

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday, 11 June 2021
Time: 1.30 p.m.
Venue: Council Chamber

AGENDA

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee – 9 April 2021 3 - 10
5. Schedule of Remaining Planning Applications to be Considered by Committee 11 - 42

Schedule (page 11)
Item 1 – Whimsey Nook, Stainton Way (pages 13 to 20)
Item 2 – 3 Marton Moor Road (pages 21 to 29)
Item 3 – St Cuthberts Youth and Community Centre (pages 31 to 42)
6. Applications Approved by the Head of Planning 43 - 68
7. Planning Appeals 69 - 80
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
Thursday, 3 June 2021

MEMBERSHIP

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.

Assistance in accessing information

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

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 9 April 2021.

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

ALSO IN ATTENDANCE: K Deen, B Hubbard and M Saunders

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

APOLOGIES FOR ABSENCE: Councillors J Rostron and J Thompson

20/43 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor J Hobson	Non-Pecuniary	Agenda Item 6, Item 2, Ward Councillor
Councilor G Wilson	Non-Pecuniary	Agenda Item 6, Item 5

20/44 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 5 MARCH 2021**

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

20/45 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 8 MARCH 2021**

The minutes of the meeting of the Planning and Development Committee held on 8 March 2021 were submitted and approved as a correct record.

20/46 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS

ORDERED that, in accordance with Council Procedure Rule No 5, the committee agreed to vary the order of business.

ORDERED that the following applications be determined as shown:

20/0045/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 (UPDATE)

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 at the last meeting of the Planning and Development Committee, Members had agreed to defer the application 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. Following the request from the committee, the information requested had been obtained from the Applicant.

The Development Control Manager provided a brief outline of what had been discussed at the previous meeting.

Members were informed that the dance school would run on Mondays, Wednesdays and Fridays and there would be approximately 25-29 children attending classes between 4.00 p.m. and 5.45 p.m. Then an older cohort of children/young people (10 to 16 years of age) would be attending classes between 6.15 p.m. and 8.30 p.m. in addition, on Saturdays, approximately 25 to 30 children and young people would be attending classes between 9 a.m. and 1.00 p.m.

It had been indicated by the Applicant that parents and carers dropped off and picked up their children but did not stay at the establishment. It was also advised that timings had been staggered to address traffic congestion.

In terms of competitions, those took place once a month from February to June and September to December. The competitions took place from 9.00 a.m. until 8.30 p.m. with approximately 25 to 30 children and young people taking part. The Applicant had also advised that coaches and mini buses did not access the site, as the competitions were local events.

Members were advised that the car park would be clearly marked and would include pick up/drop off zones.

The Development Control Manager advised that the recommendation was to approve the application with conditions, alongside the inclusion of an additional condition requiring parking spaces to be clearly marked on the site in order to allow maximum use of the car park.

Two Ward Councillors were elected to address the committee.

In summary, the Ward Councillors commented that they welcomed the application, however, given the parking issues associated with Pritchett Road and the junction of Pritchett Road/Ladgate Lane, it was requested that road markings be introduced to prevent parking across driveways and improve access at the junction. In response, the Highways Development Engineer advised that to undertake that work, a Traffic Regulation Order would need to be submitted to the Highways Team. The Development Control Manager advised that the request could be included as a suitably worded condition.

A representative of the Applicant was elected to address the committee, in support of the application.

In summary, the representative advised that measures had been introduced to reduce the impact of parking issues. Parents/carers had been provided with guidance and advice on drop offs/pick-ups and parking to reduce the impact on nearby residents. It was also commented that class sizes had been reduced and staggered drop offs and pick-ups had been introduced. The benefits that the dance studio would deliver to the local community were also outlined.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report and subject to the inclusion of an additional condition, outlined below:

Additional condition: Traffic Regulation Order

Within two months of the date of this approval, details of necessary Traffic Regulation Orders to install double yellow lines at the junction of Pritchett Road/Ladgate Lane and white H bar markings across driveways to residential properties shall have been submitted to and agreed in writing with the Local Planning Authority along with details of implementation. The scheme shall be completed in accordance with the approved details within three months of the proposed use commencing on site.

Reason: To prevent undue impacts to the freeflow of traffic and blocking of driveways taking into account the sites close proximity to a primary road and near to residential drives and having regard for Policy CS4 of the Local Plan and section 9 of the NPPF..

21/0058/FUL Erection of single storey community facility, comprising of a multi-use hall and 2 multi-purpose rooms with associated car park and external works at Site of Old Southlands Centre, Ormesby Road, Middlesbrough for Environment and Commercial Services

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 single storey community facility, with associated works, on the site of the former Southlands Centre.

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

Planning permission was 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 was noted that the proposed development formed part of a phased development (funding permitting), with the submitted application being the first phase.

The Development Control Manager made reference to a misprint in paragraph 17 of the submitted report (see bold text). Members heard that 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 that vehicular access point from the south would inevitably increase vehicular movements through the established residential area and would affect residential amenity. The increase of traffic was **not** 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.

Members were asked to note that consultation with surrounding neighbours was still underway and did not expire until the 16 April 2021. The reason it had been requested that Members considered the application, prior to the consultation period ending, was due to there being no meetings of the Planning and Development Committee scheduled for May. The gap between meetings was therefore in excess of 8 weeks, which created issues in respect of the scheduling of works, should the scheme be approved.

Members were advised that following the publication of the agenda, several comments had been submitted in respect of the proposal. Those comments were outlined to the committee:

- The Planning Policy Team had no planning policy concerns and the application accorded with the development plan.
- Environment Health had requested that conditions be imposed in respect of restricting amplified music, limiting hours of operation and conducting assessments for noise and ground remediation.
- Waste Policy Team had requested level access for waste collection and for the turning of refuse vehicles.
- A resident of Endeston Road had expressed concern with the proposed vehicular access to the development, given the congestion issues that were already encountered. It was also requested that the access should be taken off Ormesby Road, which had been the arrangement previously.
- Sport England had raised an objection to the proposal, due to the loss of playing pitches. The Development Control Manager advised that further dialogue with Sport England was required, giving regard for the Southlands site replacing lost pitches that had resulted from the granting of planning permission for the Marton Avenue application. Members were advised that if they were minded to approve the application, and Sports England did not retract their objection, the issue would be referred to the Secretary of State for consideration and a decision.

The application was recommended for approval with conditions, subject to final consideration of all matters raised as part of the consultation process being delegated to the Head of Planning for final decision, in consultation with the Chair and Vice-Chair of the Planning and Development Committee.

A discussion ensued and Members expressed the following concerns:

- the consultation period on the proposal had not been concluded;
- the proposed vehicular access would increase vehicular movements through the

- established residential area and would affect residential amenity; and
- the loss of playing pitches and the potential impact on local residents.

Members queried why the access off Ormesby Road was not being utilised.

Two Ward Councillors were elected to address the committee.

In summary, the Ward Councillors:

- thanked all those involved in the development of the proposal, including officers, elected members and the local community;
- commented that the access/egress to the site needed to be reconsidered;
- requested that access/egress to the site via the southern entrance (through the residential housing estates) should only provide access to emergency vehicles;
- advised that local residents had expressed concerns with the vehicular access point from the south through the established residential area and the impact on safety;
- requested removal of shrubs along Finchale Avenue to improve landscaping and surveillance; and
- queried the location of the entrance to the development and enquired whether the entrance could face the previous access point to the site, located on Ormesby Road.

Several Members commented that they were in agreement with the issues raised by the Ward Councillors and the concerns in respect of access/egress to the site via the southern entrance. Members commented that further information was required regarding the orientation of the building, the access arrangements and the comments received in response to the consultation.

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

To allow the consultation phase to complete and to allow further discussion of the proposal relative to its access, position and layout.

20/0692/FUL Permanent siting of restored railway carriage for use as guest accommodation at Ryehill House, East Brass Castle Lane, Middlesbrough for Mrs Susan Holmes (UPDATE)

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 provided a brief outline of what had been discussed at the previous meeting.

The reason the application had been originally deferred was to ascertain additional information in relation to parking, traffic and turning associated with the proposal and with the other property served off the private drive.

It was considered that the additional information adequately demonstrated that there was sufficient space for parking and turning of vehicles associated with the proposed accommodation, subject to it being provided and laid out. Furthermore, it would not affect the existing operation of the Bed and Breakfast or properties in the wider area.

Highways concerns had been raised by various local residents. The site plan submitted in support of the application, indicated that guests arriving to the site would enter via the private track road south of Brass Castle Lane and that six parking spaces would be made available for guests adjacent the train carriage, three either side of the road. Although it was anticipated there would 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, were adequate and would have minimal impact on other residents in the area.

The Development Control Manager advised that access/egress and parking concerns largely referred to the existing Bed and Breakfast use at the main building, rather than at the proposal

site. Although the proposal was a similar use it would operate separately and would occupy a fairly secluded position to the north of the main building, away from existing residents.

Several images were displayed, showing the access via the private track road and the parking spaces that would be available for use.

Officer recommendation was to approve the application, subject to conditions relating to the removal of the carriage, drainage, waste storage, vehicle parking and the carriage base.

A discussion ensued and Members commented that the development would prejudice the character and landscape of the local area and impact on the amenity of nearby residents. Members expressed concern in relation to the location of the carriage and its proximity to the Brass Castle Lane.

Members questioned whether the proposed carriage could be located elsewhere within the site, away from its junction with Brass Castle Lane. The Development Control Manager advised that the Applicant did not own the agricultural land adjoining the proposed development site and as such the location of the carriage may be restricted.

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

Impact on the character of the area

In the opinion of the Local Planning Authority, the proposed railway carriage would serve to be an alien feature within the designated 'Special Landscape Area' detracting from the special scenic character and quality of the landscape and not reflecting the local scale and character of buildings in the area, and being visible from outside the immediate site, thereby being contrary to saved Local Plan Policy E21 (Special Landscape Areas). Furthermore, the proposed development in changing the character of the area would serve to have an adverse effect on the general amenities of occupiers of the approved residential property to the north of the site.

20/0742/FUL Change of use from car wash (sui generis) to retail unit Class E(a) at 436 Linthorpe Road Middlesbrough for Mr K Gafoor

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.

Planning permission was sought to change the use of the previous car wash to a retail unit with associated parking.

The Applicant had submitted a sequential assessment to support the application, which had adequately demonstrated the site as being appropriate for the use and that retail premises could be located on the site without having a detrimental impact on the vitality and viability of the nearby local centre.

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

The Development Control Manager advised that the proposal would remove access and parking for the four residential units at 4-12 Stonehouse Street and that there was an ongoing land ownership dispute relating to the site. Land ownership was not specifically a planning matter but what was important was that approval of one scheme did not undermine another on material planning grounds. Planning approval could be granted, but not necessarily implemented, if other legal restrictions prevented it from being lawful.

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 had been 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 had been completed with that submission indicating that the whole of the site was within the applicant's ownership. The application had been subsequently approved. The area where the parking spaces were located was now shown within the site boundary for the current application and the Applicant had completed the certificate indicating ownership of the site. It was understood that the current applicant did own the land and that the land dispute related to specific rights of use of land. Notwithstanding that, it was not possible for planning to resolve or provide an assessment over rights of use as that was a legal matter to be determined by the courts.

In that instance, there was a dispute over the area of vehicle parking which formed part of the previous approval for the flats at Stonehouse Street. If the outcome of the dispute determined that the land in question was not within the ownership of the Applicant for the proposal, then, that would result in a shortfall of five parking spaces associated with the supermarket use. The parking standards set out in the Teesside Design Guide were a maximum level and consideration had therefore been given to the potential impact of a short fall of five spaces on the surrounding highway network. The Council's Highway Officer had indicated that, due to its proximity to the Town Centre and sustainable forms of transport, there was an expectation that some customers would 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.

Consideration had been given to the issues raised by local residents and those issues had been addressed in the submitted report. It was considered that the proposal would not result in a significant increase in terms of noise and disturbance to local residents. Traffic generation information, provided with the application, had been considered and demonstrated that the proposal would not have an undue impact on the highway network.

The proposed change of use was considered to be in accordance with both local and national planning policies and the officer recommendation was to approve, subject to conditions. It was also advised that the inclusion of an additional condition would stipulate the submission of plans to show the layout of parking and pedestrian routes, to ensure reasonable pedestrian access.

In response to queries raised by Members in respect of parking provision, the Transport Development Engineer advised that the level of parking associated with the site was in accordance with the maximum requirements set out in the Teesside Highway Design Guide. In terms of maximum requirements, as a retail unit, it was commented that the development should provide no more than 26 parking spaces. The maximum standard of 26 parking spaces were shown in the plans and 5 car parking spaces were in dispute. Therefore, if 5 spaces were not provided, that would reduce the number of spaces to 21. It was commented that 21 spaces would still provide an adequate level of parking, given the location of the site.

A discussion ensued regarding parking provision. Several Members commented that, as additional parking provision could be accessible in the locality and there was an expectation that some customers would walk to the retail unit or arrive by bus, they would agreeable to approving the application if 21 spaces were provided. It was also hoped that providing that approval would assist in resolving the ongoing legal dispute.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report and subject to the inclusion of an additional condition, outlined below:

Car and Cycle Parking Laid Out

Notwithstanding the approved plans, details of the parking layout and footpath arrangement within the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the building. The layout as approved by this condition shall be laid out on site prior to the use hereby approved being open to the public and shall thereafter be retained in perpetuity unless otherwise agreed in writing by the Local Authority.

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.

20/0760/FUL Erection of pergola with glass panels to side over outdoor seating area to front at 249 Acklam Road, Middlesbrough for Mr Shaun Crake

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 application site was a drinking establishment located in the Acklam Local Centre. Planning permission was 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.

The application site was 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) had been granted in April 2019 and the use was in operation. The application site occupied the ground floor of a two storey property with a 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 had subsequently been built up to make it level to provide an outdoor seating area for the current use, that part of the development had been approved retrospectively in February 2020.

Planning permission was now sought to partially enclose the raised seating area with a three quarter height glass balustrade and a polycarbonate roof with timber supports.

Following the usual consultation process, three objections had been received. The comments related to issues such as loss of privacy, noise and disturbance and parking issues. It was commented that many of the objections raised referred to the permissions that had previously been granted. It was commented however, that as the proposal would provide an enclosed seating area, the levels of noise and disturbance could occur for longer periods of time.

The proposal had been assessed against local policy and guidance and was considered to be an acceptable form of development that would not have any notable effect on the character of the area, would serve to contain an outdoor seating area and, given its design and relationship to surrounding properties, would not have any significant impact on the amenity of occupiers of nearby properties above the existing situation.

The Development Control Manager advised that the proposal was recommended for approval.

A Member raised a query in respect of the access to the residential flat above. In response, the Development Control Manager advised that concerns had been raised by officers and the positioning of the proposed balustrade had been amended from its initial submission to leave the access path to the flat outside of the balustrade area, which would now serve to provide a direct and demarcated access to the flat.

A discussion ensued and Members commented that the proposal would improve the appearance of the establishment and reduce the levels of noise and disturbance by utilising screening.

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

20/47 **APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

NOTED

20/48 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

The Development Control Manager provided Members with information on the outcome of an appeal, which had recently been submitted by Persimmon Homes.

Appeal Ref: APP/W0734/W/20/3262389 - Land immediately south of Nunthorpe Gardens / North of A1043, Nunthorpe, Middlesbrough (Known as Nunthorpe Grange)

Appeal Dismissed

The development proposed was the erection of 97no residential dwellings with associated access, landscaping and infrastructure.

The main issue was whether the appeal proposal would achieve a well-designed place, with particular regard to its relationship to the character of the surrounding area and car parking arrangements.

As a result of the density of the scheme, the Inspector had commented that the proposal would subsequently fail to respond positively to existing local character and identity.

NOTED

Planning & Development Committee - 11th June 2021

Town planning applications which require special consideration

1	21/0064/COU Stainton And Thornton	Applicant Mr & Mrs Kevin & Kathleen Wanless Agent	Retrospective extension to residential curtilage with boundary fencing and wall to front. Whimsey Nook , Stainton Way , Middlesbrough , TS8 9DF
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2	21/0109/FUL Nunthorpe	Applicant Chloe Brodrick Agent Mr Gordon Henderson	Erection of detached domestic garage building to rear 3 Marton Moor Road , Middlesbrough , TS7 0BL
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3	21/0247/COU Newport	Applicant Mr Russell Towers Agent Mr John Taylor	Part change of use from church and community centre (D1) to public house (A4) with associated outdoor seating area St Cuthberts Youth And Community Centre , Newport Road , Middlesbrough , TS5 4BYI
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APPLICATION DETAILS

Application No:	21/0064/COU
Location:	Whimsey Nook Stainton Way Middlesbrough TS8 9DF
Proposal:	Retrospective extension to residential curtilage with boundary fencing and wall to front.
Applicant:	Mr & Mrs Kevin & Kathleen Wanless
Ward:	Stainton and Thornton
Recommendation:	Approve with Conditions

SUMMARY

Retrospective planning permission is sought for the change of use of land to residential curtilage and erection of a boundary wall to the front. Extension to the curtilage has taken place on both the side and rear boundaries of the site with a total land take of approximately 719m².

Consideration was given to the principle of the change of use and whether this would restrict future development of the adjacent site thereby hampering the implementation of the Councils policies in relation to the wider Hemlington Grange area.

One objection to the application was received in relation to the loss of council land.

In relation to the site to the east, it was found that the potential for development of this site was already severely restricted due to its limited width and position between the application property and the access road. The reduction of the site resulting from the change to residential curtilage is considered to not result in any further significant loss of development potential that would be detrimental to the delivery of the wider objectives for Hemlington Grange.

Consideration was also given to the impact of the reduction in size of the wider site that surrounds the application property. It was found that the land that has been changed to residential curtilage is only a small percentage of the development site and as such, it is unlikely to have a material effect on future development proposals.

In assessing the impact of the front boundary wall, it was considered that it would not have an adverse impact on the character of the area, residential amenity or highway safety.

The proposed change of use of the land to residential curtilage is contrary to the Local Plan in terms of the allocation in the development plan although in this instance it is considered to not undermine the principle of the policy and would not serve to impede its implementation.

With regards to being in keeping with its surrounding and of an appropriate scale and design, the proposals are considered to be in accordance with relevant policies. The officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

Whimsey Nook is a relatively isolated property located on the southern side of Stainton Way. The site is bounded on both sides and to the rear by open land. Cleveland Community Safety Hub is located to the west, the access road to the Community Hub and the wider Hemlington Grange site is to the east with residential development beyond.

The site of the existing property (prior to the unauthorised expansion of residential curtilage) is not allocated for any specific purposes in the Local Plan and is in use for residential purposes. Land immediately abutting the site to the west east and south is allocated as employment land and is part of the Hemlington Grange site identified in the Development Plan.

The original property at the site was a smaller single storey dwelling that was extended in 2015. At the time of the works being carried out, the boundary of the property was also extended by:

- approx.. 7.5 – 8m on the north eastern boundary;
- approx.. 4.3m along the south eastern boundary and
- between 3.8 and 4.3m along the south western boundary.

The original area of the site was approx.. 1040m² and has been increased by approx.. 720m² to 1,760m²

Within the extended garden area, part of the land that has been raised and fencing erected around the side and rear boundaries. The raised land and the part of the fence to the rear of the property that is more than 2m in height require planning permission but details of the works are not included in this application. Where development has been in place for more than four years it falls outside of planning control, in this case the work was carried out some time after 2015 but the exact date is not known and as such, it is not clear if the development is established. In any event, the raised ground area sits behind fencing so is not visible from the wider area. The raised part of the fence is not considered to be overbearing in terms of appearance and is located to the rear of the property so is not highly visible from Stainton Way. In view of the uncertainty over the timing of the works and their limited impact, it is the Development Control view that it is not expedient to take any further action in relation to these works. The fencing that is less than 2m in height does not require planning permission.

The four year rule does not apply to the change of use a of the land. Planning legislation dictates that the use needs to have be in place for 10 years before it becomes established. A 2m high feature brick wall built has been partially constructed to the front of the property more recently and so requires planning permission.

The land that has been incorporated into the site is owned by the Council, it was originally agricultural land but it is not known when it was last used for this purpose. Retrospective planning permission is now sought for the change of use to residential curtilage and for the wall that has been partially constructed.

It is understood that the applicant has been in negotiations with the Council and agreed terms for purchasing the land and that planning permission is required before any purchase can be agreed, however, the terms of the negotiation are not a material planning considerations and so cannot be taken into account in reaching a decision.

PLANNING HISTORY

M/FP/0724/14/P Conversion of existing bungalow, including single storey extensions to front/side and rear to create dormer bungalow with room in roof space Approve with Conditions

18th August 2014

M/FP/0925/14/P Demolition of existing bungalow and erection of new dormer bungalow Approve with Conditions but not implemented.

29th December 2014

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for

sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

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

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

DC1 - General Development
CS5 - Design
H7 - Hemlington Grange
H24 - Hemlington Grange Employment Uses

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

CONSULTATION AND PUBLICITY RESPONSES

Stainton and Thornton Parish Council

No comments received.

Public Responses

Nearby Neighbours were notified of the proposal, one objection was received from:

Mr Dennison 7 Rowan Grove

The objection can be summarised as follows:

Loss of Council Land

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

Site notice posted –
24th February 2021

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 land that this application relates to is within the Hemlington Grange Area where Policies H7 and H23-24 Apply. Policy H7 (Hemlington Grange) identifies that this location will be developed to create a sustainable community of 1,230 dwellings and 8ha of employment land. Policy H24 identifies the western part of Hemlington Grange, where the application site is located, as being suitable for uses that fall within use classes B1, B2 and B8 Employment uses

Principle

4. The extension to the residential curtilage encroaches into land that is allocated for employment use and as such, the proposal is contrary to the adopted development plan. In view of this consideration is given to the impact this will have on the future development potential of the surrounding area for the purposes set out in the plan. Although the Strategic Policy Team were not formally consulted, following discussion with the Head of Service the principles set out in the following paragraphs were agreed.
5. The extension of residential curtilage along the north eastern boundary projects approximately 8m into an area of open land that adjoins the access road to the wider Hemlington Grange Development site. The approved plans for the residential development on the other side of the road show a footpath with landscaping along the edge of the carriageway with a total depth of approximately 23m between the edge of the carriage way and the front of the proposed dwellings. Prior to the curtilage being extended, there was a distance of approximately 36m between the boundary of the site and the edge of the carriageway and its reduction by approx. 8m, down to 28m, is considered to retain a meaningful area of land whether this be utilised as a landscaped entrance to the site or with some form of development on it. Assuming a similar arrangement is carried out, this would leave 13m of developable land. It is unlikely that any sort of meaningful development that would be appropriate for the entrance to the site could be accomplished in this space and the land is most likely to contribute to additional landscaping provision and will not unduly curtail the potential for development over and above the existing situation.
6. In respect of the extensions to the other two boundaries, they have both been extended by just over 4m in width. When this is considered along with the north-eastern boundary extension, the total area of land involved is approximately 719m². This represents around 4% of the development site that immediately surrounds Whimsey Nook. Currently, there are no planning applications for development at this site and therefore no approved layout of the land relating to this site or the immediate

surroundings. In view of the limited percentage of land take within the site, it is considered that this proposal will not impede or hinder the implementation of the Local Plan Policy.

7. In view of the above, it is considered that although the proposed use does not accord with the uses set out in Policy H24 of adopted Development Plan, the extension of the curtilage of this existing residential premises will not unduly impact the potential for future development of the wider site. Nor will it prevent the implementation of the Council's policies set out in the Local Plan to develop a sustainable residential and employment. As such, the change of use to residential curtilage is considered to be acceptable in principle.

Appearance

8. The Urban Design Guide states that development should be consistent with the design of the original dwelling and should enhance, not detract from the character of the area.
9. The boundary wall to the front of the property has been partially constructed. Plans submitted with the application show a wall across the front of the site comprising 11no. 2.3m high brick pillars topped with coping stones with curve topped walling in between. 2no. 2.8m high pillars sit aside wrought iron gates to provide vehicular access with a separate pedestrian access provided. There are no other solid boundary treatments in this location to compare against, however, the design and materials of the wall and gates are considered to be of an appropriate scale in relation to the existing dwelling. It is considered that once the wall is completed it will present a high quality feature in the street scene.
10. 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), the Urban Design Guide.

Impact

11. There are no dwellings or buildings in close proximity to the site and as such there is little prospect of impact on residential amenity. The proposal is therefore in accordance with policy DC1 (test c).

Highways

12. Access to the site is off a narrow lane that is part of the adopted highway and set back from Stainton Way. The proposed walls are located so that they do not disrupt visibility at the access to Stainton Way. The entrance gates are set back from the main wall which will allow inter-visibility between vehicles egressing the site and pedestrians on the access lane. The proposal will not result in loss of parking at the site and will not therefore result in a demand for additional on street parking. In view of the above there will be no impact on the safe operation of the highway in accordance with policy DC1 (test d).

Other matters

13. Comment was made that Council land had been taken without permission and that the size of the site has been increased by 70%. Negotiations for the sale of the land have taken place and as outlined above, and the act of taking the land without permission is not a material planning consideration and cannot therefore be taken into account in reaching a decision on this application. With regards to the amount of land that has been incorporated which forms the basis of this application, this has been assessed above.

Conclusion

14. The proposal has been assessed against local policy and guidance and it is considered that the change of use to residential curtilage will not significantly restrict development of the wider site. The boundary treatment will, once it is completed, be in keeping with the scale and design of the host property and is appropriate to its setting. The development will not have an adverse impact on residential amenity or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Approved Plans - Retrospective
The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:
- a) Location Plan received 4th February 2021 and,
 - b) Existing and proposed site plans Drawing No. Received KW/WN/BS01
 - c) Layout and elevations of boundary Wall received 1st March 2021

This approval only relates to the details on the above plans and specifications, it does not relate to any other works.

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

REASON FOR APPROVAL

This application is satisfactory in that although the residential use does not accord with the acceptable uses for this site set out in policies H7, H24 of the Local Council's Local Development Framework, it will not prevent development of the wider site and as such the principles of policy H7 and H24 can still be realised.

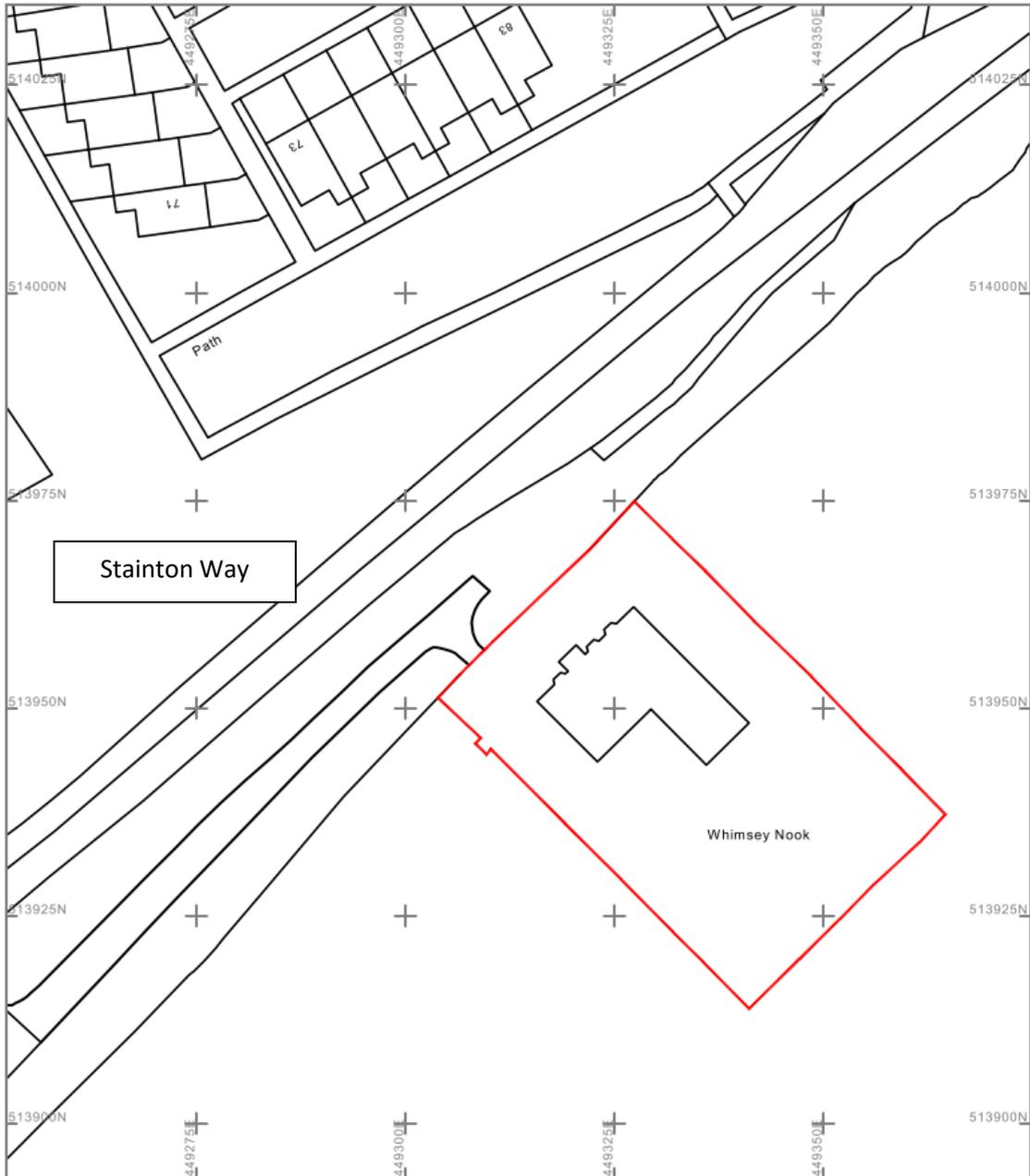
The boundary wall accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS5, of the Council's Local Development Framework). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018) In particular the wall is designed so that its appearance is complementary to the existing dwellinghouse and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The wall will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

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: 11th June 2021

Appendix 1: Location Plan



APPLICATION DETAILS

Application No:	21/0109/FUL
Location:	3 Marton Moor Road, Middlesbrough
Proposal:	Erection of detached domestic garage building to rear
Applicant:	Chloe Brodrick
Ward:	Nunthorpe
Recommendation:	Approve with Conditions

SUMMARY

The application site is a mid-terraced two storey residential property located to the north side of Marton Moor Road and the proposal is to remove the existing rear boundary which is made up of brick pillars with roller shutter door and construct a detached, pitched roof garage. The scheme has been amended since its initial submission which included a higher roof and an additional floor with 2 windows within the 1st floor. The amendment has reduced the height of the proposed building and for it to be single storey only.

The proposed garage will be at the end of the rear garden adjacent to the rear lane / track which provides this terrace of properties with rear access. The dimensions of the proposed garage are 5.46m by 5.5m in footprint, eaves height of 2.3m and ridge height of approx. 4.2m.

The private rear garden is enclosed by a boundary fence to the sides (approximately 1.8m high) and a roller shutter door used as a fence to the rear. There are neighbouring dwellings on each side and on the other side of the back lane. Whilst the proposed garage is relatively large and will have some impacts on adjacent properties, in view of the reduced height of the proposal, the presence of adjacent garage buildings, officers consider the proposal is acceptable, being in keeping with the site and immediate surroundings.

Objections relate mainly to the scale of the building and its close proximity to the adjacent properties and the resultant loss of light and the general overbearing impact.

The proposed garage is considered to be of good design and of a scale which will not unduly affect adjacent properties or the character of the area. The officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a mid-terraced two storey residential property located to the north side of Marton Moor Road. There is a back lane serving the rear of properties within the terrace with a church on the opposing side of the back lane.

The application site already has a large steel roller shutter door on the rear boundary. This proposal seeks planning approval for the erection of a detached domestic garage (the roller shutter door would then be removed after construction of the new garage). The proposed building would be situated at the bottom of the rear garden adjacent to the back lane where vehicular access is currently obtained. The dimensions of the proposed garage are 5.46m by 5.5m and a maximum height (from ground level) of approx. 4.2m and eaves height of 2.3m. The garage is shown having a pitched roof and being constructed with brick walls and concrete roof tiles.

The garage was initially proposed having a higher roof and room within the roof space albeit with a smaller footprint. Officers considered the scale of the initially proposed scheme would be overbearing and requested the building size be reduced. The revised plans have removed the first floor and removed two windows which were intended to serve the 1st floor.

The private rear garden is enclosed by a boundary fence to the sides (approximately 1.8m high) and open to the rear. There are neighbouring dwellings on each side and on the other side of the back lane.

PLANNING HISTORY

Previous planning permissions for the property include:-
20/0708/PNH – Single storey extension to rear, dealt with in December 2020.

M/FP/0696/15/P - Single storey extension at side/rear (demolition of existing extension), approved July 2015.

M/AMD/0819/12/P - Non-material amendment to M/FP/0819/12/P for additional window to side elevation, approved in September 2013.

M/FP/0819/12/P - Single storey extension to side (demolition of existing conservatory), approved in October 2012.

PLANNING POLICY

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

- The provisions of the Development Plan, so far as material to the application

- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

CS5 - Design
 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>

CONSULTATION AND PUBLICITY RESPONSES

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

Parish Council

No responses received.

Number of original neighbour consultations	4
Total numbers of comments received	7 (from 3 properties)
Total number of objections	7
Total number of support	0
Total number of representations	7

Following consultation 7 responses were received. The following issues were raised:

- an overbearing impact,
- impacts on privacy,
- loss of light,
- commercial use,
- impact on historical character of the area,
- drainage,
- not in keeping;
- height (two storey),
- issues with the construction of an extension to the house; and,
- not being consulted on the application.

Comments were received from the following addresses:

- 1 Marton Moor Road
- 5 Marton Moor Road
- 7 Marton Moor Road

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the impacts on the character and appearance of the dwelling, street scene, the impacts on the privacy and amenity of the neighbouring properties and the impact on highway provision/safety. These and other matters are considered as follows;

Character and appearance

2. The property is sat with a terrace of six on the north side of Marton Moor Road, adjacent to Nunthorpe railway station. To the rear of the property is, a back lane with a church to the north of that. The dwellings are red brick at ground floor with render to the first floor, with small front gardens with boundary hedges adjacent to the footpath. The properties have no vehicular access to the front, this is taken off the back lane to the rear accessed via Rockwood Road.
3. There are five garage buildings to the rear of the group of six terraced houses, all separate from the houses at the bottom (north end) of the respective gardens. No.3 (the application property) is the only property within the terrace group without a garage to the rear. The existing garages are a mixture of pebble dash, and red brick, but all

have metal doors and are flat roofed. The application site currently has a roller shutter vehicle door in the rear boundary wall.

4. The proposed garage building would be detached and abut the rear lane as per the other garages serving this group of terraced properties. The garage is shown having a pitched roof and although this is contrasting with the other garages in the immediate vicinity, it accords with the principles of the Middlesbrough design guide which in general doesn't support flat roofed additions. Following discussions with the agent the height of the building has been further reduced to 4.3m (2.3m to the eaves).
5. The proposed detached garage building is modest in comparison to the main dwelling and garden plot, is of acceptable design and will be constructed of appropriately matching materials that will not affect the street scene. It is set back from the host dwelling, to the bottom of the rear garden and will not be visible from the Marton Moor Road. It will be constructed from materials reflective of those used in other garages serving the group of properties, and a condition can be added to any approval to ensure that finishing materials are approved by the Local Planning Authority prior to commencement.
6. It is therefore felt that the proposed garage will not have a harmful impact upon the character and appearance of the dwelling, the street scene, or the neighbourhood. The development is considered to be in accordance with the requirements of policy CS5 and the Middlesbrough Design Guide in these regards.

Impacts on privacy and amenity

7. The proposed garage has been designed with a garage door on the north elevation (out to the lane) and a window on the south elevation, which faces down the rear garden. There are windows proposed on the east and west elevation, facing no 1 and no 5. As there is a boundary fence in position and no windows facing into neighbouring gardens, there should not be the potential for overlooking to either neighbouring property.
8. The proposed garage is close to the northern boundary of the garden plot, similar to that of the neighbouring garages. As the detached garages are more or less in a row, east to west and separated from their relative host dwellings, any potential loss of sunlight and overshadowing would be onto a neighbouring garage, rather than the terrace of dwellings or their gardens. The proposed extension is considered not to have a notable overbearing impact on immediate neighbouring properties, amenity space or loss of sunlight.
9. It is considered that the size and siting would not have an overbearing upon neighbouring properties. The development is considered to be in accordance with the requirements of policy DC1.

Highways

10. The proposal will not create anymore bedrooms and the vehicular access arrangements are unchanged. The parking arrangements of the back road are not changing, so a garage in the place of a parking space should not cause any negative effects on parking or access (including those of the emergency services). The development will not result in any notable impact on the local highway network in relation to safety or capacity. The development is considered to be in accordance with the requirements of policy DC1.

Other issues

11. With regard to the potential for the building being used for commercial purposes, the LPA are careful to describe the development as 'domestic garage' to overcome this issue and make it very clear the site is not for business use. In addition should the proposed garage be used as a dwelling, planning permission would need to be sought.
12. Issues with the extension to the existing dwelling (application 20/0708/PNH) cannot be considered as part of this application.

Conclusion

13. Taking all of the above into account it is considered that the proposal will not cause significant harm to the amenities of the neighbours or the appearance of the dwelling or the surrounding area. The application is therefore recommended for approval.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

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

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

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

Reason: To ensure the use of satisfactory materials.

3. **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) Proposed site plan, received 27 May 2021
- b) Proposed elevation and floor plan 01 Rev A, received 27 May 2021

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

REASON FOR APPROVAL

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the site location and there will be no demonstrable adverse impact on adjacent residential amenity.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF

Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

INFORMATIVES

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.

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

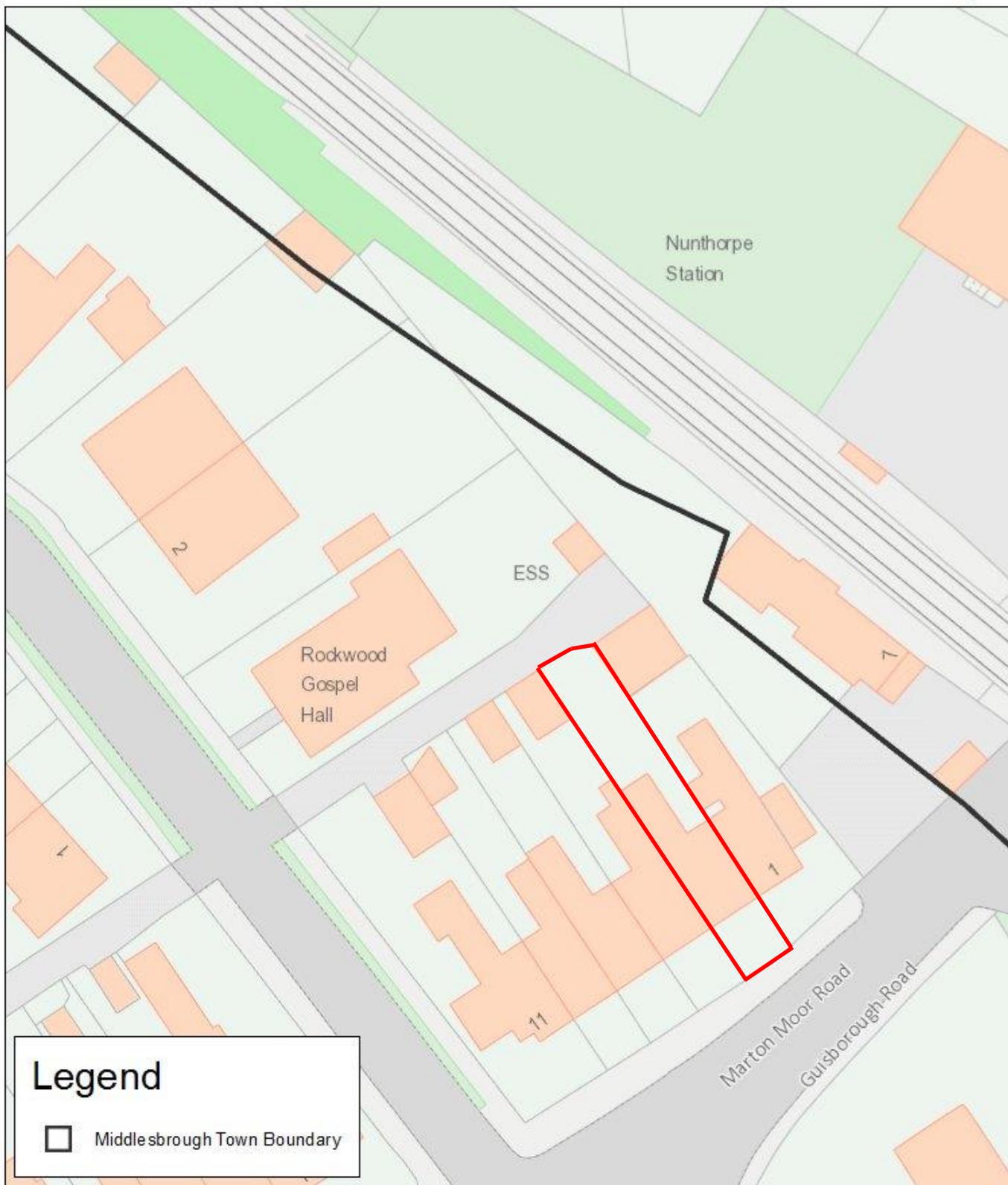
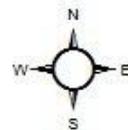
Rights of Access/Encroachment

This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.

Case Officer: Justine Forrest

Committee Date: 11th June 2021

Location Plan - 3 Marton Moor Road



Legend

□ Middlesbrough Town Boundary

Middlesbrough
moving forward

Middlesbrough Council
Civic Centre, Middlesbrough, TS1 2RH
Tel: 01642 726001

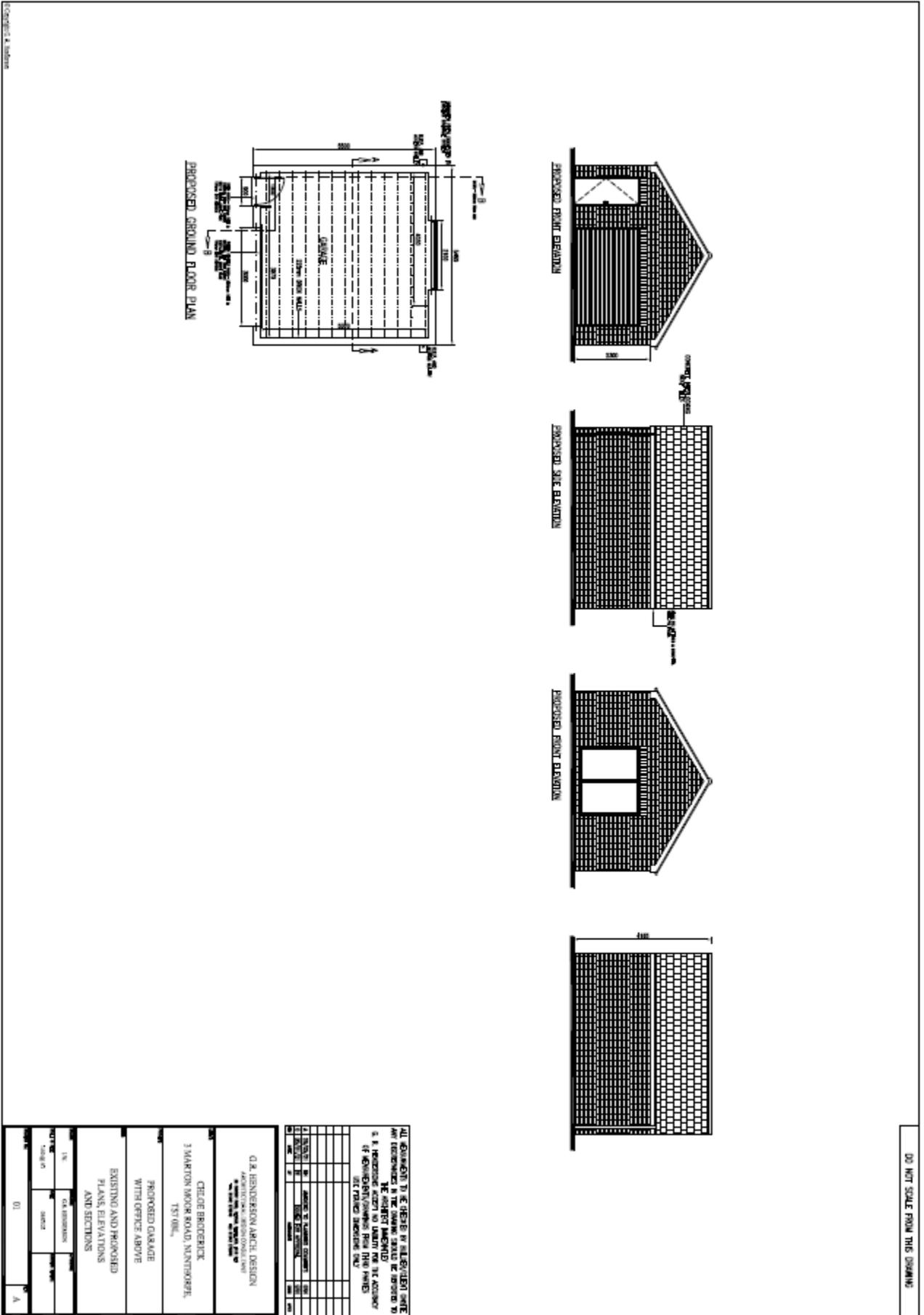
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Appendix 2: Elevations



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APPLICATION DETAILS

Application No:	21/0247/COU
Location:	Former St Cuthberts Youth and Community Centre, Newport Road, Middlesbrough TS5 4BY
Proposal:	Part change of use from church and community centre (D1) to public house (A4) with associated outdoor seating area
Applicant:	Russell Towers
Agent:	Parker Barras
Ward:	Newport
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning permission to use part of the existing community centre as a drinking establishment (A4). Although there are no significant alterations to the external appearance of the premises, part of the curtilage (between the building and the church to the north) is proposed for use as an outdoor drinking area.

The key issues to be considered as part of this application are the principle of a town centre use being situated outside any designated centre, and the potential detrimental impacts of the use and its associated operations (for example, any deliveries, refuse collections and outdoor seating area use) on the nearby residential properties.

The application under consideration is a resubmission of a previous application (20/0205/FUL). Members of the Planning Committee refused the preceding application in November 2020, as it was considered that the proposed use and its associated activities would result in undue noise and disturbance upon the nearby local residents.

The application has been supported by a Sequential Assessment in order to provide justification for the proposed use in this edge-of-centre location. Whilst it is the officer conclusion that the application fails the sequential approach, it is considered that the scale of the use would not be harmful to the vitality and viability of Middlesbrough Town Centre or any other recognised local centre.

To address the concerns of Members, the application has also been supported by a Noise Assessment, which considers the potential noise and disturbance from the use. The

assessment estimates the expected levels of noise from the premises and concludes that there is very little likelihood of any adverse noise impacts from the proposed development.

With its location in close proximity to residential properties, two objections have been received based on the likely noise and associated disturbance from the use on local amenity. The application has also received 66 letters of support, although many of these are from beyond the immediate community. Officers have worked closely with the applicant in order to seek a potential solution, which has resulted in conditions restricting hours of opening and refuse collection, as well as the undertaking of a noise risk assessment to mitigate for any increased noise levels within the outdoor seating area.

On balance, it is the officer view that the proposed change of use of part of the existing community centre to a drinking establishment is acceptable, and it is the officer recommendation to approve conditionally.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site forms part of a church and community hall which is situated at the western end of Newport Road. The existing hall forms a D1 planning use and historically formed part of the curtilage with the former church to the north, which is now operating as a dance studio.

The application seeks planning permission for a partial change of use of the existing community hall (D1) to a drinking establishment (A4). An outdoor seating area is proposed as part of the application, which sits on the northern side of the building. No other external alterations are proposed as part of the application.

PLANNING HISTORY

20/0205/FUL

Part change of use from church and community centre (D1) to a public house (A4).

Officer recommendation of Approve Conditionally.

The application was refused by Members of the Committee at its meeting on 30th November 2020 owing to the likely undue noise and disturbance on the amenities of nearby residential occupiers.

PLANNING POLICY

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

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

- Any other material considerations.

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

H1 - Spatial Strategy
 CS4 - Sustainable Development
 CS5 - Design
 DC1 - General Development
 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>

CONSULTATION AND PUBLICITY RESPONSES

The application was subject to the standard notification of neighbouring properties, which included 100 different addresses.

After the statutory consultation period, two objections were received. In summary, the comments were as follows:

- Likely anti-social behaviour from the proposed use.
- There will be no privacy or security to private gardens nearby.
- The noise and disturbance from the proposal. Enough noise from the A66 already.
- The former youth club in the old church generated noise and disturbance. The proposed drinking establishment will generate similar - Levels of noise and disturbance.
- The majority of customers will use the pathway behind our properties creating noise and disturbance.

The consultation period also resulted in sixty-six letters of support, although most of these are from outside the local community.

Responses from Internal Technical Consultees

MBC Planning Policy – The proposed development fails the sequential assessment, although a drinking establishment in this area is not expected to harm the town centre or any designated nearby centre.

MBC Environmental Health – No objections subject to two conditions: restrictions on the collection times of the refuse, and the hours of use of the outdoor seating area.

MBC Highways – No objections as the levels of traffic expected as part of the use are not likely to materially affect the highway network.

MBC Waste Policy – No objections.

Public Responses

Number of original neighbour consultations	100
Total numbers of comments received	68
Total number of objections	2
Total number of support	66
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. The application under consideration represents a resubmission of one that was refused (20/0205/FUL) by Members of the Planning Committee at its meeting in November 2020. Although the principle of a drinking establishment in this location was considered to be acceptable and that there would be no detrimental impacts on other nearby designated centres, Members expressed concerns over the potential impacts of the intended use on the neighbouring occupiers in terms of their residential amenities. Ultimately, the previous application was refused as it was considered that the proposed use and its associated activities would result in undue noise and disturbance for surrounding residents.
2. Seeking to address these concerns, the applicant has repositioned the outdoor seating area (previously at the rear of the site; now to the north of the building) and commissioned a noise impact assessment, which considers the implications of noise on the surrounding area. The assessment and its findings will be discussed later in the report.

Local Planning Policy Context and Assessment

3. Within the Council's adopted Proposals Map, the application site is not allocated for any particular purpose and has no specific designations. The application will, therefore, be determined on its own merits. As the application is for a change of use to a drinking establishment (A4) the following policies will apply.
4. Policy CS4 states the proposal will be required to contribute to sustainable development by making the most efficient use of land and being located so that services are accessible on foot, bicycle and public transport. As the proposed use would involve the re-use of an existing premises and is within recognised walking distances of sustainable transport methods, the application is considered to adhere to this policy.
5. Policy CS5 requires high quality design in terms of layout, form and contribution to the character and appearance of the area, and consideration must be given to Middlesbrough's Urban Design SPD (adopted Jan 2013). Although there are no proposed alterations to the external appearance of the premises, there are proposals to introduce a waste collection point on the north elevation of the building as well as an area for outdoor seating. Given these minor alterations to the external areas, the proposals are considered to be in accordance with policy CS5.
6. Policy CS13 aims to safeguard the retail character and function of centres by resisting developments that detract from their vitality and viability. The sequential approach will be applied when considering proposals for new town centre uses. Further to this, the NPPF, in supporting the vitality and viability of town centres by placing existing town centres foremost in both plan-making and decision-taking, determines main town centre uses (such as A4 uses) should be located in town centres first, and then in edge-of-centre locations. A sequential test will then be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. As noted, the proposed use (being a main town centre use), in this edge-of-centre location requires a sequential test. An assessment of the submitted sequential test shall be looked at in more detail later in the report.
7. Policy DC1 shall also be taken into consideration in that the proposal should not have a detrimental impact on the surrounding environment and amenities of occupiers of nearby properties. Given the close proximity of residential dwellings to the application site, consideration needs to be given to the associated noise and traffic levels that the public house and associated entertainment events will generate.

8. Evidently, there are likely to be associated activities through its existing use as a community centre that bring elements of noise that may be at similar levels to those created by a potential drinking establishment use.
9. In the previous application, it was recognised that there could be noise and disturbance from customers (especially those sitting in the outdoor seating area), as well as from activities associated with a drinking establishment that may take place within the building. The noise and disturbance issues ultimately resulted in the refusal of the application.
10. Mindful of which, a noise risk assessment has been undertaken and supports the application, which considers the potential noise from the proposed use, how this is likely to add to the existing noise levels of the area, and provides an indication of the likely adverse effects of noise on the amenities of local residents. The report assesses the situation of the proposed use and its position relative to nearby residential properties. The report investigated the levels at which noise can be heard at the nearest sensitive receptors. Part of the assessment included – as a worst-case scenario – playing very loud music with a high base content inside the proposed use, but this turned out to be inaudible at the nearest sensitive receptor. It is concluded that any activities inside the building would not result in undue harm to the residential amenities of nearby occupiers.
11. It is noted that the outdoor seating area has been moved away from the rear boundary, where it was immediately adjacent to a residential property, and is now proposed on the north side of the building, being approximately 25 metres from the boundary. This proposed location of the outdoor seating area would mean it is screened from the private gardens at Aidan Court, and along with the squash club, is greatly screened from the private gardens of Newport Road properties. Such a location would reduce the potential impact on the residential neighbours.
12. Notwithstanding the above, however, additional information has been requested to assess the likely impacts of the noise levels from the outdoor seating area on the nearby residents. Any subsequent mitigation measures – which may include the erection of an acoustic fence on particular boundaries – could then be implemented as part of the use in perpetuity. Such measures are considered prudent to alleviate any potentially harmful noise impacts from the proposed use, and reasonably safeguard the living conditions of nearby residents.
13. In addition to the above measures, it is considered necessary to control certain operations associated with the proposed use, including to restrict the hours of opening and collections from the refuse store. Through negotiations with the applicant, a list of days and hours of opening have been drawn up, which include opening the drinking establishment no more than five days each week and not later than 23:00 (only on Fridays and Saturdays would the use be open this late). It is the officer view that the implementation of these hours of opening would help to prevent the drinking establishment being open at times that may be seen as detrimental to the well-being and general amenities of residents in the local vicinity. Similarly, a condition is recommended to ensure that collections are made from the refuse store at sociable hours in order to minimise disturbance to neighbouring residents.
14. In terms of the highways implications, it is considered unlikely that the proposed change of use would have a material impact with regards to car parking demands, nor will it in terms of the level of traffic generation when considering the existing use of the property, which could continue without the need for further planning consent. As a result, there are no objections to the scheme from the Council's Highways officers.

15. With the implementation of the use in accordance with the limitations of the hours of opening and the hours of refuse collection, it is considered that the proposed drinking establishment use would not unduly harm or disturb local residential amenity and would accord with policy DC1.

Sequential Assessment Context and Appraisal

16. In accordance with policy CS13 and the 'town centre first' approach within National Planning Policy Framework, as a main town centre use in an edge-of-centre location, the proposed drinking establishment use requires a sequential assessment. When the application was first submitted, no sequential assessment had been provided; without supporting evidence an informed decision cannot be made by the local authority in terms of the potential harm to Middlesbrough's town and local centres.
17. First of all, taking into consideration the unknown impact of the Coronavirus pandemic upon the economy, there is never a more important time to protect and enhance Middlesbrough's town centres, and, in accordance with the 'town centre first' approach, encourage new retail development to town centres first, in order to protect and enhance their vitality and viability.
18. In terms of the area of search for sequential sites, current National Planning Practice Guidance 'determines main town centre uses should be guided towards town centre locations first, then, if no town centre locations are available, to edge-of-centre locations. If neither a town centre location nor edge-of-centre location is available, only then should out-of-centre locations (with preference for accessible sites which are well connected to the town centre) be considered. This approach supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.
19. Within the supporting evidence, paragraph 4.13 refers to former Planning Policy Guidance Note 6 (PPG6) in relation to 'catchment areas': "*When considering applications, LPAs will need to consider the extent of the catchment area likely to be served by the proposal, and to then identify alternative sites located in centres within the catchment area*". However, there is no reference to the requirement for identifying catchment areas in the current NPPG (updated July 2019), with reference given to 'town centre locations'. Nevertheless, the catchment area identified by the applicant, in fact, includes Middlesbrough Town Centre as a designated centre that is within 300 metres (edge-of-centre being defined by Annex 2: Glossary of the NPPF as a location within 300 metres of a town centre boundary) and as the application site is closest to the Middlesbrough Town Centre boundary, this should be assessed for alternative sites that could be sequentially preferable.
20. As part of the Sequential Approach, the flexibility of the development should be considered, with the NPPG providing guidance of what should be taken into account when determining whether a proposal complies with the sequential test. For example, the NPPG asks whether a more suitable, central site to accommodate the proposal or a variation of the proposal has been considered (it may not be necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal). Given that the proposed development is for a small drinking establishment – a main town centre use – the assessment could be afforded more flexibility, giving further consideration to vacant units within centres, particularly the Town Centre and Linthorpe Road, which appears to fall just outside of the identified catchment area.
21. Considering what is required as part of the Sequential Approach, it is deemed that the supporting sequential assessment fails to satisfy the requirements of the NPPF and Policy CS13, in that the assessment has not considered units within the Middlesbrough

Town Centre boundary. Additionally, given its proposed use as a small drinking establishment, a further degree of flexibility could be afforded to the potential of occupying one of the many vacant units within the identified centres, promoting their long term vitality and viability.

Discussion

22. Notwithstanding the above conclusion that the sequential assessment fails the Sequential Approach, it is the officer view that, mindful of its scale, the proposed drinking establishment use at this site is unlikely to harm any designated centre within the Local Plan. Although within 300 metres of Middlesbrough Town Centre, it is considered that the size of the use will not compete directly with similar uses located there. Whilst the scale of the use might be similar to other drinking establishments within local centres, it is considered that other local centres are positioned at too great a distance for the proposed use to compete with or affect these uses (Parliament Road local centre approximately 600 metres; Linthorpe Road local centre approximately 1200 metres). It is also observed that the local geography of the area would suggest that the use will not affect similar uses in these centres. The position of the A66 is considered to act as a major barrier and is unlikely to result in significant numbers of customers coming to the proposed use from the east, who are likely to continue to take advantage of similar uses within the Parliament Road and Linthorpe Road local centres.
23. In addition to the above, it is noted that the application seeks only a part change of use of the site, with the rest of the floorspace being retained as part of the existing community centre use. In which case, the proposed use would not occupy the entire unit, but be used as part of the existing uses within the site. From a planning perspective, this is considered to be acceptable in principle, as the site is not deemed appropriate for a fully functioning drinking establishment as this may become detrimental to the residential amenities of nearby properties. It is also deemed that a larger and more established drinking establishment would not be an acceptable use at this site given its location outside of any recognised centre.
24. It is also noted that the application site is in family ownership, so seeking a more sequentially preferable site may not be in the interest of the applicant in this case, who is seeking to provide a drinking venue for the local area. However, such a justification for use of a unit outside a local centre is not a material planning consideration.

Conclusion

25. Overall, it has been concluded that the proposed use would fail the Sequential Approach as there are likely to be available and vacant units within local centres of a similar size to the proposals sought. Notwithstanding this, the proposed minor scale of the use and the retention of the rest of the site as community centre use is considered to minimise the harm to the vitality and viability of Middlesbrough Town Centre and the nearby local centres.
26. Whilst the use might be deemed appropriate in principle, planning conditions to control the hours of opening and refuse collections are deemed to be necessary and reasonable to minimise the potential disturbance caused to the residents of the local area. The applicant has worked with the Planning Authority seeking to address the concerns of Members over the potential noise from the use and its associated activities, and the submitted noise assessment clearly concludes that any noise from inside the building would not harm the residential amenities or general living conditions of nearby occupiers. The request for additional information pertaining to the noise implications from the outdoor seating area shall be reported to Members at the meeting, which is likely to report that the expected levels of noise from the seating area would not be harmful to any nearby sensitive receptors.
27. On balance, it is the officer recommendation to approve conditionally.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit

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

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

2. Approved Plans

The development hereby approved shall be carried out in strict accordance with the following plans and specifications.

- Location Plan (10th May 2021)
- Proposed Floorplan (6th April 2021)
- Proposed Site Plan (AA6322-01 Rev P2) (10th May 2021)

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

3. Hours of Opening

The drinking establishment hereby approved shall not be open for customers outside the following hours:

Monday - Closed (except bank holidays refer to Sunday)
Tuesday - Closed
Wednesday - 15:00 to 22:00
Thursday - 15:00 to 22:00
Friday - 15:00 to 23:00
Saturday - 12:00 to 23:00
Sunday - 12:00 to 20:00 (except bank holidays refer to Saturday)

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

4. Hours of Refuse Collection

Collections from the refuse store shall be kept to between the hours of 08:00 and 18:00 Monday to Saturday, and 09:30 to 18:00 on Sunday.

Reason: In the interests of safeguarding the residential amenities of nearby properties.

5. Noise Risk Assessment

Prior to the first opening of the drinking establishment use hereby approved, a noise risk assessment (described in ProPG: Planning and Noise, May 2017) shall be carried out, and later submitted to and approved in writing by the Local Planning Authority. The noise risk assessment shall consider the potential noise from the outdoor seating area of the approved development that is likely to add to the acoustic profile of the area, and provide an indication of the likely risk of adverse effects of noise on health, quality of life or nuisance to any residential or commercial properties

located in the vicinity of the development. Subsequently, details of any noise mitigation measures shall then be implemented as part of the property and retained in perpetuity.

Reason: In the interest of safeguarding the general and residential amenities of the local area.

6. Use of Rear Garden Area

The outdoor seating area shall only be used as part of the drinking establishment hereby approved subject to appropriate noise mitigation measures being implemented that may be identified by the noise risk assessment (required by separate condition) and shall not be used by patrons of the public house beyond 20:00hrs on any day that the drinking establishment is open.

Reason: In the interests of safeguarding the residential amenities of neighbouring properties as required by Policy DC1.

REASON FOR APPROVAL

This application is satisfactory in that the drinking establishment use (A4) generally accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy H1, DC1, CS4, CS5 and CS13 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 the NPPF (2019).

In particular, the drinking establishment use will not prejudice the character and function of the area and, although fails the sequential approach, is not considered harmful to Middlesbrough Town Centre or any other recognised local centres. The drinking establishment use will not conflict with the existing uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the change of use will not be of a level likely to result in an unacceptable impact on nearby premises.

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

INFORMATIVES

Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

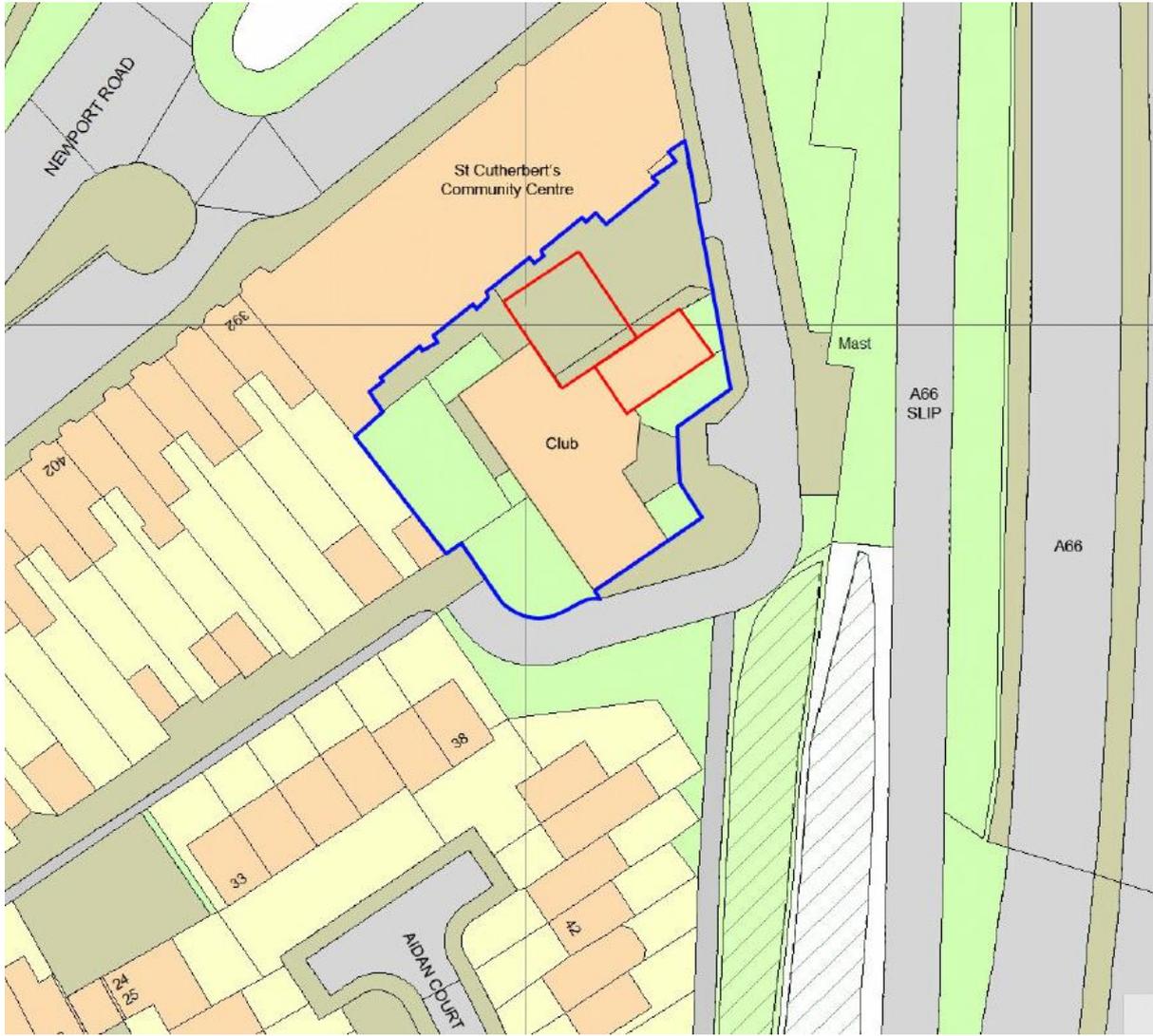
Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.

Case Officer: Peter Wilson

Committee Date: 11th June 2021



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

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

REFERENCE	PROPOSAL/LOCATION	DECISION
20/0030/FUL Acklam	Installation of 4no. floodlights (Part retrospective) Sports Field , Tollesby Road , Middlesbrough ,	Approve with Conditions
20/0441/DIS Brambles/Thorntree	Discharge of condition 15 (Validation Report) on planning application 18/0634/FUL Land At Roworth Road , Middlesbrough ,	Full Discharge Conditions
20/0523/FUL Central	Service window on Southfield Road elevation Enterprise House , 202 - 206 Linthorpe Road , Middlesbrough , TS1 3QW	Approve with Conditions
20/0639/FUL Central	Change of use from 5-bed house in multiple occupation (C4) to 6-bed student accommodation (sui generis) with two-storey extension to rear and raising of roof level with dormer to front. 114 Victoria Road , Middlesbrough , TS1 3HY	Refused
20/0640/FUL Central	Change of use from 5-bed house in multiple occupation (C4) to 6-bed student accommodation (sui generis) with two-storey extension to rear and raising of roof level with dormer to front. 116 Victoria Road , Middlesbrough , TS1 3HY	Refused

20/0641/FUL Central	First and second floor extension to rear and raising of roof level with dormer windows to front and side and alterations to the shop front on ground floor. 118 Victoria Road , Middlesbrough , TS1 3HY	Refused
20/0672/DIS Central	Discharge of condition no 3 (Details of the Gabion Wall) on planning application 20/0375/FUL S K Chilled Foods , Brighthouse Road , Middlesbrough , TS2 1RT	Full Discharge Conditions
20/0675/FUL Marton East	Increase in roof height and inclusion of the flat roof rear off shoot within the main pitched roof, one and half storey side extension, single storey rear extension, 3no dormer windows to front and 1no dormer to the rear and replacement front porch (demolition of double garage to side, rear dormer window and front bay window) 88 Gypsy Lane , Middlesbrough , TS7 8NH	Approve with Conditions
20/0704/DIS Marton East	Discharge of condition 14 (Contaminated Land) on planning application 18/0616/OUT Land Off Alan Peacock Way , Middlesbrough	Part Discharge Conditions
20/0707/LBC Central	Installation of 2 no automatic opening vent roof lights Webb House , 7 Zetland Road , Middlesbrough , TS1 1EH	Approve with Conditions
20/0713/LBC Central	Replacement staff door to rear Central Library , Centre Square , Middlesbrough , TS1 2AY	Approve with Conditions

20/0732/FUL Acklam	Erection of boundary wall 78 Church Lane , Acklam , Middlesbrough , TS5 7EB	Approve with Conditions
20/0736/DIS Central	Discharge of condition 5 & 6 (Noise Assessments) on planning application 19/0750/COU 45 - 49 Albert Road , Middlesbrough , TS1 1NS	Full Discharge Conditions
20/0763/FUL North Ormesby	Erection of warehouse (B8) with security perimeter fencing to front (Demolition of existing office/stores building) Northern Powergrid Building , Cargo Fleet Lane , Middlesbrough , TS3 8DE	Approve with Conditions
20/0768/FUL Central	Conversion of 1no 3 bedroom flat and 1no 5 bedroom flat (C4) to 8 bedroom house in multiple occupation (HMO) (Sui generis) 114 Woodlands Road , Middlesbrough , TS1 3BP	Approve with Conditions
20/0772/FUL Central	Change of use from dwellinghouse (C3) to 11 bedroomed guest house (C1) with new front double bay windows, two storey in-fill extension and first floor rear extension Former Newlands Lodge , 62 Newlands Road , Middlesbrough , TS1 3EJ	Approve with Conditions
20/0775/COU Central	Change of use of former social club to 13 self-contained studio apartments with associated external alterations and front boundary wall 4 - 6 Park Road North , Middlesbrough , TS1 3LF	Approve with Conditions

20/0782/FUL Central	Erection of storage and distribution building (B8) with new access road and associated parking Baker Furniture Ltd , Romaldkirk Road , Middlesbrough , TS2 1XA	Approve with Conditions
21/0003/AMD Newport	Non material amendment to planning application 20/0289/FUL for replacement substation Land South Of Union Street , Middlesbrough ,	Approve
21/0021/FUL Ladgate	First floor extension to side 1 Lycium Close , Middlesbrough , TS7 8RS	Approve with Conditions
21/0026/COU Marton East	Change of use from cafe (E(b)) to hot food and dessert takeaway (sui generis) with new shop front and flue to rear 34 Stokesley Road , Marton , Middlesbrough , TS7 8DX	Withdrawn
21/0022/FUL Trimdon	Two storey extension to side with dormer extensions to front and rear 25 Cotherstone Drive , Middlesbrough , TS5 8JJ	Approve with Conditions
21/0025/FUL Linthorpe	Conversion of loft with dormer window to rear & 1no velux roof light to side 23 Reeth Road , Middlesbrough , TS5 5JN	Approve with Conditions
21/0028/FUL Nunthorpe	Single storey extension to rear 6 Clarence Road , Middlesbrough , TS7 0DA	Approve with Conditions

21/0030/TPO Nunthorpe	Removal of 2no Ornamental Cherry trees to rear 119 Guisborough Road , Middlesbrough , TS7 0JD	Approve with Conditions
21/0031/FUL Kader	Single storey extension to rear (Demolition of existing garage) and dormers to front and rear elevations 5 Greatham Close , Middlesbrough , TS5 8JY	Approve with Conditions
21/0033/COU Central	Retrospective change of use from cafe (A3/E(b)) to public house (sui generis) 0 Baker Street , Middlesbrough , TS1 2LF	Approve with Conditions
21/0046/FUL Nunthorpe	Alterations to include an increase in the roof height to include three dormer windows and roof lights, one and a half storey extensions to the front and rear, single storey side extension, detached car port and replacement of front boundary wall with 1.8 m high metal railings and entrance gates 114A Guisborough Road , Middlesbrough , TS7 0JA	Approve with Conditions
21/0052/FUL Marton West	Two storey extension at side and single storey extension to rear (Demolition of existing single storey side extension and conservatory to rear) 24 Bonny Grove , Middlesbrough , TS8 9QZ	Approve with Conditions
21/0053/DIS Marton East	Discharge of conditions (8 Adoption Details) , (9 Vehicular Accesses), (11 Off Site Works) & (21 External Lighting) of planning permission 18/0477/OUT Ladgate Lane/Marton Avenue , Middlesbrough	Full Discharge Conditions

21/0062/COU	Change of use from care home to 10-bed house in multiple occupation	Approve with Conditions
Central	Southlands Residential Home , 56 Southfield Road , Middlesbrough , TS1 3EU	

21/0063/FUL	Extension to and conversion of garage to habitable room with single storey extensions to front, side and rear and increase to height of glass atrium	Approve with Conditions
Marion West	29 Cambridge Avenue , Marion , Middlesbrough , TS7 8EH	

21/0070/FUL	Installation of glazed canopy to rear elevation	Approve with Conditions
Marion East	12A Dixons Bank , Middlesbrough , TS7 8NT	

21/0071/FUL	Installation of 6 x louvered vents on south and west elevations and provision of 4 collapsible security bollards to front	Approve with Conditions
Central	Units 14/15 Whitestone Business Park , Saltwells Road , Middlesbrough , TS4 2ED	

21/0072/FUL	Single storey extension to front and rear, first/second floor extension to side with balcony to front, dormer windows to front and rear. Pitched roof over existing dormer to rear, two roof lights to side facing front roof slope and portal window to front gable.	Refused
Park	22 The Avenue , Linthorpe , Middlesbrough , TS5 6PD	

21/0077/FUL	Single storey extension to rear (Demolition of garage)	Approve with Conditions
Kader	107 Ruskin Avenue , Middlesbrough , TS5 8PD	

21/0078/FUL Kader	Single storey extension to side/rear 61 Ruskin Avenue , Middlesbrough , TS5 8PG	Approve with Conditions
21/0079/FUL Coulby Newham	Single storey extension at rear 122 Lingfield Ash , Middlesbrough , TS8 0SU	Refused
21/0080/TCA Linthorpe	Removal of 1no Silver Birch in rear garden 20 Thornfield Road , Middlesbrough , TS5 5LA	6 Weeks Expired
21/0082/DIS Central	Discharge of condition 6 (Details of External Lighting) on application 17/0159/FUL Bulkhaul , Brignell Road , Middlesbrough , TS2 1PS	Full Discharge Conditions
21/0081/FUL Nunthorpe	Retrospective erection of a detached garden room to rear 27 Collingham Drive , Middlesbrough , TS7 0GB	Approve with Conditions
21/0083/PNO Stainton And Thornton	Erection of steel frame storage building with sheet metal/timber cladding Stainton Vale Farm , Low Lane , Middlesbrough , TS17 9LG	Prior Notification Not Required/No Obj
21/0084/TELPN Ladgate	Installation of monopole and associated ancillary works Marton Road , Middlesbrough , TS4 3SE	Deemed consent

21/0090/FUL Acklam	Single storey extension at rear 5 Sanctuary Close , Middlesbrough , TS5 7BF	Approve with Conditions
21/0088/FUL Nunthorpe	Single storey extension to rear, part garage conversion and front porch 1 Grey Towers Drive , Middlesbrough , TS7 0LS	Approve with Conditions
21/0089/FUL Park	Proposed Two storey and single storey extension to rear 36 Harrogate Crescent , Middlesbrough , TS5 6PS	Approve with Conditions
21/0091/FUL Kader	Single storey extensions to side and rear with new roof over existing offshoot at rear 4 Pineda Close , Middlesbrough , TS5 8ED	Approve with Conditions
21/0092/FUL Ladgate	Single storey extension and erection of detached outbuilding to rear 43 Easterside Road , Middlesbrough , TS4 3QA	Approve with Conditions
21/0093/FUL Marton West	First floor extension to rear 42 Eagle Park , Middlesbrough , TS8 9NT	Refused
21/0094/FUL Linthorpe	Single storey extension to rear (demolition of existing conservatory) and new pitched roof over existing front offshoot 95 Thornfield Road , Middlesbrough , TS5 5BZ	Approve with Conditions

21/0095/DIS Central	Discharge of condition 3 (Materials) on planning application 17/0625/LBC 2 - 3 Exchange Place , Middlesbrough , TS1 1DR	Part Discharge Conditions
21/0097/TELPN	Installation of 15m monopole with associated works The Greenway , Thorntree , Middlesbrough , Berwick Hills , TS3 9EZ	Prior Notification Approved
21/0098/TELPN	Installation of 20m high monopole and associated works Marton Road , Middlesbrough , TS1 2RB	Prior Notification Approved
21/0099/DIS Central	Discharge of condition 3 (Materials) and condition 5 (Temporary car parking) on planning application 17/0624/FUL 2 - 3 Exchange Place , Middlesbrough , TS1 1DR	Part Discharge Conditions
21/0100/FUL Marton East	Revised application for first floor extension at rear 64 The Grove , Marton , Middlesbrough , TS7 8AJ	Approve with Conditions
21/0101/TCA Nunthorpe	Reduction of 1no tree in rear garden 27 Collingham Drive , Middlesbrough , TS7 0GB	Approve

21/0102/TELFUL Park End/Beckfield	Replacement 20m monopole containing 6 antennas and 2 dishes with replacement equipment cabinets Corner Evesham Road/Overdale Road , Middlesbrough , TS3 0BD	Approve with Conditions
21/0103/FUL Central	Two storey extension to office building A V Dawson Steel Coil Store , Riverside Park Road , Middlesbrough , TS2 1UT	Approve with Conditions
21/0105/FUL Acklam	Single storey extension to rear and alteration to front portico 68 Arlington Road , Middlesbrough , TS5 7RE	Approve with Conditions
21/0108/PNH Park End/Beckfield	Single storey extension at rear 7 Anglesey Avenue , Middlesbrough , TS3 0HA	Refused
21/0106/TELFUL Brambles/Thorntree	Replacement 20m monopole containing 6 antennas and 2 dishes and replacement equipment cabinet The Greenway , Middlesbrough ,	Approve with Conditions
21/0110/FUL Park	Conversion of the garage to extend the retail unit, alterations to front elevation of the building with first floor extension above to provide a 1 bedroomed flat. 70A Eastbourne Road , Middlesbrough , TS5 6QL	Approve with Conditions

21/0112/FUL Central	Retrospective application for alterations to shopfront and replacement windows to upper floors 32 Linthorpe Road , Middlesbrough , TS1 1RD	Refuse and enforce
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21/0113/FUL Park End/Beckfield	Permanent retention of an existing modular building to front Pennyman Primary School , Fulbeck Road , Middlesbrough , TS3 0QS	Approve with Conditions
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21/0114/FUL Park End/Beckfield	Retention of temporary mobile classroom to front for further 2 years Pennyman Primary School , Fulbeck Road , Middlesbrough , TS3 0QS	Approve with Conditions
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21/0115/FUL Marton West	Single storey extension to side and rear 52 Canberra Road , Middlesbrough , TS7 8ER	Approve with Conditions
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21/0116/TPO Nunthorpe	Various tree works Treetops , Croft Drive , Middlesbrough , TS7 0JB	Approve with Conditions
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21/0117/FUL Nunthorpe	Extension and alterations to garage including raising of roof height and installation of windows 34 Kilvington Grove , Middlesbrough , TS7 0RL	Approve with Conditions
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21/0119/FUL Park	Proposed external wall insulation with render finish. 31 St Barnabas Road , Middlesbrough , TS5 6JS	Approve with Conditions
21/0121/TPO Marton East	Pruning works to various trees 23 The Grove , Marton , Middlesbrough , TS7 8AB	Approve with Conditions
21/0124/FUL Marton West	Single storey extension to rear 25 Thurlestone , Middlesbrough , TS8 9TA	Approve with Conditions
21/0127/COU Brambles/Thorntree	Change of use from offices (Class E) to nurture centre (sui generis) and associated enclosed outdoor play area with 2.4 metre high security fencing 15 Shelton Court , Middlesbrough , TS3 9PD	Approve with Conditions
21/0128/FUL Nunthorpe	First storey side extension 6 Leckfell Close , Middlesbrough , TS7 8PW	Approve with Conditions
21/0129/FUL Marton West	Erection of timber fencing to side 4 Evergreen Way , Middlesbrough , TS8 9ZD	Approve with Conditions
21/0132/FUL Linthorpe	Single storey extension to rear 3 Wycherley Avenue , Middlesbrough , TS5 5HH	Approve with Conditions

21/0135/PNH Ayresome	Single storey extension at rear 232 Acklam Road , Middlesbrough , TS5 8AA	Prior Notification Not Required/No Obj
21/0139/FUL Nunthorpe	Single storey extension to side and rear plus alterations to windows on front elevation 20 Whernside , Middlesbrough , TS7 8PJ	Approve with Conditions
21/0140/FUL Central	Single storey extension to side and rear 11 Saltwells Crescent , Middlesbrough , TS4 2DX	Approve with Conditions
21/0141/ADV Brambles/Thorntree	1no freestanding internally illuminated digital 48 sheet advertisement. Ormesby Table Tennis Club , Cargo Fleet Lane , Middlesbrough , TS3 8PB	Refused
21/0142/FUL Marton East	Single storey rear extension 9 Cleveland Drive , Middlesbrough , TS7 8AE	Approve with Conditions
21/0143/TELPN Longlands/Beechwood	Erection of 20m monopole with cabinet at base and associated ancillary works Land At Marton Road , Middlesbrough , TS4 2PS	Prior Notification Refused
21/0145/FUL Ayresome	Single storey extension to rear 39 Farley Drive , Middlesbrough , TS5 8QT	Approve with Conditions

21/0146/FUL Hemlington	Replacement porch to front 8 Nantwich Close , Middlesbrough , TS8 9PW	Approve with Conditions
21/0147/FUL Nunthorpe	Two storey extension to side 5 Towthorpe , Middlesbrough , TS7 0PY	Approve with Conditions
21/0148/AMD Park End/Beckfield	Non-material amendment to planning application 18/0715/FUL to make minor changes including reduced size, moving windows and internal changes 252 Overdale Road , Middlesbrough , TS3 0BU	Approve
21/0149/FUL Marton West	Single/two storey extension to rear, dormer windows to front and rear, roof light to front and porch to front 15 Claremont Drive , Middlesbrough , TS7 8ND	Approve with Conditions
21/0151/FUL Nunthorpe	Single storey extension to front, extension to garage and single storey rear extension 2 The Avenue , Nunthorpe , Middlesbrough , TS7 0AA	Approve with Conditions
21/0153/ADV Berwick Hills/Pallister	Installation of an internally illuminated fascia sign Unit 3 Park Parade , Ormesby Road , Middlesbrough , ,	Approve with Conditions
21/0155/FUL Nunthorpe	Single storey extension to rear 19 Rookwood Road , Middlesbrough , TS7 0BN	Approve with Conditions

21/0156/FUL Nunthorpe	Demolition and rebuilding of outbuilding The Old Vicarage , Church Lane , Nunthorpe , Middlesbrough , TS7 0PD	Approve with Conditions
21/0157/LBC Nunthorpe	Demolition and rebuilding of outbuilding The Old Vicarage , Church Lane , Nunthorpe , Middlesbrough , TS7 0PD	Approve with Conditions
21/0158/FUL Hemlington	Single storey extension to side (to include a front porch) 14 Southdean Drive , Middlesbrough , TS8 9HH	Approve with Conditions
21/0159/FUL Acklam	Alterations and extension to detached domestic garage to form a garden room 16 Walton Avenue , Middlesbrough , TS5 7RN	Approve with Conditions
21/0160/FUL Acklam	Single storey extension to side/rear, porch to front 80 Green Lane , Middlesbrough , TS5 7AH	Approve with Conditions
21/0162/FUL Kader	Erection of detached domestic garage 21 Sandy Flatts Lane , Middlesbrough , TS5 7YY	Approve with Conditions
21/0163/FUL Nunthorpe	Two storey extension to side and single storey extension to front 12 Moor Park , Middlesbrough , TS7 0JJ	Approve with Conditions

21/0164/FUL Nunthorpe	Replacement dropped kerb and boundary treatment 169 Guisborough Road , Middlesbrough , TS7 0JQ	Approve with Conditions
21/0165/FUL Acklam	Installation of entrance gate within boundary fence Mill Hill Club House , St Marys Walk , Middlesbrough , TS5 7RZ ,	Approve with Conditions
21/0170/FUL Nunthorpe	Single storey extension to rear 153 Guisborough Road , Middlesbrough , TS7 0JQ	Approve with Conditions
21/0171/FUL Marton East	Single storey extension to rear 40 Turnbull Way , Middlesbrough , TS4 3RS	Approve with Conditions
21/0172/FUL Linthorpe	Replacement windows and door to front 19 Linden Grove , Middlesbrough , TS5 5NF	Approve with Conditions
21/0173/FUL Park	Replacement front and rear entrance doors and frames. 6 Beech Grove Road , Middlesbrough , TS5 6RH	Withdrawn
21/0174/FUL Marton East	Single storey extension to rear 13 Chestnut Drive , Middlesbrough , TS7 8BU	Approve with Conditions

21/0176/FUL Central	single storey extension to front 2 Southfield Road , Middlesbrough , TS1 3BZ	Approve with Conditions
21/0178/FUL Ayresome	Single storey extension at rear 110 Acklam Road , Middlesbrough , TS5 4EF	Approve with Conditions
21/0179/FUL Marton East	Single storey extension to rear 38 Turnbull Way , Middlesbrough , TS4 3RS	Approve with Conditions
21/0180/FUL Linthorpe	Installation of a roof light and a single storey rear garden room extension 17 Birchgate Road , Middlesbrough , TS5 5NP	Approve with Conditions
21/0181/FUL Linthorpe	Single storey extension at rear 17 Grosvenor Road , Middlesbrough , TS5 5BT	Approve with Conditions
21/0182/PNH Linthorpe	Single storey extension at rear. 2 Clepstone Avenue , Middlesbrough , TS5 5LL	Prior Notification Not Required/No Obj
21/0183/PNO North Ormesby	Change of use from betting office (sui generis) to cafe (E(b)) 66 Westbourne Grove , Middlesbrough , TS3 6EF	Prior Notification Approved

21/0184/PNH Ayresome	Single storey extension at rear. 4 Farley Drive , Middlesbrough , TS5 8QT	Prior Notification Not Required/No Obj
21/0186/CLD Marton East	Construction of 2no. proposed dormers with aluminium windows to rear of the property. 69 The Grove , Marton , Middlesbrough , TS7 8AL	Withdrawn
21/0187/FUL Ayresome	Single storey extension at rear. 159 Heythrop Drive , Middlesbrough , TS5 8QJ	Approve with Conditions
21/0188/FUL Longlands/Beechwood	Single Storey Extension to rear 5 The Green , Middlesbrough , TS4 3DP	Approve with Conditions
21/0191/FUL Kader	Two storey extension at side 29 Throckley Avenue , Middlesbrough , TS5 8LG	Approve with Conditions
21/0193/FUL Park	Replacement of the existing roof tiles 76 The Avenue , Linthorpe , Middlesbrough , TS5 6SB	Approve with Conditions
21/0197/FUL Marton West	Single Storey Extension To Rear (Demolition of Existing Conservatory) 256 Eagle Park , Middlesbrough , TS8 9QS	Approve with Conditions

21/0199/FUL Acklam	Single storey rear garden room extension 45 Hatfield Avenue , Middlesbrough , TS5 7AY	Approve with Conditions
21/0200/FUL Acklam	Single storey side and rear extension 4 Belton Drive , Middlesbrough , TS5 7JB	Approve with Conditions
21/0204/FUL Kader	Single storey side extension 49 Ruskin Avenue , Middlesbrough , TS5 8PG	Approve with Conditions
21/0208/TPO Marton East	Removal of 1no Norwood Pine Tree 33 The Grove , Marton , Middlesbrough , TS7 8AF	Refused
21/0209/FUL Park	Demolition of existing conservatory and construction of a single storey rear extension 81 Park Road South , Middlesbrough , TS5 6LE	Refused
21/0210/FUL Stainton And Thornton	Single storey extension to side (demolition of existing garage) 15 Fawcett Avenue , Middlesbrough , TS8 9AR	Approve with Conditions
21/0211/FUL Longlands/Beechwood	Erection of single storey detached dining hall with glazed canopy Trinity Catholic College , Saltersgill Avenue , Middlesbrough , TS4 3JW	Approve with Conditions

21/0215/RCON	ENGINEERING OPERATIONS ASSOCIATED WITH GROUND REMEDICATION AND PREPARATION OF THE SITE PHASE 4 GRANGETOWN PRAIRIE SITE	No Objections
21/0218/TELPN	Proposed 16m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Marton Road , Middlesbrough , TS4 2JF	Prior Notification Not Required/No Obj
21/0219/TELPN Central	Proposed 18m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. A178 , Middlesbrough , TS2 1AF ,	Prior Notification Approved
21/0236/TELPN Longlands/Beechwood	Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Longlands Road , Middlesbrough , TS4 2LD	Prior Notification Not Required/No Obj
21/0237/AMD Central	Non Material Amendment to the wording of Conditions 6 (Barriers / Gates) and 10 (Highway Works) in relation to Application 20/0683/FUL (Erection of office building (B1) with associated access, car and cycle parking, services and landscaping) Melrose House , 1 Melrose Street , Middlesbrough , TS1 2HZ	Approve
21/0222/FUL Park	Retrospective installation of ATM machine and associated signage 57 Cumberland Road , Middlesbrough , TS5 6PN	Approve with Conditions

21/0223/ADV Park	The retention of 1no illuminated logo, panel and 1no illuminated top sign, and 1no illuminated bottom sign 57 Cumberland Road , Middlesbrough , TS5 6PN	Approve with Conditions
21/0225/FUL Acklam	Installation of bi-fold doors to the rear 18 Hustlers Way , Middlesbrough , TS5 7DT	Approve with Conditions
21/0226/FUL Trimdon	Single storey front extension and two storey side extension 10 Gatenby Drive , Middlesbrough , TS5 8JL	Approve with Conditions
21/0228/PNH Acklam	Single storey extension at rear. 13 Britain Avenue , Middlesbrough , TS5 7AT	Prior Notification Not Required/No Obj
21/0234/DIS Marton East	Discharge of conditon nos. 4 (Surface Water Drainage), 5 (Hard and Soft Landscaping), 6 (Details of Landscaping), 9 (Boundary Treatments), and 11 (Details of Low Level Lighting) of planning permission M/FP/0699/16/P 58 The Grove , Marton , Middlesbrough , TS7 8AJ	Full Discharge Conditions
21/0235/FUL Park	Single storey side extension 26 Westwood Avenue , Linthorpe , Middlesbrough , TS5 5PX	Approve with Conditions
21/0238/FUL Longlands/Beechwood	Single Storey Extension to Rear 23 Roseberry Road , Middlesbrough , TS4 2LH	Approve with Conditions

21/0239/PNH Park	Single Storey Extension to Rear 58 Westminster Road , Middlesbrough , TS5 6ND	Prior Notification Not Required/No Obj
21/0240/SCON	Erection of waste pyrolysis plant building (plastics to fuel facility) to include apparatus, hardstanding, access and associated works Land West Of Exwold Technology Limited , Haverton Hill Road , Billingham	No Objections
21/0241/FUL Acklam	Single Storey Extension to Detached Garage at Rear 111 Glendale Road , Middlesbrough , TS5 7NH	Refused
21/0248/FUL Marton West	Single storey extension to rear Summit House , Dixons Bank , Middlesbrough , TS7 8PA	Approve with Conditions
21/0253/TCA Stainton And Thornton	Reduce height of 5 trees (2 Yew trees, 1 Cedar Tree & 2 Pear Trees) 9 Thornton Road , Middlesbrough , TS8 9BS	6 Weeks Expired
21/0254/PNH Ladgate	Single storey extension to rear 14 Larkspur Road , Middlesbrough , TS7 8RL	Prior Notification Not Required/No Obj
21/0256/FUL Linthorpe	Two storey extension to the side and single storey rear extension 21 Dufton Road , Middlesbrough , TS5 5AW	Approve with Conditions

21/0258/FUL Newport	Dormer window extension to rear Flat 2 , 122 Crescent Road , Middlesbrough , TS1 4QT	Refused
21/0259/FUL Marton East	Single storey side extension 16 Elm Drive , Middlesbrough , TS7 8BN	Approve with Conditions
21/0262/FUL Coulby Newham	Single storey extension to rear/side 63 Ash Hill , Middlesbrough , TS8 0SX	Approve with Conditions
21/0273/PNH Newport	Single storey extension at rear 68 Surrey Street , Middlesbrough , TS1 4QB	Prior Notification Approved
21/0276/TCA Marton East	Various tree works in rear garden, including reduction of 1 no. Conifer, removal of limb from 1 no. Laurel, height reduction of 1 no. Bay, and shaping of 1 no. Hawthorn 77 The Grove , Marton , Middlesbrough , TS7 8AL	No Objections
21/0277/FUL Kader	Single storey extension to side and front 572 Acklam Road , Middlesbrough , TS5 8BE	Approve with Conditions
21/0278/FUL Marton East	Two storey side extension, single storey rear extension, single storey garage extension, installation of a new first floor rear window and alterations to existing garage door to form a window 42 Captain Cooks Crescent , Middlesbrough , TS7 8NW	Approve with Conditions

21/0281/SCON	Below ground surface water pipe from the approved Billingham Reach Energy Recovery Facility and connection to existing outfall to the River Tees. Tees Eco Electricity Generating Station , Billingham Reach Industrial Estate , Stockton	No Objections
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21/0283/FUL Coulby Newham	Remove garage door to form a window opening (plus internal alterations) 36 Barberry , Middlesbrough , TS8 0XG	Approve with Conditions
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21/0284/TCA Stainton And Thornton	Removal of Cedar at rear 8 Meldyke Lane , Middlesbrough , TS8 9AZ	No Objections
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21/0286/FUL Nunthorpe	Single storey extension to front. 25 Nunthorpe Gardens , Middlesbrough , TS7 0GA	Approve with Conditions
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21/0306/AMD	Non material amendment to application 20/0198/FUL including alterations to external elevations, window arrangements, balconies, materials and landscaping Land At Lower East Street, Commercial Street And Durham Street , St Hilda's , Middlesbrough	Approve
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21/0338/TCA Park	Crown reduction and thinning works to Plum tree, Elder tree, Cherry and Apple trees in rear garden 57 The Avenue , Linthorpe , Middlesbrough , TS5 6QU	No Objections
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2 June 2021

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Appeal Decision

Site Visit made on 8 December 2020

by John Dowsett MA, DipURP, DipUD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2021

Appeal Ref: APP/W0734/W/20/3259145

Land to the South of 1 Marwood Wynd, Marwood Wynd, Stainton, Middlesbrough TS8 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Norman Woodall against the decision of Middlesbrough Council.
 - The application Ref 19/0710/FUL, dated 2 December 2019, was refused by notice dated 11 May 2020.
 - The development proposed is described as: Construction of a detached dwelling with a detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site is given on the planning application form as 'Stainton House, Marwood Wynd, Stainton, Middlesbrough'. On the decision notice issued by the Council the address used is 'Land to the South of 1 Marwood Wynd, Marwood Wynd, Middlesbrough'. The appellant has also adopted this address on the appeal form. From the submitted drawings and from what I observed when I visited the site, this latter more accurately defines the location of the appeal site. I have, therefore, used this address for the purposes of the appeal.
3. As the proposal is in a conservation area and relates to the setting of two listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the settings of the nearby Grade II* listed building, St Peter and St Pauls Church [List Entry: 1137540], and the Grade II Listed Building, Stainton House [List Entry: 1137500], as well as the extent to which it would preserve or enhance the character or appearance of the Stainton and Thornton Conservation Area.

Reasons

5. The nearby Church of St Peter and St Paul was listed in 1966 and dates from the thirteenth century with a fifteenth century tower and north transept. The other parts of the building were rebuilt or altered during the nineteenth

- century. Its significance, in so far as it is relevant to this appeal, is derived from its ecclesiastical purpose, age, architectural details, and its evidential and communal value as a prominently located church, historically serving the villages of Stainton and Thornton.
6. Stainton House was listed in 1988. It was built around 1800 and subsequently extended with a slightly lower service wing in the mid to late nineteenth century. A two storey house, with walls finished in roughcast render under a pitched, slate, roof it was originally built as the vicarage for the neighbouring church but is now subdivided into two dwellings. Its significance is derived from its historical relationship with the neighbouring church and the evidence it provides of the architectural style and building techniques of the time.
 7. From the evidence, in particular the historic map extracts, it is clear that a substantial area of land, of which the appeal site forms part, was historically associated with the church and vicarage and included the churchyard, an open area around Stainton House and also incorporated a small lodge and a range of outbuildings. I observed when I visited the site that this wider area was still legible within the built form of the village. Although now subdivided into a number of separate residential curtilages, it nevertheless contributes to the setting of these buildings.
 8. There is also evidence of the hierarchy of buildings that were previously associated with the church, the vicarage, lodge, and range of service buildings. Although the latter is a now recent terrace of houses which replaced the former outbuildings, the structure contains echoes of an ancillary building in the form of small windows, arched openings, and the reproduction of a blocked up cart arch. As a result, the previous hierarchy of buildings is also still discernible within the setting which provides evidence of their historic use and function.
 9. Although the functional link between the church and Stainton House was broken some years ago there is, nonetheless, still a visual relationship between the two buildings and how they are experienced. Stainton House borders the churchyard and the buildings are seen in sequential views from Hemlington Road. Both listed buildings are visible from the appeal site. I also saw that from several points within the churchyard, the appeal site is visible with Stainton House in the middle ground of the view. For the reasons given, and in so far as it relates to this appeal, this setting directly contributes to the special interest of the listed buildings.
 10. The Stainton and Thornton Conservation Area encompasses an area that includes the historic core of both villages and a small area of countryside, forming a shallow valley through which Stainton Beck flows, separating the villages. Its significance is derived from the origins of the villages as early twelfth century planned settlements which, whilst developing over time, reflect their original form in their layout. The Stainton and Thornton Conservation Area Character Appraisal and Management Plan 2008 (CACAMP) notes that the Church of St. Peter and St. Paul forms part of the historic core of Stainton Village where many the village's original buildings can be found. It also notes that the Church occupies the most dominant position within the village and that the surrounding grounds are important to the character of the village. The CACAMP additionally highlights the importance of the relationship of the church with Stainton House.

11. A key contribution to the character and appearance of the conservation area is the sense of openness between the two settlements that comprise it and the church and associated buildings as a focal point at the junction of the two principal roads. This sense of openness is additionally emphasised by the open area between Hemlington Road and Stainton House and the openness of the churchyard, contrasting with the denser built form of the buildings on the north side of the road. In so far as it is relevant to this appeal the significance of the conservation area is primarily associated with the historic built form of the village and the importance of the church and vicarage in its development over time.
12. The appeal site forms part of the wider site that formerly was associated with Stainton House and is situated to the south of the former lodge and to the east of Stainton House. To the south of the appeal site and east of Stainton House are two recently built, two storey, dwellings.
13. The proposed new dwelling, although it would be lower in height than Stainton House would have prominent ground floor bay windows and dormer windows within the roof plane, together with an elaborate door case around the principal entrance. These features are atypical of the domestic properties within the conservation area which are generally simple in form with largely unbroken roof planes. I accept that there are isolated examples of these features within the conservation area, however, these are exceptions rather than characteristic of the local architectural forms.
14. Although there are two recently built houses to the south of the appeal site, these are set at a lower level and behind Stainton House when viewed from the road. As such they draw the eye away from the principal building on the site less than a building on the appeal site, in front of the main house, would do. The current arrangement of buildings maintains the historic hierarchy of buildings and the ability to comprehend their relationship and functions. The introduction of a further dwelling on the appeal site would reduce the legibility of the wider site and the understanding of the historic extent and functions of the land associated with the church and its attendant buildings. It would also reduce the current openness of the area between Stainton House and the main road that contributes to both the setting of the listed buildings and the character and appearance of the conservation area.
15. Together, the design of the proposed dwelling and its siting would be harmful to the setting of the listed buildings and the character and appearance of the conservation area.
16. Although appellant contends that much of the significance of setting of the listed buildings has been lost as a result of previous new developments, I nonetheless observed during my site visit that it is still possible to discern the historic extent of the land associated with the church and the hierarchy of buildings within it. The development of the two recent detached houses may have had a slight negative effect on the setting of the nearby listed buildings, however, I have no information regarding the circumstances that led to these being accepted. This notwithstanding, their presence does not justify permitting a new dwelling that would further erode and more harmfully effect the setting of the listed buildings.
17. The appeal submission included a series of wireframe and photomontages intended to illustrate the visual effect of the proposed dwelling. I accept that

the appeal site and the proposed new dwelling would generally only be seen from the road frontage in the vicinity of the appeal site, although as noted above, it would also be seen from parts of the churchyard and in context with both the church and Stainton House. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.

18. Nevertheless, the wider site has a relatively long frontage to Hemlington Road and from what I saw when I visited the site, I consider that the appellant's visual assessment under-estimates the screening effect of the boundary wall and the tree planting. Moreover, the proposed landscaping can be removed or dies of natural causes at any time. As a result, the proposed new dwelling would appear as a prominent and incongruous addition within the open area that is an important component of both the setting of the listed buildings and the character and appearance of the conservation area. Consequently, this would have a minor harmful effect on the setting of the listed buildings and on the conservation area taken as a whole.
19. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given that the proposal is for a single dwelling and considering the separation distances, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
20. The appellant has not identified any public benefits that would be derived from the appeal proposal. This notwithstanding, the Framework seeks to increase the supply of housing and the appeal proposal would add a further dwelling to the housing stock in the area. In addition, there would be a small economic benefit arising from investment in the construction of the new dwelling and subsequent spending in the local economy by the future occupiers which would help support local shops and services. However, it is not argued that the Council cannot demonstrate a deliverable five year housing land supply or that it is underdelivering against its housing targets. As the proposed development is for only one house, the economic benefits that would arise would be small. As such, little weight can be given to the potential public benefits of the proposal.
21. Paragraph 194(b) of the Framework identifies Grade II* listed buildings as being of the highest significance. Consequently, the harm that I have identified attracts very considerable and significant weight against the proposal. Added to this is also the great weight that must be given to the harm that would be caused to the setting of the Grade II listed Stainton House and to the character and appearance of the Stainton and Thornton Conservation Area. As the public benefits of the proposal attract little weight, it is clear that these would not outweigh the harm that would be caused.
22. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the settings of the nearby

Grade II* listed building, St Peter and St Pauls Church, and the Grade II Listed Building, Stainton House, and would cause harm to the character and appearance of the Stainton and Thornton Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with policies CS4 and CS5 of the Middlesbrough Local Development Framework Core Strategy 2008 which seek, among other things, to ensure that the area's historic heritage and townscape character is protected, conservation areas are preserved or enhanced, and the safeguarding of buildings identified as being of special historic or architectural interest. As a result, the proposal would not be in accordance with the development plan.

Other Matters

23. I have noted that the Council have not raised any objections to the proposal on any other grounds and I have also had regard to the representations made by local residents and the Parish Council in respect of both the original planning application and the appeal. None of these points, however, lead me to a different overall conclusion.

Conclusion

24. For the above reasons, I conclude that the appeal should be dismissed

John Dowsett

INSPECTOR

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Appeal Decision

Site visit made on 12 March 2021

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/W0734/W/20/3265716

4, The Crescent, Linthorpe, Middlesbrough TS5 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Surfraz Akbar against the decision of Middlesbrough Borough Council.
 - The application Ref 20/0563/FUL, dated 22 September 2020, was refused by notice dated 24 November 2020.
 - The development proposed is described as a proposed dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on:
 - designated heritage assets, with particular regard to the character and appearance of the Linthorpe Conservation Area and the setting of Grade II listed The Avenue Methodist Church; and
 - the living conditions of occupiers of neighbouring dwellings, with particular regard to levels of outlook and privacy.

Reasons

Heritage assets

3. The appeal site forms part of the large garden area of No 4 The Crescent. Properties within this predominantly residential neighbourhood are a mix of mainly detached and semi-detached villa style dwellings of at least 2 storeys. They tend to be set within generous mature grounds. Although some of these plots have rear out-buildings, overall, the pattern of development and depth of plots here creates an important sense space between buildings.
4. The appeal site is located within the Linthorpe Conservation Area and shares a common boundary with the grounds of the Grade II listed The Avenue Methodist Church. The significance of the Conservation Area lies in its village origins which have grown into high quality suburbs with areas of planned architectural consistency. The significance of the church is found in its clear form and original use. The significance of these designated heritage assets is historically and architecturally derived. The sense of space between buildings is

- an important characteristic defining the appearance of this Conservation Area and the setting of this prominent Listed Building, articulating their significance.
5. The appeal proposal would replace an existing single storey greenhouse building. It would be set right back within the existing garden area, at the furthest point away from the road frontage. A substantial garden area would be retained for No 4, which would provide a mature planted foreground for the appeal proposal when viewed from vantage points along The Crescent.
 6. Nonetheless, by virtue of its height, mass and positioning, the presence of the appeal proposal would be evident within the setting of the listed church when viewed from The Avenue and would unduly intrude upon its backdrop. More limited glimpses of the appeal proposal and the church would be captured between dwellings along Cornfield Road. However, the appeal proposal would also unduly intrude upon the foreground setting of the listed church when viewed from the junction between The Crescent and Cornfield Road.
 7. Consequently, this particular positioning within the wider garden area would give rise to a cramped relationship. The reduction in the important sense of space that exists between existing buildings, which articulates the significance of both of these important heritage assets, would constitute harm of a level that would be less than substantial.
 8. Paragraph 194 of the National Planning Policy Framework (the Framework) states that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
 9. The site benefits from an extant planning permission and that unit contributes to the existing housing land supply. As the appeal scheme would not further add to that supply, the appeal proposal's contribution would be of limited public benefit. No other public benefits have been advanced.
 10. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
 11. Consequently, the harm to these designated heritage assets would not be out-weighed by this public benefit. Therefore, necessarily in the context of paragraph 196 of the Framework my assessment would indicate that the harm identified would not be justified in this instance. This weighs heavily against the appeal proposal.
 12. The absence of objections from interested parties does not diminish the nature and level of harm identified through my examination of this appeal proposal. Therefore, limited weight is attributed to this.
 13. Given the differential in siting, the extant scheme would have a different visual consequence on the character and appearance of the site and its wider important heritage context. Indeed, that has previously been deemed to be acceptable. However, this particular appeal proposal presents unjustified harm to important designated heritage assets. That harm is unacceptable in its own right and is of a level that is not out-weighed by the existence of that permitted scheme.

14. For the reasons given, the appeal proposal would impose unjustified harm on designated heritage assets, with particular regard to the character and appearance of the Linthorpe Conservation Area and the setting of Grade II listed The Avenue Methodist Church.
15. Policies CS4 and CS5 of the Middlesbrough Core Strategy (the Core Strategy) require that all developments contribute to achieving sustainable development through high quality design. Policy CS5 also emphasises that where sited within such areas, proposals will be required to contribute to achieving the preservation or enhancement of the character or appearance of a Conservation Area.
16. Given the identified harm, the appeal proposal would conflict with these policies. This weighs heavily against the appeal proposal.
17. In view of the identified harm, the appeal proposal would not preserve the setting of the listed church. Neither would it preserve or enhance the character or appearance of the Conservation Area. Therefore, the appeal proposal would not accord with the requirements of section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively. This weighs heavily against the appeal proposal.

Living conditions

18. The appeal proposal would be sited close to common rear boundaries with dwellings on Cornfield Road. It would also front onto the remaining garden area associated with No 4.
19. The combination of resulting separation distances, orientation of habitable room windows of existing dwellings relative to the appeal proposal, intervening mature planting and high boundary enclosures would limit the effect of the appeal proposal on the current outlook of existing residents to a level that would not be overbearing.
20. For the same reasons, the appeal proposal would not give rise to an unacceptable level of overlooking into the interior of neighbouring properties.
21. However, the presence of the appeal proposal here would give rise to the potential for overlooking into the rear outdoor space of properties on Cornfield Road and The Avenue, or the perception of this occurring. However, this would not be overly dissimilar to the relationships between existing dwellings. Furthermore, the potential for this to arise would be limited to the proposed 2 first floor rear bedrooms.
22. The remaining garden area which would fall between the appeal site and The Crescent enjoys little in the way of privacy from the street. Existing mature planting between the appeal site and that area would provide some screening. Consequently, the fact that the appeal proposal would overlook the garden area of No 4, would not unduly diminish existing privacy levels to a degree that would be unacceptable.
23. For these reasons, the appeal proposal would not cause unacceptable harm to the living conditions of occupiers of neighbouring dwellings, with particular regard to levels of outlook and privacy.

24. Policy DC1 of the of the Core Strategy requires that the effect on the amenities of occupiers of nearby properties is minimal. In the absence of harm, there is no conflict with this policy.

Conclusion

25. The appeal proposal would cause less than substantial harm to the character and appearance of the Linthorpe Conservation Area and also to the setting of the Grade II listed The Avenue Methodist Church. Moreover, I have found that harm is not out-weighed by the public benefits advanced.

26. The identified conflict with the development plan weighs heavily against the appeal proposal. This is not out-weighed by any other matters when assessed against the development plan taken as a whole. Consequently, the appeal should be dismissed.

C Dillon

INSPECTOR



Appeal Decision

Site visit made on 12 April 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/W0734/D/20/3266046

110 Cambridge Road, Middlesbrough, Cleveland TS5 5HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mohammed Rafiq against the decision of Middlesbrough Council.
 - The application Ref 20/0446/FUL, dated 29 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is Kitchen extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located on a corner plot with Castleton Avenue. It has been extended to the rear by virtue of a single storey extension to which the appellant seeks to extend towards the perimeter boundary with Castleton Avenue including a hipped roof above the totality of the rear element.
4. The street scene of Castleton Avenue is one of a very defined building line to both sides of the road. As the proposal would extend towards the boundary, it would be visible from the street scene.
5. At a proposed length of approximately 7.2m along the side perimeter boundary, it would distort this regular building line order that is a characteristic feature of the street scene. Its prominence would be further highlighted as it would project beyond the return building line of No 1 Castleton Avenue.
6. Consequently, it would not represent good design but instead result in detrimental harm to the character and appearance of the immediate area.
7. Limited details of the other example extensions brought to my attention have been provided by the appellant for me to consider and in any case, as is my duty, I have considered the proposal and its relationship with the street scene to which it closely relates.

8. I am aware of the implications of the Covid-19 pandemic and the occasions for people to need to self-isolate. However, how this has a bearing on the need for the proposal has not been explained by the appellant. They have told me they have a medical condition and a ground floor bathroom would improve their living conditions. However, there are no substantive details presented with the appeal to allow me to consider this matter further, and therefore I apply moderate weight to this matter.
9. To conclude, in the overall planning balance, the proposal by virtue of its scale and massing and location close to the boundary would have a detrimental effect on the character and appearance of the street scene in conflict with the Middlesbrough Local Development Framework Core Strategy 2008 Policies DC1 and CS5 in their general design aims, as well as the advice contained within the Councils Urban Design Supplementary Planning Document Design 2013.

Conclusion

10. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR