the existing use and parking demand associated with the additional use, the proposed use is acceptable as it will not increase the parking demands for the site.
4. The Tees Valley Highway Design Guide parking standards are expressed as a maximum level of provision. When assessing the proposed development against the guide, the proposals could be expected to provide up to a maximum of 18 spaces. The scheme proposes to provide 14 spaces, which is a theoretical shortfall of 4 spaces against the maximum level of parking permitted under the guidance.
5. Officers have discussed the parking arrangements with the applicants and it appeared as though spaces could be provided to the south of the pedestrian entrance to the building by removing a section of boundary wall and introducing a dropped kerb. The applicants consider however that the additional parking is not required and wish the application to be determined as presented. In view of this, an assessment needs to be made as to what impact, if any, the lack of 4 car spaces would have on the adjacent highway in terms of the free flow of traffic and highway safety.
6. The surrounding area is residential, where on-street parking can reasonably be expected to occur, particularly parking for temporary periods. It is considered that 4 cars could be accommodated on the immediate highway or within a short distance of the development without affecting the free flow of traffic nor highway safety.
7. Requests have been made for Traffic Regulation Orders to be introduced and this has been considered by the Senior Highways Officer. It is considered however that waiting restrictions (such as double yellow lines) would have a negative impact on

existing residents as they would also prevent visitors of residents being able to park on the highway and it would be in force even when the Dance School was closed. Furthermore, in view of the indication that this is a short term issue as people drop children off and leave, enforcing yellow lines would be very difficult and it may result in drop off's occurring slightly further away from the premises which may in turn have an adverse impact on the wider residential street.

8. With regards to there being no indicated need for coach access or parking, the parking standards make no reference for the need for such facilities and it is considered therefore that decisions regarding the need for this is based upon a judgement of the scale and nature of development in addition to the parking standards and in this instance, being a relatively small hall, it is accepted that such provision on site is not required.
9. On matters of parking provision, it remains to be considered that the lawful fallback position of the site is a place of worship where the parking demand is both higher and occurs for a longer duration means that it would be unreasonable to withhold permission for the change of use of the premises in this instance as the proposals represent a less harmful impact than that could occur under the existing use class.

#### **Appearance**

10. Officers previously recommended approval of the scheme and note that members queried the provision of additional parking. The impacts of additional parking on the character of the area have not been taken into account in this report in detail as no such provision is being put forward by the applicant. Had the removal of the wall and provision of hardstanding being proposed, it would need to have been considered and potentially a balancing of considerations as to the addition of parking spaces vs the change in the positive character of the area.

#### **Further Comments**

11. Following consideration of the application at Committee, a further objection from the occupier of 8A Pritchett Road was received. In addition to previous comments relating to traffic and parking issues, concerns were raised regarding: collection of waste, pollution, lack of consultation and the difficulty of enforcing parking restrictions. Traffic and parking issues along with potential for provisions of parking restrictions are considered in this update report. In respect of pollution, it is considered that the difference in traffic levels at the site as result of the proposed used will not materially affect pollution levels in the area. With regard to refuse collection, this is a matter of site management which should be organised privately by the operator of the premises. In relation to consultation, the Council do not control works carried out before an application is submitted.

#### **Conclusion**

12. In view of the above, it is considered that the additional information provided in respect of how the use will operate, demonstrates that any additional traffic associated with the use as dance studio is unlikely to result in undue harm to highway safety, amenity of adjacent neighbours or character of the area in accordance with local policy and guidance. Other issues raised have been assessed but are not considered to justify refusal of planning permission.

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#### **Recommendation**

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Approve with conditions in line with the recommendation within the main report and an additional condition which requires parking spaces to be clearly marked on the site in order to allow maximum use of the car park.

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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0045/COU</b>
<b>Location:</b>	<b>Ormesby Methodist Church High Street Middlesbrough</b>
<b>Proposal:</b>	<b>Change of use from Methodist Church (D1) to dance studio/community events centre (D2)</b>
<b>Applicant:</b>	<b>Mrs Natalie Woodgate</b>
<b>Ward:</b>	<b>Park End/Beckfield</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Planning permission is sought to convert the vacant Ormesby Methodist Church to use as a dance studio and for community functions. As a result of the usual consultation process objections from three local residents were received.

The main areas of consideration are: the principle of a town centre use in an out of centre area, impact on the amenity of local residents and impact on the safe operation of the highway.

It is considered that the sequential test submitted with the application demonstrates that the building is the most sequentially preferable option available and that the use will not have a detrimental impact on the vitality and viability of the nearby local centre. Consideration was given to the issues raised by local residents however it is considered that that the proposal will not result in a significant increase in terms of noise and disturbance to local residents or an increase in traffic or parking demand over and above the previous use.

The proposed change of use is considered to be in accordance with both local and national planning policies and the officer recommendation is to approve subject to conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is located in a residential area in Ormesby, Middlesbrough. It occupies a corner plot at the junction of Ladgate Lane with Pritchett Road. Surrounding properties are typically two storey semi-detached dwellings. The site is opposite but not within the Ormesby Conservation Area.

The application property is a purpose built, relatively modern building that was previously used as a church. Pedestrian and vehicular access is from Pritchett Road. There is an open landscaped area to the front of the building with Ladgate Lane beyond to the south, residential properties are to the west and north with Pritchett Road and residential properties beyond to the east.

The proposal subject of this application is to change the use of the building from a Church (class F1) to a dance studio/community events centre (F2). No alterations to the exterior of the building are proposed. Opening hours of 9am to 9pm seven days a week are proposed.

Original details submitted with the application indicated provision of 18 parking spaces within the site, a revised plan showing 14 spaces was subsequently submitted.

The following documents were submitted in support of the application:

- a) Sequential Test
- b) Noise Assessment

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## PLANNING HISTORY

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There is no relevant planning history associated with this application.

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## PLANNING POLICY

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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 - Town Centres etc Strategy

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>

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## CONSULTATION AND PUBLICITY RESPONSES

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### **Middlesbrough Council Strategic Policy**

The development site is within a predominantly residential area and given that this type of use will give rise to increased travel to the site with associated parking and potential for increased noise it will be important to determine if the impact will be minimal in order to satisfy the requirements of Policy DC1.

As a main town centre use outside of a defined centre, a dance studio in this edge of centre location could have an adverse impact upon the vitality and viability of defined centres which would be contrary to Policy CS13 and the NPPFs 'town centre first' approach. In accordance with requirements of the National Planning Policy Framework for town centre development outside of a defined centre, a sequential test was submitted to assess the availability of more suitable premises within or closer to the nearby local centre. It concluded that there were no other viable sites available and that the application site was the preferred option, that it is a sustainable location and represents an appropriate alternative use of Ormesby Methodist Church.

### **Middlesbrough Council Highways**

The site abuts Ladgate Lane, a main arterial route for both Middlesbrough and Redcar & Cleveland Councils highway networks. The applicant must ensure the proposed activities of the centre do not affect traffic flows along this route, the applicant must ensure an appropriate level of car parking is provided to cater for the proposed use.

The Tees Valley Design Guide and Specification states that, the applicant should provide sufficient operational parking and area for manoeuvring within the site, 1 space per 10m<sup>2</sup> public floor area. A minimum of 4 cycle spaces should also be provided, 2 cycles per 150m<sup>2</sup> gross floor area.

To the north of the church, within the site boundary, there is an area of hardstanding, the applicant could make arrangements for this to be formalised into a managed off street parking facility in order to fulfil the above requirements.

### **Middlesbrough Council Environmental Health**

The applicant should carry out further tests to demonstrate that the suggested limit to noise levels of 85dB LAeq (15min) will not result in unacceptable impact on nearby residents.

### **Middlesbrough Council Waste Policy**

No comments

### **Public comment**

Nearby Neighbours were notified of the proposal, comments from the following were received.

Mr P Meredith 38 Raines Court  
Mrs J Sinclair 57 High Street  
Mr B Pugh 8A Pritchett Road

Concerns / objections raised in relation to;

- Parking
- Loss of privacy due to proximity of parking to window
- Noise
- Access for emergency vehicles
- Highway safety
- Request for yellow lines
- Property already in use as a dance studio

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Policy context**

1. 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).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1, CS4 and CS5 which in essence seek to ensure high quality sustainable development, ensure the amenity of nearby residents, character of the area and highway safety are not adversely affected by the development.

3. Policy CS13 sets out a hierarchy of retail centres and seeks to prevent development that will detract from their retail function. Although the site is not within a local centre consideration should be given to the potential impact of the development on the nearby Ormesby High Street Local Centre.

#### **Principle**

4. The site is located approx. 200m to the west of the nearby Ormesby High Street Local Centre, the proposed use as a dance studio and community uses is a town centre use which should, in accordance with Policy CS13, be located within the centre or as close as possible to it if there are no suitable units available. The sequential test submitted with the application considers the availability and suitability of other units within both the Ormesby High Street Local Centre and Lealholme Crescent Local Centre. It concludes that there are no vacant units within either centre and that given the location of the application site on the fringe of the Ormesby High Street Local Centre, it is the sequentially preferred site for the dance studio and community events development.
5. Given the nature of the use and the lack of vacant units in the nearby centre's, it is considered that the proposed use will not undermine the provisions and purpose of the local centre and it could be argued that it may result in additional footfall within it due to its proximity, thereby contributing to the vitality and viability of the nearby local centre in accordance with Policy CS13.
6. The proposed development is considered to be a sustainable form of development as it will bring back into use an unused building close to local transport routes and facilities that will serve the local community in accordance with Policy CS4 and may serve to prevent the building being vacant on a longer term basis.
7. In view of the above, it is considered that the proposal is a sustainable use that is acceptable in principle in accordance with Policy CS4 and CS13.

#### **Impact on character**

8. No material alterations to the exterior of the building are proposed. Sometimes however a change in the use of a building can result in a change of its character in the way that the building is used. Although the building was formerly used as a church where traditionally the pattern of arrivals and departures may have been more concentrated at weekends, under its current use class (F2) the building could be used for other less conventional types of worship or other uses such as a school, training centre etc. without the need for further planning permission and where the pattern of attendance could extend across the week and into the evenings. It is considered that the proposed use as a dance school will not result in dissimilar pattern of operation to this and so will not have any significant detrimental impact on the character of the area beyond the existing ability in how the building can be used, as a building visited and attended by the public for group activity.
9. In view of the above it is considered that the proposed development will not have a significantly adverse impact on the character of the area in accordance with CS5 (test c) and DC1 (test b).

#### **Impact**

10. A noise impact assessment was submitted in support of the application, it concluded that, providing amplification of music is limited to a maximum of 85dB LAeq (15min) the proposed activity associated with the dance studio would be considerably less than the pre-existing traffic noise in the area. The councils Environmental Health Officer considered the noise report and requested further measurements to show that the suggested noise level would not have an adverse impact on nearby residents. The agent has declined to provide the additional information and argues that due to

the position of windows in relation to nearby properties and the insulation provided by internal walls, that the noise levels would not be excessive. It is further argued that given the existing use, noise from church services through amplified music already has the potential to generate similar levels of noise.

11. Whilst it would be preferable to have the additional noise measurements to underpin the arguments the applicant is making, there is merit in the view that the use of the building as a church (or other use in the current use class) has the potential to generate as much or possibly more noise than the proposed use being considered under this application. The current use is also unlimited in terms of its hours of operation and so could potentially create noise and disturbance outside of what would be considered acceptable hours. This application provides an opportunity to limit the hours of operation and noise levels at the site which will give greater control over potential disturbance. Taking this into view it would be difficult to justify a refusal of planning permission in terms noise and disturbance arising from the proposed use, particularly where this is relating to the use of amplified music as the level of music being played can, be easily reduced. A suitable condition limiting the hours of use and noise levels at the site is recommended.
12. Noise and disturbance can also occur from the movement of vehicles and opening and shutting of car doors. Again it is considered that the level of traffic movements associated with the proposed use will not differ significantly from the potential operation of the existing use and that impacts of such noise will be more relative to the success and patronage of the previous and proposed uses which is not easily controlled by planning considerations or conditions.
12. Concerns were raised regarding privacy to a side facing kitchen window at No. 4 Chapel Close which faces towards the parking area. There is a fence and some vegetation along the shared boundary that will provide some screening, although due to the differing land levels this is reduced to a certain degree. This situation is however no different than it is with the current use. As such it is considered that any increase in loss of privacy due to use of the car park associated with the approved use would not be significantly different from that existing and as such it would be difficult to justify refusal of planning permission on the basis of loss of privacy.
13. In light of the above, it is considered that the proposed development will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing arrangements and is therefore in accordance with Policy DC1 (test c) in this regard.

#### **Highways**

14. Concerns were raised regarding the movement of traffic and parking on Pritchett Road. In assessing the level of traffic movements and likely demand for on street parking account must be taken of the existing situation. Use of as a place of worship can result in a high level of worshippers arriving at the site at the same time. With the proposed use, it is likely that classes will take place at varying times thereby spreading the arrival and departure of vehicles across the times of operation. It is considered that this will have a lesser impact than the existing use has the potential to have.
15. The Councils Highway Engineer advised that the proposal should comply with the parking standards set out in the Tees Valley Highway Design Guide which requires that 1 parking space per 10m<sup>2</sup> of public space is provided. The applicant indicates a total of 175m<sup>2</sup> of public space within the building (dance studios plus café area) which would require 18 spaces to be provided. The proposed site plan indicates parking for 14 vehicles, this falls short of the required standard. However, as there is an existing building and use at the site, consideration also needs to be taken of the

current situation. The parking standard for places of worship is for 1 space per six seats, there is no information provided for the capacity of the church but based on the size of the floor area of the main hall alone the parking requirement for the existing church would be at least 25 spaces indicating that this is greater than that needed for the proposed use. In view of the parking requirement for the proposed use being less than that of the existing use it would be difficult to justify refusal of planning permission based on lack of parking as it will in theoretical terms, be an improved situation.

16. Plans submitted with the application show provision of four cycle parking spaces which is in accordance with the Highway Design Guide.
17. In view of the above it is considered that the proposal will not result in a significant increase in traffic movements at the site and although the provision of parking falls short of the Design Guide requirements, the proposal will not result in an increase parking demand over and above the approved use. It is considered therefore that the proposal will not have an impact on the safe operation of the highway in accordance with Policy DC1 (test d).

#### **Other matters**

18. Comment was made that parking restrictions should be put in place to resolve parking issues within the area and to avoid access for emergency vehicles being blocked. This is a matter for consideration under highway legislation.

#### **Summary**

19. The proposal has been assessed against local policy and guidance. It is considered that, due to its location close to the local centre, the proposed use is acceptable in principle and that the reuse of a vacant building that is close to local facilities represents a sustainable form of development. It is the Development Control view that the proposal will not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.

#### **Conclusion**

20. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. **Approved Plans**  
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:
  - a) Location Plan received 05.02.2020
  - b) Site plan received 29.09.2020

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Hours of Operation

The premises shall not operate outside the hours of 0900hr to 21.00hrs Monday to Sunday Monday to Saturday

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

4. Noise Mitigation on request

If noise levels, as a result of the use hereby approved, when measured at the façade of any of the dwellings whose boundaries adjoin the development site, exceed 5dB above background noise levels then;

a. At the written request of the Local Planning Authority, and within 1 month of the request being made, the operator of the premises shall submit a scheme of mitigation measures in writing to the Local Planning Authority, and;

b. Once accepted by the Local Planning Authority in writing, the approved scheme shall be implemented on site within 1 month of the scheme being agreed and thereafter retained in perpetuity.

In the event that an agreed scheme is not implemented within 4 months of the initial request for a mitigation scheme to be submitted, all amplified sound at the premises shall cease until an agreed scheme is implemented.

Reason: To avoid undue noise and disturbance in the interests of the amenity of nearby residents.

5. Windows to the North West elevation shall remain closed during the hours of 9am to 9pm.

Reason: To prevent noise transmission in the interests of the amenity of nearby neighbours

**REASON FOR APPROVAL**

This application is satisfactory in that the use as dance studio/community use accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS4, CS5 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 (2019).

In particular, dance studio/community use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The dance studio/community use will be consistent with the residential 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 dance studio/community 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

Case Officer: Maria Froggatt

Committee Date: 5th March 2021

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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0692/FUL</b>
<b>Location:</b>	<b>Ryehill House East Brass Castle Lane, Middlesbrough</b>
<b>Proposal:</b>	<b>Permanent siting of restored railway carriage for use as guest accommodation</b>
<b>Applicant:</b>	<b>Mrs Susan Holmes</b>
<b>Agent:</b>	<b>Mr M Carr</b>
<b>Ward:</b>	<b>Marton West</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**UPDATE (to previous report presented 8/3/2021)**

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1. The application was deferred at Planning and Development Committee on the 8<sup>th</sup> March 2021 to allow the applicant to provide further detail on how the access and parking would be accommodated relative to this proposal and taking into account the access, parking and turning associated with the existing use. This report should be read in conjunction with, and as an update to the main report from the 8<sup>th</sup> March 2021 (full report at appendix.3).

**Proposed parking and turning (carriage)**

2. The applicant has advised that the proposed carriage is intended to be converted into accommodation, either as a single large suite or two smaller suites providing accommodation for no more than two families at any one time. Target customers are indicated as being those who want to stay either four or seven days (or longer) and considers that no more than 2 cars will need to be accommodated at any one time. The applicant has highlighted an area at the side of the drive as being the parking area and has indicated this provides space for approximately 6 cars. See appendix 1.
3. The existing drive has grass / soft verges either side of it which could easily accommodate several parked cars. The parking and movement of vehicles within the verge will leave the drive unobstructed.
4. The applicant has advised that parking for the carriages will also include a small turning area to allow vehicles to enter the site, park, turn and leave the site without the need to drive down to the main house, thereby preventing the need to park and turn at the main house.

5. Notwithstanding this and for information purposes, the applicant has provided parking details associated with the main house (existing B&B). The B&B is indicated by the applicant as having four guest rooms and being operated solely by family members. The applicant suggests that, normally only three rooms are booked at any one time and anything up to three visiting vehicles would be there at any one time, with the vehicles being parked overnight and gone after breakfast the next morning. The applicant advises that there is guest parking for 6 vehicles at the house with 3 areas where cars are able to turn around to exit as well as additional parking places for family, friends and visitors etc. The applicant has advised that guests of the B&B enter and leave via their driveway.
6. The applicant has further advised in respect of a café which has been mentioned within comments received in relation to the application. The applicant has advised that they operate a 'Terrace Bar' which consists of a small bar area with 5 tables where B&B guests would normally eat breakfast and an afternoon menu. There is a small terrace outside with a further seven tables and although this is not promoted as a separate facility to the bed and breakfast use there is a pedestrian entrance to the garden from the public bridle way which borders the Ryehill House garden and which often attracts visitors to the Terrace Bar. The applicant advises this tends to be dog walkers, cyclists and is extensively walk in business.
7. In view of all these matters, it is considered that the proposed carriage and associated parking and turning, can be reasonably achieved without unduly affecting the existing B&B operation and its existing parking needs as well as without unduly affecting other persons / premises within the wider area.
8. Some comments were raised by objectors in regards to through traffic from Ryehill House along the continuous driveway surface through into the area where Ryehill Cottages / Farm are located. In view of the proposed development demonstrating the ability to turn within the site, it is considered unnecessary to consider the issue of the through route any further. Should this be taking place currently, or should it be allowed by the applicant in the future, this is not a planning matter, it would instead be a civil matter relative to any rights of access that may or may not exist.

#### **Siting of the proposed Carriage**

9. Committee also sought additional information in relation to the precise manner in which the carriage would be fixed in place. The applicant has confirmed that a contractor will be used to lay two x 36ft tracks supported by sleepers on which to support the carriage which is in turn sat on stone ballast. The Carriage is indicated as being secured to the track to prevent movement by 8 separate chains and tighteners. See Appendix 2. Officers consider there to be no specific concerns in relation to the proposed method of siting the carriage.

#### **Other matters**

10. Reference was made in the previous committee to the potential for asbestos within the carriage being brought to site. The applicant has advised that the carriage would be booked in with a contractor to undertake all the exterior renovation as well as inspection for asbestos and in the event that any asbestos is found the removal will be subcontracted to a specialist removal company prior to any restoration work commencing. Presence of asbestos within a structure and working to remove asbestos is not a planning matter and is dealt with under other legislation.
11. The applicant has advised that they would be amenable to provide additional landscaping at the site.

### **Overall considerations**

12. It is considered that the additional information adequately demonstrates that there is sufficient space for parking and turning of vehicles associated with the proposed accommodation subject to it being provided and laid out, that this will not affect the existing operation of the B&B or properties in the wider area. It is further considered that the carriage can be adequately fixed in position and subject to details required by conditions recommended within the main report in relation to refuse and drainage, the proposed use will not unduly affect the immediate surroundings.
  
13. Officers maintain to recommend approval with conditions in line with the recommendation within the main report although this does not include a condition for additional landscaping.

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### **Recommendation**

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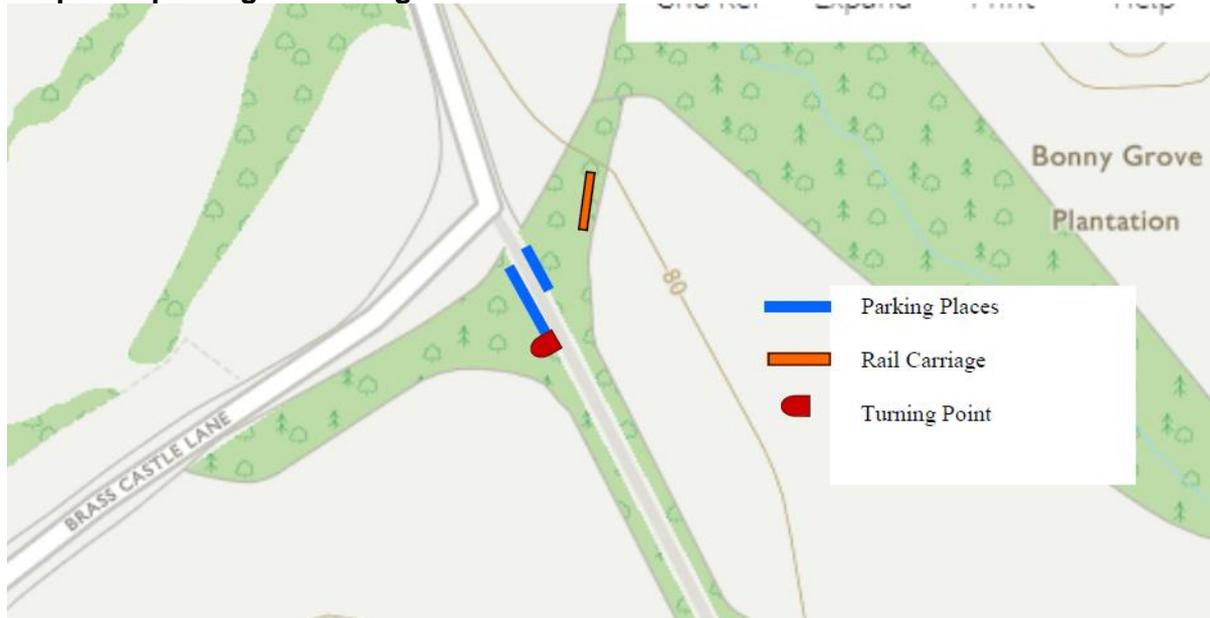
**Approve subject to conditions as detailed within the main report.**

Case Officer: Joanne Lloyd

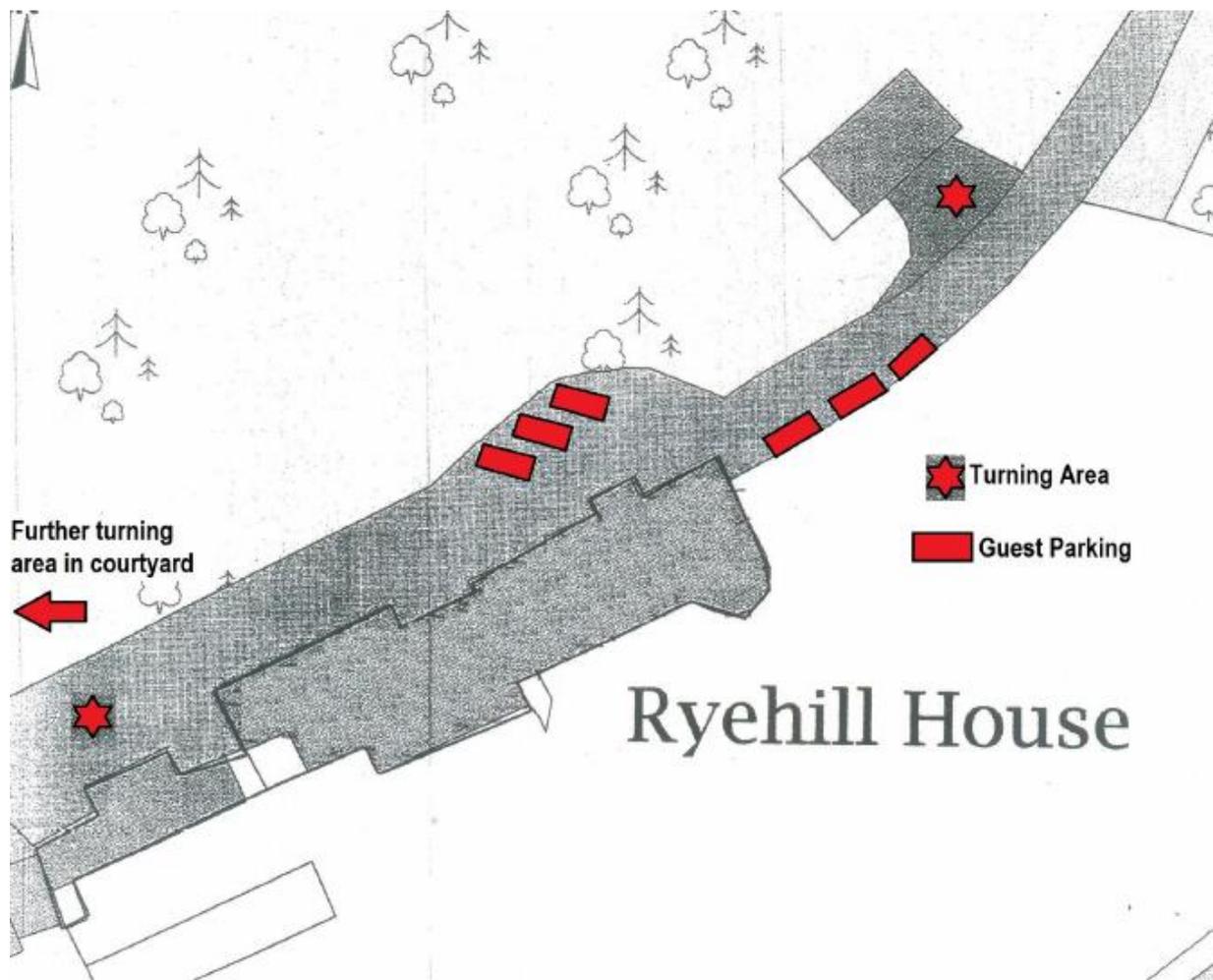
Committee Date: 9<sup>th</sup> April 2021

## Appendix 1. Parking arrangements at Ryehill House

### Proposed parking for carriage

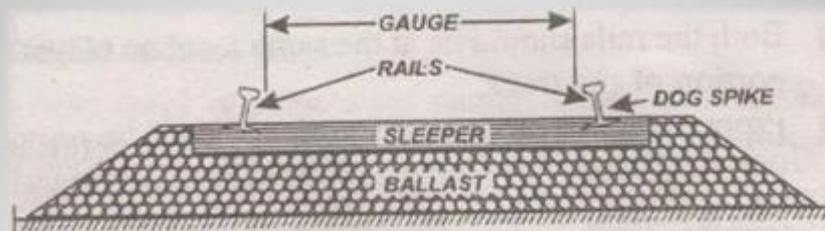


### Existing parking for main house



## **PERMANENT WAY**

Permanent way is a track which is permanent in nature which handles the normal commercial traffic.



SECTION OF A RAILWAY TRACK SHOWING GAUGE





## COMMITTEE REPORT

Item No

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### APPLICATION DETAILS

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<b>Application No:</b>	<b>20/0692/FUL</b>
<b>Location:</b>	<b>Ryehill House East Brass Castle Lane Middlesbrough TS8 9ED</b>
<b>Proposal:</b>	<b>Permanent siting of restored railway carriage for use as guest accommodation</b>
<b>Applicant:</b>	<b>Mrs Susan Holmes</b>
<b>Agent:</b>	<b>Mr M Carr</b>
<b>Ward:</b>	<b>Marton West</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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### SUMMARY

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The application seeks planning approval for the permanent siting of a restored railway carriage for use as self-catering guest accommodation.

The key issues with the application relate to design, appearance and siting of the proposed railway carriage, impacts of the surrounding landscape, along with access/egress arrangements, parking provision, and the waste storage.

Following consultation seven objections have been received in relation to the proposal raising issues including the visual impact of the development on the character of the area, traffic, refuse and drainage.

It is considered that the railway carriage and its proposed use will not prejudice the character and function of the local area or the open countryside and will not significantly affect the special landscape area or prevent adequate and safe access to the site. The use will complement the rural and agricultural uses of the area and it will not be detrimental to any surrounding or nearby properties. The traffic generated, car parking and noise associated with the use will not be of a level likely to result in an unacceptable impact on nearby premises.

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### SITE AND SURROUNDINGS AND PROPOSED WORKS

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Ryehill House is a two-storey property accessed off a private driveway on the south side of Brass Castle Lane. The application site is one of a small number of properties in this local

area, which is principally characterised by open countryside and copses of trees and other landscaping. Recent development of the Bridlewoods development of 5 houses will, when complete, somewhat alter the character to the north of the site.

The application seeks planning consent for the permanent siting of a restored railway carriage for use as guest accommodation in association with the main building.

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## PLANNING HISTORY

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20/0259/DIS Discharge of condition 2 (Scheme for storage & removal of refuse) and condition 4 (Parking plan) on planning application 17/0419/COU  
Full Discharge Conditions - 17th June 2020

17/0419/COU Change of use to Bed and Breakfast  
Approve with Conditions - 1st December 2017

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## PLANNING POLICY

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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:

#### Housing Local Plan (2014)

H1 Spatial Strategy

#### Core Strategy DPD (2008)

CS4 Sustainable development  
CS5 Design  
DC1 General Development

#### Saved Local Plan Policies

E20 Limits to Development  
E21 Special Landscape Areas

#### Minerals and Waste

MWC4 Deep Minerals – Salt  
MWC4 Shallow Minerals

#### Other

Middlesbrough's Urban Design Guide

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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Planning Policy -**

The use as guest accommodation is in-keeping with the use of the main building and is therefore an appropriate use in this location. Careful consideration must be given to the siting of the railway carriage in relation to this special landscaped area, should it be considered that it would distract from the quality of the landscape or is detrimental to the character and appearance of the surrounding area, it could be contrary to policy.

### **Highways –**

No objection

### **Environmental Health –**

No Comments

### **1 Ryehill Farm Cottage , Brass Castle Lane**

Loss of privacy/ Traffic /Highway safety/Parking provision

The B&B and Café situated next to my cottage creates a lot of traffic. The guests often travel passed my cottage to gain access to the B&B. I have installed a gate to stop this happening however the Holmes family refuse to shut the gates leading to the farm and my cottage. The also instruct guests to leave through the farm, which results in traffic passing by my cottage at all hours. I do not have a path, my cottage leads straight to the drive. I have attached images of guests and delivery drivers passing. With two small children and two dogs this creates a lot of disruption. The noise upsets my dogs who then bark. I am worried about the increased traffic should the above plans be given the go ahead. The speed in which people pass in their cars is also a worry, I have CCTV footage of this as we have had it installed due to safety worries.

Susan Holmes requested in the original planning in 2018, a one way system for guests to travel through the B&B drive way, passed my cottage and through the farm yard onto the private road, which then leads back onto Brass Castle Lane. This provided concerns for the council so it was withdrawn by Susan Holmes. It has however been the way in which guests often enter, it continues to be a major issue for myself and two young children. Gates being left open by guests makes the farm and my cottage unsecure and encourages people to enter.

Guests park outside my cottage, often blocking access for myself and parents next door. We have had verbal abuse from the Holmes family and guests when asking them to keep access clear and to not park in my parking area. Parking planning was submitted in May 2020 for the B&B guests which is not followed. It showed that there was no resident or guest parking in the drive outside our homes, again this is not the case. The Café that is currently being run creates more traffic as this was not in any plans. The café can be seen from their website and on social media. This is used daily dog walkers and passers-by. It has resulted in foot traffic passing my cottage into the private farm yard. We have dog waste being left and dogs running on private land off lead which is a concern.

Guests and delivery drivers often turn in the area outside my home, which results in cars edging within inches to my front door. I worry for the safety of myself and family when leaving my home.

Adding more guest accommodation is a major worry as there is not enough parking for the Holmes residents and B&B guests. This is without taking into account the Café guests.

Noise

With the Café creating gatherings on the patio to the rear of the property in larger numbers, it can become very loud during the daytimes. Music can often be heard on an evening/night time as well as drunken guests in the hot tub etc. I am concerned about the increase in guests and how I foresee it creating my noise for ourselves. Again the noise from cars leaving, often late at night wakes my son regularly as his bedroom is above the drive way guests have been using.

#### Government Policies

The Holmes family have never contained their waste, recycled or stored it correctly! I have an ongoing complaint within the refuse team, a Bupa bin has been stored outside our property with overflowing rubbish which has been there since January 2019. Not just the bin but the waste itself. I have photos which I will attach. I am beyond frustrated that this is still an ongoing issue and this creates vermin problems for myself and parents living next door. They do not adhere to Government waste guidelines, they dispose of waste on their land, they burn waste regularly that then creates smoke that blows into our open windows and onto our washing outside.

The Holmes family also operate a food produce company which they then dispose of rubbish from this onto their land. I am at a loss as to how this is still happening and how adding further guests will impact on this.

Planning was never submitted for The Café which runs for passing guests and they also serve alcohol to on an evening. This has resulted in drunken guests leaving Ryehill house late at night.

#### Appeals and Previous decisions

It has been the trend that what is submitted for planning has not been what has come to pass and I worry about what will happen if this planning is approved. Susan Holmes is unapproachable and shows little regard for her neighbour's safety. I have attached photos of guest's vehicles parking outside my home, passing by my front within a few inches and delivery drivers gaining access through the farm yard passing my property alarmingly close in a lorry.

#### **East Close Farm, Sedgfield,**

We are the owners of the agricultural land adjoining the proposed development site. Having studied the planning application, we would like to make the following comments:

It is stated that foul sewage is to be disposed of by septic tank but we understand that regulations changed on 01/01/2020 and now a sewage treatment plant needs to be installed for a new development.

The site can be seen from the footpath approximately 400m to the south of the development and also quite easily seen from Brass Castle Lane, especially since the 'non-existent' trees on the site are in the process of being felled and logged. We saw this for ourselves when we visited the site on 8th January.

No mention is made regarding the supply of mains water and electricity to the site, so presumably, both supplies will be required by guests staying in the carriage and electricity for lighting the surrounding area. Again, this will be very noticeable from Brass Castle Lane. The person who completed the planning application obviously knows very little about siting a heavy object onto bare land. Materials required for vehicle access and hard standing are put on the form as 'not applicable'.

In its permanent position, will the carriage wheels be sited on railway lines supported by sleepers or will the wheels be placed directly onto the ground? In either case, because of the large size and weight of the carriage, it will be necessary to remove many tonnes of soil from the final position and replace with many loads of stone in order to establish a hardcore base. Without this solid base the carriage would be dangerously unstable and sink into the soft ground. The crane brought in to move the carriage will also require an area excavated

and filled with hardcore to act as a crane pad for lifting the carriage from the delivery vehicle and repositioning it on its final site. This crane pad will need to be plate tested before any work commences for safety reasons.

Finally, and most importantly, does the restored railway carriage have a safety certificate covering the materials with which it is constructed?

We ask this question because, when the carriage was built back in the 1950's, the main material used at that time for insulation purposes was asbestos. If this is still present within the body of the carriage then it has the potential to become a serious hazard to public health, the health of any guests staying in the carriage and also to the wider environment.

The carriage is already 70 years old and obviously not as robust as when it was first constructed. It is intended that this will be situated in an exposed position open to all weather conditions which, most probably, will cause further deterioration. The only way to prevent any future incidents would be to insist that all hazardous materials including asbestos are removed before the carriage is delivered to site. This should be part of any planning approval conditions.

In our opinion there are two noteworthy features on the Ryehill House site, one being Ryehill House itself and the other being the beautiful tree-lined entrance road surrounded by attractive, mature woodland on either side. By their own admission the applicants have stated that the carriage is not suitable to be placed near to the house. Why therefore, will it be suitable to place it on or near the other site of outstanding beauty?

### **3 Bridlewoods, Brass castle Lane, Marton, Middlesbrough**

I object to the proposed scheme at the entrance to Ryehill house/Bridlewoods. I feel that should this be allowed it will have a detrimental impact on the aesthetics of the surrounding area. Not only this but given that its location at the entrance gates, which are permanently open, is clearly visible from the road a used railway carriage would likely attract antisocial behaviour when uninhabited.

Although I am not in the hospitality industry, I am concerned that should this idea prove not to be a viable business investment what then will happen to a permanently sited railway carriage? In this case I expect if planning was granted for the permanent siting of the carriage it would be more cost effective for the owner to simply leave it to rot.

I do not object to the principal of a railway carriage being used for accommodation, however I feel it could be better sited out of public view, within the grounds of the house, to avoid loss of privacy and amenity to the Bridlewoods Development. Therefore I urge the council not to approve this application at the entrance to my home.

### **1 Bridlewoods Brass Castle Lane Marton Middlesbrough**

I would like to lodge an objection to the proposed siting of a former railway carriage next to my, soon to be built, new home.

Myself and my architect have spent a lot of time and effort on the design of my new property in order to appease concerns raised by the planning department and local residence. The design we now have approval for is for of a semi sunk courtyard property with a sedum roof. This specialised design will add great cost to the build but massively reduce its visual impact. I feel this will have all been a waste of time, effort, and money if this application is approved.

I urge the planners and the committee to consider the detrimental impact on the surroundings, my property being overlooked, the integrity of the bridlewoods development and the fact that the application is against the local development plan. I feel should the proposed railway carriage be given the in-depth consideration my property had it will surely be declined on the grounds of its impact on the surrounding areas.

**Kelt Properties LTD - Developer of Bridlewoods, Brass Castle Lane, Marton, Middlesbrough TS8 0UF**

We object to the siting of a railway's carriage at Ryehill house. If this application were to be approved, it would have a detrimental effect on not only the whole Bridlewoods development but also the surrounding area of brass castle lane.

The chosen location is clearly visible from brass castle lane and the bridlewoods development. Not only that but it seems clear that tree felling is required to house the carriage and make provision for car parking thus increasing its visibility.

We have been sympathetic to the 'countryside' location in our development of Bridlewoods. Every provision has been made to make sure not only does our development have a reduced impact on the area but also improves it where it can. We feel our efforts and investment will have been wasted should the council/committee allow a used railways carriage to take up a prime position directly at the entrance to bridlewoods.

#### **4 Bridlewoods, Brass Castle lane**

I wish to object to the planning application for the following reasons.

1. The carriage to be in full view from Brass Castle Lane.
2. An area of natural beauty with no history of railways.
3. Railway carriage not in keeping with other buildings on brass Castle Lane.
4. Adverse effect on the landscape.
5. Further accommodation if needed should be located nearer to the property.
6. Any accommodation needed should be of brick build.

I would also like to add that I am building my house in an area of natural beauty and I believe this would hinder the landscape terribly. For these reasons I wish to strenuously object to the planning application. I am also prepared to speak at any planning committee meeting or hearing.

#### **2 Ryehill Farm Cottage, Brass Castle Lane**

After reading all relevant documents concerning the planning application for permanent siting of a railway carriage for use as guest accommodation, I have very serious concerns. The small courtyard area directly in front of my home is owned by Mr and Mrs Holmes and they have access across the farmyard to Brass Castle Lane. Despite voicing our concerns over the volume of customers and deliveries passing my cottage, it continues to happen. Customers and delivery drivers do not have access through the farm, only residents, and the Holmes family instruct them to do so. The customers also use the area in front of our home to turn, which is extremely unsafe and results in them pulling within inches of our cottages. I have had 2 cars hit my parked vehicle and customers regularly move our property to allow for enough room to turn around, including our wheelie bin and wheelbarrow. Customers often park in front of our cottage, often blocking our access and blocking our cars in. We have 2 young grandchildren living next door and the vehicles manoeuvrings and speed give me great cause for concern. The parking planning submitted in May 2020 for the B&B states that the parking is situated alongside the Holmes residence and there is ample room for turning, this is not the case. There is also a drop in cafe situated within the B&B that results in not only customers arriving in cars but also on foot as there is a public walkway running through the farm, these customers use private land to access the cafe often leaving farm gates open.

The Holmes residence fail to contain their waste and store refuse which I contacted the Refuse department regarding this in October 2019. This then went to the complaints department as even after the bin storage planning was submitted in May 2020, it still was not adhered to. This is an ongoing problem. It has created a vermin problem for myself. I had a consultation with a pest controller who identified that the tunnelling is coming from the Holmes land and that the waste collecting in front of my property is the food source. The

Bupa bin outside has been there for 1 year, without being emptied in this time. I worry about the effect more customers would have on this issue.

The site states that there is available space for the railway carriage to be erected yet there has been mature trees felled and disposed of onto the private farm land running alongside of the Holmes property. Mr Holmes clearly states on the application that no work has yet been started.

Now as I type this during another nation lockdown, I have had 3 different cars pass through the farm yard from the Holmes residence, 2 of which are not the Holmes family. I have not seen these vehicles before or the people opening our gates to access the Farm yard. Both leaving Gates open as they go. The Holmes family want to add parking do their large existing drive way yet often refuse to customers to access it, which confuses me as to how more customers will not add to our existing problems. I have had CCTV installed for our own safety and will attach images for you to see that the large numbers of traffic are causing major safety worries and stress for ourselves.

### **Public Responses**

Number of original neighbour consultations	12
Total numbers of comments received	7
Total number of objections	7
Total number of support	0
Total number of representations	0

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### Overview

1. The application before Members is a full application for the permanent siting of a restored railway carriage as guest accommodation in addition to the current bed and breakfast use of the main building, Ryehill House East. The main issues to consider with the application are the principle of the use of the application site, the siting and design/appearance of the restored train carriage, vehicular access/egress arrangements, and the potential impacts on the residential amenities of the occupiers of neighbouring properties. These and other material planning considerations are considered as follows.

### **Relevant National and Local Policies**

2. National guidance relating to development that supports economic prosperity in rural areas is contained within the National Planning Policy Framework (NPPF). Local authorities are encouraged to recognise the role that rural areas play in supporting the local economy, and to encourage and support economic growth in rural areas. The NPPF recommends that local authorities take a positive approach to sustainable new development in order to create jobs and prosperity in these rural areas. Local authorities should also support and promote the development and diversification of rural businesses, as well as to support sustainable rural tourism that bring benefits to the rural area.
3. The relevant policies in the Local Development Plan regarding this application are DC1 (General Development) and CS4 (Sustainable Development) and CS5 (Design) of the Core Strategy (adopted 2008), H1 (Spatial Strategy) of the Housing Local Plan DPD (adopted 2014) and E20 (Limit to Development) and E21 (Special Landscape Areas) of the Local Plan (adopted 1999) and MWC4 (Minerals and Waste). Policies

DC1 and CS4 seek to achieve high quality development that is situated in the right place and minimises the impact on neighbouring occupiers.

4. The application site is located close to the southern edge of the borough, beyond the limit to development and within defined special landscape area. Any proposed development beyond these boundaries must be considered against the criteria within Policies E20 and E21. Policy E20, in the interests of protecting the open countryside. These policies identify a limit to development beyond which development will be strictly controlled, with allowable development referenced as including tourism proposals which are compatible in scale, materials, and appearance with a rural setting and designed to be integrated with the surrounding landscape.
5. Policy E21 determines special attention will be given to the protection and conservation of the scenic quality and character of the landscape in the areas designated as Special Landscape Areas. With development only permitted where it will not detract from the special scenic character and quality of the landscape, is of a high standard of design and is carefully located to reflect the traditional scale and character of buildings and landscape in the area and that the use of material is sympathetic to the locality, and does not have a detrimental impact on features important to the landscape, such as trees and hedges.
6. Policies CS4 and CS5 require development to demonstrate sustainability and high quality design, preserving the character or appearance of areas of special interest. Policy DC1 requires development to take account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials.

#### **Proposal and principle of the development**

7. The proposal seeks the permanent siting of a classic railway 'sleeper' carriage for guest accommodation associated with the existing bed and breakfast venue operating from Ryehill House East, which is a large country home. In terms of the actual train carriage its internal fixtures and fittings will be updated, restored and intended to be renovated to provide modern luxury accommodation to offer visitors to the town and rail enthusiasts the unique experience to be accommodated overnight in a traditional sleeper carriage. Externally there will be no additional buildings or fabrication added to the carriage. The carriage is approx.. 21m in length, 4m in width and 4m in height. The train carriage is intended to sit separately to Ryehill House East adjacent the private road, to the north of the site but south of Brass Castle Lane. Access to the site will be via the existing entrance to Ryehill House, off Brass Castle Lane. Car parking for carriage guests will be available immediately inside the gate. The carriage will be for the use of self-catering guests accommodating one or two families at any one time for stays between 3 and 7 days.
8. In principle, the proposed development is considered to be in accordance with the national guidance, as it would bring people and visitors to the area and support, not only the immediate rural economy, but also the wider economy, albeit on a small scale.
9. The countryside at this location is defined in part by the nature and appearance of Brass Castle Lane, a rural road without footpaths, as well as the golf course, open fields and areas of wood / copses. The recently approved and partially developed Bridlewoods development will represent a clear change in character to this area, providing 5 houses, and entranceway / feature adjacent to Brass Castle Lane in close proximity to the application site. These changes will therefore create a less rural aspect to the wider site setting. The train carriage will be visible from outside of

the site to some degree, adding an interesting feature within the landscape which is complimentary to the other tourist and accommodation attractions in this location. However the immediate area is lined with trees and the surrounding area is heavily wooded. Given the size, scale and location of the carriage the significant landscape features would continue to dominate the local landscape and would provide a backdrop of trees from several aspects. It is therefore considered that this small scale proposal would therefore have only a low impact on the special landscape and scenic character of the area which is considered to be acceptable without undermining the principles of saved Local Plan Policy E21.

### **Impacts on Privacy and Amenity**

10. The proposed holiday accommodation unit is set away from other residential properties by sufficient distance to prevent this proposed residential use having an undue impact in relation to privacy and amenity. Access/egress arrangements, parking provision, and waste storage that are associated with this type of accommodation and its operation must also be considered, and it is noted that a number of concerns have been raised by occupiers of neighbouring properties with regards to the current arrangements at Ryehill House East. However it is noted that these concerns largely refer to the existing Bed and Breakfast use at the main building rather than at the proposal site which although is a similar use will operate separately and will occupy a fairly secluded position to the north of the main building away from existing residents.
11. The supporting documentation contained with the application is limited although given the size of the site the limited traffic which is likely to attend the accommodation, the need for only a limited amount of parking, and waste storage arrangements can all be reasonably accommodated within the curtilage of the site without detrimentally affecting the character and appearance of the open countryside or amenities associated with neighbouring properties. A condition is recommended to address these matters. In principle, therefore, the proposed development is considered to be acceptable and in line with Policy E20, CS4 and DC1 in these regards.

### **Highways impacts**

13. Highways concerns have been raised by various local residents. The site plan submitted in support of the application, indicates that guests arriving to the site will enter via the private track road south of Brass Castle Lane and that six parking spaces will be made available for guests adjacent the train carriage, three either side of the road, although it is anticipated there will only be two spaces required at any one time. Assuming guests would use the carriage as a base and would go out on day trips, the guests would exit and enter once or twice per day. Access and parking arrangements in association with the carriage accommodation are adequate in this case and will have minimal impact on other residents in this area. There are no Highway objections to the use and siting of the railway carriage in accordance with DC1.
14. Concerns have been raised in respect of the carriage being brought to site and the impacts this will have. This is not specifically a material planning consideration unless it requires specific development works requiring permission for this to be undertaken. The applicant has advised that it will be winched on rails from a roll on roll off lorry rather than craned in and it is considered this is likely therefore to have only a temporary implication. Any operations in or adjacent to the highway by the haulier or others will need to adhere to relevant highway legislation / safety requirements.

### **Trees**

15. Concerns have been raised regarding a number of trees that have been recently removed on site. The applicant has confirmed that two large trees have been felled, one that was leaning dangerously and was unsafe and one that was diseased and unsafe with further suggestion that hedge trimming and removal of small self seeders will continue as part of normal annual maintenance. There is no specific requirement for trees to be removed as part of this scheme and the surrounding trees are not protected by TPO status.

#### **Other Matters**

16. The applicant has advised that they have made tentative enquiries regarding drainage. The two options available are Mains Drainage or a septic tank but have yet not had a quotation for either option but will choose one or the other. As such a condition is recommended to address this matter
17. Waste and recycling from the site will need to be left at the nearest highway point (Brass Castle Lane) for collection. The commercial waste bin is also sited just inside the Ryehill House entrance, and will be available for Carriage Guests to use. The bin is currently emptied weekly. The contract could be amended should the need arise.

#### **Conclusion**

18. On balance, the proposal is considered to constitute an acceptable form of development and the provision of relatively unique guest accommodation within the site of existing tourist accommodation is considered to complement the offer without unduly undermining the rural and agricultural character of the area. The use as guest accommodation is in-keeping with the use of the main building and is therefore an appropriate use in this location.
19. Overall, the principle of the use and siting of the train carriage is considered to be acceptable, and the detailed matters of the highways implications, parking arrangements and waste storage are not considered to result in harm to the local rural area, which is designated as a special landscape area and beyond the limit of development. Officer recommendation is to approve subject to conditions.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with Conditions**

1. **Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans and specifications below and shall relate to no other plans.

- a. Location plan received 16th December 2020.
- b. Carriage details received 16<sup>th</sup> December 2020.
- c. Proposed site plan (showing access, parking provision and refuse arrangement) received 22<sup>nd</sup> February 2021.

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

2. **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.

**3. Removal of carriage**

The carriage shall be removed from site when no longer used or required as holiday accommodation for more than a 12 month period.

Reason: To prevent the building having an unjustified impact on the character of the area and to retain the character of the area outside the development limits.

**4. Drainage, Waste Storage, Vehicle Parking & Carriage base**

The development hereby approved shall not be brought into use until schemes for foul and surface water drainage, waste receptacle storage, vehicle parking and a base on which the carriage will stand have been submitted to and approved in writing by the local planning authority. The approved development shall only be used whilst the approved schemes of drainage, waste storage and vehicle parking are provided and operational. Should the carriage be removed from the site in accordance with the requirements of conditions hereby imposed or for other reasons, then any areas, equipment and any structures associated with drainage, waste receptacles, vehicle parking and carriage base, as approved by this condition, shall be removed from the site within 3 months of the carriage being removed.

Reason: To prevent long term unjustified impacts on the character of the area from the approved matters.

**REASON FOR APPROVAL**

This application is satisfactory in that the siting of the railway carriage for use as guest accommodation accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1 (General Development) and CS4 (Sustainable Development) and CS5 (Design) of the Core Strategy (adopted 2008), H1 (Spatial Strategy) of the Housing Local Plan DPD (adopted 2014) and E20 (Limit to Development) and E21 (Special Landscape Areas) of the Local Plan (adopted 1999) and MWC4 (Minerals and Waste).

In particular, the railway carriage and its proposed use will not prejudice the character and function of the local area or the open countryside and will not significantly affect the special landscape area or prevent adequate and safe access to the site. The use will complement the rural and agricultural uses of the area and it will not be detrimental to any surrounding or nearby properties. The traffic generated, car parking and noise associated with the 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.

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Case Officer: Joanne Lloyd

Committee Date: 5th March 2021

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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0742/FUL</b>
<b>Location:</b>	<b>436 Linthorpe Road Middlesbrough</b>
<b>Proposal:</b>	<b>Change of use from car wash (sui generis) to retail unit Class E(a)</b>
<b>Applicant:</b>	<b>Mr K Gafoor</b>
<b>Agent:</b>	<b>Pyramid Architectural Designs</b>
<b>Ward:</b>	<b>Park</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Planning permission is sought to change the use of the previous car wash to a retail unit with associated parking. Six objections were received to the application.

The applicant submitted a sequential assessment to support the application and this is considered to have adequately demonstrated the site as being appropriate for the use and that retail premises can be located here without having a detrimental impact on the vitality and viability of the nearby local centre.

Consideration was given to the issues raised by local residents however it is considered that that the proposal will not result in a significant increase in terms of noise and disturbance to local residents. Traffic generation information provided with the application was considered to demonstrate that the proposal will not have an undue impact on the free flow and safe movement of traffic on the nearby highway and that adequate parking provision is made within the site.

Consideration was also given to the potential impact of a land ownership dispute but it was found that the outcome of the dispute would not result in the scheme being unviable in terms of parking provision.

The proposed change of use is considered to be in accordance with both local and national planning policies and the officer recommendation is to approve subject to conditions.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is towards the southern end of Linthorpe Road, on the boundary of the of the Linthorpe Village Local Centre which cuts through the site with the access which is off Linthorpe Road being within the Local Centre and the industrial building to the eastern side being outside of the centre.

The site was formerly used as a vehicle exhaust and tyre fitting garage and more recently as a car wash. Vehicular and pedestrian access is to the front of the site from Linthorpe Road with delivery access to the rear. The site is bounded to the north by a vacant plot, to the east by a highway with industrial uses beyond. A restaurant with residential properties above and a motor repair shop abut the site to the south and a public house lies to the west with commercial properties beyond. Access to the first floor flats fronting onto Stonehouse Street is taken from within the site.

The proposal subject of this application is to convert the existing building to a supermarket with a gross floor space of 778sqm, 545sqm of which is retail floor area. 26 vehicle parking spaces and 16 cycle parking spaces are indicated on the plans. Proposed opening hours are 08:00-18:00 Monday to Saturday and 10:00-16:00 Sundays and Bank Holidays

The following documents were submitted in support of the application:

- Design and Access Statement including traffic generation figures
- Sequential Test

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## **PLANNING HISTORY**

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M/OUT/0666/07/P ERECTION OF 1NO RETAIL UNIT WITH ASSOCIATED CAR PARKING AND LANDSCAPING AND DEPARTURE FROM LOCAL PLAN Approve with Conditions  
29th May 2007

M/FP/1920/08/P CHANGE OF USE FROM TYRE & EXHAUST SITE (B2) TO CAR WASH (SUI GENERIS) Approve with Conditions  
20th January 2009

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## **PLANNING POLICY**

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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  
CS13 - Town Centres etc Strategy  
REG29 - Local Centres  
DC1 - General Development  
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>

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## CONSULTATION AND PUBLICITY RESPONSES

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### **Middlesbrough Council Waste Policy**

No comments.

### **Middlesbrough Council Strategic Policy**

The proposed use of retail, is in accordance with Policies CS13, Reg29 and CS4, is in keeping with the Local Centre designation and will see the re-use of a long standing vacant premises. However, it is key to the vitality and viability of the Local Centre that the store be accessible for customers from the Linthorpe Road elevation only, and that there is no intended customer entrance from the rear; as the actual building does not lie within the local centre designated boundary.

The findings of the sequential test, in meeting the requirements of the NPPF, have considered alternative sites and determined suitability in line with Policy CS13. As per previous policy comments, if the application is minded to be approved and in order to protect the retail core of Linthorpe Village Local centre and avoid future sporadic sprawl, customer access should be limited to the entrance on 436 Linthorpe Road.

### **Middlesbrough Council Highways**

The Councils Highway Engineer considered the proposal and the submitted traffic information and advised that it was considered that the level of traffic generated by the proposed use as supermarket would not lead to a materially adverse impact on the free flow and safe movement of traffic on the surrounding highway network. It was also advised that, the levels of parking associated with the site is in accordance with the maximum requirements set out in the Teesside Highway Design Guide and that subject to details of a revised access design being submitted, there were no objections to the proposal.

### **Middlesbrough Council Environmental Health**

No objection.

### **Ward Councillors**

No comments received.

Number of original neighbour consultations	25
Total numbers of comments received	6
Total number of objections	6
Total number of support	0
Total number of representations	0

Following consultation, six responses were received. The following issues were raised:

- Dispute over ownership of land
- Access to, and loss of parking for nearby flats
- Land owners not consulted
- Arrangements for refuse collection not shown
- Plans do not show structures around the site
- Concern regarding public right of way on site
- Impact on servicing for existing businesses on Stonehouse Street
- Excess of Asian Supermarkets in area
- Access to, and loss of parking for flat
- Noise and disturbance
- Access to, and loss of parking for flat
- Land not owned by applicant
- Increased noise and disturbance

- Applicant is not land owner, incorrect certificate signed
- Site edged red is incorrect due to ongoing land dispute
- External Staircase to flats not shown on site plan
- Site is outside of the local centre so a sequential test is needed
- Lack of transport statement and swept path details
- Obstruction for delivery vehicles on Stonehouse Street
- Proposal will result in additional obstruction on Linthorpe Road
- Already sufficient retail supermarkets
- Public right of way should be illustrated on plans
- Details of waste storage and recycling required
- Insufficient car parking for a non-centre retail supermarket
- Has the land to the north of the site marked as car park been sold
- Impact on access to flat
- Noise and disturbance
- Loss of parking for flat

Comments raised were from the following addresses;

Mr S Rennison, Landlord 4-12 Stonehouse Street

Patcharre Downie ,12a Stonehouse Street

Michael Norcott, 10A Stonehouse Street

Craig Rennison, The Copperstone Restaurant 4-12 Stonehouse Street

Thongmee Donkanha, Flat 12C & Flat 12 B, 4-12 Stonehouse Street

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## PLANNING CONSIDERATION AND ASSESSMENT

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### Policy context

1. 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).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1, CS4 and CS5 in essence seek to ensure high quality sustainable development, ensure the amenity of nearby residents, character of the area and highway safety are not adversely affected by the development.
3. As part of the site is within the Linthorpe Village Local Centre, Policies CS13 and REG29 also apply. CS13 seeks to establish a hierarchy of centres and ensure that development is of an appropriate nature and scale commensurate with the current and future function of the centre. REG29 determines that planning permission will be granted for retail development (Class E(a)) other complimentary uses will be permitted provided that they contribute to the vitality and viability of the centre.

### Principle

4. Although the access to the site is located within the local centre and all public access will be taken from this point, the building itself is located beyond the local centre boundary. Where development for retail is located outside of a defined centre, the National Planning Policy Framework requires that a sequential test needs to assess the availability of more suitable premises within or closer to

nearby centres is required. Given that the site is only partially within the centre the applicant was requested to submitted a sequential assessment. The assessment considered alternative sites in nearby local centres and concluded that there were no other viable sites available for the proposed use and that the application site was the preferred option, is in a sustainable location being close to public transport routes and would bring back into use a vacant building.

#### **Vitality and Viability of the Local Centre**

5. The unit is located on the very edge of the Local Centre and its proposed use as retail could be considered to draw trade but it also has the potential to draw in customers from a wider area and increase footfall within the centre, thereby supporting the centres vitality and viability. In order to ensure the proposed retail premises operates in a manner which supports the vitality and viability of the local centre, it is considered necessary that the customer access is taken from Linthorpe Road only, thereby maintaining the focus of customers towards Linthorpe Road. A suitable condition is recommended to prevent customer access from anywhere other than Linthorpe Road, in view of which, it is considered that the use as retail will contribute to supporting the vitality and viability of the Local Centre in accordance with Policy CS13 and REG29.

#### **Appearance**

6. In respect of appearance, the Middlesbrough Urban Design Guide states that development should be of an appropriate scale and design and should enhance not detract from the character of the area. The existing building will be converted to a retail unit and as such its scale remains unaltered. At present the building and site generally have an untidy, disused appearance. Proposed changes to the external appearance of the building are minimal and include;
  - relocation of personnel door to the front elevation,
  - relocation of a roller shutter door to the rear elevation and
  - removal of a roller shutter door and creation of a glazed customer entrance to the front elevation with a canopy over.
  - Reconfiguration of existing parking area and entrance to the front of the site.
7. These proposed changes to the exterior of the building are considered to be an improvement to its overall appearance. It is therefore considered that the proposal will not have a positive impact on the character of the area in accordance with CS5 (test c) and DC1 (test b), the Urban Design Guide.

#### **Amenity**

8. Concerns were raised regarding the impact of the proposal on the amenity of the occupants of the first floor flats on Stonehouse Street which back onto the site. Given the proposed opening hours of the business between 08:00-18:00 Monday to Saturday and 10:00-16:00 Sundays and Bank Holidays, it is considered that any impact in terms of noise and disturbance would be during normal working hours and not be unreasonable given the location of the flats adjacent to a local centre. The proposal would not result in excessive additional noise, especially when considering that the dwellings are located above an existing restaurant and adjacent to a public house where noise levels are likely to occur at more unsociable hours. Consideration is given to the site already being in commercial use and the impacts on residential amenity that can therefore already occur in this general area. The Councils Environmental Health Officer considered the proposal and raised no objections.
9. In light of the above, it is considered that the proposed alterations will not have a significant additional impact on the amenity of nearby residents taking into account its position within / adjacent to a Local Centre where movement of

people and vehicles is part of the character and expectations of the area and that the scheme is in accordance with policy DC1 (test c) in these regards.

### **Highways**

10. Plans submitted with the application indicate provision of 26 car parking spaces and 16 cycle spaces, this accords with the requirements of the Tees Valley Highway Design Guide and Specification for a use of this nature and in view of the site being within / adjacent to a local centre, where there is good access to public transport, it is considered that there is no specific evidence that applying the design guide principles would be unsuitable.
11. Following negotiation with the Councils Highway Department, indicative plans showing amendments to the access to formalise the junction layout and improve the pedestrian / sustainable transport user environment were submitted. The proposals were agreed in principle by the Highway Engineer with the full technical details to be submitted if planning permission is granted. A suitable condition is recommended to address this.
12. An assessment of the level of traffic generated was submitted as part of the Design and Access Statement and considered by the Councils Highway Engineer. It was considered that the levels of traffic generated as a result of the retail use although greater than the previous use as a car wash, would not be so significant as to have a material effect on the free flow and safe movement of traffic on the adjacent highway.
13. Concerns were raised regarding servicing at the site for the proposed retail premises. Plans submitted with the application show roller shutter doors to the rear where deliveries will take place from the highway and whilst this arrangement is not ideal, previous uses were serviced from this point and the highway is an unadopted highway serving other industrial uses to the rear of the building and is not a main thoroughfare. In view of it maintaining that arrangement for servicing and in view of the nature of the highway to the rear, it is considered to be acceptable in this regard.
14. Concerns were also raised regarding collection of waste from the site. Waste storage provision is shown as being provided to the side of the building. It is the responsibility of the site operator to ensure adequate refuse collection arrangements are made through a private operator who will be responsible for organising suitable access to the waste storage facility. Again, waste storage and collection will have been part of commercial operations from the site and are not considered to raise concerns for this new proposal.

### **Land ownership dispute**

15. Comment was made that the proposal will remove access and parking for the four residential units at 4-12 Stonehouse Street and that there is an ongoing land ownership dispute relating to the sites. Land ownership is not specifically a planning matter but what is important is that approval of one scheme does not undermine another on material planning grounds. Planning approval can be granted, but not necessarily being able to be implemented if other legal restrictions prevent it from being lawfully implemented.
16. In this instance, there is a dispute over the area of vehicle parking which forms part of the previous approval for the flats at Stonehouse Street. If the outcome of the dispute determines that the land in question is not within the ownership of the applicant for this proposal, then, this will result in a shortfall of five parking spaces associated with the supermarket use. The parking standards set out in the Teesside Design Guide are a maximum level and consideration has therefore

been given to the potential impact of a short fall of five spaces on the surrounding highway network. The Councils Highway Officer has indicated that, due to its proximity to the Town Centre and sustainable forms of transport, there is an expectation that some customers will arrive by bus, walk or arrive on cycles. As such, the shortfall of five spaces would not have such a significant material impact on the free flow and safe movement of vehicles on the adjacent highways as a result of on street parking.

17. In respect of the parking and access provision for the nearby flats, an application for retrospective planning approval for a first floor extension to the flats and relocation of the access stairway was submitted in 2018. The submitted plans included six parking spaces to the rear of the flats that were shown to be within the site boundary. The appropriate certificates were completed with that submission indicating that the whole of the site was within the applicants ownership. The application was subsequently approved. The area where the parking spaces are located is now shown within the site boundary for the current application and the applicant has completed the certificate indicating ownership of the site. It is understood that the current applicant does own the land and that the land dispute relates to specific rights of use of land. Notwithstanding this, it is not possible for planning to resolve or provide an assessment over rights of use as this is a legal matter, determined by the courts where there is dispute.
18. For the purposes of the planning application the information as submitted must be accepted at face value. If the dispute finds in favour of the applicant then parking provision and access to the flats could be lost and it would become incumbent on the landlord of the flats to resolve these issues. And, this proposed scheme, is considered to work in terms of parking arrangements whether there the area in question is provided as parking for the proposed retail unit or whether it remains as parking for the flats.

#### **Other Matters**

19. Comment was also made regarding the extinguishment of a public right of way on the site. The Council records do not show an existing public right of way on this site. Private rights of way are a civil matter.
20. Concerns were raised regarding servicing of businesses on Stonehouse Street. This again is a private arrangement between land owners.
21. Question was raised in relation to land ownership along the northern part of the site and the Councils Valuation and Estates Department have confirmed that the land adjacent to the northern boundary is still in Council ownership and no part of the land is included in this application.

#### **Conclusion**

22. The proposal has been assessed against local policy and guidance and is considered to be a sustainable form of development that is acceptable in principle. It will not undermine the vitality and viability of the nearby local centre and will not have an adverse impact on the character of the area or on the safe operation of the highway. Given its relationship to surrounding properties and proposed hours of operation it will not have any significant impact on the amenity of nearby residents in terms of noise and disturbance. All other issues raised have been considered. The proposal is considered to be an acceptable form of development fully in accordance with national and local policy and is therefore recommended for approval.

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## RECOMMENDATIONS AND CONDITIONS

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### 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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Location Plan received 09.02.2021 and,
- b) Proposed Site Plan Drawing No.08 received 24.03.2021
- c) Proposed Floor Plans Drawing No.05 received 09.02.2021
- d) Proposed Elevations Drawing No.06 received 08.12.2020
- e) Proposed Elevations Drawing No.07 received 08.12.2020

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Materials - Matching

The materials to be used in the construction of the external surfaces (including windows) of the development hereby permitted shall match those used in the existing building, or shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out 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.

4. 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.

5. Construction of Access

The development hereby approved shall not be brought into use until the means of vehicular/pedestrian access from the public highway has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate access in the interests of good management of 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.

6. Public Access

Public / Customer access to the premises shall only be taken from the western elevation facing Linthorpe Road. There shall be no customer / public access route provided to the highway to the rear of the site at any time whilst the use hereby approved is in operation.

Reason: To ensure the retail function is associated with the Linthorpe Local Centre in the interests of the viability and vitality of the centre and to prevent issues of parking away from the defined parking area, in accordance with the NPPF, including paragraphs 86 and 87.

### **REASON FOR APPROVAL**

This application is satisfactory in that the change of use to retail use accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS4, CS5, CS13 and REG29 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 retail use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The retail use will be consistent with the 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 retail 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

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### **INFORMATIVES**

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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 discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

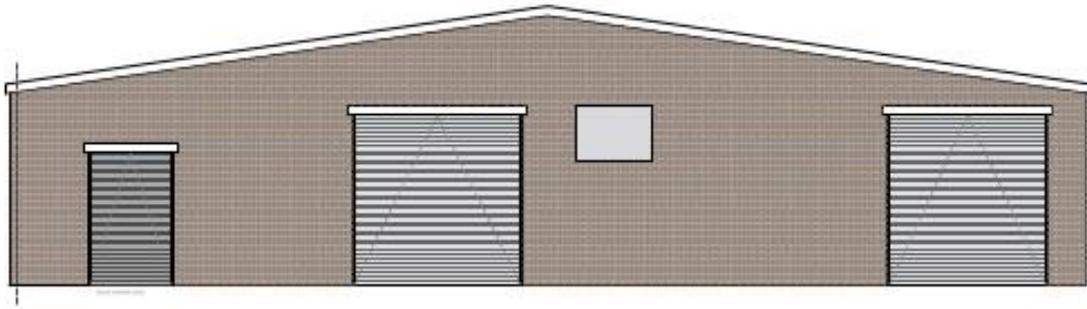
Case Officer: Maria Froggatt

Committee Date: 9th April 2021

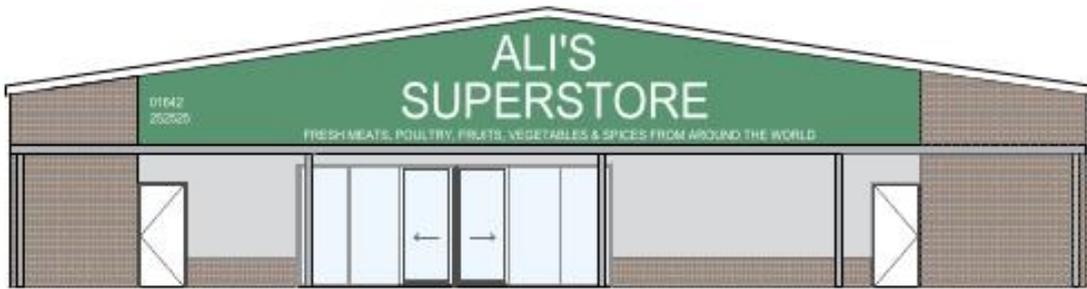
### **Appendix 1: Location Plan**



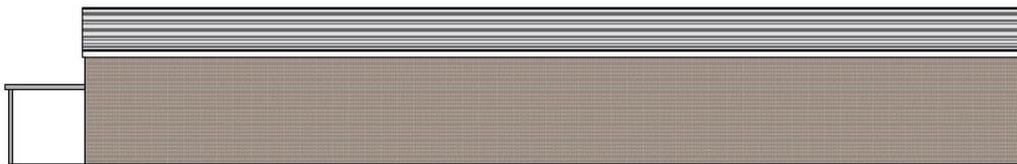
Appendix 3 Elevations



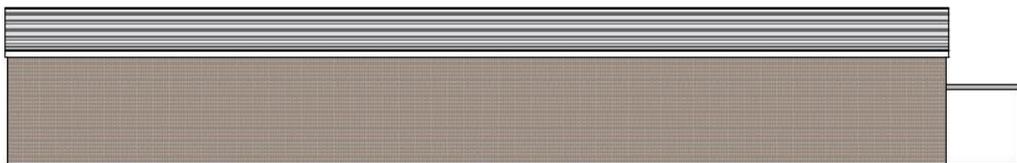
PROPOSED REAR ELEVATION  
SCALE 1:50



PROPOSED FRONT ELEVATION  
SCALE 1:50



PROPOSED LEFT SIDE ELEVATION  
SCALE 1:50



PROPOSED RIGHT SIDE ELEVATION  
SCALE 1:50

LEGEND

[Brown brick pattern]	Brickwork
[Green color]	Green Gable
[Blue color]	Blue Gable
[White color]	White Gable
[Grey color]	Grey Gable
[Horizontal lines]	Decorative Band
[Diagonal lines]	Roller Door
[Vertical lines]	Window
[Double lines]	Door

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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0760/FUL</b>
<b>Location:</b>	<b>249 Acklam Road Middlesbrough</b>
<b>Proposal:</b>	<b>Erection of pergola with glass panels to side over outdoor seating area to front</b>
<b>Applicant:</b>	<b>Mr Shaun Crake</b>
<b>Ward:</b>	<b>Acklam</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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The application site is a drinking establishment located in the Acklam Local Centre. Planning permission is sought for the erection of a partial glass balustrade and pergola type roof around and over the existing raised drinking area to the front of the property. Following the usual consultation process three objections were received. The comments related to loss of privacy, noise and disturbance and parking issues.

Permission has already been granted for the raised drinking area to the front of the property, this application relates only to the installation of a glass balustrade, poly carbonate roof with timber supports, over and around the drinking area and timber fence to side. The main areas for consideration are the design and appearance of the structure, its impact on the character of the area and impact on amenity.

The proposal has been assessed against local policy and guidance and is considered to be an appropriate form of development.

The Officers recommendation is for approval subject to conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is a two storey end of terrace property located in a row of commercial properties within the Acklam Road Local Centre. Planning permission for use as a café/bar (A3/A4) was granted in April 2019 and the use is in operation.

The application site occupies the ground floor of a two storey property with separate residential flat above. The property originally had an open area to the front with retaining wall to the side which served as parking for the shop that previously operated from the site. The forecourt has subsequently been built up to make it level to provide an outdoor seating area

for the current use, this part of the development was approved retrospectively in February 2020.

Planning permission is now sought to partially enclose the raised seating area with a three quarter height glass balustrade and a polycarbonate roof with timber supports. Following concerns raised by officers, a revised scheme showing separate access to the flat was submitted. The plans now show the pergola reduced in width, a ramped access to the flat entrance introduced at ground floor level and a fence to the side.

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## PLANNING HISTORY

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20/0009/DIS Discharge of conditions 2 (Noise Assessment) 3 (Ventilation details of a ventilation and fume extraction) and 4 (Insulation of equipment) on application 19/0102/COU Part Discharge Conditions  
10th March 2020

19/0632/FUL Retrospective raising of ground level Approve with Conditions  
24th February 2020

19/0102/COU Change of use from sandwich shop (A1) to cafe/bar (A3/A4) Approve with Conditions  
25th April 2019

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## PLANNING POLICY

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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  
CS5 - Design  
CS13 - Town Centres etc Strategy  
REG29 - Local Centres  
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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Middlesbrough Council Highways**

No objection.

### **Middlesbrough Council Environmental Health**

No objection.

### **Ward Councillor**

Councillor Dean objects to the proposal

### **Public comment**

Nearby Neighbours were notified of the proposal, comments were received from the following:

Empathy Hairdressing 251A Acklam Road.  
251A Acklam Road

255-257 Acklam Road,

- Loss of privacy
- Anti-social behaviour
- Highway Safety/Parking provision
- Noise
- Waste storage provision
- Lack of smoking area
- Loss of property Value

247 Acklam Road (Objection withdrawn and advised of support for the scheme following submission of revised plans)

### Public Responses

Number of original neighbour consultations	16
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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### Policy context

1. 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).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1 and CS5 in essence seek to ensure high quality sustainable development; ensure the amenity of nearby residents; character of the area and highway safety are not adversely affected by the development.
3. The site is located within the Acklam Road Local Centre so Policies CS13 and REG29 also apply. The policies seek to establish a hierarchy of centres with a retail function throughout the borough and to ensure that development does not undermine their vitality and viability.
4. Supplementary planning guidance in the form of the 'Middlesbrough Urban Design Guide' which sets out the principles by which high quality development can be achieved is also relevant.

### Principle

5. Use of the area as an outdoor drinking area has already been established under the previous approvals and as such, the key considerations in assessing this proposal relate to the physical structure that is proposed with regard to its design, impact on the character of the area and amenity of occupiers of nearby dwellings.

## **Appearance**

6. In respect of appearance, the Middlesbrough Urban Design Guide states that development should be sympathetic to the building and should enhance not detract from the character of the area.
7. The addition of a roof and glass balustrade will effectively extend the building line of the application property beyond the general building line of the other properties in this block. The existing raised area and associated bench's, tables and chairs, is already a notable addition, and the proposed balustrade and roof will be of a 'lightweight' construction relative to the main building. It is therefore considered that, given the transparent nature of the glass balustrade and slender appearance of the polycarbonate roof and supports, the additional structure will contrast with the main block as a lightweight addition and will not result in an overbearing appearance in the street scene.
8. The proposed fence to the side of the property will be approximately 2.3m high where it abuts the front elevation reducing down to 1.2m in height where it abuts the rear of the footpath graduating as it projects. It is considered that graduated height of the fence will reduce its impact on the street scene in terms of appearance and will provide some screening to the residential entrance.
9. In view of the above it is considered that the proposal will not have a significantly adverse impact on the character of the area in accordance with CS5 (test c) and DC1 (test b) and the Urban Design Guide.

## **Impact**

10. Concerns were raised regarding lack of privacy due to patrons of the establishment sitting and standing within the outside of the premises however as the area is already established as a drinking area it is considered that the proposed glass balustrade will provide a barrier, albeit transparent, and will not result in additional loss of privacy over and above the existing situation. Comment was also made about levels of noise and disturbance associated with the site, it is considered that the proposed balustrade and roof will act as a barrier and have the potential to contain some noise from the drinking area. The premises is located in a local centre where some additional level of noise and activity is to be expected. Unacceptable noise levels are controlled under Environmental Health legislation and should they occur beyond the expectations of this proposal then they would need to be considered under alternative legislation.
11. Notwithstanding this, it is recognised that the proposal will allow for patrons to be sat out for longer periods of time (during inclement weather etc) which, in turn will serve to increase the times at which people are likely to be using this area and therefore prolong any impacts on privacy and amenity, and over the course of a year, resulting in reduced respite from those impacts. Whilst noted, it is considered that, in view of it being within a local centre, taking into account the presence of residential properties above and on the opposing side of the street, that this, although having an impact, would not be such, in this local centre, that would justify refusal.
12. In respect of comments made about customers spilling onto the adjacent parking area and highway and anti-social behaviour, these are matters of site management and cannot be addressed under planning legislation. Notwithstanding this, the proposed balustrade would serve to contain people more easily within the site.
13. The glazed balustrade will run along the shared boundary with the adjoining property to the south, No.251 Acklam Road, given its transparent nature it is considered to have minimal impact in terms of overbearing appearance or overshadowing. The proposed roof will extend out from the front elevation by approximately 7m at a height

of approximately 3.3m above ground level with supporting posts located along the shared boundary. Although it will be visible from the adjoining property, given the slender appearance of the posts and the height of the roof, it is considered that any impact in terms of visual amenity will not be significant.

14. On its northern side, the proposal sits adjacent to an access to the adjacent petrol filling station access where it will have no perceptible impact on amenity, beyond the current situation.
15. In light of the above, it is considered that the proposed alterations will not have a significant impact on the amenity of nearby residents in accordance with Policy DC1 (test c).

### **Highways**

16. Comments were made regarding issues with parking at the site but as outlined above the drinking area is already established and the proposals will not create additional space for customers or a demand for additional parking.
17. The proposed fence to the side of the site has the potential to block visibility between vehicles exiting the nearby petrol filling station and pedestrians travelling north on the adjacent footpath. It is however considered that, given the width of the footpath and the egress from the garage and the limited height of the fence at this point, there will be no significant loss of inter visibility between pedestrians and drivers. As such it is the Officers view that there will be no impact on highway or pedestrian safety in accordance with Policy DC1 (test d).

### **Other matters**

18. Issues raised in relation to access to parking and transgressions across private land and loss of property value are not material planning considerations and should have no influence in the assessment of this application.
19. Concerns were raised by the owner of the first floor flat regarding blocking of access to the first floor flat above the application site which may have been occurring following the previous approval of the outdoor drinking area. This has been recognised and the positioning of the proposed balustrade has been amended from its initial submission to leave the access path to the flat outside of the balustrade area which will now serve to provide a direct and demarcated access to the flat.
20. The pergola will discharge water onto adjoining land and in order to prevent it causing flooding or issues with ice on publically accessible areas, it is considered necessary to have an adequate form of drainage. A suitable condition requiring installation of a drainage system that prevents water discharging onto the footpath is recommended.

### **Conclusion**

21. The proposal has been assessed against local policy and guidance and is considered to be an acceptable form of development that will not have any notable affect on the character of the area, will serve to contain an outdoor seating area and, given its design and relationship to surrounding properties, will not have any significant impact on the amenity of occupiers of nearby properties above the existing situation and above what is anticipated in such an area subject to reasonable use and reasonable management of the area.
22. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

## RECOMMENDATIONS AND CONDITIONS

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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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans  
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:
  - a) Location received 17th December and,
  - b) Proposed Ground Floor Plans and Elevations Drawing No. 002 REV B received 11<sup>th</sup> March 2021.

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Materials - Approved Details  
The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Proposed Ground Floor Plans and Elevations Drawing No. 02 received 11th December 2020, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out 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.

4. Drainage  
A suitable drainage system that directs surface water from the approved pergola roof into the existing on site drainage system shall be implemented before the covered outdoor drinking area is brought back into use.

Reason: To avoid surface water discharge onto the adjacent footpath in the interests of highway safety

### REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed balustrade and pergola accords with the principles of the National Planning Policy Framework (NPPF) and, 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 addition the balustrade and pergola accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the balustrade and pergola are designed so that their appearance is complementary to the existing building and so that they will not have a detrimental impact on the amenity of the occupiers of any adjoining or nearby property. The balustrade and pergola will not prejudice the appearance of the area and do not significantly affect any landscaping nor prevent adequate and safe operation of the highway.

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.

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## **INFORMATIVES**

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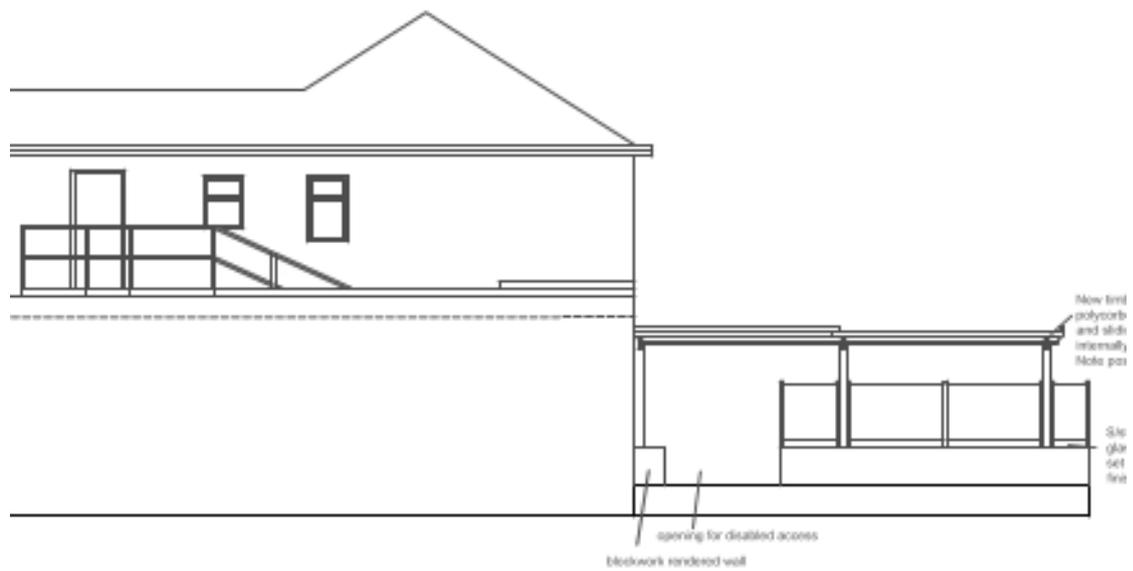
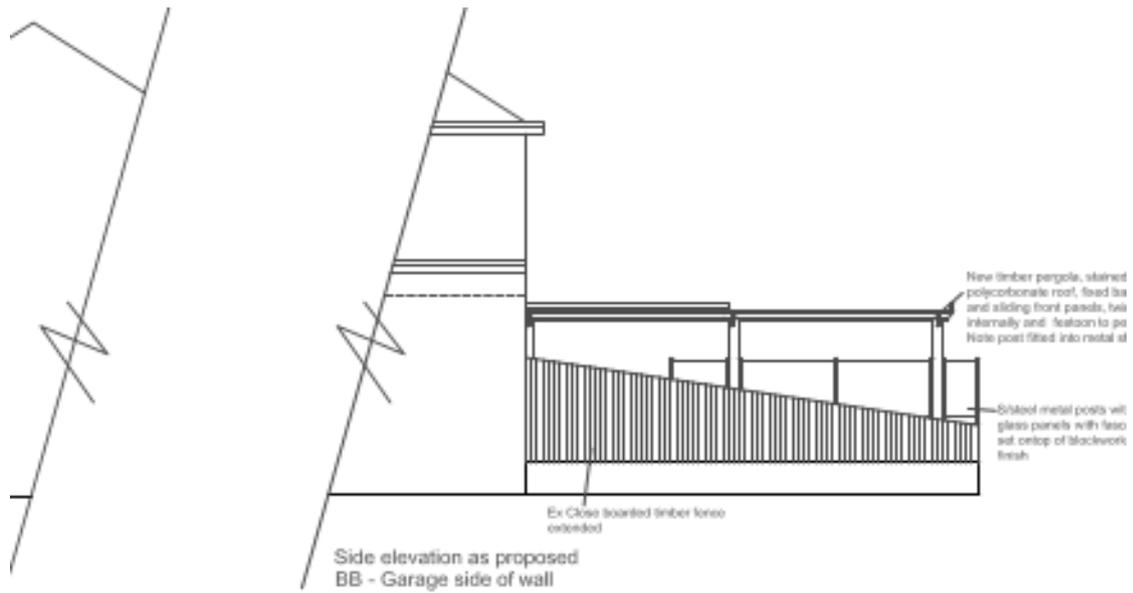
1. Building materials on highway  
The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.
  
2. Deliveries to site  
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

Case Officer: Maria Froggatt

Committee Date: 9th April 2021



Appendix 2 – Elevational drawings (Side, Side beyond initial fence, Front)



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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>21/0058/FUL</b>
<b>Location:</b>	<b>Site of Old Southlands Centre, Ormesby Road, Middlesbrough</b>
<b>Proposal:</b>	<b>Erection of single storey community facility, comprising of a multi-use hall and 2 multi-purpose rooms with associated car park and external works</b>
<b>Applicant:</b>	<b>Environment and Commercial Services</b>
<b>Agent:</b>	<b>Design Services, Middlesbrough Council</b>
<b>Ward:</b>	<b>Park End/Beckfield</b>
<b>Recommendation:</b>	<b>Committee Delegate to Officers to determine after 16<sup>th</sup> April 2021 after considering all consultee responses.</b>

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**SUMMARY**

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The application seeks planning permission for the erection of a single storey community facility with associated works on the site of the former Southlands Centre.

The key considerations with the application relate to the design and arrangement of the proposals, the highways related issues such as vehicular movements and access to the site through an established residential area, and the implications including potential noise nuisance on surrounding properties.

Issues relating to the likely noise levels from activities at the proposed community facility have been raised as well as the implications of traffic movements on nearby properties have been raised, although the formal responses from technical consultees have not been received at the time of writing and can only be assessed at a later time. The report concludes that all the proposed building is of a sufficiently high quality and situated at a distance away from residential properties not to unduly harm their amenities.

Notwithstanding this, as the overall consultation phase does not expire until 16<sup>th</sup> April 2021, which is after the Planning Committee meeting, the recommendation is to delegate the decision to officers so that any material considerations can be assessed and a decision made and issued after the consultation period expires. The reasoning behind the timescales associated with this recommendation takes into account there being no committee within May and the gap between committees is therefore in excess of 8 weeks which makes for a difficult arrangement in relation to scheduling of works, should the scheme be approved.

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application site forms part of the grounds of the former Southlands Centre, being situated at the southern end of the site. To the south, the site is bounded by residential properties on Endeston Road and Hartland Grove. The north, west and east boundaries of the site are bounded by other parts of the former Southlands Centre.

Planning permission is sought for the construction of a new community centre facility comprising a single storey building to be used as a multi-function hall and multi-purpose rooms with associated car park and other works. It is noted that the proposed development forms part of a phased development (funding permitting), with this being the first phase.

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## PLANNING HISTORY

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18/0568/PNO

Demolition of Southlands Leisure Centre

Prior Notification Approved

13<sup>th</sup> September 2018

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## PLANNING POLICY

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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:

CS1 – Spatial Strategy  
CS4 – Sustainable Development  
CS5 – Design  
CS14 – Leisure Development  
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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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Consultation with surrounding neighbours has been undertaken - and is still underway - and does not expire until the 6th April 2021. At the time of writing this report, no objections or other representations had been received. Any comments that may be received as part of the consultation of neighbouring properties shall be reported directly to Committee at the meeting on the 9th April.

Additionally to the letter-drop exercise, a site notice has also been displayed near to the site and the consultation phase associated with the site notice does not expire until 16th April 2021, a week after the Planning Committee meeting.

Consultation with various internal technical consultees and external/statutory authorities has been undertaken. Inclusive in this consultation are the Council's Highways, Planning Policy,

Environmental Health, Local Flooding Authority, Waste Policy services, as well as external consultees Sport England and Secured by Design. At the time of writing, no responses have been received although the expiry date for comments does not lapse until 6th April 2021. Any responses to the consultation exercise received during the consultation phase will be reported by way of an update report to committee.

## Public Responses

Number of original neighbour consultations	80
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The application before Members is a full application for planning permission for a new community facility on the site of the former Southlands Centre. The following considerations are based on the proposed scheme and the consultation responses received to date. As with consideration of all applications, whether or not comments of support, objection or general comment are received from others, it remains to be a requirement for the Local Planning Authority to consider a proposal against all material planning considerations. The considerations below represent a complete consideration of the proposal against relevant planning policy and an assessment of the impacts of the scheme on the surroundings, including neighbouring properties and their associated amenity and privacy although an update report will be provided to committee on any additional responses received prior to the committee date.
2. Whilst all matters known are considered in the report below, the overall expiry date for the consultation phase of the application does not expire until the 16th April 2021. As such, the application cannot be determined until that date and any comments received up until this date need to be considered in reaching a decision on this application. In view of this, the following considers all known matters and makes a recommendation although requests that the final decision be delegated to officers so that any additional comments received post committee can be considered and taken into account as appropriate.

### Relevant National and Local Policies

3. National guidance relating to development for community facilities is contained within the National Planning Policy Framework (NPPF). Paragraph 20 of the NPPF states that the Councils strategic policies should 'make sufficient provision for leisure and community facilities' and that decisions should help provide community needs.
4. Section 8 of the NPPF makes clear the role of local authorities and outlines how they need to be '**promoting healthy and safe communities**'. The section advises that policies and decisions **should aim to achieve healthy, inclusive and safe places, as well as providing the social, recreational and cultural facilities and services the community needs**. Paragraph 91 states that authorities should **promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and strong neighbourhood centres** amongst other things. The same paragraph also advises planning policies and decisions to aim for healthy, inclusive and safe places that are **safe and accessible, so that crime and disorder, and the fear of**

***crime, do not undermine the quality of life or community cohesion*** as well as to ***enable and support healthy lifestyles***. Paragraph 92 states that decisions should ***plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services***.

5. The relevant policies in the Local Development Plan regarding this application are DC1 (General Development), CS4 (Sustainable Development), CS5 (Design) and CS14 (Leisure Development) of the Core Strategy (adopted 2008). In general terms, these policies seek to achieve high quality development that is situated in the right place and minimises the impact on neighbouring occupiers.
6. Policy DC1 seeks to ensure that the effect upon the surrounding environment and the amenities of occupiers of nearby properties will be minimal as a result of development. In terms of the design criteria of Policy CS5, proposals are required to contribute towards securing a high standard of design that is well integrated with the immediate and wider context. The policy also seeks to ensure a quality of new development that enhances the built and natural environment.
7. Policy CS4 requires all development to contribute to achieving sustainable development principles by creating inclusive communities; ensuring everyone has access to the health, education, jobs, shops, leisure and other community and cultural facilities that they need in their daily lives, promotes a healthier and safer community for all, ensuring development is located accessibly by foot, bicycle or by public transport; and makes the most efficient use of land with priority being given to development on previously developed land, in particular vacant and derelict sites and buildings.
8. Policy CS14 requires the Council to provide a wide and accessible choice of leisure facilities for the community and those that reinforce Middlesbrough's role at the heart of the Tees Valley city region.

#### Principle of Proposed Development

9. On the Council's adopted Proposals Map, the site is not allocated for any specific purpose. Notwithstanding this allocation, until recently the site was occupied by the Southlands Centre, which provided a three-storey office accommodation, business centre and leisure centre facilities.
10. In principle, the proposed development is considered to be in accordance with national guidance by providing social, recreational and cultural facilities and services that the local community can use and needs. It is recognised that the proposals, in some form, replace the facilities formerly accommodated at the site.
11. By providing a community leisure facility on previously-developed land (a vacant and derelict site) that is located accessibly by sustainable transport methods, the proposals are considered to meet the relevant sustainable development criteria of Policy CS4.

#### Design, Scale and Impacts on Surrounding Areas

12. Policies CS4 and CS5 collectively require development to demonstrate a high quality of design that enhances both the built and natural environments. As the proposed building has a contemporary design, it is considered to be in accordance with the principle of these policies. The chosen design and materials are considered to complement the surrounding residential environment. The external elevations will be finished with facing bricks at a low level with coloured render above, the pitched roof will be finished with composite metal. A condition is recommended that appropriate materials and colours are used in the finished appearance.

13. It is noted that the building design features measures to minimise potential crime and other unauthorised access to the facility, and the location of the building is relatively well positioned, with natural surveillance from the surrounding residential area, all of which are in line with the guidance of the NPPF.
14. Policy DC1 seeks to ensure that the effect upon the surrounding environment and the amenities of occupiers of nearby properties will be minimal as a result of development. The nearest properties to the south of the site, which are located on Hartland Grove, would be separated from the principal elevation of the facility by a distance of approximately 35 metres. For a development of this type and scale, it is considered that such a separation distance would be suitable and minimise the impacts of the scheme as a result of its presence and scale. A car park is proposed to be located between the front elevation of the building and the nearest houses and whilst this will bring some noise and disturbance, it is not anticipated that this would bring significant undue levels of noise and disturbance into the area and would therefore not be unduly detrimental to residential amenity. To minimise the visual impact of the appearance of a car park on the nearby residential properties, a condition for soft landscaping is recommended.
15. Officers from the Council's Environmental Health service have enquired with the applicant into the likely activities at the site, as some of the expected events may have implications on the nearest residents, potentially experiencing noise nuisance. A noise management plan or a noise assessment for the activities taking place has been requested, but at the time of writing, no further details have been provided. An update shall be provided prior to the meeting of the Committee detailing the comments of the Environmental Health service and any recommended conditions deemed necessary. The requirement in relation to this will be that adequate mitigation is provided within the building fabric to prevent undue noise exiting the building and adversely affecting residential amenity.

#### Highways Related Matters

16. The proposed development is deemed to be a highly sustainable location being in recognised national walking distances of the nearest bus stops allowing easy access via public transport. Being situated within a highly residential area, it is considered that many trips to the site will be able to be made on foot although the provision of a 32 vehicle car park will provide for car-borne visitors.
17. The proposed vehicular access to the development would be via the southern entrance (through the residential housing estates), which had previously been closed off when the Southlands Centre was in operation, as all vehicular access/egress to the site was previously via the roundabout further north along Ormesby Road. Re-opening this vehicular access point from the south will inevitably increase vehicular movements through the established residential area and will affect residential amenity. The increase of traffic is likely to be so significant as to notably change the character of the area or noise levels already associated with traffic in the area and thereby would not have a notable undue impact on the living conditions of occupiers.

#### Conclusion

18. It is concluded that the proposed development would constitute a high quality, sustainable development, which will go towards enhancing the site of the former Southlands Centre, and provides community facilities and resources to meet anticipated demand. Moreover, the design and layout of the scheme are acceptable and generally in accordance with the relevant local and national policies given there will be only limited adverse impacts on the surrounding residential area.
19. There are no additional material planning considerations that officers are aware of at this stage, however, the overall consultation period for the application does not expire

until the 16<sup>th</sup> April 2021. As such, additional matters may need to be taken into account which need to be reflected in the scheme, its design or its layout.

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## RECOMMENDATIONS AND CONDITIONS

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**The application is recommended for approval with conditions, subject to final consideration of all matters raised as part of the consultation process, either as submitted or as modified to address any issues raised, and for the final decision to be delegated to the Head of Planning following the expiry of the consultation process.**

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) Red Line Site Boundary (A00)
- b) Site Location Plan (A01)
- c) Proposed Layout Plan (A02)
- d) Proposed Elevations (A03)
- e) Proposed External Works Plan (A12)
- f) Proposed Setting Out Plan (A06)
- g) External Works GA (SLCS-BGP-01-XX-DR-C-90.4-01110)

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. Soft Landscaping

Prior to the occupation of any community facility hereby approved, a detailed scheme for tree planting and associated soft landscaping works (based on the indicative landscaping proposals on the approved External Works GA and Proposed Site Plan) 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.

5. 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.

6. 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.

### **REASON FOR APPROVAL**

The proposed single storey community facility with associated car park and other works is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposals are in accordance with the National Planning Policy Framework, and the policies regarding community development, sustainable development, the efficient use of land, appropriate scales of development, the protection of open spaces of different characters and uses, good quality design, and transport and accessibility, whilst proposing a development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area.

Issues of principle regarding the use of this site and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. 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.

Case Officer: Peter Wilson

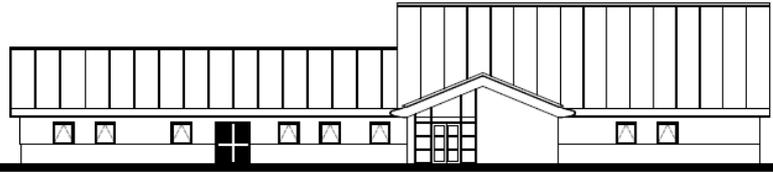
Committee Date: 9<sup>th</sup> April 2021



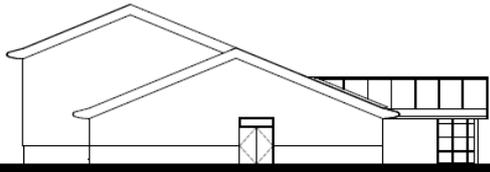
Appendix 2: Site Layout Plan



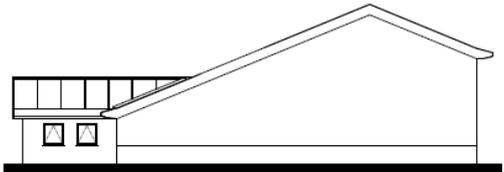
# Appendix 3: Building Elevations



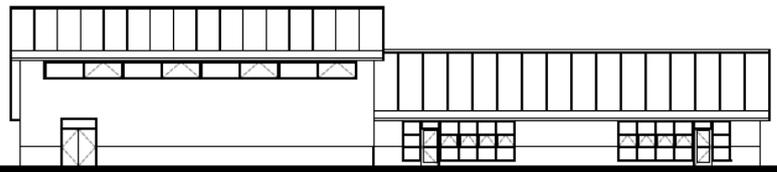
1 Proposed Elevation - 01  
1:100



2 Proposed Elevation - 02  
1:100



4 Proposed Elevation - 04  
1:100



3 Proposed Elevation - 03  
1:100

Revision	
Design Services J.A.S. & J.S. 210 Coleridge Wellington 021 487	Client The Southlands Centre Wellington 021 Proposed Elevations

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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.

<b>REFERENCE</b>	<b>PROPOSAL/LOCATION</b>	<b>DECISION</b>
20/0190/FUL  Central	Erection of 37m high wind turbine with LED advertising screen  The Qube , Windward Way , Middlesbrough , TS2 1QG	Refused
20/0388/FUL  Central	Change of use of upper floor offices (B1) to form 10 Bedroom HMO (Sui Generis) and single storey extension to rear  96 - 98 Corporation Road , Middlesbrough , TS1 2RB	Approve with Conditions
20/0491/HAZ  Central	Hazardous substances consent for variation in the amount and location of hazardous substances stored  Univar Limited , Pine Street , Off South Bank Road , Middlesbrough , TS3 8BD	Approve with Conditions
20/0560/FUL  Coulby Newham	Retrospective installation of boundary wall and gates.  123 Ash Hill , Middlesbrough , TS8 0SY	Approve with Conditions
20/0592/FUL  Acklam	Two-storey extension at side and rear, single storey extensions to front and rear  111 Glendale Road , Middlesbrough , TS5 7NH	Approve with Conditions

20/0628/FUL  Marton West	Two storey extension to side  4 Marlborough Road , Middlesbrough , TS7 8JH	Approve with Conditions
20/0633/DIS	Discharge of condition 4 (Waste Audit), condition 14 (Phasing Details), condition 16 (Details of roads, footpaths & open spaces), condition 20 (Method of Works Statement) and condition 22 (Surface Water Drainage Scheme) on planning application 20/0289/FUL  Land South Of Union Street , Middlesbrough , TS1 5PQ	Full Discharge Conditions
20/0684/ADV  Central	Installation of non-illuminated signage with individual letters  Melrose House , Melrose Street , Middlesbrough , TS1 2HZ	Approve with Conditions
20/0717/FUL  Marton East	Single storey extension to side and rear  50 Low Gill View , Middlesbrough , TS7 8BF	Approve with Conditions
20/0722/FUL  Park	Conversion of office space to additional bedroom and creation of 4 car parking spaces to front of 3 The Crescent and removal of 1no Conifer tree  3 - 5 The Crescent , Linthorpe , Middlesbrough , TS5 6SD	Approve with Conditions
20/0724/TPO  Marton East	Removal of 1no Willow tree and 1no Sycamore in rear garden and removal of 1no Willow tree and 1no Leylandi in front garden  69 The Grove , Marton , Middlesbrough , TS7 8AL	Part approve/Part refuse

20/0755/RES  Marton East	Reserved matters for the erection of 72 dwellings and garages with associated access and ancillary works on planning application 18/0477/OUT  Prissick Base , Ladgate Lane/Marton Avenue , Middlesbrough	Approve with Conditions
20/0771/FUL  Acklam	Part two storey extension/part first floor extension to side, single storey extension to side/rear and pitched roof over the existing garage offshoot and porch at front.  109 Hall Drive , Middlesbrough , TS5 7HX	Approve with Conditions
20/0774/DIS	Discharge of condition 3 (Materials),condition 4 (Railings) and condition 5 (Gates) on planning application 20/0333/FUL  Albert Park , Linthorpe Road , Middlesbrough	Approve
21/0005/FUL  Nunthorpe	Construction of detached storage and garage building (demolition of existing timber shed)  Nunthorpe Hall , Old Stokesley Road , Middlesbrough , TS7 ONP	Refuse and enforce
21/0006/LBC  Nunthorpe	Construction of detached storage and garage building (demolition of existing timber shed)  Nunthorpe Hall , Old Stokesley Road , Middlesbrough , TS7 ONP	Refuse and enforce
21/0017/ADV  Park	Replacement of existing advertisement board with 1no internally illuminated digital poster sign  460 Linthorpe Road , Middlesbrough , TS5 6JG	Approve with Conditions

21/0018/FUL  Nunthorpe	Extension to porch and installation of bay window to front and conversion of garage to habitable room  5 Leckfell Close , Middlesbrough , TS7 8PW	Approve with Conditions
21/0023/FUL  Coulby Newham	Single storey extension at rear and infill extension at side  55 Woodrush , Middlesbrough , TS8 0XB	Approve with Conditions
21/0024/FUL  Linthorpe	Single storey extension to rear (demolition of existing extension)  15 Clepstone Avenue , Middlesbrough , TS5 5LL	Approve with Conditions
21/0027/AMD  Central	Non material amendment to planning application 19/0443/FUL for alterations to western elevation to include new doorway and removal of external ramp and replacement stairs on southern elevation.  Royal Middlehaven House , 21 Gosford Street , Middlesbrough , TS2 1BB	Approve
21/0030/TPO  Nunthorpe	Removal of 2no Ornamental Cherry trees to rear  119 Guisborough Road , Middlesbrough , TS7 0JD	Approve with Conditions
21/0042/PNH  Trimdon	Single storey extension to rear  93 Trimdon Avenue , Middlesbrough , TS5 8SA	Prior Notification Not Required/No Obj

21/0047/COU  Central	Retrospective change of use of dwellinghouse (C3) to two self-contained student flats (Sui generis)  6 Falmouth Street , Middlesbrough , TS1 3HL	Approve with Conditions
21/0045/FUL  Nunthorpe	Single storey extension to rear  23 Fencote Grange , Middlesbrough , TS7 0AU	Approve with Conditions
21/0050/FUL  Central	Replacement roof to existing office area and entrance porch  30 Commercial Street , Middlesbrough , TS2 1JW	Approve with Conditions
21/0056/FUL  Nunthorpe	Single storey rear extension with flat roof (Demolition of existing single storey extension)  5 Marton Moor Road , Middlesbrough , TS7 0BL	Approve with Conditions
21/0125/DIS  Central	Discharge of condition 4 (Cycle store), condition 5 (Highway works), condition 8 (Surface Water Drainage - Management Plan) and condition 9 (Surface Water Drainage Management and Maintenance Plan) on planning application 20/0113/FUL  63 North Ormesby Road , Middlesbrough , TS4 2AF	Part Discharge Conditions

30 March 2021