

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 10 September 2021.

PRESENT: Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, C Dodds, M Nugent, J Rostron, J Thompson and G Wilson.

ALSO IN ATTENDANCE: Councillors S Dean and E Polano; E Craigie (Teesside Live), M Findlay, C Foy and S Hesmondhalgh.

OFFICERS: P Clarke, D Johnson, A Glossop, C Lunn, G Moore and S Moorhouse.

APOLOGIES FOR ABSENCE: Councillors B Cooper and L Garvey.

21/10 **WELCOME AND INTRODUCTION**

Following the Chair's introduction to the meeting, a Member made reference to site visits and queried when these would be reinstated. The Head of Planning advised that this was currently being explored with a view to reintroducing them as soon as possible.

NOTED

21/11 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

21/12 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 16 JULY 2021**

The minutes of the Planning and Development Committee meeting, held on 16 July 2021, were submitted and approved as a correct record.

21/13 **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 and reported thereon.

19/0355/FUL Erection of 18 no bungalows with associated access and landscaping works on Land at Hemlington Lane, Middlesbrough for Mr K Shannon

Item deferred for the following reasons:

To allow assessment of wildlife feature found on site.

21/0041/FUL Erection of 1 no dwellinghouse (demolition of existing property) at Cleveland Cottage, Brass Castle Lane, Middlesbrough TS8 9ED for Mr and Mrs Spriggs

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 permission was sought for the erection of a large detached two-storey dwelling on the site of an existing dwelling and associated garage, which were to be demolished. The development would largely maintain the area and character of the existing property.

Members heard that following a consultation exercise, there had been no objections received. Two representations had been received with comments on the proposed development, which raised issues pertaining to builders' operations, the scheduling of construction activities, and to the septic tank serving the site. One letter of support had been received and a Ward Councillor had also supported the proposed development.

The application site was located outside of the limits of development, however, owing to the pre-existing dwellinghouse, officers were satisfied with the proposals and the recommendation was to approve the application, with conditions.

A Member made reference to the issues that had been raised during the consultation exercise and queried what assurances could be given to demonstrate that these had been taken into account. In response, the Committee was advised that:

- In respect of builders' operations and all materials, plant and temporary accommodation being kept within the site, this should happen without issue. However, if works were to extend beyond the boundaries of the site, the Planning department would have no control or authority over this and it would need to be treated as a civil matter. It was commented that this was a significant site and there was plenty of space available within it to undertake works; there were no particular issues from an officer perspective regarding this.
- In terms of construction hours, the Planning department did not control these; any particular issue or cause for complaint would need to be investigated by Environmental Health. However, it was indicated that this site was a fair distance away from other residential properties.
- In respect of the septic tank, whereby concerns had been raised that discharge into the tank and soakaway may pollute neighbours' land, it was explained to Members that this was an existing septic tank which could connect into it, or new former drainage installed. There was a condition attached whereby if system changes did occur, this would need to be referred back to Planning for agreement and could therefore be reasonably controlled.

The Applicant's Planning Consultant was elected to address the Committee, in support of the application.

In summary, the Planning Consultant:

- Provided details of the Applicant's background and commitment to Middlesbrough.
- Commented on the style of the property and its in keeping with properties of similar size across the Tees Valley area.
- Indicated that, owing to the existence of a dwellinghouse on the site, the principle of the application had been accepted; the site was now ready for redevelopment into a new home for the 21st Century.
- Hedgerows around the property would be retained and there were plans for new planting throughout the site.
- There were no objections from neighbours; any issues regarding drainage could comfortably be addressed with no adverse effects to the area's drainage or neighbouring properties.

In response to an enquiry from a Member regarding the entrance to the proposed development, the Planning Consultant indicated that this would remain the same.

A Member queried the age of the original house. In response, the Planning Consultant advised that it was a circa. 1950s property, which had been developed over the years.

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

21/0290/FUL Erection of 1 no detached dwelling at 20 Fountains Drive, Middlesbrough TS5 7LJ for Mr J Bradley

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

The Development Control Manager advised that planning permission was sought for the erection of a two-storey, four bedroomed detached dwelling on the section of residential garden located immediately to the north (at the side) of 20 Fountains Drive in Acklam. Vehicular access to the property would be provided directly from Sledmere Drive.

The application site was located on a corner plot at the junction of Sledmere Drive and Fountains Drive in a predominantly residential area of Acklam; aerial and street views were shown to Members. The frontage of the property would face towards Fountains Drive with a section of close boarded boundary fencing positioned along part of the side boundary facing Sledmere Drive.

It was explained to Members that following submission of the original plans, concerns raised by officers in respect of the scale and position of the development had been addressed. The plans were amended to reduce the width of the two-storey element of the dwelling by 1.5 metres, and to provide a reduced hipped roof detail on the rear elevation. The proposed side boundary fence had been relocated to be set away from the pavement along Fountains Drive/Sledmere Drive.

The Committee heard that the application site had been granted previous approval for a detached two-storey dwelling and a separate application for a dormer bungalow on the site, and the principle of residential development in this location was established as a result.

It was explained that there would be changes to the existing property should this application be successful. The proposal would include the demolition of the existing detached garage, relocation of the existing entrance door and first floor bedroom window from the side elevation to the front elevation, and the installation of a front driveway at the host property at 20 Fountains Drive. Such changes fell within the permitted development regulations and therefore did not require planning permission.

Following consultation, 42 objections had been received from neighbouring residents, together with objections from Ward Councillors S Dean and E Polano. There had been two support comments received.

In summary, the objections related to:

- The scale of the development;
- Loss of privacy and amenity;
- Overbearing impact, noise and dust;
- Impact on the character and appearance of the street scene;
- Highway safety;
- Construction traffic;
- Drainage;
- A lack of need for the housing; and
- Devaluation of neighbouring properties.

The support comments related to:

- The proposal improving the current Anti-Social Behaviour on this section of land;
- Speeding concerns being addressed separately;
- Drainage issues being unrelated to this property; and
- The dwelling building line followed those of Sledmere Drive and Fountains Drive.

It was indicated that, from the officers' perspective, the revised design and reduced scale of the dwelling were considered to achieve a property which was in keeping with the scale, design and character of the existing semi-detached two-storey properties along Fountains Drive. The separation distances, location of the dwelling and the position of the windows/doors relative to other properties were considered to ensure the privacy and amenity of the neighbouring properties would not be significantly affected. The proposed vehicular access to the rear of the property from Sledmere Drive was sufficient distance from the junction to ensure no impact on the existing visibility splays, whilst providing adequate parking provision for the proposed dwelling with no additional impacts on highway safety. The development was considered to be in accordance with Policies DC1, CS4, CS5 and H11 and was recommended for approval subject to conditions.

In response to an enquiry regarding the entrance to the proposed development, the Development Control Manager advised that the entrance to the front would be utilised for pedestrian access; a further door on the side of the property, accessed via a utility room,

would provide access to the side of the house and to a parking area at the rear side.

A Member made reference to previous planning applications that had been approved and queried potential reasons as to why development works had not taken place. In response, the Development Control Manager advised that if the site was able to accommodate the proposed development, that was the main priority; whether or not an applicant proceeded to continue with the development was subject to individual circumstance.

A Member made reference to highways and visibility and the issues raised by objectors; a request for clarification regarding the views of MBC Highways was made. In response, the Development Control Manager advised that the Council's Highways Officers had commented that forward visibility around the junction met the requirements that would be expected for this type of junction. In addition, there was the appropriate amount of parking available relevant to the Council's design guide and was therefore, on Highways grounds, acceptable.

A Member made reference to an issue raised in respect of visitor parking. It was queried whether there were any possible issues or restrictions in the garden being reduced to allow for further parking on the site. In response, the Development Control Manager advised that the Highways guide for parking was three spaces for this type of property. Visitor parking was more relevant on bigger schemes where an array of visitor parking was required. This was an existing set of streets where there was visitor parking for all properties, and arguably some of that would take place in the highway. There would be space available at the front of the property for further parking to be provided if it was necessary, but from the Council's perspective and the requirements of the planning policy for parking provision, it did meet those standards.

Two Ward Councillors for Acklam Ward and a resident of a neighbouring property spoke in objection to the application. In summary, the objections related to:

- Style, size and position of the development;
- Visitor parking;
- Loss of privacy;
- Changes to existing property;
- Take up of green/garden area – this was not derelict land;
- Potential to set precedence and other plots of similar make-up being utilised to undertake similar development;
- Design was not in keeping with the area;
- Devaluation of neighbouring properties;
- Highway safety and use of the corner by school children – this development would result in a 'blind bend';
- Speeding vehicles may lose control and mount what would become somebody's property;
- Drainage – green area converted into hard standing for car parking raised flooding concerns and contravened MBC's Green Policies; and
- Erection of a 6ft fence around the property.

With regards to the issue raised in respect of the hard standing, the Development Control Manager explained that it was not uncommon for a pathway to the front door and a driveway to be included in development plans, and therefore this would not raise any concerns from an officer perspective.

With regards to the fencing that would be erected around the side of the property, Members were directed to the slides shown during the presentation which illustrated where this would be sited. The plans referenced a 2m high privacy fence to create a private garden area associated with that property. It was explained that if Members held any particular concerns with the position or height of the fence, that could potentially be amended through assignment of a condition to deal with that particular issue. However, it was indicated that the fence was set off from the front boundary of the plot with the pavement, and also set in from the side boundary, meaning that it would be set back from the road on both sides. An amendment to the position of the fence had been made during the application process.

In response to a Ward Councillor's request for clarification regarding conversion of the grassed area at the front of the existing property into hard standing for car parking, it was confirmed that this would be the case. The Ward Councillor subsequently made reference to the existing property and queried whether this would be a smaller plot in comparison to the new development. In response, it was confirmed that this would be the case.

In response to a general comment regarding objections, the Legal representative and Head of Planning advised that objections must have related to material considerations, and it was a matter of their quality rather than quantity. It was explained that the number of objections demonstrated strength of feeling, but did not alter the fact of what was or was not a material planning consideration. Members were advised not to take into account non-material considerations when making their decisions, and were directed to the Planning Consideration and Assessment section of the policy guidance for information.

A Member commented on the potential to reduce the height of the boundary fence at particular sections in order for the development to be more in keeping with other properties in the area, but commented that visibility would still be reduced if 6ft fencing was to be erected on the corner. A Member also commented that a condition around fencing could potentially be applied if the Committee deemed it appropriate to do so.

ORDERED that the application be **REFUSED** for the following reasons:

In the opinion of the Local Planning Authority the proposed property, as a result of its scale, design and position, will have a detrimental impact on the open character of the area and on the amenity of the adjacent properties, contrary to Local Plan Policy DC1.

21/14

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).

A Member referred to application reference 21/0366/TELPN and queried what constituted a wraparound cabinet. In response, the Development Control Manager advised that it was the cabinet that wrapped around the base of a monopole; masts being erected had a minimum of two, occasionally three, cabinets on site to support various functions. It was explained that, on occasions, the cabinets wrapped around the pole whereas on others, the cabinet was separate from the pole and sited off to one side.

A Member referred to application reference 21/0196/FUL and queried whether this related to the incident of development works taking place on land behind residential property. In response, this was deemed to be the case, but would be confirmed by the Head of Planning / Development Control Manager.

ORDERED that the Head of Planning / Development Control Manager provide clarification in relation to the enquiry raised regarding planning reference 21/0196/FUL.

21/15

PLANNING APPEALS

Appeal Ref: APP/W0734/W/21/3268432 103 Roman Road, Linthorpe, Middlesbrough TS5 5PH – Appeal Dismissed

The development proposed was the erection of a two-storey rear extension and a single-storey rear extension.

The main issues in the determination of the appeal were:

- The effect of the proposed development on the character and appearance of the area having particular regard to this part of Roman Road and with reference to the Linthorpe Conservation Area (CA); and
- The effect of the proposed development on the living conditions of neighbouring occupiers having regard to matters of outlook and light.

10 September 2021

**Appeal Ref: APP/W0734/W/21/3268549 2 Newport Crescent, Middlesbrough TS1 5EP
– Appeal Upheld**

The development proposed change of use from shop A1 [E(a)] to hot food takeaway A5 [sui generis] - contemporary fish and chip shop.

The main issue in the determination of the appeal was the effect of the proposed development on the retail function of the town centre.

**Appeal Ref: APP/W0734/D/21/3278295 22 The Avenue, Linthorpe, Middlesbrough TS5
6PD – Appeal Dismissed**

The development proposed single-storey rear extension, single-storey front extension, first-storey side extension and loft conversion including dormer windows to front and rear.

The main issue in the determination of the appeal was whether or not the proposal would preserve or enhance the character or appearance of the Linthorpe Conservation Area (CA).

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

NOTED