

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 17 December 2021.

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

**ALSO IN ATTENDANCE:** S Chambers and E Craigie (Teesside Live)

**OFFICERS:** P Clarke, C Cunningham, A Glossop, D Johnson, G Moore and S Moorhouse

**APOLOGIES FOR ABSENCE:** Councillors L Garvey

21/27 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor B Cooper	Non-Pecuniary	Agenda Item 4, Item 1, Ward Councillor

21/28 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 19 NOVEMBER 2021**

The minutes of the meeting of the Planning and Development Committee held on 19 November 2021 were submitted and approved as a correct record.

21/29 **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.

For consideration of the following item, Councillor Cooper advised that he was acting in his capacity as a Ward Councillor, on behalf of his constituents, rather than a member of the committee.

**20/0374/FUL Erection of part-three, part-four storey residential accommodation comprising 75no. beds for use as either student accommodation or House in Multiple Occupation (sui generis) at Land Adjacent to Ayresome Gardens, Middlesbrough TS1 4QN for Mr A Mushtaq**

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

The Development Control Manager advised that planning permission was sought for the development of a part-three, part-four storey building comprising 75 individual bedrooms for student accommodation or House of Multiple Occupation (HMO) purposed (sui generis use class).

The committee was advised that the submitted report contained an error, Mr S Chambers had been identified as the Applicant and he was the Land Owner, the Applicant was in fact 2020 company.

Members were advised that the application site had been granted planning permission for a similar use in 2016. Through planning permission M/FP/0374/16/P, consent had been granted for the construction of a part-two/part-three storey building, with a brick/block with render external appearance, accommodating 72 student beds. Although the development had not been constructed, pre-commencement conditions had been discharged and groundworks had commenced. That meant the 2016 permission had a technical commencement and was extant, and could be built out any time. Therefore, it was considered that the principle of a development for student accommodation on the site, had been established.

The main differences between the approved development and the current application were considered to be the four-storey element of the proposal, the general design/layout of the scheme, and the removal of on-site parking. The current application also proposed 75 beds in total, rather than 72.

The application site was a narrow strip of derelict land located between the recreational area, known as Ayresome Gardens, and the rear gardens of 2.5-storey residential properties along Crescent Road and Ayresome Street. Directly to the east of the site was the former Sunday School building, attached to the northern side of the associated former Park Methodist Church, which was a Listed Building. To the west of the application site was Nos. 38-42 Crescent Road, which operated as Middlesbrough Tool Centre.

Members were advised that the site would be largely occupied by the proposed building. The committee was shown a series of artist impressions/computer generated images to demonstrate the location plan, the proposed site plan and the proposed front and rear elevations.

The building line of the proposal was similar to that of the previous extant permission.

In terms of servicing the development, access to the front of the development was limited to pedestrian access only and was over private land, which was not public highway. Although the land was a park and owned by the Local Authority, that park could be fenced in the future (for security reasons as an example). Rear access was available from Crescent Road via a rear alley, which was around 3 metres in width.

The sheer size and scale of the proposed building relative to nearby dwellings, together with its proximity to them, meant that the scheme would unduly affect the outlook from those properties. Whilst it was accepted that the site was historically home to commercial buildings and had an extant planning consent for a 2.5-storey building, which may have affected outlooks, those would not be of the height of the proposed building and would therefore be of a reduced dominance.

It was pointed out that the windows on the rear elevation of the proposed building served corridors and circulation spaces, not individual rooms.

In terms of layout, the ground, first and second floor levels had a similar layout. The first and second floors were identical, accommodating 22 bedrooms, two communal lounges, a laundry area and a cycle store. The ground floor was similar, albeit with only 20 bedrooms (due to the feature entranceway), two cycle stores, the communal waste store and plant room. The uppermost, third floor accommodated 11 beds, a communal room, laundry and cycle store.

No on-site vehicular parking spaces were proposed as part of the development.

The application site was located on unallocated land within the Albert Park and Linthorpe Road Conservation Area. The site was considered to be highly sustainable being located in close proximity to the main University Campus and was within nationally recognised walking distance of the town centre, bus stops and bus and train stations.

The vacant application site represented an urban brownfield site with former uses and occupancy being garages and workshops.

Members were advised that, with the principle of the use established, the key material matters that required consideration were:

- the increased building height;
- the external appearance and its associated potential impacts on the surrounding conservation area and the setting of heritage assets; and
- the potential impacts on the operation of the local highway network.

The materials in the revised scheme were itemised on the submitted drawings, with red heritage brickwork being proposed for the main elevations. Such materials were considered to be a significant improvement on those originally sought and were considered appropriate for the setting. It was considered that the mansard roof and its associated covering should be

improved in the conservation area setting, with the potential use of traditional pitched slate and the fenestration should be aluminium rather than uPVC. Whilst there may be isolated examples of contemporary materials on larger buildings within the conservation area, those were considered exceptional cases rather than characteristic of the local architectural forms. It had been put to the Applicant that all proposed materials should be complementary to the surrounding conservation area and heritage assets, although a full set of materials that were deemed to be acceptable had not been submitted.

In the absence of the scheme providing any significant public benefit, it was considered that the proposals would fail to complement the heritage assets within the Albert Park and Linthorpe Road Conservation Area.

The bulky design of the proposals would be deemed to dominate the traditional terrace houses to the south of the site, which were situated in close proximity. It was considered that the proposal would be harmful to the living conditions of the nearby residential occupiers of properties along Crescent Road.

Cycle stores were provided on each floor, although it had not been demonstrated how many bicycles could be accommodated within each store. In addition, whilst the cycle stores were spread out including on the upper floors, that was likely to limit their use within the zero parking scheme.

In terms of waste store provision, the submitted drawings only indicated space for four Eurobin style bins when it was recommended for a development of that size to have provision for 14 bins (seven for refuse and seven for recycling). Given that shortfall, and the fact the Local Authority's refuse collectors would not undertake collections more regularly, any approved development would have been required to have private contractors collecting refuse and recycling.

It was highlighted that no dedicated car parking spaces would be provided. Whilst the scheme was proposed to be car free, the measures to prevent students from bringing vehicles to the site were considered significantly underprovided. Even if such measures were proposed, term start and end dates were a time in student accommodation where there were high levels of car movements and parking demand, as items/furnishings were brought or taken away.

Based upon the number of bedrooms and the constrained highway environment, the vehicular demand would be deemed detrimental to the free flow of traffic, lead to obstructions of the highway (including footways) and would be detrimental to highway safety. There was a need to note that the previously approved scheme of 2016 (considered the lawful fallback position) had provision for four off-road vehicular spaces, which allowed for some form of managed drop-offs/pick-ups for students.

The officer recommendation was refusal, for the following reasons:

- The proposed development would be significantly harmful to the living conditions of the residential occupiers of the terraced houses to the south along Crescent Road. That was owing to the proximity of the proposed development, the four-storey height in particular, to the rear elevations and gardens of the dwellings along Crescent Road.
- The lack of adequate parking and servicing arrangements would lead to a displacement of such activities onto the adjacent public highway. The surrounding public highway was considered to be highly constrained in terms of width and parking demands. The impact of those activities onto the public highway would interfere with the free flow of traffic along Crescent Road, cause obstruction of the highway and would be detrimental to highway safety.
- The proposed development by virtue of its size, design and appearance would adversely affect the character and appearance of the Albert Park and Linthorpe Road Conservation Area, with particular reference to but not exclusively, in relation to the traditional terraced properties immediate south of the site. In the absence of any significant public benefit, it was considered that the proposals would not complement any nearby heritage assets within Conservation Area.

Members raised queries in relation to access to the development via the rear alley. Concerns were raised in respect of surveillance, vehicular access for emergency service vehicles and refuse collection vehicles. The Legal representative commented that the rear alley was not

included in the red line boundary. Therefore, it was advised that problems encountered with access arrangements via the rear alley could not be considered when determining the application.

A Member noted that 59 addresses had been subject to the standard notification of neighbouring properties and no objections had been submitted.

The Land Owner was appointed to address the committee, in support of the application.

In summary, the Land Owner advised that:

- the proposed scale and design of the previously approved, extant proposal was not cost effective;
- there were no reasonable grounds for the committee to refuse the application;
- the 2016 permission had stipulated that Linthorpe Road would be utilised for drop-offs/pick-ups;
- at a pre-planning meeting, it had been advised that the introduction of a 4<sup>th</sup> floor was deemed reasonable;
- the proposal would provide city style living;
- the finishing materials were deemed acceptable, with red heritage brickwork being proposed for the main elevations;
- the proposal was not overbearing and was sympathetic to the general surrounding area;
- throughout the pre-application stage, approximately 7 changes were made to the design of the proposal to mitigate impacts on privacy, amenity and heritage assets;
- when compared to the 2016 permission, the proposal provided an improved design on the same footprint.

In terms of construction work and access, the Legal representative queried whether the submitted plans indicating the redline boundary needed to be revised to include the rear alley. The Head of Planning advised that the rear alley was an adopted highway and as a consequence, there was no need to include the alley on plans. The Land Owner added that in 2016, the Local Authority had granted permission for the installation of alley gates on the adopted highway, aimed to prevent fly tipping and enable construction work to be undertaken.

A Member raised a query regarding mature trees near the site and the possible damage roots could cause to the proposed development. In response, the Land Owner advised that a full arborist report had been submitted with the original application, which had analysed root calculations and determined the trees would not be harmful to the foundations of the proposed building.

A Member raised a query about access to the front of the proposed building. The Land Owner advised that the 2016 approval had granted access in perpetuity.

Members raised concerns in respect of drop-offs and pickups and the lack of parking for the development, as the 2016 scheme had provision for four off-road vehicular spaces, which allowed for some form of managed drop-offs/pick-ups. The Land Owner advised that there were parking bays on Linthorpe Road and spaces available at the One Life Centre, which were located in close proximity to the proposed scheme.

A Member queried whether the proposed scheme would provide student accommodation or a HMO. The Development Control Manager advised that planning permission was sought for student accommodation or a HMO. Therefore, it was ascertained that the Applicant should be consulted on that matter.

A Ward Councillor was appointed to address the committee.

In summary, the Ward Councillor advised that:

- there had previously been issues with fly tipping on the site;
- the proposed scheme would provide high-quality accommodation for students;
- the building could be easily accessed via public footpaths;
- the site was considered to be in a highly sustainable location, in close proximity to the

main University Campus and was within walking distance of the town centre, bus stops and bus and train station;

- the scheme would reduce carbon emissions;
- the proposal would regenerate land that had been derelict for the past 10 years; and
- the scheme proposed was of a good quality, which would attract students to the area.

A discussion ensued and in summary, Members determined that clarification was required in respect of the following points:

- In terms of use, was the development proposing to provide student accommodation exclusively?
- In terms of cycle stores, how many bicycles could be accommodated in each store?
- In terms of waste store provision, as provision for 14 bins (instead of the proposed four) was recommended for a development of that size, given the shortfall, what measures would be put in place to ensure waste and recycling were collected more regularly?
- In terms of the previously approved scheme, how did the development propose to mitigate against the loss of the four off-road vehicular spaces, which allowed for some form of managed drop-offs/pick-ups?
- In terms of access, given the adopted highway at the rear of the proposed building and its entrance fronting onto public gardens, how would access be managed/maintained?

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

**To allow the applicant time to consider amending the scheme and to clarify points to address concerns raised in relation to access, lack of any parking provision and inadequacy of bin and cycle store provisions.**

Councillor Cooper advised that, for the remainder of business, he would be participating in proceedings as a member of the committee.

#### **21/0399/FUL Relocation of existing fence line up to 1.5m away from public footpath at 2 Mallowdale for Mr D Brady**

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 extend the private garden area out to the side of the property by erecting a 1.8m high, close boarded timber fence.

The original approval for the development was subject to conditions, one of which restricted permitted development rights in respect erecting fences to the front (and side in the case of a corner plot). Due to the height of the fence, and its position in relation to the highway, the proposal required planning permission irrespective of the restrictive estate condition.

Following neighbourhood consultations, objections had been submitted by two nearby residents. In summary, those objections highlighted:

- that the proposal would block an open view and contradict the principle of the open plan estate;
- the fence would impede visibility of oncoming traffic from driveway; and
- reduced visibility would create a hazard to wheelchair users.

The proposal had been assessed against local policy and guidance. It was considered that the proposal would not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway.

The officer recommendation was for approval, subject to relevant conditions.

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

report.

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

**Planning Appeals**

In respect of appeal decisions, the Development Control Manager provided Members with detailed information on those that had recently been published by the Planning Inspectorate.

**Appeal Ref: APP/W0734/D/21/3272477 12 Levington Wynd, Nunthorpe, Middlesbrough TS7 0QD - Appeal Dismissed**

The development proposed was originally described as 'Ground floor extension of garage and hall, first floor extension above garage and extended hall to provide master bedroom and fifth bedroom with conversion of existing bedroom to en-suite'.

The main issues were the effect of the development on:

- the street scene within Levington Wynd; and
- the living conditions of the occupiers of No 10 Levington Wynd with particular reference to outlook and privacy.

**Appeal Ref: APP/W0734/Z/21/3272495 Land at CB Construction, North Ormesby Road, Visible from A66 flyover, Middlesbrough TS4 2AG - Appeal Dismissed**

The advertisement proposed was conversion of existing 96-sheet advertising display to two digital 48-sheet advertising displays.

The main issue was the effect of the proposed advertisement on public safety in relation to road users.

**Appeal Ref: APP/W0734/W/21/3283975 Land off James Street, Middlesbrough TS3 6LJ - Appeal Dismissed**

The development was change of use from B8 to scrap metal yard (sui generis).

The main issues were:

- the effect of the proposal on the living conditions of existing occupiers of neighbouring properties with specific reference to noise; and
- the effect of the proposal on the character and appearance of the area.

**NOTED**