

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 11 February 2022.

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

**ALSO IN ATTENDANCE:** T Armstrong and Councillor M Saunders

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

**APOLOGIES FOR ABSENCE:** Councillors L Garvey and M Nugent

21/35 **DECLARATIONS OF INTEREST**

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

21/36 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 14 JANUARY 2022**

The minutes of the meeting of the Planning and Development Committee held on 14 January 2022 were submitted and approved as a correct record.

21/37 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

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

**SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS**

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

**ORDERED** that the following applications be determined as shown:

**21/0676/COU Change of use from dwellinghouse to family time centre at 3 Cargo Fleet Lane, Middlesbrough for Middlesbrough Council**

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

The Development Control Manager advised that planning permission was sought for the change of use from dwelling house (Class C3) to family time centre (Sui Generis). It was planned that the premises would be used to provide support for local families, including supervised visits by parents on an appointment basis. No more than three families would be on site at any one time with a maximum of ten people, including parents, children and staff at the premises. Opening hours would be 8.30 a.m. to 18.30 p.m. Monday to Friday. The centre would not be used on evenings or weekends.

The application site was located on the eastern side of Cargo Fleet Lane, opposite the junction with Park Avenue South in the Park End/Beckfield Ward of Middlesbrough. The area had a primarily residential character with some local services nearby. The property was currently a semi-detached dwelling and the attached property to the south was also a dwelling.

In respect of the application, key considerations were the principle and sustainability of the proposal, its appearance, the impact on residential amenity and the impact on highways.

The locating of a service provision for the community, which was not classified as a town centre use and which did not have a specific locational requirement, was considered to be best located within a residential area. Within a residential area, the service provision could be reasonably accessed by public transport and was in relative close proximity to other community-based provisions.

Vehicular access was taken off Cargo Fleet Lane. Following concerns raised in respect of parking provision at the site, revised plans showing five parking spaces and one disabled parking space (along with a turning area within the site) had been submitted. Given that there would be four staff at the site and its proximity to public transport routes, it was considered that the proposed parking provision was adequate for the proposed use. Furthermore, the facility for vehicles to turn and leave the site in forward gear was seen as an improvement in terms of road safety. The Council's Highways Officer had considered the proposal and had raised no objection.

It was considered that adequate parking and manoeuvring provision would be provided by the proposal, given the intended level of activity. Therefore, the proposal would not result in an increase in demand for off street parking.

The traffic generated, car parking and noise associated with the family time centre would not be of a level likely to result in an unacceptable impact on nearby premises or the safe operation of the highway.

The Development Control Manager advised that the parking provision at the site could be further improved. Therefore, if approval was granted, an additional condition was recommended to ensure the final parking layout and plans were agreed with the Local Planning Authority.

A Member raised a query in respect of noise insulation. In response, the Development Control Manager advised that as there was some potential for impact in terms of noise and disturbance, there would be a scheme of adequate noise insulation provided to limit the impact on the attached neighbouring residential property. That would be secured by the suitably worded condition that was referenced in the submitted report.

Members raised concerns in respect of the security of the boundary fence. In response, the Development Control Manager advised that the condition of the boundary fence was a matter for site management and was not a material planning consideration. However, it was explained that an additional condition could be recommended to improve the boundary fence and the security of the site.

A Member raised concerns in respect of security at the site, specifically in relation to the property being left unattended during night-time hours. A representative speaking on behalf of the Applicant confirmed that a security system would be installed at the site, which linked to the Council's main security system and notified/alerted the police of any security breaches.

A letter of objection had been received from two residents living at the same address. In addition, the Ward Councillors had objected on the basis of inadequate security. No objections had been received from statutory consultees.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor advised that:

- concerns had been expressed in respect of security at the site, especially given that the property would be vacant during the night;
- there had previously been attempted break-ins at the site;
- the site needed to be secured;
- the boundary fence was not sufficient and required improvement;
- there was a need for a gate to be installed at the entrance of the driveway; and
- there was inadequate parking provision, which would impact on other properties in the area.

In response to the concerns raised by the Ward Councillor, the Development Control Manager advised that as previously mentioned, a security system would be installed at the site, which

linked to the Council's main security system. It was also added that, in order to improve the security of the boundary fence, fencing would be provided between the existing columns on the boundary wall. The proposed close boarded timber fence would be of a similar height to the existing railings that were in place. The fence would improve the privacy of the site.

A discussion ensued and Members made the following comments:

- the security of the site and the current condition of the boundary fence were a cause for concern; and
- steps needed to be taken to secure the site by improving the boundary fence and installing a gate.

The Transport Development Engineer advised that installation of a gate would impact on vehicle access and would reduce parking and manoeuvring provision. A Member proposed the installation of a sliding gate to mitigate those impacts.

A Member highlighted that 15 neighbouring properties had been consulted and only one objection had been received. The Development Control Manager clarified that the objection had been received from the residents of the adjoining property.

Members commented that the proposal planned to offer valuable support to local families and installation of the security system would assist in improving the security of the site.

Following discussion, Members recommended the inclusion of an additional condition to improve security and ensure the installation of a sliding gate, at the entrance of the site. In addition, it was agreed that the final parking layout and plans required agreement from the Local Planning Authority.

**ORDERED** that the application be **Approved** for the reasons set out in the report, subject to conditions and the inclusion of two additional conditions as detailed below:

1. *The development hereby approved shall not commence until a security scheme is operational on site in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a monitored alarm system, security lighting and a sliding gate to the front of the property.*
2. *The development hereby approved shall not be commenced until a scheme for vehicle parking has been submitted to and approved in writing by the Local Planning Authority and the scheme has been constructed and laid out in accordance with the details as approved. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles.*

**21/0619/FUL Change of use of first floor office to create 2no. self contained flats and additions and changes to roof to include 1no roof light at 87-89 Acklam Road, Middlesbrough for Mr Sharief**

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 change of use of the first floor of the building from a storage/office use to two self-contained, two bedroomed, flats.

Members were notified of an error contained in the submitted report at paragraph 18. It was clarified that the flats proposed were both two bedroomed flats.

It was explained that the ground floor of the building would remain as a pharmacy. Access to one of the flats would be provided from the existing separate front entrance to the building. Access to the second flat would be provided from the rear of the building.

The application site had an enclosed area of hard standing to the rear with the revised plans showing the proposal would provide three car parking bays within the rear yard area.

The application site was within a local centre and was considered to be in a sustainable location, within close proximity to alternative sustainable transport links. The proposal planned to provide three car parking spaces and cycle storage provision to the rear of the building, which aimed to ensure there would be no highway safety issues.

Part of the upper floor of the building was currently vacant. The reoccupation of the building with residential accommodation on the upper floors would potentially add additional footfall to the centre. It would also contribute to assisting in ensuring the centre's long-term vitality and viability.

There would be no external alterations made to the front elevation of the building. The proposed alterations to the rear elevation included a rear roof light to be located within the lower section of the roof that linked 87 and 89 Acklam Road, a sun light to the rear of 89 Acklam Road and an additional window on the side elevation of the existing first floor off-shoot at 89 Acklam Road.

The scale and design of the proposed roof light, sun light and side window were considered to fit in with the original design of both buildings and would not impact on the original character and appearance of the streetscene.

Consultation letters had been sent out on the proposal and there had been 8 objections received. In summary, the objections related to the loss of privacy, no parking provision being provided for the flats, the impact on the levels of on-street parking along Balfour Terrace (that was currently at capacity) and blocking of existing driveway accesses. The Development Control Manager clarified that the proposal would provide three car parking spaces and cycle storage provision to the rear of the building that would ensure there would be no highway safety issues. No objections had been received from statutory consultees.

It was commented that the application site had an existing area of hard standing to the rear of the building, which was currently utilised by the existing pharmacy. The fall-back position was that the upper floors of the building could currently be utilised as two separate offices without any additional parking provision being provided for the staff or visitors. As a result, the two proposed residential flats were considered not to create an intensification of the use of the building or the demand for parking in the area.

The Development Control Manager advised that the parking provision at the site could be further improved. Therefore, if approval was granted, an additional condition was recommended to ensure that the final parking layout and plans were agreed with the Local Planning Authority.

Members heard that the existing window on the first floor rear off-shoot at 89 Acklam Road, which faced directly towards the rear elevation and garden area of 35 Balfour Terrace, would be removed.

The proposed rear roof light would be located a minimum of 34 metres to the neighbours situated at 38 Balfour Terrace, which far exceeded the 21 metre privacy distances set out in the Council's Urban Design Supplementary Planning Document.

The initial plans had included a dormer window on the rear elevation of the property. Following concerns raised by officers on the scale and design of the dormer window, the revised plans had removed the proposed rear dormer window. Instead, the proposal included the installation of a roof light and sun light on the rear elevation, installation of a window on the rear side elevation of 89 Acklam Road and removal of the existing external sloping roof enclosed staircase located above the existing single storey rear extension.

The proposal had been assessed against national and local policy guidelines and was considered to be a high quality development that would not have any significant impact on the character and appearance of the area. The proposed flats were considered to provide adequate residential amenity for the future occupants and would not have any significant impact on the privacy and amenity of the existing residential properties.

A resident of Balfour Terrace was elected to address the committee, in objection to the application.

In summary, the resident commented that:

- there were current on-street parking issues along Balfour Terrace;
- on-street parking along Balfour Terrace was currently at capacity, with residents being unable to park in front of their houses and existing driveway accesses being blocked;
- it was understood that no parking provision would be provided for the tenants of the flats and that would exacerbate the demand for on-street parking; and
- the proposal would impact on the privacy and amenity of nearby residents.

In response to the resident's comments, the Development Control Manager explained that the current demand for on-street parking along Balfour Terrace was an existing situation, which the proposal could not mitigate against. It was also highlighted that the proposal would provide three car parking bays within the rear yard area for tenants.

In terms of the impact of the proposal on the privacy and amenity of the existing residential properties, the Development Control Manager advised that revised plans had removed the proposed rear dormer window on the rear elevation. It was explained that the dormer window had been replaced with a rear roof light on the lower pitched roof section, which linked both semi-detached properties. It was also added that the proposed roof light would not be visible from the main dwelling and side sunroom at 35 Balfour Terrace due to the screening provided by the existing enclosed first floor staircase to the rear of the application site. Members heard that to the rear of the detached garage at 35 Balfour Terrace was a small section of garden where the roof light may be visible. However, the majority of the rear garden area would remain private and not overlooked and given the window was for a bedroom (and not a habitable room), the impact in terms of loss of privacy was not considered to be significant. It was also highlighted that the existing window on the first floor rear off-shoot at 89 Acklam Road, that faced directly towards the rear elevation and garden area of 35 Balfour Terrace, would be removed. Therefore, 35 Balfour Terrace would no longer be directly overlooked.

A discussion ensued and Members highlighted the importance of:

- the parking layout and plans, for the rear yard, being agreed with the Local Planning Authority and being as efficient as possible; and
- parking spaces being provided for residents only and retained in perpetuity.

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

*Prior to the occupation of the development and notwithstanding the parking details shown on the approved plan ACK-05-20 REV C, a revised parking layout plan shall be submitted to and approved in writing by the Local Authority. The revised parking plan should identify 2 residential car parking spaces within the rear yard area in addition to the single commercial parking space. No part of the development hereby approved shall be occupied until the areas shown on the revised parking plan have been laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.*

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## **PLANNING APPEALS**

**Appeal Ref: APP/W0734/W/21/3281191 Nunthorpe Hall, East Side, Nunthorpe, Middlesbrough, TS7 0NP - Appeal Dismissed**

The works proposed were to 'remove existing external timber shed and construct new 3 bay storage and garage unit to create storage for new nursing home equipment and grounds equipment'.

The main issues were:

- the effect of the proposal on the setting of Nunthorpe Hall, which was listed grade II, together with the gates, gatepiers and crescent walls within its curtilage, which were also listed grade II; and
- whether the character or appearance of the conservation area would be preserved or enhanced.

**Appeal Ref: APP/W0734/D/21/3285967 20 Canberra Road, Middlesbrough, TS7 8EX - Appeal Dismissed**

The development proposed was a two-storey side extension and single storey extensions to front and rear.

The main issue was the effect of the proposal on the character and appearance of the host property and the surrounding area.

**Appeal Ref: APP/W0734/W/21/3284713 20 Fountains Drive, Acklam, Middlesbrough TS5 7LJ - Appeal Dismissed**

The development proposed was construction of detached dwelling.

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

**Appeal Ref: APP/W0734/W/21/3283486 114 Victoria Road, Middlesbrough, TS1 3HY - Appeal Dismissed**

The development proposed was described as a “change of use from 5-bed house in multiple occupation (C4) to 6-bed student accommodation (sui generis) with two-storey extension to rear and raising of roof level with dormer to front”.

The main issues were the effect of the proposed development on:

- the character and appearance of the area, including the appeal property;
- the living conditions of the occupiers of neighbouring properties and future residents of the appeal property; and
- highway safety, with particular regards to on-street car parking.

**Appeal Ref: APP/W0734/W/21/3283487 116 Victoria Road, Middlesbrough, TS1 3HY - Appeal Dismissed**

The development proposed was described as the “change of use from 5-bed house in multiple occupation (C4) to 6-bed student accommodation (sui generis) with two-storey extension to rear and raising of roof level with dormer to front”.

The main issues were the effect of the proposed development on:

- the character and appearance of the area, including the appeal property;
- the living conditions of the occupiers of neighbouring properties and future residents of the appeal property; and
- highway safety, with particular regards to on-street car parking.

**Appeal Ref: APP/W0734/W/21/3283488 118 Victoria Road, Middlesbrough, TS1 3HY - Appeal Dismissed**

The development proposed was described as a “first and second floor extension to rear and raising of roof level with dormer windows to front and side and alterations to the shop front on ground floor”.

The main issues were the effect of the proposed development on:

- the character and appearance of the area, including the appeal property;
- the living conditions of the occupiers of neighbouring properties and future residents of the appeal property; and
- highway safety, with particular regards to on-street car parking.

**NOTED**

### **Notifications and Reporting**

A Member raised concerns that the weekly lists of planning applications were no longer being received and the delegated decisions were no longer being reported to the Planning and Development Committee. The Head of Planning advised that a new planning portal had been implemented and technical issues had been encountered with notifications and reporting. Work was being undertaken to resolve those issues. In the meantime, it was confirmed that the weekly lists could be accessed online and an email would be sent to Members providing a link to access those lists.

**NOTED**