

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday 19th November, 2021
Time: 1.30 pm
Venue: Council Chamber

AGENDA

Site visits will be held prior to the meeting. The bus will depart the rear of the Town Hall at 10.30 a.m.

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 15 October 2021 3 - 10
5. Schedule of Remaining Planning Applications to be Considered by Committee 11 - 36
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Item 1 - 2A Oxford Road - Page 13
Item 2 - Land at Warelands Way - Page 25
6. Applications Approved by the Head of Planning 37 - 46
7. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 11 November 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 15 October 2021.

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

ALSO IN ATTENDANCE: Councillor R Arundale, G Henderson, J Jones and C Van Bedaf

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

APOLOGIES FOR ABSENCE: Councillors D Branson and L Garvey

21/16 **DECLARATIONS OF INTEREST**

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

21/17 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 10 SEPTEMBER 2021**

The minutes of the meeting of the Planning and Development Committee held on 10 September 2021 were submitted and approved as a correct record.

21/18 **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.

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

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 purpose of the application was to seek planning consent for the erection of 18 bungalows with associated highway works, landscaping and infrastructure on the area of land located to the east of Hemlington Lane in Middlesbrough.

The Development Control Manager advised that the proposed density of the site had been reduced from the original 22 bungalows to 18 bungalows.

The site layout included a single vehicular entrance into the site from the southern end of Hemlington Lane. The layout proposed the dwellings and highway access be provided around the central open space area. It was planned that the existing landscape strip and established trees would be retained along the southern boundary of the site, between the A174 and to the west of the site, between the existing properties along Hemlington Lane.

The proposed development planned to provide detached dormer bungalows that were considered to be a high-quality design and which would reflect the existing mixture of house types within the vicinity. The site layout had been designed to provide properties focussed around a central open space with other landscape strips to the rear of existing properties and around the site entrance.

The site was designated green wedge within the Local Plan and was contrary to the provisions of that policy, however, consideration was given to the sites planning history. Members were advised that in 1993, an application to use the land for residential development was refused by the Planning and Development Committee, but was later allowed at appeal by the Planning Inspectorate. In 2000 and 2015, outline permission had been granted for

residential development by the Planning and Development Committee. The outline applications had provided no specific detail of the number of dwellings and no conditions had been attached to the approval, setting out the number of dwellings

Whilst all of the previous permissions had lapsed, the matter of the site being in the green wedge had previously been considered and it was envisaged that, due to the position of the site, its development would not unduly affect the wider purpose of the designated green wedge.

Following consultation, a total of 11 objections had been received from residents at 7 properties and an objection had also been received from a Ward Councillor. The objections and concerns were based on a number of matters, including the density of the development, the quality of the development, impact on the character and appearance of the area, loss of green space, impact on ecology and wildlife, traffic issues such as congestion and highway safety, noise and traffic impacts during construction works and flood related issues on the highway. There were no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The principle of residential development had previously been established through the three previous planning approvals for the site. Although, the consent for the most recent 2015 outline scheme had lapsed, the policies that had been applied to that application still remained relevant policies now. Furthermore, there had been no changes in planning policy since the 2015 approval had been granted.

Members were advised that, although the proposal would result in the loss of an area of the green wedge, the physical separation of the application site from the remainder of the green wedge allocation meant it differed from other allocated green wedge areas. The application site was segregated from the wider surrounding green wedge areas due to the position of the adjacent highway network. It was therefore considered that the physical separation of the site from the wider green wedge allocation, and the lack of current linkage to the wider areas of green space, planned to prevent its loss from having a detrimental impact on the overall wider integrity of the green wedge area or compromise existing green links.

It was planned that the proposed development would be accessed from Hemlington Lane with the internal road layout being provided to adoptable standards.

Members were shown several images, illustrating the site location, the proposed site layout and the proposed housetypes.

In summary, the analysis of the development had determined that the proposals were for a sustainable development, which planned to assist in economic growth in the town. The proposed layout and dwellings were of a high-quality design and planned to provide a pleasant and sustainable environment, offering a good mix of dwelling types. Landscaped areas within the site looked to enhance ecological potential.

The application site was allocated as green wedge within the adopted Local Plan. Although the dwellings conflicted with Policy E2, the segregation of the site from the wider green wedge meant on balance the conflict with policy E2 did not outweigh the social, economic and environmental sustainable benefits of the development.

Externally and internally, the proposed development would meet both the 21 metre and 14 metre separation distances.

The officer recommendation was for approval, subject to conditions and a S106 agreement for off-site provisions.

The Transport Development Engineer referenced objections that had been raised in respect of the proposed access from Hemlington Lane and the request for the creation of an additional spur from the mini-roundabout into the site, similar to the Sandy Flatts Lane Cul-de-sac access. It was commented that the introduction of an additional fifth leg to the roundabout would have been impractical, given its size. With the roundabout being on part of the strategic network, the creation of any additional access or junctions needed to be avoided to ensure there were no highway safety implications. Members were advised that there was an existing access onto the strategic network that already existed in the form of Hemlington Lane, which

presented a low level of vehicle manoeuvring and good visibility splay. The proposed access met all the technical requirements of the Tees Valley Design Guide and there was no lawful reason to consider an alternative access.

It was commented that, in the interests of highway safety, submission of a Traffic Regulation Order (TRO) would aim to reduce the speed limit from 40 mph to 30 mph.

When analysing the impact of a proposal on the highway network, vehicle trips in respect of each residential dwelling had been taken into account. The scheme was estimated to generate approximately 14 two-way vehicle movements, which was not significant and would not warrant refusal of the application.

Highway works planned to include the provision of a Toucan crossing point and designated right hand lane on Ladgate Lane, and a proposed footpath along Hemlington Lane to link the development to Ladgate Lane. The highway works were considered to be an improvement to the existing highway arrangements and would be funded by the Applicant and secured through legal agreements and associated contributions.

A Member raised a query in respect of footpaths and cycle links. In response, the Transport Development Engineer advised that the proposal planned to provide a new footpath link along Hemlington Lane and a crossing on Ladgate Lane to improve footpath and cycle links to the site and existing properties along Hemlington Lane.

A Member queried whether the designated right hand turn for Hemlington Lane was required. In response, the Transport Development Engineer advised that, in the first instance, there was a need to allow the junction to operate as planned. However, once in operation, if problems were encountered in terms of traffic/congestion/road safety, restrictions could be implemented and would need to be dealt with outside of the planning process.

A Member raised a query in respect of reducing the speed limit to 30 mph. The Transport Development Engineer advised that there would be a targeted period of monitoring and enforcement.

A discussion ensued and Members expressed concern that the submitted application proposed to remove the majority of the existing trees within the site. It was also commented that the dense woodland would have mitigated potential noise levels from the highway. It was advised that given the proximity to Ladgate Lane, a 2.2 metre high acoustic boundary fence was required along the northern and north-eastern boundary to ensure there would be no noise impacts to future residents. Members were advised that the acoustic boundary fence would be secured by a suitably worded condition.

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

In summary, the Agent advised that:

- the submitted application before Members had been a result of 2.5 years of work;
- the design was contextual and sensitive to the site;
- the dwellings were of a high-quality design and the scheme would provide a central green open space area, with the majority of the dwellings fronting the open space;
- the proposed layout contained bungalows only and was of a low density;
- the detached dormer bungalows would be of the highest quality;
- outline permissions had been approved previously for the site;
- the proposal translated restraints to drive design;
- the separation distances between the existing residential properties and the proposed dwellings were in excess of the privacy distances required;
- a dense mature hedgerow would be provided along the northern boundary of the site;
- the proposed development would be accessed from Hemlington Lane;
- there had been detailed highway approval of the scheme and the proposal would secure improvements to the existing highway arrangements;
- the proposal retained the green character of the site by providing landscaping, trees, hedges and shrubs within the site;
- the proposals provided a sustainable development, which would assist in the economic growth in the town;

- the S106 agreement would secure monies to provide for the provision of an off-site highways impact mitigation (toucan crossing, footpath along Hemlington Lane, carriageway works), an off-site affordable housing contribution of £425,000 and off-site mitigation for the loss of trees i.e. £2500 for the purchase and replanting of 2,500 trees; and
- every single aspect of the scheme had been carefully considered.

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

In summary, the Objector advised that:

- all residents of Hemlington Lane strongly object to the proposed scheme;
- the removal of woodland was ecologically unnecessary;
- the proposed purchase and replanting of the trees would take a significant amount of time to provide the same ecological benefits as the woodland;
- there were bats and a large variety of birds, including four priority species, nesting at the site;
- a bat survey had not been undertaken;
- the 2015 application had proposed a smaller development of 10 to 12 bungalows on the site;
- future residents would be required to take refuse and recycling bins to the nearest highway, causing safety concerns;
- in the interests of road safety, additional vehicles on the highway network would increase traffic and congestion;
- 600 houses had already been built in the area;
- only safe and direct access would be from a spur off the mini-roundabout; and
- Middlesbrough's Mayor Andy Preston had secured £500,000 of funding from the Forestry Commission to plant new trees in the town, yet, the proposed scheme was seeking to remove mature trees and woodland.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor advised that:

- the application should be refused as it fails to address the implications for residents of Hemlington Lane and the loss of wildlife/biodiversity;
- if the site had to be developed, a smaller number of properties should be proposed to prevent the loss of woodland;
- the proposed access was not acceptable and needed to be revisited;
- the scheme planned to destroy a substantial amount of woodland; and
- if the scheme was approved, woodland would be sacrificed without justification.

A discussion ensued and Members expressed significant concerns that the proposed development would involve destroying/clearing a large area of woodland, which would negatively impact on wildlife and biodiversity. To deliver a greener and healthier environment, the Council had demonstrated a clear commitment to promoting biodiversity net gain. A Member commented that the proposed scheme conflicted with what the Mayor and the Council were trying to achieve and would not deliver measurable improvements for biodiversity.

Members also expressed concern in respect of the high density of the development and the proposed pedestrian and vehicular access.

The Development Control Manager advised that the findings of the ecological assessment, the subsequent badger sett survey, the inclusion of the additional tree planting and landscaping within the site and the S106 financial contribution for additional tree planting meant the proposed development was not considered to have a significant impact on ecology. It was also added that the s106 agreement would also secure financial contributions to fund highway improvement works and provide affordable housing provision.

Members were advised that if approval was granted, an additional condition was proposed to ensure the acoustic fencing was installed and validated as successful.

Members continued to express concern, particularly in respect of the negative impact the proposal would have on wildlife/ecology/biodiversity and on residential amenity.

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

Loss of Trees, Biodiversity and Ecology

In the opinion of the Local Planning Authority, the proposed development would result in the loss of a substantial amount of tree cover and associated biodiversity and ecology, contrary to the National Planning Policy Framework 2021 (para.174d), Local Plan Policy DC1(e), CS4(j), and the Council's Green Strategy, which require impact on biodiversity and ecology to be minimised, for biodiversity assets, wildlife species and green infrastructure to be protected, and to sustainably manage and develop green spaces.

Impact on Amenity of Surrounding residents

In the opinion of the Local Planning Authority, as a result of the extent of development being proposed and the associated movement of vehicles to and from the development, the proposals would have an unacceptable adverse impact on the amenities associated with surrounding properties through the change in character of Hemlington Lane as a particularly small grouping of properties within a cul-de-sac away from other residential properties, thereby being contrary to Local Plan Policy DC1(c).

21/0109/FUL Erection of detached domestic garage building to rear at 3 Marton Moor Road, Middlesbrough for Ms Brodrick

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 application site was a mid-terraced two storey residential property located to the north side of Marton Moor Road. The application proposed to remove the existing rear boundary which was made up of brick pillars with roller shutter door and construct a detached, pitched roof garage.

The property sat within a terrace of six on the north side of Marton Moor Road. To the rear of the property was a back lane with a church on the opposing side. The properties had no vehicular access to the front, which was taken off the back lane to the rear accessed via Rockwood Road.

No.3 (the application property) was the only property within the terrace group without a garage to the rear.

Members heard that the scheme had been amended since its initial submission, which had included a higher roof and an additional floor with 2 windows within the 1st floor. The revised scheme reduced the height of the proposed building to single storey.

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 was shown having a pitched roof and although that was contrasting with the other garages in the immediate vicinity, it accorded with the principles of the Middlesbrough Design Guide which in general did not support flat roofed additions.

Seven objections had been received from three properties, which mainly related to the scale of the building, its close proximity to the adjacent properties, the resultant loss of light and the general overbearing impact.

Members raised queries in respect of the size and positioning of the proposed building. In response, the Development Control Manager advised that the dimensions of the proposed garage were 5.46m by 5.5m and a maximum height (from ground level) of approx. 4.17m and eaves height of 2.3m. The scale, design and materials proposed were appropriate to the site location and there would be no demonstrable adverse impact on adjacent residential amenity.

It was considered that the proposal would not cause notable harm to the amenities of the neighbours or the appearance of the dwelling or the surrounding area and was of a design which was in keeping with the host property. The officer recommendation was for approval.

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

In summary, the Agent advised that:

- the proposed garage was of a good design;
- in light of officer comments, the initial scheme had been reduced to ensure the scale would not unduly affect adjacent properties or the character of the area;
- the scheme complied with planning policy and legislation; and
- there were no grounds to justify refusal of the application.

A discussion ensued and Members commented that the scale and design were appropriate for the site location and there were no material planning considerations that would warrant refusal of the application.

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

21/0480/VAR Variation of condition no. 5 of planning approval 20/0045/COU to remove the condition which requires external windows in the north west elevation to remain closed between the hours of 9am to 9pm at Former Ormesby Methodist Church, High Street, Middlesbrough TS7 9PA for Mrs Woodgate

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

The Development Control Manager advised that planning permission was sought to remove condition No.5 attached to planning approval 21/0045/COU, which granted permission for the use of the former church to be a dance studio. Condition 5 related to windows on the northwest elevation, which were required to be closed to prevent undue disturbance to surrounding residential amenity in lieu of any evidence demonstrating it would not cause harm.

The main consideration of the application was whether or not there was sufficient evidence to demonstrate the opening of the windows could occur, whilst the dance school was operational, without having an undue impact on nearby neighbours in terms of noise and disturbance.

Consideration had been given to a technical report submitted with the application and noise monitoring carried out by the Council's Environmental Health Department. It had been concluded that the opening of windows could occur without having a significant increase in noise levels or impact in terms of noise and disturbance on local residents. In view of those findings, it was recommended that approval be granted to remove Condition 5.

A Member queried whether noise levels, at the site, could be monitored for an initial period of three months. The Head of Planning made reference to Condition 3 - noise mitigation on request. Members were advised that if complaints were received from neighbouring properties, in respect of the noise levels, the Applicant would be required to submit a scheme of mitigation to the Local Authority. In the event that an agreed scheme was not implemented, within 4 months of the initial request, all amplified sound at the premises would cease until an agreed scheme was implemented. If noise levels were deemed unacceptable by local residents, Condition 3 would be triggered, enabling the Council to monitor the levels beyond an initial period.

Evidence submitted with the application demonstrated that there was no significant difference in noise levels at the site with windows open. The findings of the noise report were verified by the Council's Environmental Health Department, the removal of the condition would not unduly impact the amenity of local residents.

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

21/19 **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

21/20 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

The Head of Planning advised that, for future meetings of the Planning and Development Committee, site visits would be reinstated. In line with COVID-19 regulations, Members were asked to wear a face covering, observe social distancing and keep contact with Applicants/Agents/Objectors to a minimum.

NOTED

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Planning & Development Committee - 19th November 2021

Town planning applications which require special consideration

1	21/0233/VAR Linthorpe	Applicant Mr & Mr Andrew & Anthony Hynes Agent Mr Fahim Farooqui	Variation of condition 3 (opening hours) of application 19/0532/COU for the roof top terrace to operate between 10:00 and 22:00 hours Monday to Sunday 2A Oxford Road, Middlesbrough, TS5 5DT
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2	21/0419/FUL	Applicant Mr Majid Agent Mr Wardman	Erection of building to provide 3 storage units (Use Class B8 storage and distribution) Land At Warelands Way, Middlesbrough, TS4 2JY
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APPLICATION DETAILS

Application No: 21/0233/VAR

Location: 2A Oxford Road Middlesbrough
TS5 5DT

Proposal: Variation of condition 3 of planning approval 19/0532/COU

SUMMARY

The application site is 2A Oxford Road, a first floor kitchen/store and roof terrace which is associated with a ground floor bar at 55 to 59 Roman Road. The property is located within the Roman Road Local Centre and is within the Linthorpe Conservation Area and Article 4 designated area.

The site is located at the junction of Oxford Road and Roman Road with commercial units located to the north and west along Oxford Road. Directly opposite the application site to the east across Roman Road is the Linthorpe Hotel. Immediately to the south is the adjoining Dental clinic at 61 Roman Road with residential properties in the continuing terrace. To the west of the application site on the first floor is a residential flat, located at 2B Oxford Road and the upper floor of a hair salon at 2 Oxford Road. An alleyway is located to the rear of the property with residential properties located to the south-west along Linden Grove.

Planning permission was previously granted under application 19/0532/COU for:

Part change of use of first floor from residential (C3) to create a roof terrace/kitchen/store room associated to ground floor bar (A4) at No.55-59 Roman Road with internal and external alterations

In order to limit potential impacts to the neighbouring residential properties from the use of the roof terrace a condition (Condition 3) was imposed to limit the use of the open terrace to be between the hours of 10am and 7 pm as well as for the provision of acoustic fencing to the rear of the terrace to limit noise transference.

This application seeks to vary condition 3 of the approved scheme to allow the roof terrace to be used beyond the controlled hours, upto 10pm on all days.

The application is supported by a Design and Access Statement, Noise Assessment and Noise Management Plan.

Two objections have been received in relation to the proposed extension of opening hours mainly based around additional comings and goings / traffic and additional noise disturbance, indicating there is already noise disturbance from the late night establishments within the area.

The submitted noise assessment indicates that the average noise levels would not increase as a result of the proposed extended hours relative to the nearest residential property to the

rear of the site and the vehicle noise is the greatest impact of noise within the area. Notwithstanding this, it is considered that the proposal would introduce a type of noise into a mixed commercial / residential area, at a point close and adjacent to residential properties which would be particularly difficult to predict and control and would be doing so at a time of the day when surrounding residents should be able to expect a greater level of amenity. The proposal would be likely to result in intermittent additional disturbance to residential amenity on a basis sufficiently regular to be considered as being notably harmful to the existing levels of residential amenity contrary to the NPPF and Local Plan Policy DC1.

The officer recommendation is to refuse permission.

PLANNING HISTORY

Previous Planning permissions for the site include:-

19/0512/COU- Retrospective change of use of first floor from residential flat (C3) to Beauty Salon (Sui Generis), approved February 2020

19/0532/COU- Part change of use of first floor to from residential (C3) to create a roof terrace/kitchen/store room associated to ground floor bar (A4) at No 55-59 Roman Road with internal and external alterations, approved November 2019.

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should

be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

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

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

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

DC1- General Development
CS4 – Sustainable Development
CS5 - Design

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

CONSULTATION AND PUBLICITY RESPONSES

There have been 2 letters of objection received following the neighbour consultation/press and site notice.

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

MBC Environmental Protection

Initially raised no comments to the application and provided the following response to request for further detailed clarifications.

Having considered the noise assessment that was submitted with the planning application (9103.1), we were happy with the findings of the report which concluded that an extension of the opening hours from 7pm to 10pm would not have a significant impact on the background noise levels in the area, particularly the nearest residential premises (Flat 2 A Roman Road). The report advises that the main source of noise in the area is road traffic noise and fixed plant noise.

It should be noted that the noise measurements were taken when covid restrictions were in place, so the number of people on the terrace may not be a true representation of the

potential number of people and therefore number of voices that will be heard post covid restrictions. The applicant is not intending to play music in the outdoor space, therefore the concerns in terms of noise will be raised voices. It is very difficult to determine the noise impact that raised voices will have, as there is not a noise level that can be accurately predicted. The noise levels from customers will vary from day to day, and customer to customer. The noise management plan should assist in controlling this, however, I understand concerns with regard to the proposed later hours potentially impacting on the residential amenity of the area.

I can confirm that we have not received any noise complaints regarding noise from the terrace area, however I understand that the terrace has never been used after 7pm. The applicant has attempted to control the noise by erecting a fenced area as a barrier to the residential flat, that said, should we receive noise complaints from the terrace area, then outdoor drinking areas are notoriously difficult to deal with, Licensing Regulations are difficult to relate to patron noise, and statutory nuisances can be difficult to determine.

Public Responses

Number of original neighbour consultations	69
Total numbers of comments received	2
Total number of objections	2
Total number of support	0
Total number of representations	0
Site Notice Posted 21 st May 2021	

Objection from 83 Roman Road

Increase in vehicles parking on Roman Road and the surrounding areas, causing more difficulty for residents to get parked, particularly the elderly and disabled. There have also been issues with customers parking on double yellow lines and pedestrian crossing, causing safety issues and concerns.

There are numerous issues already with parking where customers of the Artizan have been seen parking on the pedestrian area, which causes issues for local residents walking safely in and around the area.

Secondly, it has caused an increase in noise pollution and anti-social behaviour for local residents. This can be regularly heard up until midnight and beyond. The increase in noise pollution and anti social behaviour has led to residents being unable to sleep, therefore causing disturbed sleep and anxiety, resulting in them being absent or late from school and their places of work. Extending the opening hours of the Artizan will only make the problems worse.

There are 5 other drinking establishments within the proximity of 2a Oxford Road and in our opinion, this is more than enough to meet the needs of the community.

To our knowledge, Roman Road is part of the conservation area and our understanding is that the owners have already been asked to remove the current outside drinking areas, which has not been adhered to.

We feel there is enough seating inside and outside to meet the needs of the customers.

Linthorpe is a residential area that is a sought after and desirable area in which to live. However, increasing table coverage for drinking in our opinion will only serve to have a negative effect on both house prices and the close-knit community.

We hope that you will take our concerns and worries in regards to not extending the longer opening hours.

Objection from 79 Roman Road

I wish to raise an objection to this due to the following.

Increase of vehicles parking in the area particularly Roman Road where parking for residents is at a premium and also issues with patrons parking on double yellow lines and crossing area.

There are already issues with parking near the artizan where car owners have been seen parking on the pedestrian area, causing issues for local residents walking safely in this area.

Secondly increased noise pollution for residents and possible increase in anti-social behaviour and noise levels.

There are in fact other drinking establishments with 100 yards of 2a oxford road and in my opinion there is enough hostilaries to meet the needs of the community.

Also i would like to raise the point that this area is part of the conservation area and my understanding is that the owners have already been asked to remove current outside drinking areas and this has not been complied with.

I would suggest that there is enough seating onside and out currently to meet current and ongoing trade.

Linthorpe is a residential area which is a sought after and desirable area in which to live. However increase of table coverage for drinking in my opinion will only serve to have a negative effect on both house prices and a close knit community.

I would hope that you will consider my objection in regard to not extending the longer operating hours.

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the impacts of noise and disturbance from the proposed extension of hours to the use of the terrace and any associated impacts. These are considered as follows;

Principle of the development

2. The principle of the development has been established under the previous planning approval granted in 2019 and that allowed for the roof terrace to be utilised as an outdoor seating area to be used in association with the licensed premises. This application is therefore only considering the proposed changes to the opening hours of the roof terrace on the first floor of the premises.

Character and Appearance

3. The proposal will not alter the existing appearance of the existing roof terrace. The acoustic fencing that was a condition under the previous approval for the granting of the roof terrace has been installed and is already visible / part of the terraces existing character/appearance. The applicant has suggested within the design and access statement that a temporary canopy may be installed within the roof terrace area although that is not part of this application and may not in itself require planning permission. As such, the proposal will not change the appearance of the area.
4. The use of the terrace arguably increases the capacity of the premises and this becomes visible externally and audible externally and so has the ability to change the character of the area in the later hours (Impacts on residential amenity are considered separately). The site is part of the local centre where such uses are directed towards and which already has a character of comings and goings of people to the collection of commercial premises. The character of the centre is likely to change throughout the day as the use / patronage of the types of premises within the centre changes from the shops / day time premises to the more evening based offer.
5. Whilst these matters are noted, in view of the scale of the terrace and its existing presence, it is considered that its use into the later hours, would not unduly change the overall character of the centre or this part of the centre.

Impact on the Privacy and Amenity

Noise – Policy Background

6. Paragraph 127 of the National Planning Policy Framework (NPPF) sets out that to achieve well designed places, planning policies and decisions should consider creating places that are '*safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*'
7. Government's guidance document on noise advises (para.03) that '*decision making needs to take account of the acoustic environment and in doing so consider: whether or not a good standard of amenity can be achieved.*
8. It further advises at Para 06:
some commercial developments including restaurants, hot food takeaways, night clubs and public houses can have particular impacts, not least because activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity.
9. The NPPF guidance is reflected in the Council's Core Strategy Policy DC1 which sets out that all new development should consider '*the effects upon the surrounding environment and amenities of the occupiers of nearby properties will be a minimum both during and after completion*'.

Noise – Existing scenario

10. The applicant currently operates an outdoor seating area to the front of the premises that operates until 10pm and has installed an acoustic fence along the rear boundary of the roof terrace which operates until 7pm to assist in reducing the noise impacts of the roof terrace to the neighbouring residential flat at 2a Roman Road and the residential properties along Linden Grove. The building is located within the Roman

Road Local Centre that has an existing level of ambient noise associated with the commercial uses with several businesses such as Tesco operating until 11pm.

11. Objections have been raised in relation to existing problems with night time drinking and noise within the residential area and the knock on affects of noise, sleep disturbance etc. These are considered within the following paragraphs.

Noise - Supporting documents

12. A design and Access Statement, Noise Assessment and Noise Management Plan have been submitted to support the application. The Noise Assessment details the existing noise levels from the roof terrace relative to the nearest noise sensitive receptor (flat) at 2a Roman Road. The Noise Assessment identified that the most significant noise source was the road traffic noise and plant / machinery associated with the commercial uses within the Roman Road Local Centre and indicated that there was no significant difference in the background sound level between the current and proposed new operating times of the roof terrace. It further noted that when the roof terrace was open, that the greatest noise primarily related to single noise events associated with loud vehicles passing by, advising that the measured noise level associated with patrons on the roof terrace was not significantly different to the measured levels during periods when the roof terrace is closed. The Noise Assessment further advised that the existing acoustic fence at the terrace is sufficient to reduce noise levels to the nearest noise sensitive receptor (2a Roman Road) although did advise that, intermittently, the noise of people talking could be heard on the recordings between the hours of 7pm to 10pm.
13. The Noise Assessment sets out that during the day when the roof terrace is open during the permitted hours, the level of noise is 46dB. During the extended opening hours between 7pm and 10pm the measured background levels were also 46dB with the highest recording from the roof terrace being 50dB which is advised as being from an isolated, single traffic incident.
14. Alongside the Noise Assessment report the applicant has submitted a Noise Management Plan which confirms there will be no live music played on the roof terrace, doors to the roof terrace will be closed when not in operation, waste disposal will be disposed of prior to 7pm and the opening hours of the roof terrace will not be beyond 10pm.

Noise – Material Considerations

15. The Council's Environmental Protection Officers have assessed the application, associated documents, and have no objections to the proposal. They recognise the findings of the noise assessment and accept these although also note that noise from patrons is particularly difficult to predict and difficult to deal with through licensing regimes and through the statutory noise process. Whilst the response from the councils Environmental Health Team are noted, it is recognised that their comments reflect on the difficulty of accurately predicting patron noise and also respond considering the likely impacts more relative to statutory noise nuisances. Planning however has to consider the impacts on reasonable levels of amenity and it is considered that there is a difference between retaining reasonable residential amenity and not being detrimental to a point of not causing a statutory nuisance.
16. It is considered necessary in this instance to consider the type of noise likely to be generated by the proposed extension of hours, the impacts of this and the ability to control it, recognising that raised voices at short distance often don't blend with the background noise or vehicle noise and are perceived by individuals differently which affects whether they are likely to be harmful to amenity.

17. With respect to noise from patrons, this is noise of individual people and noise they generate will be affected depending on the venue type, individual patron mannerisms, time of the day, number of patrons within a single area, whether or not alcohol and 'high spirits' is in play, nature of management and other similar matters. It is considered to not be unreasonable to take the view that as drinking continues into the later hours, that patrons are likely to be in higher spirits than at earlier times and that there would be a propensity for patron noise to therefore increase as the night goes on, albeit not necessarily on a daily basis or in all instances. This is recognised within the government's noise guidance document.
18. The submitted noise assessment refers to the Draft Institute of Acousticians (IOA) Good Practice Guide on the Control of noise from Places of Entertainment and highlighted reference in respect to patron noise as detailed below;

"The working group drafting this good practice guide did not feel that, there as currently sufficient consensus or a robust enough evidence base upon which to make noise level based recommendations for the assessment and control of patron noise. Instead the working group recommend that a qualitative but objective, case-by-case approach to patron noise should be undertaken and supported by appropriate acoustic information, where relevant."
19. This is considered to corroborate a view that patron noise is particularly difficult to control and that, an outdoor seating terrace where patron noise will occur would be similarly be particularly difficult to control and that a noise assessment will not necessarily give the complete indication of the likely impacts of such noise, needing a qualitative and objective approach to be taken.
20. It is considered that whilst there may not be a long and high average noise from patrons for the additional hours, as detailed within the noise assessment, it is highly likely that short spikes in patron noise, will occur throughout the evening. For people living in the nearest properties, they rely on having reasonable amenity at varying times, each day, month, year and so on and in considering this proposal, should extending the hours result in only a small number of audible disturbances each night or each week, the impact becomes cumulative for the surrounding residents and this is an important consideration.
21. The roof terrace is also likely to be most used during the summer months, when, it is also most likely that people will have windows open into the late evening and possibly through the night, bringing likelihood of further conflict.
22. The outdoor area already has the ability to operate into the early evening (until 7pm) and in determining the application for the change of use of the premises, this was seen as a reasonable balance between recognising the premises is within a commercial 'local centre' and recognising residential properties lie immediately adjacent.
23. Whilst each residential property may operate differently, it's reasonable to consider some of the properties within the local area could be used as family properties with children residing there and where noise later into the evening would be likely to have even more of an impact. The proposed hours are until 10pm 7 days a week and so this would limit the respite from the potential noise and in view of the above, it is considered this will have the ability to adversely affect the amenity of these properties into the later evening, when residents should be able to expect a higher level of amenity than throughout the day.

24. In addition, allowing a greater number of people at the premises later into the evening is likely to result in a greater movement of people later into the evening to and from the premises, which will include noises outside the premises from patrons voices, car / taxi doors opening and closing, all within the later evening, when surrounding residents should be able to expect a reasonable level of amenity. Whilst this will already occur, this will be added to were the proposal to be approved and operated, which would be in addition to the noise generated on the terrace and the movement of people outside of the premises obviously has no ability to be reasonably controlled.
25. As well as the above consideration, and whilst the findings of the noise assessment are noted, there are a few matters which are considered to potentially result in the findings not necessarily reflecting a rigorous / robust assessment of the most likely scenario in relation to noise impacts, these being;
- The day when the noise assessment was done appears to be a wet day, when outdoor drinking / eating may have been limited.
 - It is understood the assessment / monitoring was undertaken on a day when there were covid restrictions in place requiring patrons to be seated, 6 to a table etc. This would be likely to result in a reduced number of patrons able to be seated on the roof terrace and therefore skew the results towards the lowest likely noise levels being generated and certainly not representative of a very busy roof terrace on a hot summer's day.
 - dB readings appear to be La90, and La60 and so not at all representative of how a higher noise for a short space of time relative to a patron shouting or similar would have an effect.
 - Noise from people drinking tends to get louder the longer they drink, and measuring until 7 pm doesn't necessarily indicate that noise from drinking for a further 3 hours will be at the same level. This is an inappropriate assumption.
26. In view of all the above matters it is considered that the Noise Assessment is not sufficiently convincing to demonstrate that the proposed extension of hours would not result in regular harm to the amenities of residents in the area in the later evening, being detrimental to the guidance within the NPPF and Local Plan Policy DC1.

Other Matters

27. The extended hours will allow a greater capacity of patrons into the later hours and although objection has been raised to this by a resident in respect to the traffic / parking, it is not envisaged that this would amount to any notable additional impacts given some other commercial premises within the centre will have closed earlier in the day which would have reduced pressures. Objection detailing existing ad-hoc or inappropriate parking is noted, however the proposal relates to an existing premises within the established commercial centre and it is considered that this proposal would not have a direct influence / impact on this matter.

Conclusion

28. It is considered that the proposal would introduce a type of noise into a mixed commercial / residential area, at a point close and adjacent to residential properties which would be particularly difficult to predict and control and would be doing so at a time of the day when surrounding residents should be able to expect a greater level of amenity. The proposal would be likely to result in intermittent additional disturbance to residential amenity on a basis sufficiently regular to be considered as being notably harmful to the existing levels of residential amenity contrary to the NPPF and Local Plan Policy DC1.

RECOMMENDATIONS AND CONDITIONS

Refuse for the following reason;

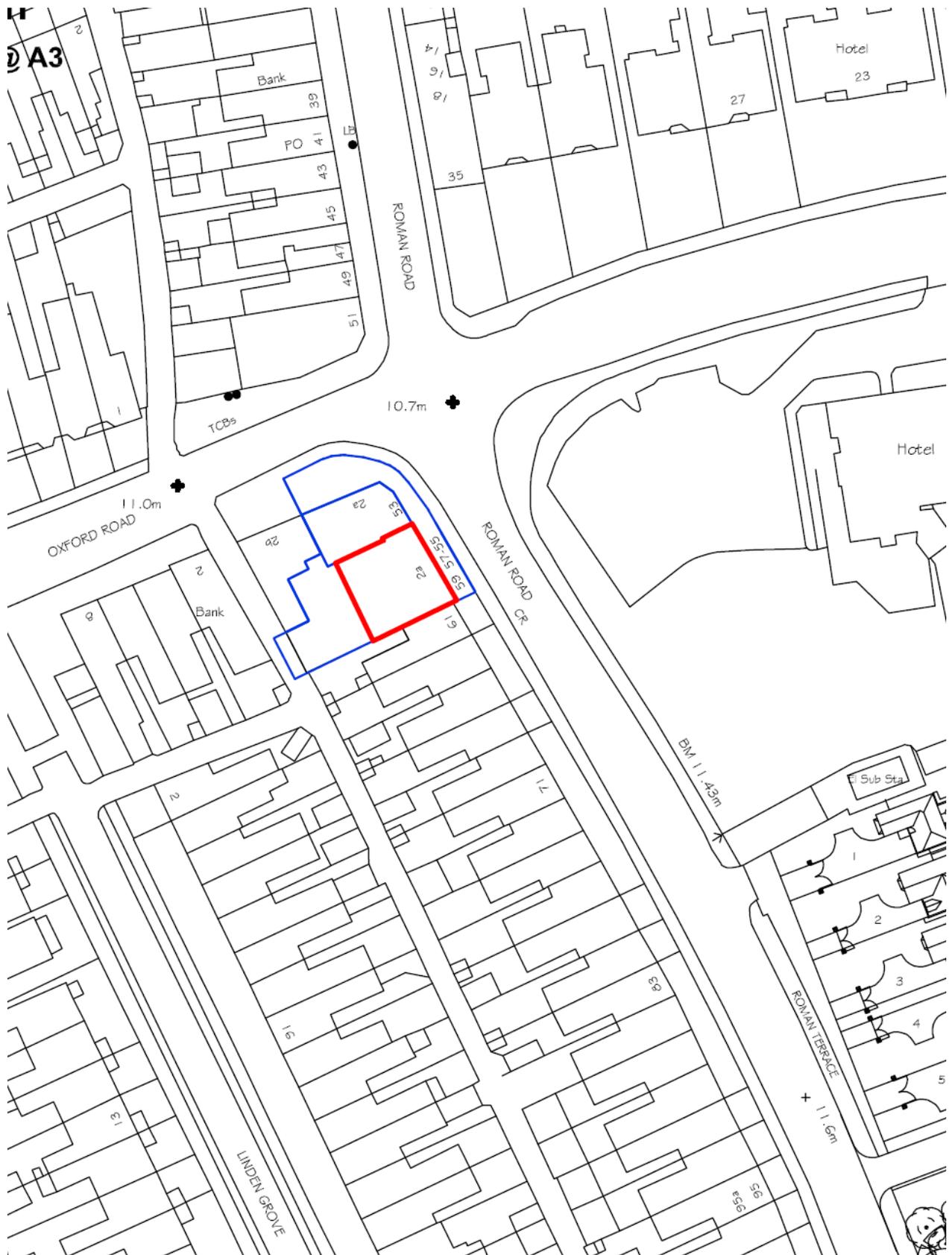
Adverse impact on residential amenity

In the opinion of the Local Planning Authority, the operation / use of the proposed terrace, between the hours of 7pm to 10pm would result in noise disturbance in the immediately surrounding area and would have a detrimental impact on the amenity of nearby residents at a time when they should reasonably expect a reasonable level of peace and quiet, being in conflict with Policy DC1(c) of the Local Plan and the National Planning Policy Framework.

INFORMATIVES

None

Appendix 1: Site Location Plan



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APPLICATION DETAILS

Application No:	21/0419/FUL
Location:	Land At Warelands Way Middlesbrough TS4 2JY
Proposal:	Erection of building to provide 3 storage units (Use Class B8 storage and distribution)
Applicant: Company Name:	Mr Majid Roaa Ltd
Agent: Company Name:	Mr Wardman WardmanBrown
Ward:	Longlands/Beechwood
Recommendation:	Approve with conditions

SUMMARY

The application seeks planning consent for the erection of 3 storage units (use class B8 storage and distribution) on land at Warelands Way within the Warelands Way Industrial Estate. The proposal includes the alteration to the existing private internal roundabout within the estate, the installation of four additional car parking spaces to the side of the building with the overall loss of four car parking spaces.

Following consultation there have been 3 letters of objection received from residents.

The objection comments are based on the highway access to the existing units, loss of existing car parking for existing units and resulting impact on businesses, intensification on existing parking resulting in congestion, construction work access issues and the lack of need for any more industrial units.

The proposal will provide three additional B8 storage and distribution units within an existing industrial estate. The design of the industrial units is considered to be consistent with the existing unit design with high quality materials. The nature of the proposal being B8 Storage and Distribution will result in no notable detrimental impact on the amenities of the neighbouring units.

The existing internal roundabout with the estate will be amended to square the northern section of the roundabout to enable access into the unit. This section of the highway and the roundabout are within private ownership and are not adopted.

The proposal will result in the overall loss of four car parking spaces as the proposal will include four additional spaces to the east of the proposed unit.

The site layout and associated highway and parking alterations have been designed to provide adequate highway access and parking provision for the proposed and the existing units within the Industrial Estate and raise no highway safety concerns.

The application is supported by a Design and Access Statement and a certificate B notice has been served.

The recommendation is for approval of the application subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located on land at Warelands Way within the Warelands Way Industrial Estate. The Industrial Estate is located to the south of the roundabout for Longlands Road and the A174 with the highway access into the industrial estate being from Hutton Road. The site itself is located immediately to the north of the internal roundabout within the estate on an area of hard standing which is currently allocated for car parking for the existing units. The site area itself is 460 square metres.

The proposal is for the erection of a single storey industrial unit which will provide three individual units, with a total internal floor space of 174 Square metres. The overall width of the building will be 27.4 metres with a depth of 6.8 metres. The eaves height on the front elevation will be 4 metres with the maximum height of the building being 5 metres at the rear.

The building will be a steel framed design with brickwork on the lower sections of the elevations and Kingspan dark green cladding on the upper sections. The unit will have a lean to roof design with each unit having an aluminium roller shutter door and single cream steel access doors on the front elevation with no windows/doors on the side or rear elevations.

The current internal roundabout with the estate will be amended to square the northern section of the roundabout to enable access into the unit. This section of the highway and the roundabout are within private ownership and are not adopted.

The proposal will result in the overall loss of four car parking spaces, with the proposal providing four new car parking spaces to the east of the proposed unit.

PLANNING HISTORY

Previous planning permission for the site include recent approval in 2019 under application 19/0633/FUL for three storage units under class B8 Storage and Distribution approved in December 2019. The application was approved with the only condition being the development should be in accordance with the submitted plans.

PLANNING POLICY

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

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

CS4 – Sustainable Development
CS5 - Design
DC1- General Development
CS7- Economic Strategy
H1 - Spatial 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

Consultation letters were sent out to the adjacent units and a site notice was posted at the site. The comments are summarise below :-

Objection comments

- a. Impact on the existing businesses due to the proposed access arrangements off highway and generate issues in being able to locate the existing units
- b. Proposed units will protrude and obstruct the only highway access to Units I, J, K and L
- c. Extra vehicles the units will generate will make it hard to follow the visual line of the road, if not block it or reduce the access/egress in some way.
- d. Additional traffic will add to congestion and confusion within the estate where parking already at a premium.
- e. Parking impacts will prevent customers visiting the existing units and result in a negative impact on the existing businesses
- f. Construction of the units will block access to the rear units and issues with parking and deliveries to the rest of the estate – this should be considered.
- g. Just starting to make progress after the last 18 months and reduction in access for customers will have a detrimental impact on the recovery of the units.
- h. There are 50 units in Middlesbrough of 1000 square feet or below so these units are not filling a need in the area as there are units already available.

Objection comments received from the following addresses:-

1. Unit L, Warelands Way
2. Unit K, Warelands Way
3. Neil Sullivan, 2 Deal Road, Billingham

Public Responses

Number of original neighbour consultations	10
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	0

MBC Highways

The scheme will not have a material impact on the operation of the highway network compared to current levels. The extent of adopted highway stops at Hutton Road, with Warelands Road not forming any part of adopted highway other than at the junction with Hutton Road. As a result the parking arrangement and how that operates all falls within private ownership. Also the area in question seems to have been operating as an informal storage facility for a number of years with containers currently located in this area.

MBC Environmental Protection

No comments

MBC Waste officer

No comments

Northern Gas Networks (in summary)

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

Cleveland Police Architectural Liaison Officer

Applicant is encouraged to contact me for any advice, guidance I can offer in relation to designing out opportunities for crime and disorder to occur. Full information is available within the SBD Commercial Guide at www.securedbydesign.com

PLANNING CONSIDERATION AND ASSESSMENT

Policy Context

1. Policy H1 (Spatial Strategy) sets out that all new employment development should be focused in North Middlesbrough, Riverside Park, Middlesbrough Town Centre, Middlehaven and the East Middlesbrough Business Action Zone whilst ensuring the employment needs of the local communities are met. Proposals outside of these locations, which include the application site, should be sited within the urban area where they are accessible to the community they serve and satisfy the sustainability requirements set out in Core Strategy Policy CS4.
2. Policy CS4 (Sustainable Development) requires all development to contribute to achieving sustainable development, including achieving sustainable economic development, making the most efficient use of land with priority being given to development on previously developed land and developing high quality design that improves the quality of the landscape.
3. Policy CS7 (Economic Strategy) requires a sequential assessment to be applied for any economic development which is located outside of the identified strategic locations set out within the policy.
4. Policies DC1 (General Development) and CS5 (Design) seek to ensure a high quality sustainable development; ensure amenity of the nearby residents and that the character of the area and highway safety are not adversely affected by the development. Policy CS5 requires a high quality of design in terms of form, layout and contribution to the character and appearance of the area.
5. The main considerations with this proposal are the principle of the development, character and appearance of the street scene and site layout and design, amenity, highways, flood risk and any other residual matters.

Principle of the Development

6. The principle of a new industrial storage unit has already been established through the previous planning permission for the site which was approved in 2019, application 19/0633/FUL. The polices which were considered and applied to that application still remain relevant policies to be considered now with no changes in Planning Policy since the 2019 approval was granted.

7. Policies DC1, CS4 and CS5 seek to ensure that all new development is a high quality sustainable development. The application site is an unallocated site but is positioned within an established industrial estate. The site itself is located within an urban area which is within walking distance to main bus routes, local services and residential along Longland Road and is considered to be highly accessible to the local community. The site is considered to be within a sustainable location and therefore satisfies the criteria set out in Policies H1 and CS4.
8. Whilst Core Strategy Policy CS7 would technically require a sequential test to be provided for the site. Given the extant planning permission which was approved in 2019 and the location of the proposed building within the Industrial Estate a sequential test is not considered necessary for this proposal.
9. The site layout places the proposed building to the north of the existing highway with car parking located on either side of the units. The overall scale of the building is considered to be in comparison to the existing units within the industrial estate. With the alterations required to the car parking and the internal roundabout not compromising the existing character and appearance of this section of the industrial estate.
10. It is considered that the development meets the requirements of Policies H1, DC1, CS4, and CS5.

Character and Appearance, Site layout and Design

11. The National Planning Policy Framework (NPPF) paragraph 126 emphasises the requirement for the creation of high quality, beautiful and sustainable buildings and places with good design being a key aspect in providing sustainable development and in the creation of better places in which to work and live. Paragraph 130 of the NPPF comments that decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term for the lifetime of the development.
12. Policy DC1 comments that 'the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality with Policies CS4 and CS5 commenting that new development should 'enhance both the built and natural environment'.
13. The site is located within the existing Warelands Way Industrial Estate. The estate has a single vehicular access off Hutton Road with three blocks of units set out in a courtyard style arrangement with parking and turning areas located to the front of the units. The units are single storey with either lean to roof designs or low pitched roof warehouse style buildings. The buildings have brickwork on the lower sections of the elevations with cladding on the upper sections.
14. The application site is located centrally within the industrial estate and will be located on an area of existing hard standing car park spaces immediately to the south of one of the larger units A and B Warelands Way. Although a standalone building the positioning of the building to the south of an existing building with the frontage facing the central turning circle and parking areas is considered to fit in with the current site layout and design of the industrial estate.
15. The overall scale of the units is considered to be comparable to the existing units within the estate. The lean to roof design and the overall height of the proposed building is considered to be acceptable given the scale and height of the surrounding

units. The materials for the proposed building are considered to be high quality with the mixture of brickwork and cladding fitting in with the existing design of the buildings within the industrial estate. A materials condition will be placed on the application in terms of the materials.

16. Since the 2019 approval for a storage building on the site the overall location of the building within the application site has been altered due to the erection of a boundary fence by a neighbouring unit. The location of the building has been positioned 1 metre further from the existing building to the north at units A and B Warelands Way. The relocation of the building within the application site is considered not to have any significant impact in terms of the existing layout of the estate.
17. The proposed dwellings are considered to be a high quality design in accordance with the requirements of the NPPF and Policies DC1, CS4 and CS5 in this regard.

Amenity

18. Core Strategy Policy DC1 comments that all new development should consider the effects on the surrounding environment and amenities of the occupiers of nearby properties during and after completion.
19. The proposed building will be located within the existing industrial estate. The central location of the application site and the intended storage and distribution use for all three units, means the proposal will have no impact in terms of noise on the nearby residential properties located along Hutton Road.
20. The surrounding buildings within the industrial estate are all commercial units. The building will be located approximately 2 metres from the rear elevation of Units A and B Warelands Way. The front elevation of the building will face towards the highway and towards the front side/elevations of the commercial units to the south with a minimum of 12 metres remaining.
21. Given the building will be a storage and distribution use and is located within an existing industrial estate with commercial units, the proposal is considered not to have any significant impact on the amenity of the occupants of the neighbouring units and accords with the requirements of Policy DC1.

Highways

22. The proposed industrial building will be located on an area of existing hard standing which provides parking facilities for the existing units within the Industrial Estate. The proposal will include an additional four car parking space to the east side of the building so the overall loss of parking spaces will be four.
23. The highway works will include the squaring of the northern section of the existing internal roundabout to enable access into the proposed building and to ensure the highway access remains for the existing units.
24. The car parking area where the proposed building is to be located and the internal roundabout are within private ownership and do not form part of the adopted highway. With the adopted highway ending at the junction between Hutton Road and the entrance to Warelands Way.
25. Objection comments have been received that the proposed building will impact on the current highway access and parking arrangements to the existing units within the industrial estate, particularly to Units I, J, K and L located on the south side of the

industrial estate as this highway is their only highway access. The Highway Engineers have assessed the location of the building and the highway alterations in their opinion the proposal will not have a material impact on the operation of the existing highway network.

26. The proposal will result in the overall loss of four existing car parking spaces. The highway engineers have commented that as this area is under private ownership the current and any existing parking provision within the site is dependent on the owners of the site. Warelands way will still have the ability to operate as a highway within the site and although relatively constrained, given the provision of the existing containers on the site, will not unduly affect parking provision within the site.
27. Objection comments have been received regarding the potential for the construction of the building to obstruct access to the existing units. This is not a material planning consideration which can be assessed and is a civil issue between the applicant and the existing occupants of the industrial estate.

Flood Risk

28. Core Strategy CS5 sets out that all new development should provide 'sustainable methods of surface drainage' to 'mitigate against localised flooding, promote water conservation and help protect water quality'.
29. Northumbrian Water have been consulted on the proposal and provide no comments.
30. The existing car park spaces which form the site will drain into existing drainage and so this proposed building, will cover the same area and will result in the same amount of water needing to enter the existing drains. As such, capacity or ability to drain the proposed buildings in terms of surface water is considered to be no different to the current situation. The proposed drainage is indicated as being provided through soakaway methods and a condition is recommended to ensure the drainage for the site is submitted and agreed with the Local Planning Authority prior to being implemented on site. Furthermore, an informative is recommended advising the applicant to develop their surface water drainage solutions in line with the guidance from Northumbrian Water and should contact Northumbrian Water prior to commencement of the development to confirm the exact location of any of the water mains within the area.

Residual Matters

31. Objection comments have been made that there is no requirement for the units as there are 50 units of 1000 square metres within the area. These comments are noted but is not a material planning consideration which can be considered in that the proposed development is not being considered appropriate based on an excess of industrial units elsewhere.
32. Objection comments have been received that the proposal will result in a reduced access to customers that are just making progress after the last 18 months and will have a detrimental impact on the recovery of the units. In light of the comments from the highway officers in relation to the proposal not impacting on the current highway access the proposal is not considered to have a detrimental impact on the existing business recovery.

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 in accordance with the following approved plans

- a. Location plan drawing L019050A-001 dated 18th August 2021
- b. Block plan drawing L019050A-002 dated 20th August 2021
- c. Proposed elevation drawing L019050A- 004 dated 2nd June 2021
- d. Proposed floor plan drawing L019050A0 003 dated 2nd June 2021

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

3. Materials

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

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

4. Foul and surface Water Drainage

Prior to any commencement of development hereby approved a scheme of foul and surface water drainage shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved scheme.

Reason: In order to ensure adequate drainage is provided at the site.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed building for storage and distribution purposed (B8 use) accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1, CS4, CS5, CS7 and H1 of the Council's Local Development Framework).

In particular, the erection of the storage and distribution building will not prejudice the character and function of the Warelands Way Industrial Estate and the design and appearance of the building complements the existing industrial and business environment. The building use as storage and distribution purposes will not be detrimental to any adjoining or surrounding premises, and the traffic generated and noise associated with the proposal 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

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works. The promoter of these works should contact Northern Gas Networks directly on 0800 040 776 (option 5) to discuss the requirements in detail. Should diversionary works be required these will be fully chargeable.

Cleveland Police

Applicant is encouraged to contact me for any advice, guidance I can offer in relation to designing out opportunities for crime and disorder to occur. Full information is available within the SBD Commercial Guide at www.securedbydesign.com

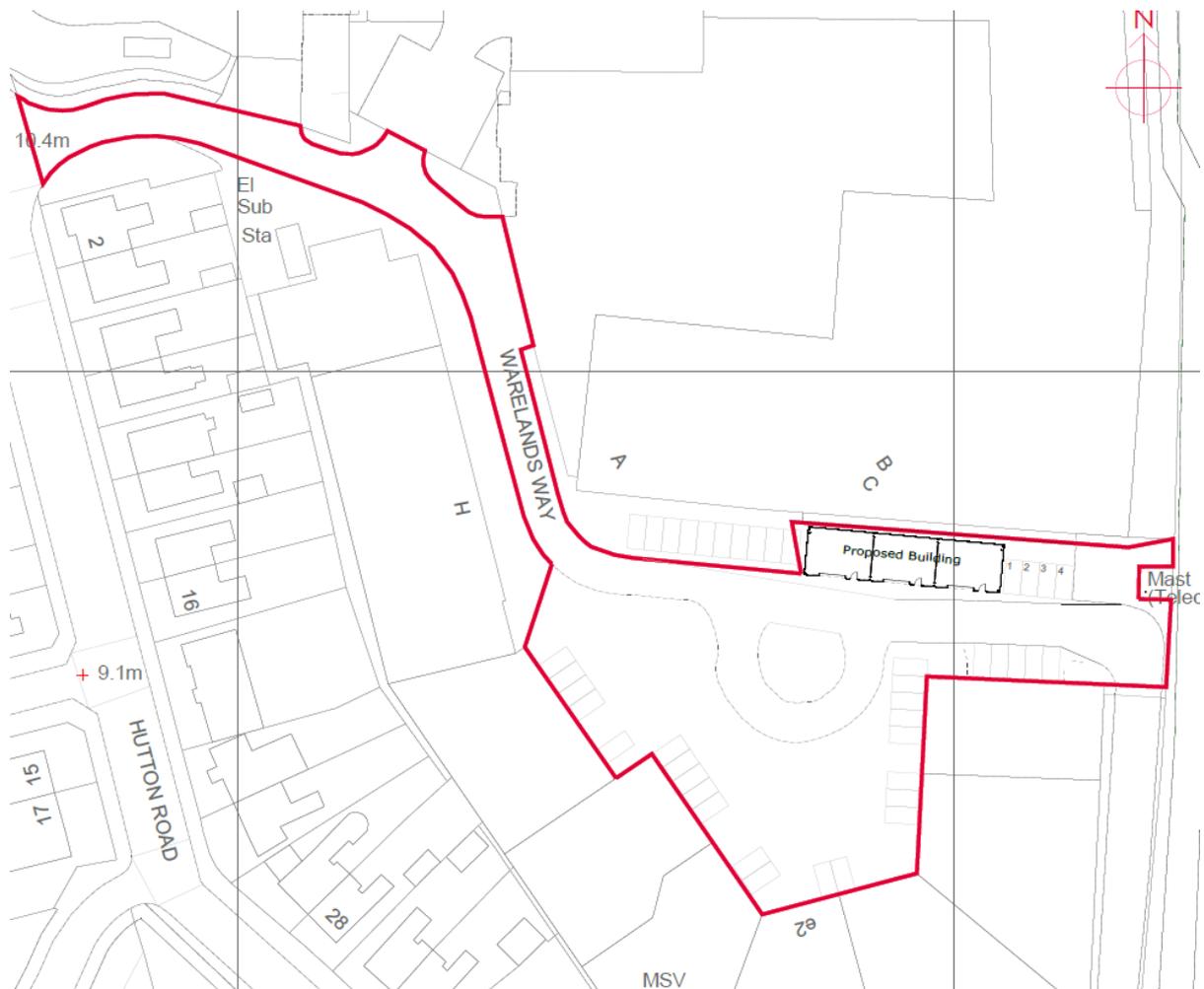
Northumbrian Water

The applicant is encouraged to contact Northumbrian Water prior to the commencement of the development to discuss the precise location of any water mains across the site and to develop a sustainable surface water management system for the building.

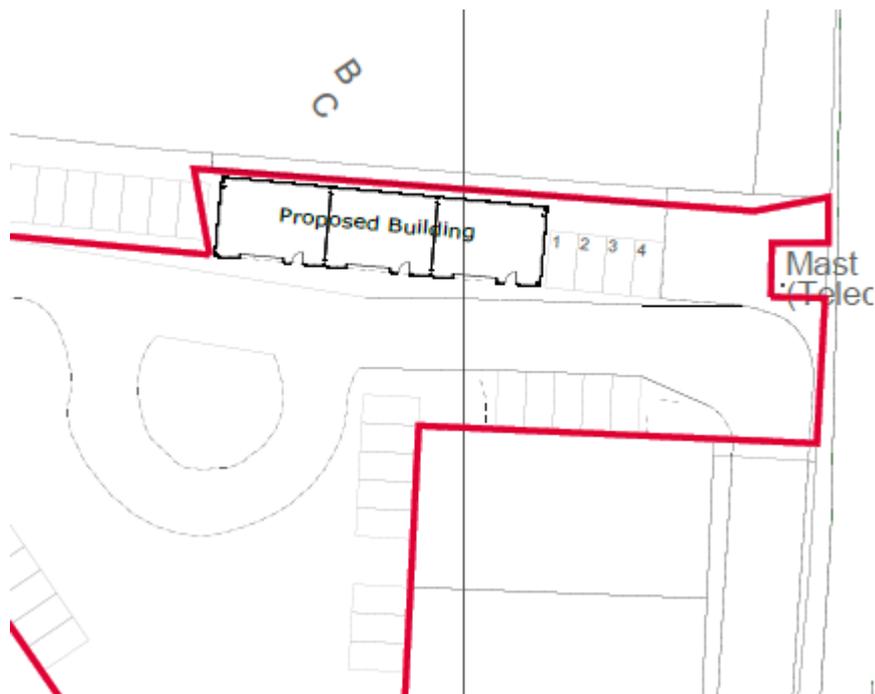
Case Officer: Debbie Moody

Committee Date: 19th November 2021

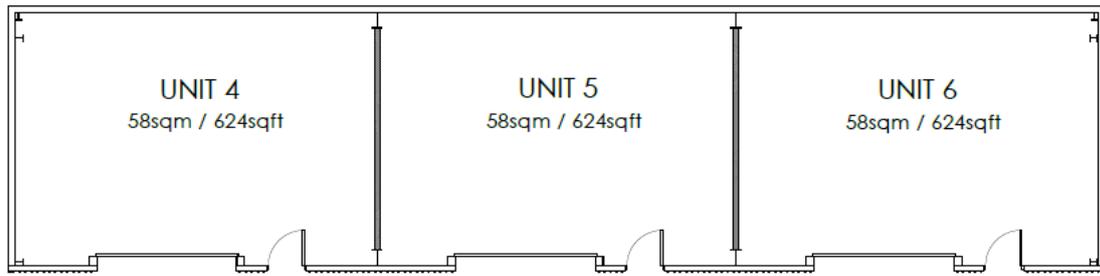
Appendix 1: Site Location Plan



Appendix 2: Proposed Site Plan

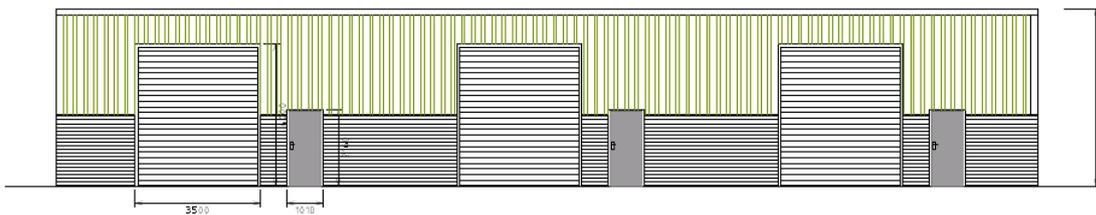


Appendix 3: Proposed Floor Plans

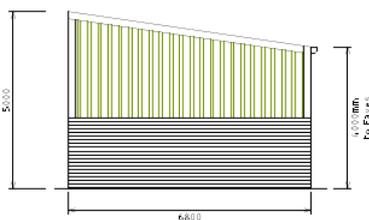


PROPOSED FLOOR PLAN

Appendix 4: Proposed Building Elevations



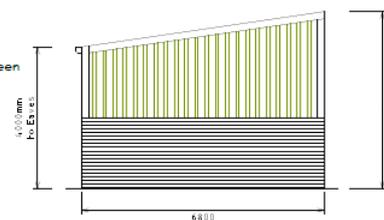
PROPOSED FRONT ELEVATION



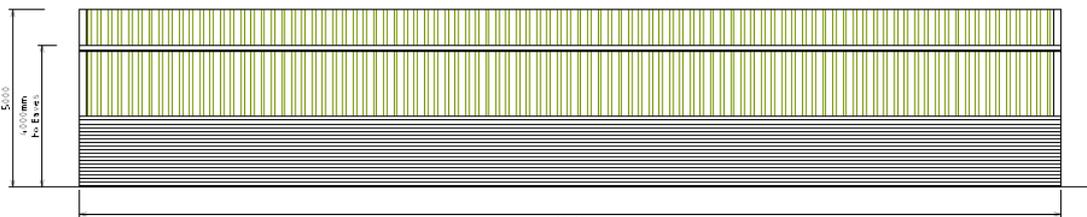
PROPOSED SIDE ELEVATION

Proposed Materials:

- Walls:** Lower - Brickwork
- Upper - Kingspan KS1000 FC, colour Dark Green
- Roof:** KS1000 ZIP-P with Standing Seam Detail, colour Dark Green
- Roller Shutters:** Aluminium
- Personnel Doors:** Steel, colour Cream
- Gutters and Down Pipes:** Dark Green



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

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

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

REFERENCE	PROPOSAL/LOCATION	DECISION
<p>19/0299/FUL</p> <p>Newport</p>	<p>Demolition of existing public house and erection of multiple-storey mixed-use building with restaurant and retail uses (E use class) at ground floor, and student accommodation (sui generis) at upper floors (59 student rooms), with associated external works</p> <p>The Junction , 2 Union Street , Middlesbrough , TS1 5PQ</p>	<p>Approve with Conditions</p>
<p>20/0762/FUL</p> <p>Park</p>	<p>Conversion of detached garage to rear to habitable room with rooflights</p> <p>10 Eastbourne Road , Middlesbrough , TS5 6QW</p>	<p>Approve with Conditions</p>
<p>21/0367/FUL</p>	<p>First floor timber terrace within the rear yard supported by steel columns, timber screening panels above the boundary wall, retractable canvas canopy over the terrace area, re-roofing of the modern lean to outbuilding, new slate roof on the single storey outbuilding and repointing and cleaning of the stonework</p> <p>Spensley's Emporium , 1 Albert Road , Middlesbrough , TS1 1PQ</p>	<p>Refused</p>

21/0368/LBC	<p>First floor timber terrace within the rear yard supported by steel columns, timber screening panels above the boundary wall, retractable canvas canopy over the terrace area, re-roofing of the modern lean to outbuilding, new slate roof on the single storey outbuilding and repointing and cleaning of the stonework</p> <p>Spensley's Emporium , 1 Albert Road , Middlesbrough , TS1 1PQ</p>	Approve with Conditions
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21/0375/ADV	<p>1no illuminated screen</p> <p>93 Borough Road , Middlesbrough , TS1 3AA</p>	Approve with Conditions
Central		

21/0383/FUL	<p>Erection of 6no. bungalows with associated car parking & landscaping</p> <p>Vacant Plot , Vaughen Shopping Centre , Middlesbrough , Fosdyke Green , TS3 0RY</p>	Approve with Conditions
Park End/Beckfield		

21/0418/FUL	<p>Change of use of land to residential curtilage.</p> <p>8 Hemlington Road , Middlesbrough , TS8 9AJ</p>	Approve with Conditions
Stainton And Thornton		

21/0428/FUL	<p>Installation of chimney pots</p> <p>6 Cambridge Avenue , Linthorpe , Middlesbrough , TS5 5HQ</p>	Approve with Conditions
Linthorpe		

21/0433/FUL	<p>Decison made - see Agile Formation of replacement hard standing (driveway and parking area)</p> <p>70 Cambridge Road , Linthorpe , Middlesbrough , TS5 5HG</p>	Approve with Conditions
Linthorpe		

21/0453/FUL Acklam	Single storey extension to rear 2 Ennerdale Avenue , Middlesbrough , TS5 7BB	Refused
21/0455/FUL Central	Installation of freestanding unit to provide café (E(b)) with associated external electricity generator and landscaping works Teesaurus Park , Riverside Park Road , Middlesbrough ,	Approve with Conditions
21/0459/FUL Linthorpe	Retrospective application for front boundary wall and entrance gates and installation of dropped kerb 200 Oxford Road , Middlesbrough , TS5 5EQ	Approve with Conditions
21/0490/FUL Nunthorpe	Single storey extension to rear 8 Ryehill Close , Middlesbrough , TS7 0LU	Approve with Conditions
21/0496/FUL Park	Single storey extension to rear 65 Queens Road , Middlesbrough , TS5 6EF	Refused
21/0501/FUL Central	Erection of materials testing facility building with associated extended car parking area TWI , Ferrous Road , Middlesbrough , TS2 1DJ	Approve with Conditions
21/0528/FUL Coulby Newham	Conversion of garage to habitable room 56 Applegarth , Middlesbrough , TS8 0UY	Approve with Conditions

21/0514/FUL Ladgate	Erection of car port, first floor extension to side and rear, with balcony to first floor extension at front. 633 Marton Road , Middlesbrough , TS4 3SE	Refused
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21/0524/FUL Central	Retrospective planning permission for MOT testing station with garage storage units and parking Boro Cars , Cambridge Road , Middlehaven , Middlesbrough , TS3 8AG	Approve with Conditions
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21/0532/FUL Brambles/Thorntree	Erection of garage 47 St Anthonyms Road , Middlesbrough , TS3 8PF	Approve with Conditions
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21/0535/TPO Nunthorpe	Crown lifting and thinning works to 4 no. Maple trees and 2 no. Beech trees, and removal of 1 no. Pine tree 2 The Paddock , Middlesbrough , TS7 0PJ	Approve
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21/0546/FUL Marton West	Single storey extension to front 15A Gunnergate Lane , Middlesbrough , TS7 8HZ	Refused
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21/0549/FUL Brambles/Thorntree	Two storey extension to side, alterations to rear first floor window and addition of soil stack 16 Hoskins Way , Middlesbrough , TS3 8NJ	Approve with Conditions
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21/0573/TELFUL Kader	Upgrading of existing telecommunications installation, replacement 20m high streetpole and associated ancillary works Adjacent Blue Bell Hotel , Ladgate Lane , Middlesbrough , ,	Approve with Conditions
21/0574/FUL Trimdon	Two storey extension to side 1 Hesleden Avenue , Middlesbrough , TS5 8RD	Approve with Conditions
21/0586/FUL Central	Installation of 2no. 12 metre CCTV columns Teessaurus Park , Riverside Park Road , Middlesbrough	Approve with Conditions
21/0578/FUL Central	Installation of 30m long zip wire/cable way and play equipment Teessaurus Park , Riverside Park Road , Middlesbrough , Middlesbrough ,	Approve with Conditions
21/0594/EIASCP	Redevelopment of land to provide urban logistics and industrial development Teesside Park Phase 3 , Aintree Oval	No Objections
21/0602/TELFUL	Installation of extension to existing 15m lattice tower, removal of existing 3No. antennas, installation of 6No. antennas and the removal, replacement and development of ancillary equipment. Goods Yard At Price Buster Warehouse , Lloyd St , Middlesbrough , TS2 1DL	Approve with Conditions

21/0603/VAR Park	Variation of condition 2 (approved plans) of application 20/0333/FUL to include the installation of flood gates, footpath/steps and associated bow top fencing on the west side of the lower lake Albert Park , Park Road South , Middlesbrough , TS5 6LB	Approve with Conditions
21/0608/AMD Ladgate	Non-material amendment on planning application M/RES/0808/15P to amend plots 155-157 Police Headquarters , Ladgate Lane , Middlesbrough , TS8 9EH	Approve
21/0625/FUL Marton West	Single storey extension to rear 24 Fearnhead , Middlesbrough , TS8 9XN	Approve with Conditions
21/0622/LBC Central	Addition of internal light and sound equipment to telephone boxes Town Hall , Albert Road , Middlesbrough , TS1 2RU	Approve with Conditions
21/0623/FUL Central	Addition of internal light and sound equipment to telephone boxes Town Hall , Albert Road , Middlesbrough , TS1 2QQ	Approve with Conditions
21/0627/ADV Central	2no. internally illuminated fascia signs 228 - 230 Linthorpe Road , Middlesbrough , TS1 3QW	Approve with Conditions

21/0629/DIS Central	Discharge of conditions No.3 (Commercial Premises Noise Assessment) and No.7 (Road Noise Assessment) on planning application 21/0282/FUL 124 - 130 Linthorpe Road , Middlesbrough , TS1 2JR	Part Discharge Conditions
21/0630/AMD	Non material amendment to planning application 20/0755/RES for minor alterations including changes to the road layout, boundary treatments and housing details Prissick Base , Ladgate Lane/Marton Avenue , Middlesbrough	Approve
21/0631/FUL Marton West	Single storey rear extension 11 St Cuthbert Avenue , Middlesbrough , TS7 8RG	Approve with Conditions
21/0632/FUL Marton West	Revised application for single storey extension to rear, dormer window to front, roof light to rear, 2 no roof light to front and porch to front 15 Claremont Drive , Middlesbrough , TS7 8ND	Approve with Conditions
21/0636/TPO Marton East	Removal of 1no Prunus tree and removal of deadwood from 1no Whitebeam tree Land Adjacent Oval View , Middlesbrough , TS4 3SW	File Closed
21/0639/FUL Park	Erection of a replacement domestic outbuilding (demolition of existing garage) 76 The Avenue , Linthorpe , Middlesbrough , TS5 6SB	Approve with Conditions

21/0641/FUL Brambles/Thorntree	First floor extension to side with carport 72 Birkhall Road , Middlesbrough , TS3 9LJ	Refused
21/0649/FUL Central	External alterations to include replacement windows, revised facades and entrance, disabled access ramp, cycle and refuse storage Fountain Court , Grange Road , Middlesbrough , TS1 2DT	Approve with Conditions
21/0671/ADV Central	Signage to main entrance Fountain Court , 119 Grange Road , Middlesbrough , TS1 2DT	Approve with Conditions
21/0645/FUL Nunthorpe	Decison made - see Agile Replacement of flat roof with pitched roof on existing front canopy, garage and rear extension 8 Weaverthorpe , Middlesbrough , TS7 0PU	Approve with Conditions
21/0646/FUL Kader	Porch extension, garage conversion, installation of 5 roof lights and changes to windows 6 Sandy Flatts Lane , Middlesbrough , TS5 7YY	Approve with Conditions
21/0655/FUL Central	Single storey extension to rear (plus alterations to roof, doors and windows of existing rear extension) 46 Park Vale Road , Middlesbrough , TS4 2HW	Refused

21/0656/TELPN	Installation of 20.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works Trimdon Avenue , Opposite Junction With Wardale Avenue , Middlesbrough , TS5 8TL	Prior Notification Refused
21/0658/FUL Marton East	Alterations and extension to existing detached domestic garage building to form an annexe 27 The Grove , Marton , Middlesbrough , TS7 8AF	Approve with Conditions
21/0661/FUL Marton West	Single storey extension to rear (plus infill between house and garage) 31 Cambridge Avenue , Marton , Middlesbrough , TS7 8EH	Refused
21/0663/FUL Nunthorpe	Orangery/conservatory extension to rear 40 Kilvington Grove , Middlesbrough , TS7 0RL	Approve with Conditions
21/0672/FUL Central	Installation of painted artwork 31-65 Station Street , Middlesbrough , TS1 1SR	Approve with Conditions
21/0668/FUL Marton East	Single storey extension to side and rear 20 Dixons Bank , Middlesbrough , TS7 8NT	Refused
21/0684/PNH Park End/Beckfield	Single storey extension to rear 6 Girton Avenue , Middlesbrough , TS3 0AW	Prior Notification Not Required/No Obj

21/0673/FUL Nunthorpe	Single storey extension to rear 36 Moor Park , Middlesbrough , TS7 0JJ	Approve with Conditions
21/0688/PNH Park	Single storey extension to rear 120 Westminster Road , Middlesbrough , TS5 6NP	Prior Notification Not Required/No Obj
21/0689/PNH Acklam	Single storey extension to rear 1 Tollesby Road , Middlesbrough , TS5 7RA	Prior Notification Not Required/No Obj
21/0693/FUL Longlands/Beechwood	Single storey extension to side and rear 5 Roseberry Road , Middlesbrough , TS4 2LH	Approve with Conditions
21/0706/FUL Nunthorpe	Single storey extension to side, alterations and extension to existing first floor rear dormer and formation of a raised decking area to rear (with balustrade, patio door and steps) plus new side window and roof light 22 Rookwood Road , Middlesbrough , TS7 0BN	Approve with Conditions