

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday 22nd July, 2022
Time: 1.30 pm
Venue: Mandela Room

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 - 11 March 2022 3 - 10
5. Schedule of Remaining Planning Applications to be Considered by Committee 11 - 72

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Item 1 - Land Adjacent to Ayresome Gardens - Page 13
Item 2 - South Lodge, Acklam Road - Page 31
Item 3 - 25 Harrow Road - Page 41
Item 4 - 16 Queens Road - Page 57
6. 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 14 July 2022

MEMBERSHIP

Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, B Cooper, C Dodds, J McTigue, 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, 11 March 2022.

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

ALSO IN ATTENDANCE: Councillors C Cooke and A Hellaoui; S Chambers, E Craigie (Teesside Live) and A Mushtaq.

OFFICERS: M Brown, P Clarke, C Cunningham, A Glossop, D Johnson, C Lunn, S Thompson and N Younis.

APOLOGIES FOR ABSENCE: Councillors B Cooper and L Garvey.

DECLARATIONS OF INTEREST

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

MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 11 FEBRUARY 2022

The minutes of the meeting of the Planning and Development Committee held on 11 February 2022 were submitted and approved as a correct record.

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.

20/0374/FUL Erection of part-three, part-four storey residential accommodation comprising 74no. beds for student accommodation (sui generis) at Land Adjacent to Ayresome Gardens, Middlesbrough TS1 4QN for Mr A Mushtaq (UPDATE REPORT)

The Development Control Manager advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly, a site visit had been held on the morning prior to the meeting.

Full details of the planning application and the plan status were outlined in the original officer 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.

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 application had initially been submitted to the Planning and Development Committee meeting held on 17 December 2021 for consideration. The Development Control Manager advised that the purpose of the update report was to inform the Committee of the responses received from the Agent and Applicant following the issues raised by Members at the previous meeting. They included points of clarification and revised plans relating to the following matters:

- The potential impact on the trees in the park including their influence on the likely residential amenities of future occupiers;
- The proposed parking arrangements to facilitate drop-offs and pick-ups of students;
- Waste store arrangements and functionality; and

- The practicality of the bicycle store arrangements.

In addition to the above, the report also covered the issues of the access to the alleyway, the installation of alleygates, and other permissions required to access the site.

Notwithstanding the submission of additional information as discussed in the report, it remained the officer recommendation to refuse planning permission.

The scheme had been confirmed by the Applicant as now being for student use only rather than including potential use as a House in Multiple Occupation (HMO). The number of beds had also been reduced from 75 to 74.

Regarding trees, the footprint of the proposed building would be close to the northern boundary with Ayresome Gardens, where a number of trees were situated along the boundary. The distance between the principal elevation and the trees was approximately two metres, which included four mature trees and many saplings that had recently been planted.

In the event of approval, it was considered that the construction of the building would have two principal implications. Although the trees could be retained alongside the development, it was likely that the construction works would have lasting harmful impacts on their structural integrity and the general health and conditions of the trees placing a burden for their future removal. Additionally, any trees sought to be retained were likely to have significant impacts on the general living conditions of certain rooms. Given the proximity of the trees, it was likely that many room windows would be severely obscured by the canopies of the trees, and therefore require constant maintenance or face significant pressure for lopping or felling on a regular basis.

The report noted that if Members were minded to approve the application, officers would recommend that all of the trees adjacent to the northern boundary be removed and replacements of an equivalent or suitable quality be planted in an appropriate location, which may be away from the locality. As it was a need associated with the development of the site, it was considered appropriate for the development of the site to bear that cost. To secure that, a Section 106 legal agreement would need to be entered into between the Council and the developer.

With regards to parking arrangements, officers had previously raised concerns over the lack of parking spaces within the site to allow the drop-off and pick-up of students at the start and end of term. Members of the Committee shared those concerns and, subsequently, a revised scheme had been submitted showing four parking spaces within the boundary of the application site. It was noted that the footprint at the eastern end of the building had been modified in order to achieve four standard parking spaces, with the laundry room and the stairwell being reorganised.

Although four vehicle parking spaces had been introduced, their position and arrangement raised concerns as to whether two of the spaces could be reasonably used given the limited width of the alleyway, which would be required for reversing manoeuvres.

Regarding the waste store, the original officer report considered there to be a shortfall in the waste store provision, as sufficient information had not been provided as to the arrangements for storage and collection of waste from the proposals. The original drawings showed one waste store that accommodated four Eurobin style bins, which was considered an under provision for the size of the development and the number of future occupiers.

Revised drawings had been submitted showing two proposed waste stores with a capacity for accommodating ten Eurostyle bins. In addition, roller shutter-style doors had been introduced on the rear elevation to enable bins to be taken out into the alleyway for collection. It had also been confirmed that a private contractor would be employed to carry out collections up to twice a week. It was assumed that the private collection of bins would include the collection from the premises rather than requiring the bins to be pulled to the highway, which would be a matter for the management of the premises. Should any bins be left out or obstruct the adopted alleyway, that would be a matter for the Council's Highways Enforcement Team.

Based on the revised drawings and additional information, the waste storage and collection

arrangements were considered to be acceptable.

The Development Control Manager advised that there had been uncertainty over cycle parking provisions for the development and the applicant had sought to confirm the storage arrangements as being individual cycle lockers, located on each floor of the development, within the corridors. The Development Control Manager advised that locker storage was considered to be ok in principle but that the provision of cycle storage on the upper floors was considered unsuitable as it requires bikes to be brought through the building, along its corridors, upstairs or up in lifts which represents a poor offer, likely to limit the take up and use of cycles for a development with zero parking for its occupants.

Regarding alleygates and access matters, at the 17 December 2021 meeting officers brought the issue of the alleygates to the attention of Members. The following information was provided for clarity on those matters discussed at the meeting.

The Council's planning officers had been advised from the other internal departments that although the alleygates had been installed within the alleyway, that was without the formal consent or required legal mechanisms of the authority. Equally, again whilst not a planning matter, it was stated on behalf of the Applicant at December's meeting that all relevant permissions to gain access across Council land had been asked for and given. The Council's Land and Property team had advised that there were no legal agreements in place between the Council and Applicant regarding access, which had been brought to the Applicant's attention. The report indicated that, for clarity, those were matters which fell outside of planning considerations and should therefore not influence the planning decision, although would need to be addressed by the Applicant/Developer were permission to be granted.

Regarding other matters, as noted in the Parking Arrangements section, the footprint of the building had been altered in order to provide the four parking bays. That had resulted in some changes to the room arrangements, the main ones being as follows:

- Communal lounge areas from the ground, first and second floors had been reduced from 2 to 1;
- The laundry/store areas on each floor had been removed, with a smaller laundry area being introduced at the eastern end; and
- The stairwell at the eastern end of the building had been repositioned 90 degrees with access being achieved at the side elevation.

The above matters of contention, along with the original officer concerns regarding the design and scale of the building, remained considerable issues and the recommendation remained to be to refuse consent in line with 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; and
- 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.

Although the revised drawings were considered to reasonably address the issue of the waste storage and collection, it was the officer view that the bicycle stores and their associated impracticality, as well as the cramped parking arrangements remained to be unacceptable as they represented poor design, and whilst the matter of tree removal, replacements and replanting could be addressed by a legal agreement, it did not overcome the other matters.

A Member raised a query regarding bicycle access to the proposed building. The Development Control Manager advised that it would be possible to take bicycles into the building via the front, side or rear doors. It was commented that the rear alleyway was narrow and that the presence of vehicles alongside bicycles would create further traffic issues.

A Member raised concerns regarding the mature trees that would need to be removed and subsequently replaced. In addition, concerns were also raised regarding the entrance onto Ayresome Gardens; bicycles; the narrowness of the rear alleyway; and the difficulties that would be encountered in accessing the proposed building. A further Member reiterated those concerns, commenting that with increased traffic it would have been difficult for the minibus to manoeuvre during the morning's site visit.

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

In summary, the Land Owner distributed some additional notes to the Committee and advised that:

- In referencing an email from an officer in the Highways department, the alleyway was a designated highway and the correct procedures had been followed in relation to obtaining permissions for alleygates and access;
- Correspondence had been undertaken with officers in relation to the storage of bicycles on each floor;
- Correspondence had been undertaken with officers in relation to trees and the acceptance of a section 106 agreement for the planting of replacements (the Land Owner felt that the trees were end of life and he would be willing to plant replacement trees on a fourfold basis);
- Similar successful developments had been achieved in other areas with high student populations, including Newcastle upon Tyne;
- Correspondence and meetings had taken place with officers in relation to the front entrance from Ayresome Gardens; and
- Correspondence and meetings had taken place with officers in relation to the design and scale of the proposed building.

In response, the Development Control Manager made the following points:

- Regarding the issue of trees, a section 106 agreement would need to be established; replanting trees on a fourfold basis was not an agreement. Reference was made to the proposed building being in a conservation area and therefore sufficient value given to the trees' presence;
- As advised by appropriate officers, there was no legal agreement in place for the alleygates to be in situ. The Development Control Manager was not aware of any further correspondence in relation to that matter;
- With regards to the student population, that was part of the Applicant's case; information provided was neither right nor wrong, but it was explained that developments undertaken in other student towns and cities were not relevant to Middlesbrough; and
- Information in relation to meetings that had been held with planning officers was provided. Although it was felt that the revised design for the building was an improvement to that originally submitted, in terms of scale that had been increased and therefore needed to be justified. It was explained that all matters discussed with planning officers at the pre-determination stage were caveated that any increase in scale would need to demonstrate it could be reasonably accommodated.

A Member raised a query regarding ownership of the rear alleygates. In response, the Transport Development Engineer advised that the rear alleyway was publicly maintained and therefore the Local Authority was responsible for it. It was unclear as to what agreements, if any, were currently in place in terms of the presence of the gates. The Local Authority had the power to have alleygates removed if a legal and lawful process as to their installation had not been followed.

A Member raised concerns regarding the removal of mature trees; accessibility problems owing to the size of the alleyway; and a lack of parking provision. It was felt to be a positive

scheme, but its locality was questionable. In response to those comments, the Land Owner indicated that bicycles were intended to be taken out of the building's rear entrance, as opposed to the front. A larger than average lift would be installed to help facilitate that. Reference was made to communications that had taken place with GINGER to have the development nominated as a hub for E-scooters. With regards to parking provision and rear access, it was explained that the previous scheme had four parking bays, which had now been reinstated. The Land Owner had carried-out testing with two large vehicles and determined no issues.

A discussion ensued in relation to the proposed access to the front of the building. A Member commented that the access could potentially be lost if an event was to be held at Ayresome Gardens. In response, the Land Owner indicated that that was legally common space and was under the ownership of Middlesbrough Council. Legal advice sought by the Applicant had indicated that although agreements would be required, that would not necessarily cause any issues. The Council's Solicitor referred to the correspondence that the Land Owner had submitted prior to his presentation and explained that none of the information contained within it was legally binding as being in agreement with the Council, as all matters discussed would need to be agreed by the Planning and Development Committee or Legal Services; the Land Owner accepted the point.

A Member made reference to the rear alleyway and commented that a one-way system was not currently in place. It was felt that issues would be experienced if two vehicles entered the alleyway at the same time, particularly as there was no turning circle available. That could also pose further safety problems given the number of students that would be on site. Consideration was given to access for emergency vehicles and also in the event of a vehicle breaking down. In response, the Land Owner explained that students would enter the development via the front entrance. In response to a request for the four parking bays to be reinstated for pick-up and drop-off purposes, that had been agreed; no turning area was ever available for use. With regards to a one-way system, the Land Owner explained that he would be agreeable to the implementation of that.

Two Ward Councillors were appointed to address the Committee.

In summary, the Ward Councillors advised that:

- Ayresome Primary School was currently accessed via Ayresome Gardens and therefore it was difficult to see how the proposed scheme would differ;
- Several of the trees currently on the site had fallen down and therefore it was felt accurate to define them as being end of life;
- It was common practice in Newport for motorbikes and mobility scooters to be kept in yards and taken out through alleyways;
- The proposed scheme would provide high-quality accommodation for students, which would be the next best thing to the previously-planned student village;
- Implementation of a one-way system was supported, but to all alleyways if possible;
- The proposed modern building would revitalise the Ward and provide a quality investment for the area;
- The Land Owner was prepared to work with the Council to develop the scheme, which was an excellent offer; and
- There had previously been issues with fly tipping, vermin and needles on the site – it was felt that the development would help prevent that.

Members discussed the application and considered the issues that had been raised, including: the potential implementation of a one-way system; the design of the proposed building; parking provision; the current condition of the area; accessibility to the building; and removal of the trees. In response to an enquiry from the Head of Planning, a Member commented that sufficient parking in their view would be four accessible parking spaces.

The Transport Development Engineer explained to the Committee that there was a separate legal process involved in the implementation of a Traffic Regulation Order (one-way system). Therefore, if Members were minded to approve the application on condition that a Traffic Regulation Order be initiated, there was no certainty that that would be achieved.

During discussion, it was commented that although the scheme had a specific footprint, e.g.

buildings next door, rear alleyway in situ, etc., Members still held some reservations in relation to trees; the implementation of a Traffic Regulation Order; and parking provision. Those aspects would require further clarification/information/determination from appropriate officers. The Transport Development Engineer made reference to the refuse collection strategy and indicated that the collection point was significantly greater than the usually expected allocation of 20m. In addition, if the refuse collection frequency were to be increased, from one to two collections per week, there would be a refuse vehicle on Crescent Road more often. Consideration was also given to the increasing number of vehicles that would be around the area at the start and end of term, which would need to be managed.

In response to an enquiry from the Chair regarding the roof design and why that had been changed, the Land Owner explained that it was due to style and associated costings.

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

To allow the applicant to provide details which were agreeable to the planning and highways officers in relation to the provision of adequate parking and servicing.

22/0064/COU Use as an E-Gaming Centre (sui generis), internal and external alterations including a replacement shopfront and use of pedestrianised area to front as café terrace at Unit 5, Captain Cook Square, Middlesbrough TS1 5UB for Mr E Ford

The Development Control Manager advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly, a site visit had been held on the morning prior to the meeting.

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 a vacant retail premises within the town centre's primary shopping frontage area to an E-gaming use with café and bar and to use an external area to the front of the premises as an outdoor seating area.

It was explained that the proposed use was a town centre use and was appropriate in principle within the town centre, although local plan policy defined the area as being primary shopping frontage which was aimed at providing the nucleus of retailing within the town centre. Policy advised there should be no more than 15% non-retailing uses within the Primary Shopping Frontage areas of the town centre, and the last assessment indicated the non-retailing uses within the PSF to be 15.7%. Whilst the proposal would add to the non-retailing uses, it provided a notable leisure destination within the town centre, adding new uses to the town centre offer which would improve vitality and viability of the town centre as a result. It was set away from the core area of Linthorpe Road on the fringe of the PSF area and would therefore not create a break between different sections of the core retailing uses.

Members heard that the proposal represented a sustainable and positive re-use of the premises which would attract new footfall to the town centre and thereby have a positive impact on the vitality and viability of the town centre. The proposal would result in the retention and re-occupation of a large unit within the Captain Cook Square area and would provide a notable leisure destination within that part of the town centre.

Members were advised that no objections had been received in relation to the proposal and that the application was recommended for approval subject to conditions. An additional condition would be attached to require the Applicant to agree barrier design with the Planning department.

A Member queried whether the scheme and E-gaming involved any aspect of gambling. In response, the Development Control Manager advised that that was not the case.

A Member made reference to the proposed opening hours and the inclusion of a bar on the premises, and queried whether any age restrictions would be put in place. In response, the

Development Control Manager advised that that would be a matter for Licensing and not imposed from a Planning perspective. The Project Manager for the redevelopment of Captain Cook Square explained that projects such as the one under consideration tended to come with their own security and strict protocols attached. It was explained that, as landlord for the unit, the Council would insist that those be adhered to; age restrictions would be considered.

A short discussion ensued in relation to addictive behaviours; consideration was given as to the potential management of customers in that regard.

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

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

Notification of weekly planning applications for Elected Members

The Head of Planning explained that the Planning department had recently moved to a new system for how it managed planning applications, which meant that the weekly list of planning applications that was emailed to all Councillors was currently unavailable in the format previously provided; a solution to reintroduce a weekly email was currently being devised. Reference was made to the planning pages of the Council's website, which listed submitted planning applications. It was indicated to Members that if any training or support to access the information was required, that was available.

A Member queried whether the applications could be filtered down to Ward level. In response, a fellow Member confirmed that that could be achieved and briefly explained the process.

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Planning & Development Committee Schedule - 22 July 2022

Town Planning applications which require special consideration:

1	<p>Reference No: 20/0374/FUL</p> <p>Ward: Newport</p>	<p>Applicant: Mr Arif Mushtaq</p> <p>Agent: Mr Mario Minchella</p>	<p>Description: Erection of part-three, part-four storey residential building comprising 72no. beds for student accommodation (sui generis)</p> <p>Location: Land Adjacent to Ayresome Gardens, Middlesbrough TS1 4QN</p>
2	<p>Reference No: 21/0674/FUL</p> <p>Ward: Acklam Kader Ward buffer = Acklam Ward buffer = Kader Ward buffer = Trimdon</p>	<p>Applicant: Mr Michael Cuzmics</p> <p>Agent:</p>	<p>Description: Alteration/extension to existing fence line</p> <p>Location: South Lodge Acklam Road, Middlesbrough TS5 7HD</p>
3	<p>Reference No: 22/0272/COU</p> <p>Ward: Linthorpe Ward buffer = Acklam Ward buffer = Linthorpe Ward buffer = Park</p>	<p>Applicant: Mannion</p> <p>Agent: Mannion</p>	<p>Description: Change of use from C3 Dwelling to C2 (Residential Institution) Children's Home</p> <p>Location: 25, Harrow Road, Middlesbrough, TS5 5NT</p>
4	<p>Reference No: 22/0306/COU</p> <p>Ward: Park Ward buffer = Linthorpe Ward buffer = Park</p>	<p>Applicant: Eduardo Duque & Kath Lockwood</p> <p>Agent: Pyramid Architectural Designs</p>	<p>Description: Change of use from 3no. flats to 5 bed HMO</p> <p>Location: 16 Queens Road, Middlesbrough, TS5 6EE</p>

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APPLICATION DETAILS

Application No:	20/0374/FUL
Location:	Land adjacent to Ayresome Gardens, Middlesbrough, TS1 4QN
Proposal:	Erection of part-three, part-four storey residential building comprising 72no. beds for student accommodation (sui generis)
Applicant:	Mr S Chambers
Agent:	Mario Minchella Architects
Ward:	Newport
Recommendation:	Refuse

SUMMARY

The application was first taken to Planning Committee on the 17th December 2021 with a recommendation to refuse. Planning committee deferred the decision to allow for additional information to be provided. The application was put back before planning committee earlier this year and the application was again deferred. The officer recommendation has typically remained the same throughout the process although some changes have been made to the scheme which reflect the applicant's intention to address concerns discussed in the previous committee meetings. The scheme, since its initial submission has been amended by, providing a reconfiguration to the parking / drop off bays to the rear of the premises, provision of details in relation to cycle storage, amended refuse store details and most recently, the reduction in the number of bed spaces from 74 down to 72. Discussion has also taken place in relation to access to the site and removal of trees within the adjacent Ayresome Park.

Planning permission is sought for the development of a part-three, part-four storey building comprising 72 individual bedrooms for student accommodation (sui generis use class). The site is a narrow parcel of rectangular land, situated between the public park known as Ayresome Gardens and dwellings along Crescent Road, and is not allocated for any particular purpose on the Council's adopted Proposals Map.

The application site benefits from an extant planning permission for student accommodation of 72 beds (M/FP/0347/16/P). Sufficient groundworks were undertaken to constitute a commencement on site which means this previously approved development can be constructed at anytime and is a potential fall back position in relation to this current proposal. Consequently, the principle of student accommodation and a 2.5-storey building height on this site are considered to be established. The main differences between the approved

development and the current application are considered to be the four-storey element of the proposal and some aspects of the general design/layout of the scheme.

The report considers the main differences and concludes that the additional height of the proposed building (the fourth storey) would adversely impact the character and appearance of the surrounding conservation area and be harmful to the living conditions of the nearby residential occupiers of properties along Crescent Road. In addition, the proposed site arrangement has limited provision for off-road parking and servicing, so activities associated with the proposed use are likely to impact upon the adopted highway to the detriment of all highway users.

The proposed development is considered contrary to local and national planning policy and the Officer recommendation is therefore to refuse.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is 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 is the former Sunday School building, which is attached to the northern side of the associated former Park Methodist Church which is a Listed Building. To the west of the application site is Nos. 38-42 Crescent Road, which operates as Middlesbrough Tool Centre.

The vacant application site represents an urban brownfield site with former uses and occupancy being garages and workshops. The site is located within the Albert Park and Linthorpe Road Conservation Area, with historic buildings of architectural merit in close proximity.

The proposed development is for a part 3-storey, part 4-storey building to provide student accommodation, providing 72 beds in total. Given the confines of the site, the proposed building takes an elongated, linear form, with the student bedrooms positioned on the north side of the building and the general circulation space (including corridor and storage areas) running along the south side.

The ground, first and second floor levels have a similar layout. The first and second floors are almost identical, each accommodating individual student bedrooms, a communal lounge, a laundry area and a cycle store. The ground floor is similar, albeit with a reduced number of bedrooms and provision of an entrance lobby, two cycle stores, the communal waste store and plant room. The uppermost, third floor accommodates bedrooms and a communal room, laundry and cycle store.

The principal elevations of the building will be constructed using red heritage brickwork, with sheet profile metal forming a mansard detail above. Beyond the mansard roof, single ply roof membrane would be proposed behind a parapet wall.

Four on-site vehicle parking spaces are proposed as part of the development, which would enable drop-offs and pick-ups arrangements.

PLANNING HISTORY

M/FP/0347/16/P

Erection of 1no part 3 storey/part 2 storey residential accommodation containing 6no 12 bed units with associated access, parking with 2no alley gates
Approved Conditionally 16th May 2016

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,

- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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

H1 – Spatial Strategy
 H11 – Housing Strategy
 CS4 – Sustainable Development
 CS5 – Design
 CS6 – Developer Contributions
 CS18 – Demand Management
 CS19 – Road Safety
 REG37 – Bus Network ‘Super Core’ and ‘Core’ Routes
 DC1 – General Development
 UDSPD – Urban Design SPD

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

CONSULTATION AND PUBLICITY RESPONSES

The application has been subject to the standard notification of neighbouring properties, which included a letter drop to 59 different addresses. Site notices were also displayed at the application site and an advertisement placed in the local press.

Following the statutory consultation phase, one representation was received from local ward councillor, Barrie Cooper.

- Access to the site would either be into the alley or directly into Ayresome Gardens neither seem suitable.
- Access by Emergency Service Vehicles also seems unsuitable.

Councillor Cooper spoke in favour of the proposed development at the initial planning committee although has not formally removed the comments above provided initially.

Responses from Internal Technical Consultees:

Planning Policy – The principle of residential development on this site accords with the Development Plan policies.

Highways – Recommend refusal due to the lack of on-site parking and servicing arrangements which will lead to the displacement of such activities on the public highway.

Conservation – Recommend refusal as a result of the likely harmful impact of the proposed development on the significance of the Conservation Area and the settings of nearby Listed Buildings.

Waste Policy – Provision will need to be had to store refuse and recycling for the number of bedrooms sought.

Environmental Health – No objections subject to condition relating to noise assessment to ensure living areas are not adversely affected by external noise.

Responses from External/Statutory Consultees

Northumbrian Water – No objections subject to condition requiring a detailed scheme for the disposal of foul and surface water.

Northern Gas Networks – No objections but works may affect apparatus.

Northern Powergrid – No comments received.

Cleveland Police Secured By Design - The developer should contact SBD to discuss ways to design out crime. Informative provided.

Public Responses

Number of original neighbour consultations	59
Total numbers of comments received	1 (Cllr Cooper)
Total number of objections	0
Total number of support	0
Total number of representations	1

The applicant has submitted letters of support which is somewhat unconventional as these would typically be submitted by the person writing the letter directly to the Local Planning Authority. These communications are;

- 7 Pro-forma letters of support from people in the immediate locality and 5 individual letters from rental management companies and the business adjacent to the premises.
- The support within the letters is based on the removal of anti-social behaviour in the area and the improvement to the site overall.

PLANNING CONSIDERATION AND ASSESSMENT

Local Policy Consideration

1. On the Council's adopted Proposals Map, the application site is located on unallocated land within the Albert Park and Linthorpe Road Conservation Area.
2. Policy H1 requires that windfall developments are located within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development as contained in Local Plan Policy CS4. Policy H11 identifies North Middlesbrough and Inner Middlesbrough for city style living and high density development such as apartments. Whilst the proposals are not for apartments, the layout and density of the student accommodation is not too dissimilar. Although the site is not within the designated town centre, it is in close proximity to the centre, and within a relatively dense urban areas.
3. Policy CS4 requires all development to contribute to achieving sustainable development. Amongst other things, this includes making the most efficient use of land through the redevelopment of previously-developed land, being located so that services and

facilities are accessible on foot, bicycle or public transport, incorporate energy saving technologies, and delivering development of a high quality design that improves the quality of the townscape.

4. Being located just outside of the designated Town Centre, the proposed development is considered to be in a sustainable location, providing ready access to the bus and train stations, which are within recognised walking distances. Being constructed on the site of former commercial uses, the student accommodation development is considered to be making efficient use of previously-developed land. Policy CS4 also encourages the incorporation of on-site renewable energy facilities or providing 10% renewables within major development. In the event of approval, a condition can be imposed to provide 10% renewables or a fabric first approach.
5. Members should be aware that the application site was granted planning permission for a similar use in 2016. Through planning permission M/FP/0347/16/P, consent was 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 has not been constructed, pre-commencement conditions have been discharged and groundworks commenced meaning the 2016 permission has had a technical commencement and is extant, and can be built out any time. Mindful of which, it is considered that the principle of a development for student accommodation on this site has been established given this lawful fall-back position.
6. With the principle of the use established, the key material matters as part of the current scheme are considered to be the increased building height, the design and layout of the building, 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.

Principle of Additional Building Height

7. The proposed building would be part-three/part-four storeys in height, which is noticeably higher than the previously approved and commenced scheme. Consideration needs to be given as to whether the proposed additional height, with its associated scale and mass, would integrate well with the local context, which includes potential impacts on the local townscape and the settings of heritage assets within the conservation area.
8. For buildings providing flatted development or higher density uses, the Council's adopted Urban Design SPD suggests how these may be integrated into the local area. Amongst other guidance, it states that *'designs should relate to an area, and should reflect the context of the development site. The grouping, size and proportion of openings, changes in materials, the form of the roof, detail to the main entrance and articulation of the plan to provide relief to the elevation can all help to add interest and variation to the appearance of a development.'*
9. The SPD also advises that *'a maximum 2.5 storeys is the general acceptable scale throughout Middlesbrough. There are however, some situations where development in excess of 2.5 storeys would be more appropriate, e.g. prominent locations where it is desirable to make an architectural statement. In these cases proposals for buildings over this height will require further detailed supporting information.'*
10. Policy DC1(b) states 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 a high quality'*. Policy CS5(c) requires high quality development *'ensuring that it is well integrated with the immediate and wider context'*.

11. Buildings of a two and three-storey height surround the site. Immediately to the south (Ayresome Street and Crescent Road) are 2.5-storey high residential buildings; adjacent to the west is a two-storey commercial building (Middlesbrough Tool Centre); and situated to the east are two and three-storey residential and institutional buildings (apartments and nursery uses).
12. Whilst the immediate vicinity is surrounded by 2.5-storey high buildings, within 150 metres to the east and west of the site, there are buildings of more significant sizes – four-storey equivalent or greater – including Ayresome Primary School, the One Life Centre and an apartment block on the corner of Park Road North and Linthorpe Road. However, these buildings are either within larger grounds where there are likely to be fewer adverse impacts on surrounding sites, or they occupy a landmark/gateway location and exhibit a focal presence. Therefore, these larger buildings are considered to in general accordance with the SPD respectively, and make a positive contribution in their own right to the local urban area without unduly affecting the nearby built environment.
13. In terms of the application site, it is the Officer view that it does not have a particularly prominent location nor is situated at a gateway site. Whilst it has a wide frontage onto the southern boundary of Ayresome Gardens, the application site is deemed not to be a gateway or prominent location, but is considered to be somewhat cramped, with the buildings to the south, east and west being in relatively close proximity.
14. Whilst the proposed three-storey element would be considered to complement the scale of buildings in the area, the proposed four-storey height is considered to be at odds with the immediate surrounds, which are all of a lower height. The additional storey would be deemed contrary to the local context of the area, and conflicts with the requirements of Policies DC1 and CS5, and the adopted Design Guide SPD.

Impacts on Conservation and Heritage Assets

15. Policy CS5 requires all development to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. Specifically, part (h) of the Policy requires *'the preservation or enhancement of the character or appearance of conservation areas'* and part (i) requires *'safeguarding buildings identified as being of special historic or architectural interest'*. Policy DC1 requires *'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'*.
16. The site lies within Albert Park and Linthorpe Road Conservation Area. The significance of the conservation area lies primarily in the Victorian public park, which was developed from the 1860s, and the surrounding development, some of which fronts onto the park. The area is made up of high quality green open spaces, mature trees, superior Victorian, Edwardian and 1930s housing, traditional shops, and landmark buildings, which have a number of towers and domes that can be seen from great distances.
17. Ayresome Gardens, which is to the north of the application site, is a former cemetery, being founded in 1854 to cope with the sudden expansion of the town. Ayresome Cemetery was Middlesbrough's first purpose-built graveyard and one of its biggest. The cemetery was decommissioned in 1962 and the site was cleared of the last remaining headstones in the early 1980s.
18. The Conservation Area Appraisal states that the overriding character of Ayresome Gardens is *derived from the open space fronting onto Linthorpe Road and the views of nearby buildings such as the Grade II Listed Forbes Buildings, and the historic Ayresome School to the rear of the gardens. Mature trees also make an important contribution to the character of the area.*

19. To the east of the application site is the Grade II Listed Park Methodist Church, which dates from 1903 and is characterised by its red brick appearance with painted terracotta dressings, Welsh slate roofs and copper-domed northwest tower. It is considered a dominant and elegant Edwardian building, with its tower being one of many that help define the character of this part of the Conservation Area.
20. Immediately southeast of the site and recorded on Middlesbrough's Historic Environment Record (HER) is Park Methodist Church Sunday School, adjacent to the Methodist Church. It is a two-storey, red brick, Edwardian ecclesiastical and educational building that, by virtue of its form and materials, makes a positive contribution to the significance of the Conservation Area.
21. Section 194 of the NPPF states that *local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.* A Heritage and Conservation Statement has been submitted as part of the application, which has been considered by Officers.
22. In terms of determining applications, section 197 of the NPPF advises that *local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets... and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.* LPAs are also advised to take account of *the desirability of new development making a positive contribution to local character and distinctiveness.*
23. When considering the impact of a proposed development on the significance of a designated heritage asset, Section 199 of the NPPF states that *great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Section 200 of the NPPF continues by stating that *any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.* According to Section 202, *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
24. The previous section of this report considered the proposed four-storey building height to be at odds with the general surrounding townscape. In terms of the potential impacts of the height on the local heritage assets, there are strong concerns that the proposed four storeys risk dominating the area, with particular consideration to the adjacent Sunday School building. Although the proposed development is considered not to dominate the nearby church tower, it is considerably more bulky than the tower and risks dominating vistas to and from Ayresome Gardens.
25. The proposed development is considered to be a modern design with plain appearance, and not particularly distinctive to the local area. It incorporates a mansard roof which presumably seeks to give the building the impression a reduced height whilst including a fourth level. The proposed increase in height should not be harmful to the nearby Listed Buildings, which are considered to remain dominant. Notwithstanding this, the bulky design of the proposals would be deemed to dominate the traditional terrace houses to the south of the site, which are situated in close proximity.

26. The external materials proposed in the original scheme were grey brickwork for the ground floor and white render for the upper floors. Given the local conservation area status as well as the proximity to nearby Listed Buildings, the applicant was advised that such finishing materials were deemed unacceptable for the setting and that materials similar to those nearby (predominantly red brickwork) should be considered as an alternative.
27. The materials in the revised scheme are itemised on the submitted drawings, with red heritage brickwork being proposed for the main elevations. Such materials are considered a significant improvement on those originally sought and appropriate for the setting. It is considered that the mansard roof and its associated covering should be improved in this 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, these are considered exceptional cases rather than characteristic of the local architectural forms. It has been put to the developer that all proposed materials should be complementary to the surrounding conservation area and heritage assets, although a full set of materials that are deemed to be acceptable has not come forward.
28. Mindful of the additional height and materials proposed, it is considered unlikely that the proposed building will make a positive contribution to the conservation area that local and national policy requires. Whilst the proposed development is judged to result in less than substantial harm to the conservation area, paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. The Heritage Statement advises that the proposal will 'screen offensive vistas' from the terraced houses behind the site, but this is not considered by Officers to be a public benefit as their impact is not harmful to the conservation area as Victorian terraced houses.
29. It is acknowledged that the proposals could eliminate the local area of a vacant and neglected site on the boundary of the open space of Ayresome Gardens. However, it is noted that an approved development from 2016 exists which would achieve the same, and the site is relatively small and could be positively screened by landscaping were this deemed to be beneficial. As such, little weight can be given to the potential public benefits of the proposal, and therefore it is the Officer view that these would not outweigh the harm that would be caused. Even with public benefits, a better and more appropriately designed building would achieve the same public benefits whilst high quality development would sustain or enhance the significance or character and appearance of the conservation area.
30. Given the above and in the absence of any significant public benefit, it is considered that the proposals would fail to complement the heritage assets within the Albert Park and Linthorpe Road Conservation Area. This would fail to satisfy the requirements of paragraphs 194, 197, 199, 200 and 202 of the NPPF and local policies DC1, CS4 and CS5, which seek to ensure that the historic heritage of the area and the townscape is protected, conservation areas are preserved or enhanced, and the safeguarding of buildings identified as being of special historic or architectural interest.

Impacts on Trees in Ayresome Gardens

31. The footprint of the proposed building would be close to the northern boundary with Ayresome Gardens, where a number of trees are situated along the boundary. The distance between the principal elevation and the trees is approximately two metres. The trees include four mature species and many saplings that have recently been planted.
32. Although the trees could be retained alongside the development, it is likely that the construction works would have lasting harmful impacts on their structural integrity and

the general health and conditions of the trees. Additionally, any trees sought for retention are likely to have significant impacts on the general living conditions of certain rooms. Given the proximity of the trees, it is likely that many room windows would be severely obscured by the canopies of the trees, and therefore require constant maintenance.

33. If Members were minded to approve the application, Officers would recommend that all the trees adjacent to the northern boundary be removed and replacements planted in an appropriate location, which may be away from the locality. To secure this, a legal agreement – a Section 106 agreement – would need to be entered into between the Council and the developer.

Impacts on Surrounding Neighbouring Occupiers

34. With the additional height of the proposed scheme compared to the previously approved scheme, consideration needs to be given as to whether the proposed development would result in a significant detrimental impact on the residential amenities of any nearby properties. In this case, the most impacted properties are considered to be those to the rear (Nos. 2-36 Crescent Road), which are situated to the south of the proposed development. Policy DC1 requires *'the effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal'*.
35. A starting point to understand reasonable and recommended separation distances would be the adopted Urban Design SPD, which identifies a minimum distance of 21 metres between principal room windows that face each other where buildings exceed single storey height. The SPD does not contain direct guidance in relation to situations where residential properties face each other at an angle or differ in height, both of which are the case here although the same principles apply of preventing short distance views between windows. It must also be pointed out that the windows on the rear elevation of the proposed building serve corridors and circulation spaces, not individual rooms.
36. The arrangement of the residential properties along Crescent Road relative to the proposed building means that there would not be a direct facing relationship with all properties. Whilst Nos. 2-16 Crescent Road would be directly facing, Nos. 18-36 Crescent Road are at an angle and positioned closer to the proposed building. The point at which these neighbouring properties are angled from the proposed building is roughly where the building steps down from four to three storeys.
37. Between the proposed building and the two-storey rear offshoots of Nos. 18-36, the approximate separation distance varies from 9 to 18 metres. To the main body of the residential properties, this separation distance increases to between 13 and 25 metres. Whilst the majority of these distances fall considerably short of the privacy distances recommended in the SPD, which potentially harms the amenities of existing residents, it is accepted that a similar scale of development has been granted and remains extant on this site and these were based on considerations at the time relative to the arrangement of buildings relative to the application proposal.
38. Between the proposed building and the directly-facing two-storey offshoots of Nos. 2-16, the approximate separation distance is greater, varying between 18 and 21 metres. To the main body of these residential properties, this separation distance increases to between 25 metres and 30 metres. Although the minimum distance standards of the SPD would be adhered to at this part of the proposal, it is the view of Officers that the large scale of the proposed four-storey building is such that it would still introduce a dominating and oppressive structure close to the rear boundary of these residential properties. This proposed arrangement is considered to have a sufficient harmful impact to impair the amenities of occupiers, which is as a result of the overpowering feeling of enclosure created by the proposed four-storeys.

39. As noted above, the southern elevation of the proposed building contains a number of windows that serve circulation space and corridors at upper floor level, in some cases falling short of the minimum 21 metre separation distance. Whilst these proposed windows would not serve bedrooms or other principal rooms, it is considered that they would still result in the perception of overlooking upon the rear elevations and garden spaces of a number of nearby dwellings. This would be because of the proposed windows being located in close quarters to the rear boundaries of these properties. The proposed arrangement is deemed to be materially harmful to the living conditions of the occupiers of these dwellings.
40. The sheer size and scale of the proposed building relative to nearby dwellings together with its proximity to them also means that it would unduly affect the outlook from these properties. Whilst it is accepted that the site was historically home to commercial buildings and has an extant planning consent for a 2.5-storey building, which may have affected outlooks, these would not be of the height of the proposed building and therefore of a reduced dominance.
41. Given the location of the application site in this highly urbanised setting where larger buildings are found at greater densities, the recommended separation distances of the SPD could be relaxed to some extent. In this case, however, the separation distances proposed are considered to be too short given the scale of the development, which would result in significant harm to the living conditions of existing residents and contrary to the aims of Policy DC1(c).

Likely Amenity Levels for Future Occupiers

42. As well as the impacts on existing residents, consideration shall also be given to whether the design and layout of the development would result in satisfactory levels of amenity and facilities for future occupants.
43. The development proposes 72 bedrooms in total with associated facilities and amenities dispersed throughout the floors. All bedrooms have the same footprint and layout, being approximately 20 square metres (including en suite areas). As a minimum of 13 square metres should be provided in each bedroom containing kitchen facilities (to accord with the recommended standards contained within the Council's '*Guidance on Accommodation Standards for HMO*'), there are no significant concerns with the floorspaces provided to accommodate the necessary ancillary facilities to provide safe spaces to live, cook, eat, sit, relax and to sleep. A 'model room layout' has been provided, which shows furnishings and fittings in a typical room and demonstrates practical usability. Overall, it is considered that the room sizes are acceptable and it has been shown that adequate space can be provided to accommodate furniture associated with a student use, and there is sufficient space to manoeuvre around the room.
44. These bedrooms are complemented by the associated amenities, which includes four communal lounges, four laundry/store rooms and five cycle stores. The total amount of floorspace of the communal lounges and laundry/store areas is approximately 160 square metres and 24 square metres respectively, giving a total space of ancillary facilities and amenities as 184 square metres. As well as demonstrating floorspace workability in the bedrooms, the communal spaces on each floor are considered capable of providing larger kitchen and seating areas outside of individual rooms.
45. On balance, it is considered that the size of the rooms and the associated communal spaces on each floor are satisfactory for the proposed student accommodation and will provide good amenity levels for future residents.
46. Cycle stores are shown as being provided on each floor, with Officers being informed that the stores will accommodate a total of 57 cycles. This would equate to 24 being provided at ground floor level and 11 on each of the upper three floors. From an Officer

perspective, it is considered that this represents a shortfall, as provision should be made for 72 cycle spaces (one per each room provided).

47. Notwithstanding this stated provision, it is considered that the individual cycle spaces are incorrectly measured out on the submitted plans. An individual cycle parking space should measure 0.5 metres x 1.8 metres to meet the standards of the Design Guide, whereas the cycle spaces on the floor plans measure approximately 0.8 metres by 1.0 metre. As a consequence, it is the Officer view that the cycle stores are not able to provide the number of spaces claimed. Moreover, and considered more importantly, it is the Officer view that the functionality of the cycle stores is the crucial issue. The proposed arrangements would require many future occupiers to transport cycles to the upper floors via one, regular sized lift. This is considered not to be a practical solution in design terms and the cycle store arrangements remain unacceptable.
48. The ground floor has waste store provision, although the submitted drawings only indicate space for ten Eurobin style bins when it is recommended for a development of this size to have provision for 14 bins (seven for refuse and seven for recycling). Given this shortfall, and the fact the local authority refuse collectors would not undertake collections more regularly, it is understood that any approved development would employ private contractors to collect refuse and recycling.

Highways Implications

49. The site is considered to be highly sustainable being located in close proximity to the main University Campus and is within nationally recognised walking distance of the town centre, bus stops and bus and train stations. Mindful of such a location, Local Plan Policy CS18 seeks that development proposals improve the choice of transport options, including promotion of opportunities for cycling and walking.
50. Crescent Road is approximately 8.4 metres wide, however, adjacent residential properties fronting the road do not have off-street parking and as such on-street parking occurs on both sides of the road. This on-street parking reduces the width of Crescent Road to widths that will struggle to maintain two-way traffic flow, particularly to enable larger vehicles such as refuse vehicles/delivery vehicles to pass opposing traffic. In addition, adjacent to the proposed development site is Ayresome Primary School and other local businesses which bring vehicles into the area and increase demand for on-street car parking.
51. The high competing demand for the limited on-street parking available leads to vehicles being left in unsuitable locations, such as adjacent to junctions or access points. The introduction of further waiting restrictions could be introduced, but this would simply increase the pressure for the limited available parking remaining. It is considered that this would be to the detriment of existing residents already struggling for parking and is likely to displace car parking into other adjacent areas.
52. Officers initially raised concerns over the lack of parking bays within the site, which would primarily allow ease of students being dropped off and picked up at the start and end of terms. At previous meetings of the Planning Committee, Members shared these concerns leading to the deferral of the application. Subsequently, a revised scheme has been provided showing four parallel parking spaces within the boundary of the application site, which are 6 metres in length and 2.5 metres in width and meet the required highways parking spacing standards. In order to achieve these four parking spaces within the boundary of the application site, the footprint of the building has been modified at its eastern end with the laundry room and stairwell being adjusted. The provision of four bays is comparable to that of the extant 2016 permission and, combined with a management plan for phased drop-offs and pick-ups, should enable students to reasonably move belongings without adversely affecting the free movement of traffic along Crescent Road.

53. As these parking bays are intended for drop-offs and pick-ups only, there are no dedicated car parking spaces associated with the development, with the proposals seeking to emphasise sustainable transport measures. Whilst the scheme is proposed to be car free, the measures to prevent students from bringing vehicles to the site are considered significantly underprovided. A one-for-one provision of cycle parking may have given some comfort to Officers that alternative transport measures have been adequately provided. The apparent under-provision of cycle parking has already been discussed earlier in the report and considered unacceptable.
54. In terms of servicing, access to the front of the development is limited to pedestrian access only and is over private land, which is not public highway. Although the land is a park and owned by the authority, this park could be fenced in the future (for security reasons as an example). Rear access is available from Crescent Road via a rear alley, which is around 3 metres in width. Alleygates have been installed due to historic issues relating to fly tipping, crime and anti-social behaviour. The development could be viewed as helping to remove these issues through improved surveillance in the area, although future management would need to manage access on foot.
55. At the December meeting of the Planning Committee, Officers brought the issue of the alley gates to the attention of Members. It would seem that alley gates have been installed within the alleyway without the prior consent or required legal mechanisms of the authority. Whilst this may not be a Planning matter, there are no legal rights to undertake this work, as it affects the Council's assets. This has been brought to the applicant's attention.
56. Officers initially expressed concerns for the waste storage provision, as sufficient information was not provided on the arrangements for the storage and collection of waste from the proposals. The revised drawings show two proposed waste stores with capacity for ten Eurostyle bins. In addition, roller shutter-style doors have been introduced on the rear elevation to enable bins to be taken out into the alleyway for collection. It is the intention for refuse collections to be undertaken by a private contractor up to two times a week.
57. Given the narrow width of the lane, it is considered unsuitable for a refuse vehicle to enter the site or for crews to work practically at the vehicle. The 90-degree bend at the eastern end of the alleyway also means it is unlikely that a refuse vehicle could leave in a forward gear. No vehicular tracking has been submitted that would inform the local authority that the necessary vehicles could make safe access and egress. It is likely that waste bins would have to be put out onto Crescent Road for collection or for the refuse collection vehicle to reverse into the alleyway.
58. Mindful of the above, the building management would be responsible for ensuring the refuse and recycling receptacles are made available for collection from the nearest adopted highway and then removed from the highway after collection. However, it is noted that the refuse store for the development is located approximately 75 metres from the public highway, which would be greatly in excess of the acceptable measurement of 20 metres from the public highway.
59. The consequences of the above are that servicing is likely to take place on Crescent Road with servicing traffic waiting at the entrance to the alley. In turn, refuse bins would need to be brought to the refuse vehicle in anticipation of its arrival resulting in these bins being stood (potentially for extended periods of time) on the public highway. Such activities would, again, take place within the context of a highly constrained highway environment where there are high competing demands for limited car parking, limited carriageway width and adjacent to a school. As such, these arrangements would lead

to obstruction of the highway, be detrimental to the free flow of traffic and present a highway safety issue, particularly for vulnerable highway users such as pedestrians (including parents and young children walking to school). This is contrary to the NPPF (paragraphs 110 and 112) and Core Strategy Policy DC1 (General Development)'

Nutrients Neutrality Assessment

60. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (SPA) (and Ramsar Site) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations that discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development has the ability to exacerbate this impact. Natural England has advised that only development featuring overnight accommodation (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact, although this is generic advice and Natural England have since advised that other development where there is notable new daytime use could also be deemed to have an impact, which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the Planning Authority need to determine applications whilst taking into account all relevant material planning considerations.
61. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area, which is considered 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required, it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
62. In-scope development generally includes, but is not limited to, new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
63. Mindful of the extant and commenced permission – which is for a similar scale of residential accommodation and could be completed at any time – the current application is considered to be in scope but has no additional impact to the extant scheme.

Conclusion

64. The extant planning permission for student accommodation at the site, is for a part-two, part-three storey building for 72 bedrooms. Pre-commencement conditions were discharged and groundworks commenced, although no construction work followed. The development hereby proposed seeks to increase the height and layout of the previously approved scheme and essentially intensify the proposed use.
65. The principle of student accommodation at the site is acceptable mindful of the extant planning permission as well as the site being within a residential area on an unallocated site. In addition, it is considered that the residential amenity levels for future students within the development would be largely acceptable, with the floorspace for the bedrooms and communal spaces sizes meeting technical standards.

66. Whilst the principle of development and future living conditions are accepted, it has been reported that the proposed four-storey height would be at odds with the immediate surrounds and contrary to the local context. The four-storeys with the associated bulky scale are deemed to dominate the traditional terrace houses immediately to the south as well as the adjacent Sunday School building. The development has also been assessed as risking dominating vistas to and from Ayresome Gardens.
67. The submitted drawings inform Officers that the main elevations would constitute a red heritage brick, although a full set of materials that are deemed to be suitable for the setting have not been provided. In which case, it is concluded that the proposed development would not make a positive contribution to the conservation area as required by both local and national planning policy. The development is considered to lack any significant public benefit and fails to complement the heritage assets.
68. The proximity of the development to the terraced properties to the south would, as a minimum, result in the perception of overlooking upon the rear elevations and garden spaces of a number of dwellings. The arrangement is deemed to be materially harmful to the living conditions of the nearby residential occupiers.
69. Although the development is proposed as being car-free, the measures to prevent students from bringing vehicles to the site are considered to be under-provided. General issues of refuse collections and servicing have also been analysed as resulting in likely harmful impacts on the surrounding highway network, whilst cycle stores are spread out including on the upper floors, likely to limit their use within this zero parking scheme.
70. The development is therefore considered to be in conflict with local policies DC1(b) and (c), CS4(k), CS5(a) and (h), as well as the requirements of the National Planning Policy Framework, and the Officer recommendation is for refusal.

RECOMMENDATIONS AND CONDITIONS

Refuse for the reasons below.

Reason for Refusal 1

In the opinion of the Local Planning Authority, 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. This is 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. This would be contrary to the aims of local policy DC1(c).

Reason for Refusal 2

In the opinion of the Local Planning Authority, the lack of adequate parking and servicing arrangements will lead to a displacement of such activities onto the adjacent public highway. The surrounding public highway is considered to be highly constrained in terms of width and parking demands and the impact of these activities onto the public highway will interfere with the free flow of traffic along Crescent Road, obstruction of the highway and will be detrimental to highway safety. This is contrary to the NPPF (Paragraphs 110 and 112) and Core Strategy Policy DC1 (General Development).

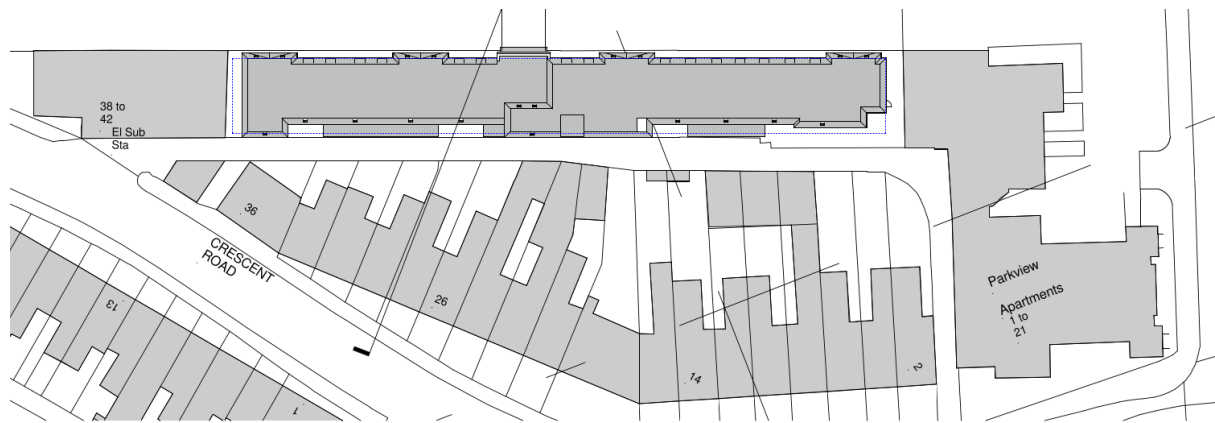
Reason for Refusal 3

In the opinion of the Local Planning Authority, 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 is considered that the proposals would not complement any nearby heritage assets within Conservation Area and would fail to satisfy the requirements of paragraphs 194, 197, 199, 200 and 202 of the NPPF and local policies DC1, CS4 and CS5.

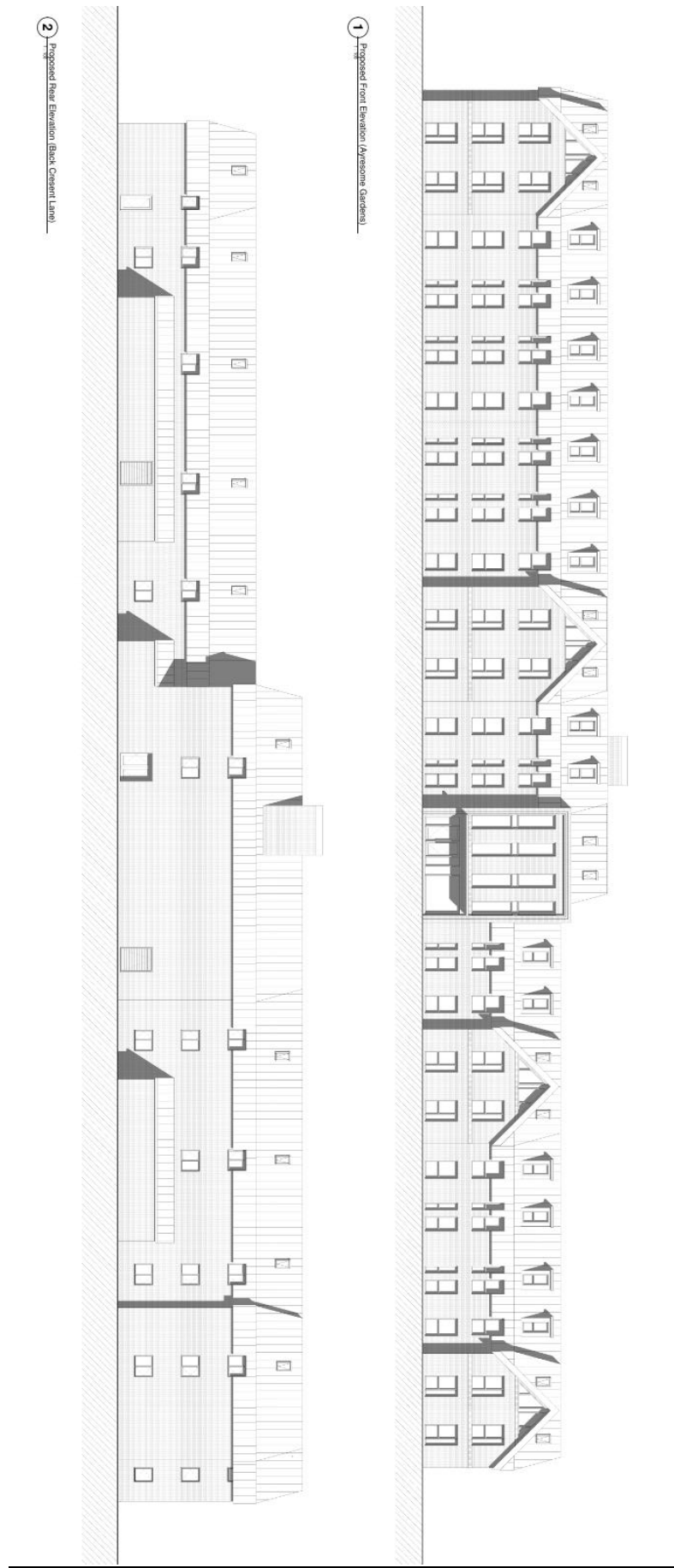
Appendix A: Location Plan



Appendix B: Proposed Site Plan



Appendix C: Proposed Front and Rear Elevations



APPLICATION DETAILS

Application No:	21/0674/FUL
Location:	South Lodge, Acklam Road, Middlesbrough, TS5 7HD
Proposal:	Alteration/extension to existing fence line
Applicant:	Mr Michael Cuzmics
Ward:	Acklam,
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning approval to alter the existing fence line at the side of the property enclosing part of the applicants own land but reducing part of an area of hardstanding used for parking by residents.

Three objections were raised from the other users of the lane with regards to the reduction and exacerbation of existing parking issues at the site. Matters were also raised regarding discrepancies with the application and a hairdressing business being run from the property.

It is considered that the proposal will not have an adverse impact on the character of the area or the significance of the Conservation Area, nor will it significantly impact the amenity of nearby neighbours. It is considered that adequate parking would still be available for the number of residents it serves provided vehicles park appropriately.

The application is considered to be compliant with Policies CS4 (test k), CS5 (test c) and DC1 (test b).

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is South Lodge a detached property which is located off Acklam Road. The property is located within the Acklam Hall Conservation area and was one of the ancillary lodges which was built in association with Acklam Hall which is Grade I listed which is located north of the site. The property is located to the north of Acklam Road, its neighbours 479, 481 and 483 which are two storey terraced cottages, sit to the east of the site, separated by the existing private access road that serves these properties.

The application seeks planning approval to replace the existing fence to the side of the property which sits adjacent to the private access road. As part of these works the applicant is also proposing to alter the existing fence line by stepping it out 4.4m x 3.7m so that it aligns with the wall of the applicant's triple garage as indicated on plan.

PLANNING HISTORY

No relevant planning history

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

Middlesbrough Council Highways

The owner of South Lodge would need to be mindful that they cannot obstruct the shared access by parking vehicles in areas that restrict / obstruct other resident's access to their respective properties, in such cases it would be a police enforcement issue. Although we would expect the South Lodge owner to make suitable arrangements so that wasn't the case as a result of the proposed change, but ultimately it is a private issue.

Public comments

Nearby neighbours were notified of the proposal, the following representations have been made -

C Barnfather – 479 Acklam Road

I have seen new plans to move the fence. My concerns are around parking and access to my property also my two neighbours. Our only means of access of parking and access is limited as it is, my worry is moving the fence which has been in that position for the 18 yrs I have lived here will take away my place. Also when South Lodge has customers they also limit us even further. Mrs Jones at 481 holds the deeds to this lane which assures us of our access at all times

B Jones - 481 Acklam Road

I write to object to the planning application ref 21/0674/FUL. In respect of south lodge, Acklam Road Middlesbrough TS5 7HD. In respect of Traffic/Highway Safety/Parking Provision. The application contains a plan of the land which shows a discrepancy from the land registry entry for South lodge dated 2013. (Image submitted previously,)the deeds for

my property issued in 2006 also by land registry reflect those of South Lodge dated 2013, however the current application contains a document showing the boundary but this does not accurately reflect the Land registry entries.

The boundary fence noted in the application has been in that position for approx. 30 years since the construction of the 3 garages to service the South Lodge Property.

I'm concerned if the application is approved the fence being moved will reduce the already limited parking for the four properties which utilise the parking for both personal vehicles and visitors to each of the properties, including multiple visitors to south lodge to access the business which is run from there. On a daily basis vehicles are parked without consideration of others and safety in mind, there are numerous occasions whereby vehicles have not had sufficient space to turn around safely, leading to them reversing onto the main highway creating risk of accident as the junction is close to a bend in the road, with reduced visibility of oncoming traffic travelling at speed.

Often cars are blocked in by other vehicles and at times it is hard to see why a vehicle has been blocked, as there will be sufficient space available parallel to the current fence in place. On a personal level the parking difficulties regularly have a detrimental impact on my family. I have a disabled son who although an adult requires support from others to ensure his safety is maintained. On many occasions I have not been able to safely fully utilise the accessible ramp on our vehicle, I have needed to leave my son close to the rear of our property whilst I manoeuvre the vehicle to ensure the ramp can be folded out for him to access the vehicle in his wheelchair.

I am extremely concerned if the application is approved the points I have raised both in this e- mail and through other communication with Joanne Lloyd Planning assistant for the case, will continue to create difficulties both within the parking area highlighted in the application and also on the main highway.

B Andrews – 483 Acklam Road

I am objecting to the above application on the following grounds, first of all I must once again confirm to you that this application is not valid ,the applicant does not own the land on which he is seeking to erect a fence. This land is used for vehicle and pedestrian/ disabled access and parking to all the neighbouring properties including South lodge, 479, 481, 483 Acklam Road. He has made a false declaration on his application, please find attached the documents which will confirm this.

The access and parking is problematic this is due to the applicant running a business from his premises which I have been informed has no planning permission either. The extra vehicle activity created by this business is causing major safety issues as well as disruption for the residents who use this access, resulting in regularly having to reverse on to the very busy Acklam Road to leave their properties. The erection of the proposed fence would exasperate the problem and cause mayhem and danger to life. This is clear to anyone with any level of common sense

I have owned my property for over 20 years, with my current neighbour having lived there with her disabled son even longer, during this period South Lodge has had numerous owners none of which have attempted to move any boundaries to that property whatsoever. The current owner /applicant is quite clearly attempting a LAND GRAB without any consideration with regards access/parking or the safety of others.

This application needs scrutinising, the neighbouring property owners are all entitled to a peaceful enjoyment within their homes, if this application is approved it is clear to see this will not be the case. Any blame for any injury or loss of life to any occupants or motorists lies with the decision makers.

Public Responses

Number of original neighbour consultations	5
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	3

PLANNING CONSIDERATION AND ASSESSMENT

Policy context

1. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019 and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213).

2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1, CS4 and CS5 which in essence seek to ensure high quality sustainable development, ensure the amenity of nearby residents, character of the area and highway safety are not adversely affected by the development.

Appearance

3. South Lodge currently has a red brick wall with coping stone with fence atop and stone pillar along its principal elevation fronting Acklam Road. The secondary boundary treatment along the side, which abuts the shared private access road, is a 2m high timber fence. Works are proposed to alter the existing fence line at side extending it a further 4.4m x 3.7m so that the fence will align with the wall of the applicants triple detached garage.

4. It is noted that permitted development rights would allow this section of land to be enclosed with a metre high fence without the need for planning approval. As the fencing proposed will exceed a metre, adjacent to a highway, planning permission is required in this case. As such the main considerations in this case are the appearance and height of the fencing and impacts on amenity of residents and the highway and parking provision.

5. The proposed/replacement fencing will be similar in appearance and height to the existing and therefore will be consistent with the existing boundary treatment. Whilst the fence line is to be extended along the rear, this part/change will not be highly visible from Acklam Road, only by users of the private access road, and as such the site will appear largely unchanged within the streetscape. In view of the above it is considered that the proposed development will not have a significantly adverse impact on the character of the area and minimal impact on the significance on the Conservation Area CS4 (test k), CS5 (test c) and DC1 (test b).

Impact

6. In light of the above, it is considered that the proposed development will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing

arrangements in this regard as the fencing is located to the side/rear and located away from habitable room windows, any impact in terms of outlook and amenity will be minimal and is therefore in accordance with Policy DC1 (test c).

Highways

7. The private access road serves South Lodge as well as the three-property terrace to the east of the site. The access road is owned by 481 Acklam Road (as shown on Title Plan obtained from Land Registry) although it is understood that all four properties have a right of access across it. The hardstanding to the rear/adjacent these properties is relatively limited in relation to the number of properties it serves and is not laid out in a particularly formal manner. It is understood that this has resulted in a number of parking issues such as vehicle parking restricting manoeuvrability and access and in some instances, it is understood that vehicles have had to reverse down the access road directly onto Acklam Road. Importantly, this proposal is not seeking to introduce development that increases the need for access or parking, it is for the repositioning of a fenceline.

8. Formal objections have been received from users of the lane stressing their concerns and how parking is already limited and how the proposal will intensify this matter. Whilst the works will include enclosing a part of the currently open space used for parking and access, it will decrease parking and manoeuvrability in this location to some degree. It is noted that ownership of land and rights of access have some relevance as to how the lane and current open areas have been used.

9. The access road serves four properties, including South Lodge, the majority of which have garages which can provide additional means for parking (if used). In view of the access and open hardstanding, it is considered that there should be adequate space to accommodate the properties it serves provided residents park considerately. Notwithstanding this, the road is private and obstruction along it by vehicles parked poorly would be a matter for the residents or police to address. No objections have been raised by the Local Highways Authority in recognition of it being a private matter.

Other matters

10. Residents raised concerns regarding discrepancies with the application as the applicant was seeking to erect a fence on land in which they did not solely own. The application was put on hold whilst the Title Plan for the property was sought from Land Registry confirming the correct boundary. The applicant has since submitted revised plans, which now supersede the previous plan, which includes land within their own ownership only. This matter has therefore been rectified.

11. Residents also raised concerns regarding a hairdressing business that is being run from part of the applicant's garage without planning approval. However, planning approval is not always required to work or run a business from home provided the operation is small scale, any impacts are minimal and that the property will be still used mainly as a private residence. The applicant has advised that the use only operates 2 days a week and that between 1 and 3 customers will visit during the day. As such given the small scale of business planning approval would not be required in this regard.

Conclusion

12. The proposal has been assessed against local policy and guidance. It is the Development Control view that the proposal will not have any notable detrimental impact on the character of the area or the amenity of nearby neighbours.

13. The access road is privately owned as such any parking issues would be a civil matter. A relatively small area of the access road is to be enclosed, adequate space for parking will still be available for the number of properties it serves.

14. Officer recommendation is to approve subject to conditions.

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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Revised location plan received 4th February 2022
- b) Proposed site location plan received 16th May 2022

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

3. Proposing fencing

The section of fencing proposed shall be the same design/materials as the existing boundary treatment and shall be no more than 2m in height or shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities, character and appearance of the area having regard for policies DC1 and CS5 of the Local Plan

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed boundary treatment accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018). In addition, the proposed boundary treatment accords with the local policy requirements (Policies CS4, CS5 & DC1 of the Council's Local Development Framework).

In particular, the proposed boundary treatment has been sensitively designed and

located so that their appearance will not detract from the character and appearance of the area and will prevent adequate and safe access to the site.

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.

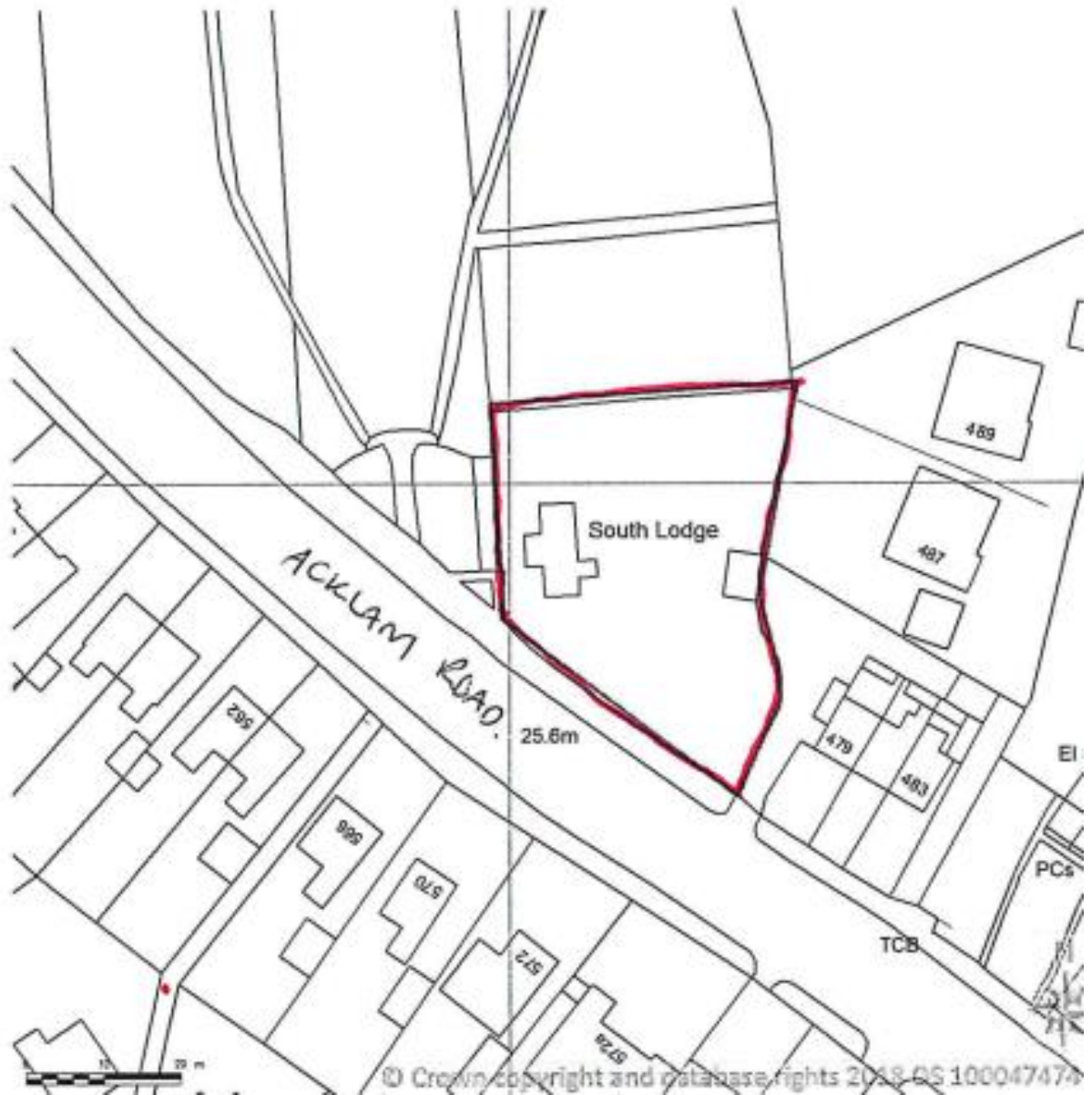
INFORMATIVES

NONE

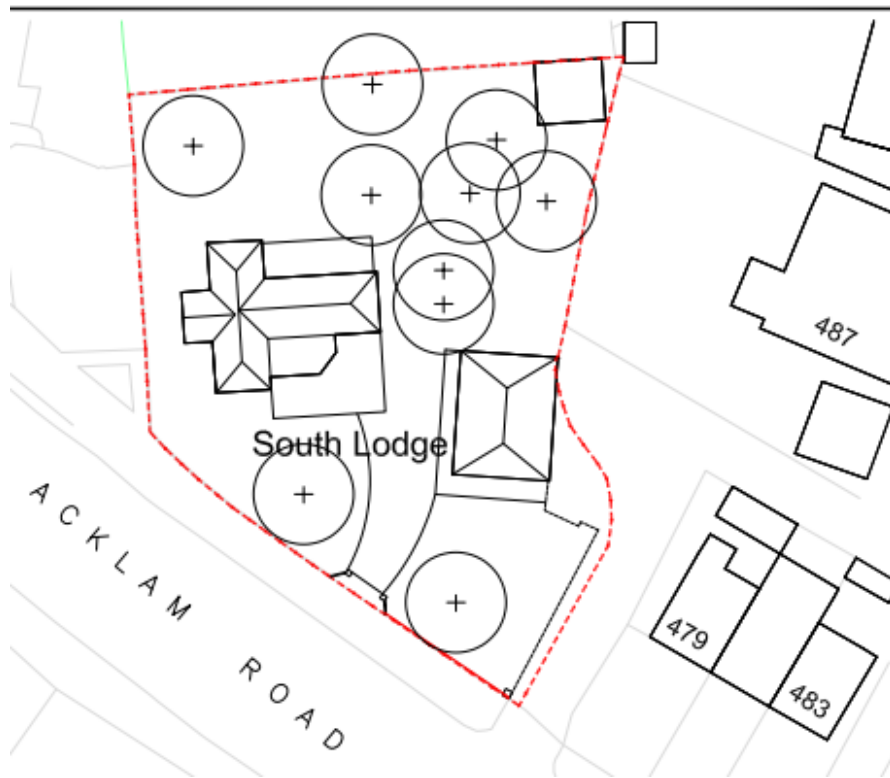
Case Officer: Joanne Lloyd

Committee Date: 22nd July 2022

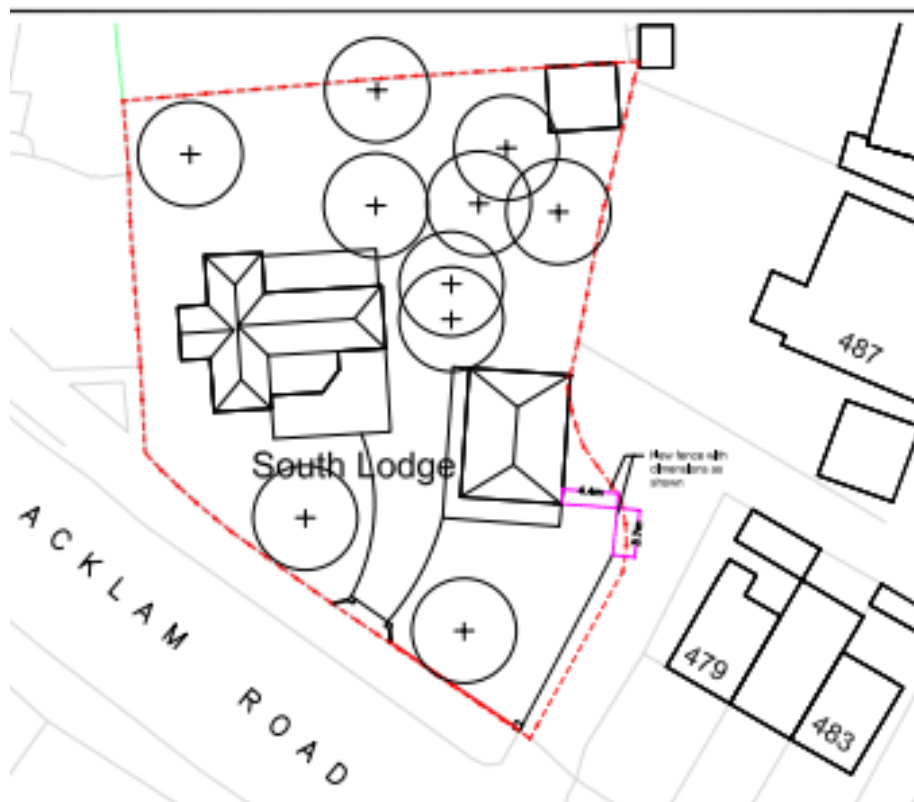
Appendices A – Site location plan



Appendices B – Existing site plan



Appendices C – Proposed site plan



APPLICATION DETAILS

Application No:	22/0272/COU
Location:	25, Harrow Road, Middlesbrough, TS5 5NT
Proposal:	Change of use from C3 Dwelling to C2 (Children's Home)
Applicant:	Mr Mannion
Ward:	Linthorpe
Recommendation:	Approve with conditions

SUMMARY

Planning permission is sought for the change of use of 25 Harrow Road from a dwellinghouse (C3 use) to a children's home (C2 use). The site is a detached four bedroomed property located on the southern side of Harrow Road within a predominantly residential area of Linthorpe.

The proposed children's home will provide accommodation for a maximum of three children between the ages of 8 and 18 years. The submission indicates there will be 24 hour adult support provided on a shift basis. The day-to-day staff cover within the building will comprise of a manager and deputy manager on site between 9am and 5pm Monday to Friday. There will be 3 further members of staff on duty each day with 2 of these staff members staying for 24 hour long shifts starting at 10am one day and finishing 10.30 am the following day. A third member of staff will be on duty between 5pm and 10 pm once the manager and the deputy manager leave. The staff changeover will take place between 10am and 10.30 am and at that point there will be a maximum of 4 staff members and 2 managers on the site for this 30 minute period.

There will be no external alterations proposed to the property with an existing attached garage and area of hard standing within the curtilage of the property for parking provision. Waste disposal will be provided by a private company.

Internally the ground floor layout will provide a separate living room, dining room, kitchen, study, staff bedroom and shower room. The first floor will provide three bedrooms, separate bathroom and staff bedroom/office and en-suite.

Following the consultation process there have been 7 letters of objection received. The objections relate to highway and parking issues, noise and disturbance, business use in a residential area and impact on the residential character, privacy and amenity, anti-social behaviour, devaluation of properties, lack of consultation and the fact the decision already made.

Given the scale of the proposed use with a maximum of three children and three staff present (including the manager) and the fact there will be no external structural changes to the property

or the existing parking provision, it is considered that the proposed change of use will not have a significant impact on the amenity of the neighbouring properties and will not result a significant impact on highway safety.

The proposed change of use would remain to be a residential use in a residential area and is considered to be in accordance with the requirements of the Local Plan policies CS4, CS5 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a four bedroomed detached property located within a predominately residential area of Linthorpe. The property is located on the southern side of Harrow Road with the frontage of the property facing Harrow Road and the vehicle access being taken from Harrow Road. Immediately to the east of the property is the cul-de-sac access road for two semi-detached properties at 21 and 23 Harrow Road. Across the cul-de-sac access road to the east is a detached property at 19 Harrow Road. Directly opposite the property are semi-detached properties at 18,20, 22 and 24 Harrow Road and along the western boundary is a semi-detached property at 27 Harrow Road.

The property is a modern detached property with a flat roofed single storey attached garage and front entrance hallway to the east side elevation. The majority of the front and rear garden area is hard standing. Several established trees are located within the front garden area and a fence encloses the front and side boundary.

The proposal is for the change of use of the dwelling (C3 use) to a children's home (C2 use). The proposal will not result in any external changes to the property. The internal layout is shown as providing a living room, dining room, kitchen, study, staff bedroom and shower room on the ground floor and three bedrooms, separate bathroom and staff bedroom/office and ensuite on the first floor. The age range of the children will be between 8 and 18 years.

The day-to-day staff cover within the building will comprise of a manager and deputy manager on site between 9am and 5pm Monday to Friday. There will be 3 further members of staff on duty each day with 2 of these staff members staying for 24 hour long shifts starting at 10am one day and finishing 10.30 am the following day. A third member of staff will be on duty between 5pm and 10 pm once the manager and the deputy manager leave.

PLANNING HISTORY

20/0055/TPO- 19 & 25 Harrow Road – Crown lifting of lime and Holm oak trees in the front gardens, approved

PLANNING POLICY

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

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

DC1 - General Development

CS5 – Design
CS4 - Sustainable Development
CS18 - Demand Management
CS19 - Road Safety
H1 - Spatial Strategy
H11 - Housing Strategy
UDSPD - Urban Design SPD

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

CONSULTATION AND PUBLICITY RESPONSES

Following the consultation and the site notice there have been 7 letters of objection received from residents and an objection from the Linthorpe Ward Councillor Naweed Hussain. The comments can be summarised as follows:-

The following comments were received from the consultees:-

Councillor Naweed Hussain

In relation to the above application I have been contacted by residents from Harrow Road who wish to object to this application and I myself agree with them.

Linthorpe is a conversation area and this is not the place for a Children's Home and I hope the Planning department agree with us and will reject this application.

We already have some existing children's home in the ward which we have had many complaints about in the past and another one is not needed.

I have nothing against the children's homes but they do not belong in the ward.

MBC Highways

No objections to the proposals.

Development proposals seek a change of use of the property from residential to a 3 person childrens home. In highway terms we must consider the lawful fallback position that could occur without the need for any further planning consents.

The property is large and can be assessed as 4 bedroom currently. Using the Tees Valley Highway Design Guide, this would lead to a requirement of 3 off street parking spaces. Submitted information details that 5 bedrooms will be provided, 3 for the cared for children and 2 for staff. This change does not affect the level of parking required, which remains at 3 spaces.

The property is set in large grounds and has a double garage plus driveways/hardstanding which can accommodate a significant amount of car parking. Parking standards are therefore easily complied with.

In terms of traffic generation and access, the development proposals do not materially change the levels of traffic that would be generated by the property.

Neighbour Objection comments (summarised)

Highways

Increase kerbside parking levels in an area where elderly people need day and night parking care. Kerbside parking occurred at the property during internal renovation works.

Parking already on the pavement/verges forcing pedestrians onto the road.

How 10-11 cars can be parked within the site without congestion and resulting parking on verge and pavements.

Harrow Road in poor state of repair/parking difficult in this location given at the junction of Daleston Avenue/Nevilles Court.

Police speed cameras have been along the road and suggest have community speed wardens on road prior to approval of the application given road used when Green Lane is busy

Increase in traffic from additional 11 cars and the new Lidl.

Character and appearance

Business use in a residential area and precedent especially with Lidl purchasing college site.

Business no matter what Middlesbrough Council label it.

Amenity

Privacy to adjacent properties specifically to the adjoining neighbours kitchen, washroom, lounge, dining area with glass patio windows, side bedroom windows and front/back garden areas.

Children's home is very different character to having neighbours at the property with staff members etc.

Noise and disturbance from traffic

24/7 business to noise levels will increase from current quiet area.

Unsuitable business use in a quiet residential area where elderly require care workers and people are still working from home.

Anti-social behaviour

Previous owner did DIY to drains etc and now have issues with rats.

Large volume of internal changes being undertaken, filling skips over the past few months

Suggest committee site visit to see the internal works and fact that the grounds of the house is all hard standing and children benefit from garden space.

Change of use

Approval to C2 could mean the change to another use within this category without the need for planning permission.

Residual comments

How is it acceptable only material planning considerations can be taken into account and not devaluation of properties or anti-social behaviour, the consultation correspondence is an exercise in compliance.

Feel voices not heard and concerns of neighbourhood don't matter.

Clarification on exactly what category of extra needs the proposed children have is necessary

Consultation was 11 neighbours and 2 weeks to respond which was increased to 1 month after complaints and a small note posted in the road.

Change of use is vague and still unanswered questions from the operators

Done deal as the operator has been knocking on doors before a final decision made by the Council, should be an open day.

Do we get reduced rates for living in a non-residential area

Decadent to be refurbishing the property unless they are increasing the number for more children and no recycling of the existing furnishings.

Financial loss to existing properties

Change of use and ensuring issues causing families in the area stress.

Why should we have to move home because of this application.

How many of the committee members making the decision actually live in the vicinity of a similar business as this would be prudent to a fair outcome.

Objections were received from :-

1. 17, 19, 20, 27, 31 Harrow Road
2. 10 and 14 Daleston Avenue

Public Responses

Number of original neighbour consultations	14
Total numbers of comments received	7
Total number of objections	7
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

1. The applicant is seeking planning consent for the change of use of the dwellinghouse (C3) into a children's home (C2) use. The key material considerations to be considered are the principle of the development, the impact on amenity, impact on the character and appearance of the property and wider area and highway safety.

Principle of the development

2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in July 2021, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para 12). In determining planning applications due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 219). As a starting point, the proposal should be assessed against policies set out in the Development Plan.
3. The application site is located within a residential area of Linthorpe with Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development), H1 (Spatial Strategy) and H11 (Housing Strategy) being relevant.
4. Policies H1 (Spatial Strategy) sets out the need to increase the supply of housing to meet the aspirations of an economically active population and to consolidate and build on the success of popular neighbourhoods. Policy H11 emphasises the need to ensure a quality of life is maintained through protecting the existing high qualities of areas by ensuring that new development should be of a high quality.
5. Core Strategy CS4 (Sustainable Development) and CS5 (Design) set out that new development should be high quality and located so that services and facilities are within walking distance to encourage sustainable transport methods.
6. The application site is located within a residential area of Linthorpe, approximately 550 metres from the Roman Road Local Centre and within walking distance of both Green Lane Primary Academy and the main bus routes located on Green Lane. The site is therefore considered to be in a sustainable location.
7. The proposed use would result in the loss of one C3 dwellinghouse to a C2 use although it would remain to provide residential accommodation. The loss of one housing unit in this location is considered not to have a significant detrimental impact on the Council's overall housing delivery strategy.
8. Overall, the proposal is considered to be within a sustainable location and the loss of a single dwellinghouse is considered not to have a significant impact on the Council's Housing delivery strategy. The proposal therefore accords with the guidance set out within Core Strategy Policies CS4, H1 and H11.

Amenity

9. Core Strategy Policy DC1 (c) - General development requires all new development to consider the potential impact on the amenity of the occupants of the neighbouring properties.
10. Objection comments have been raised regarding the potential impact in terms of overlooking and loss of privacy to the main living accommodation and the rear and

front garden areas of the neighbouring properties. Particularly given the nature of the proposed use as a business use with staff attending the premises differs from that of a residential dwelling.

11. The proposed change of use will provide no external alterations to the property that would impact on the privacy and amenity of the surrounding neighbouring properties although would result in the garden being used as a garden. In assessing the proposal consideration has been given to the fact the previous occupants had the same ability to look out of the existing windows as the proposed residents. With no additional windows or door openings proposed to the building there is considered to be no significant difference in terms of the loss of privacy from the intended use.
12. In terms of the change in the character of the building and the resulting impact on privacy, the proposal will provide residential accommodation for a maximum of three children. Alongside the three children the associated level of staffing required on a daily basis is considered to be comparable to the number of occupants that could be associated with a four bedroomed property.
13. Objection comments have been received regarding the noise levels associated with a 24/7 business use at the property and the associated number of cars.
14. The application is for a children's home for a maximum of three children between the ages of 8 to 18 years and so the children are unlikely to have cars. The applicant has confirmed there will be staff in attendance 24 hours a day with the shift change taking place between 10am and 10.30 am which is away from evening times and peak hour traffic movements and should therefore limit the impacts of such movements on the surrounding area. It is understood that the maximum number of staff at the premises will be during the staffing change over period and this would equate to 6 members of staff (including managers). This time frame will be the busiest for traffic although all parking can be accommodated within the site. In terms of staff changeover and would take place during the daytime and not during the evening. Given the fact the changeover time is mid-morning and will not be later in the evening the impact in terms of potential noise is not considered to be significant.
15. There is the potential for an element of noise to be generated from people within the property and utilising the external garden. With there being a maximum of three children and four staff members present each day the potential noise levels would be similar to those of a family occupying a four bedroomed property. To ensure the level of use of the building a condition will be placed on the application that limits the use to a three person children's home and no other use within the C2 planning use class.
16. Comments have been received that the garden areas of the property are all hard standing and that this will not provide suitable outdoor space for children to play etc. The property does have a significant area of hard standing within the garden area but this would not preclude children being able to access this outdoor space. In addition, the hardstanding area could at any point be changed to grassed and landscaped areas without requiring planning permission.
17. Objection comments have been received regarding the potential children's home use generating anti-social behaviour. Children may create anti-social behaviour, just as they may not and this is no different to the children who live in any other property. Anti-social behaviour is not a material planning consideration as it is the actions of an individual. What is important to consider however is whether the scale of the proposed

children's home would make it out of keeping with the character of the local area. In this instance, 3 children residing at the property is considered to not be particularly uncommon and the scale of the occupation of the property is therefore considered would not give rise to undue impacts on the surrounding area.

18. The proposed change of use will be for a maximum of three children with a maximum of 5 members of staff being present during the daytime period. Given the fact the potential noise levels would be similar to a family residing at the property and there will be no external alterations to the building, the change of use is considered not to have a significant impact on the privacy and amenity of the neighbouring properties. The proposed change of use is considered to accord with the guidance set out in Core Strategy Policy DC1 (c).

Character and Appearance

19. Policies CS5 and DC1 along with the Middlesbrough Urban Design Guide state that all new development should be of a high quality in terms of layout and contribute to the character of the area.
20. The change of use will provide no external alterations to the property and as such is considered to have no significant impact on the overall character and appearance of the original building or the street scene.
21. An objection comment has noted that a large volume of internal works has been undertaken in the last few months resulting in several skips outside the property. Any internal alterations to the property do not requiring planning permission and cannot be considered as part of this change of use application.
22. Several objection comments relate to the fact the proposal is a business operating at a profit and approval of this change of use in a residential area will set a trend for other business uses and will result in an impact on the residential character of the area. The change of use may be classed as a business but the change of use is to provide residential accommodation for children. Given the precise nature of the proposal is a consideration in reaching the decision is it considered appropriate to make it a conditional requirement that the permission relates to the provision of a children's home.
23. The proposed change of use will provide no external alterations to the property and will provide residential accommodation for children. The proposed change of use is considered not to have a material impact on the character and appearance of the street scene and accords with Core Strategy Policies CS5 and DC1.

Highway safety

24. The proposed change of use will utilise the existing vehicle access and parking provision at the property. The application site has an attached garage to the side of the main dwelling with the entire front garden area being hard standing with an additional area of hard standing to the side of the attached garage.
25. Objection comments relate to the change of use increasing kerbside parking and forcing pedestrians onto the pavement area and that access is required to existing driveway areas 24 hours a day for some elderly residents.

26. In highways terms consideration must be given to the current fall-back position that could occur without the need for further planning permission. The current property is a four bedroomed property which would require three car parking spaces. The proposal provides five bedrooms, three for the cared children and two for staff although other staff would be present on site at different times of the day.
27. It is noted that Harrow Road is a relatively narrow secondary road which is tree lined (in part). The additional presence of vehicles parking in the highway would be undesirable as a result as it would adversely affect the free flow of traffic.
28. The property has a garage which has some ability to be used as a parking space, and notwithstanding this, there is extensive hardstanding to the front and side of the property. It is considered that there is already sufficient in curtilage parking to serve the proposed use without affecting the free flow of traffic on Harrow Road and reducing the potential for vehicle manoeuvring to adversely affect surrounding residents.
29. Objection comments have been received that the proposed use would increase traffic by an additional 11 cars and raised concerns in relation to the new Lidl in the area. Whilst noted, the levels of staff which will be in attendance at the property even during the changeover period would not equate to 11 cars and car parking spaces being required. Furthermore, there is no current planning application which has been submitted for a Lidl on Green Lane and should an application be submitted it would be considered separately in terms of any highway considerations.
30. Objection comments have been received in terms of the state of repair of Harrow Road and that parking is difficult in this location at the junction of Daleston Avenue and Nevilles Court. The current state of the highway is not a material planning consideration and the given the levels of parking provision provided within the curtilage of the property, the proposed change of use is not considered to provide any additional off street parking.
31. Comments have been received that prior to approval of the application community speed wardens should be put in place given the road is utilised when Green Lane is busy. These comments are noted, however the monitoring of the speed limits on Harrow Road is not a material consideration as part of this change of use application.

Nutrient Neutrality

32. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees.
33. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway

service area or similar could also be deemed to have an impact which may require mitigating.

34. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
35. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
36. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
37. The change of use of the existing four bedroomed detached property to a residential home in a different use class would not result in higher levels of overnight accommodation than could currently be the case. As such, the proposed development is considered to be outside the scope for potential impacts on the SPA in relation to additional nutrient neutrality in the River Tees.

Residual issues

38. Comment has been made that only 11 neighbours were consulted and only 2 weeks to respond with a small notice posted on the road and no Ward Councillors having been notified. Comments raise concerns that voices and concerns of neighbours are not considered and that the decision is a done deal. These are not material planning considerations but matters of process. Whilst not needing to be dealt with as considerations relative to the planning decision, for completeness, the national requirement of 21 day statutory neighbour consultation period has been provided to the residents with additional consultation having taken place with a site notice. All material comments are considered within the officer report and assessed as part of the application process. Ward Councillors were consulted on the application.
39. Objection comments have been received that the proposal will devalue properties, the extent of furnishings is considered decadent for the intended use and should this application be approved will there be a reduction in the rates. These comments are noted, however are not material planning considerations that can be assessed as part of the application.
40. Objection comments have been made that should this application be approved the building could change to another use within the C2 planning use category without the

requirement for a further planning application. A condition has been placed on this recommendation that the use of the building will be solely for a children's home for three children and no other use within the C2 category based on this being the nature and scale of premises being applied for and considered.

41. Objection comments have been made that the previous owner completed DIY projects which impacted on the drains with the result being rats in the area. This would be a civil issue with the owners of the site and is not a material planning consideration with regards to this change of use application.
42. Comments have been received that the category of extra needs the children require should be clarified. From the planning perspective, the change of use relates solely to the use of the building as a children's home only and does not require further clarification of the specific individual's circumstances.
43. Objection comments have been received in terms of the requirement for a further children's home in Linthorpe. The required need for the facility is not a material planning consideration which can be assessed as part of the application.

Conclusion

44. The proposal has been considered against national and local policy. It is considered that the proposed residential care home use is acceptable in this residential area of Linthorpe and the loss of a single dwelling house will not have a significant impact on the Council's Housing Delivery Strategy. It is considered that the level of the intended use as a three-person occupancy children home and the fact there will be no external alterations to the property means the proposed change of use will have no significant impact on the character and appearance of the area or the privacy and amenity of the neighbouring properties and accords with the guidance in Policies DC1 (c) and CS5 (c). The levels of incutillage parking provision within the site itself will mean no additional on-street parking or potential highway safety issues.
45. The proposed change of use is considered to be acceptable for the site and is in keeping with the relevant policies. It is the Development Control view that the proposal will not have a detrimental impact on the amenity of the occupiers of the surrounding properties, visual amenity of the street scene or generate any highway safety issues.

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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with

the plans and specifications detailed below and shall relate to no other plans:

- a. Site location plan drawing dated 20th April 2022
- b. Proposed Ground Floor plan drawing dated 20th April 2022
- c. Proposed first floor plan drawing dated 20th April 2022

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

3. Use as a Childrens home only

The premises shall be used as a children's home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the particular circumstances of the application to protect the amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

4. Control of no. of occupiers

The use hereby approved shall be limited to provide children's accommodation for upto 3 children and no more at any one time.

Reason: In order to ensure the facility is limited to provide children's care accommodation for a use which is relative to the considerations taken and ensure the facility is of a scale which is appropriate for its location.

Reason for approval

This application is satisfactory in that the change of use of the building to a three person children's homes accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1, CS4, CS5, H1 and H11). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018).

In particular, the change of use of the building to a three person children's home will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The residential use will be consistent with the existing residential uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the proposed change of use will not be of a level likely to result in an unacceptable impact on nearby premises.

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

INFORMATIVES

None

Case Officer: Debbie Moody

Committee Date: 22nd July 2022

25, Harrow Road, Middlesbrough, TS5 5NT



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APPLICATION DETAILS

Application No:	22/0306/COU
Location:	16 Queens Road, MIDDLESBROUGH, TS5 6EE
Proposal:	Change of use from 3no. flats to 5 bed HMO
Applicant:	Eduardo Duardo and Kath Lockwood
Agent:	Pyramid Architectural Designs
Ward:	Park,
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning approval to convert the property to a 5 bed House in multiple occupation from 3 flats. No external changes are proposed.

42 neighbour objections have been received along with 3 objections from elected members.

The proposal is largely compliant with relevant policy in that it is a residential use in a residential property in a residential area. The units are below the national space standards for a one bed property (37m²); however this space standard relates to a 1 bed self-contained flat. There is no policy in the Middlesbrough Local Plan which sets a space standard for Houses in multiple occupation. Instead, these are considered against their general provisions / usability. The proposed HMO has 5 bedrooms with en-suites only and shared communal facilities available on the ground floor and outside. The proposal is well laid out demonstrating that the property is capable of being sub-divided in such a way that results in an acceptable standard of accommodation.

The property provides communal indoor space and outdoor amenity space, provides for refuse arrangements, cycle provision, outlook.

Highway objections were received with regards to the likely additional demand for parking in the area which is characterised by a high demand for on street parking. The site will however host a similar number of residents to its former use, will be in a sustainable location close to located amenities. Cycle storage provisions have also been incorporated into the scheme. As such it is considered that the change to a small HMO would not have such a significant impact on highway provision / safety which would warrant the refusal of the application in this case.

The proposal adheres to the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy H1, H11, DC1, CS4, CS5, CS18, CS19, and DC1 and

also to the guidance within the Interim Policy Conversion and Sub-Division of Buildings for Residential Use.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two storey, end terraced property, situated to the southern side of Queens Road in Linthorpe, in what is a predominately residential area. The properties in this are a relatively uniform, characterised by their red brick construction, tiled gabled roof, two storey bay windows to front with turreted roofs and small frontages with low level boundary treatments which front directly onto the cobbled street.

Planning approval is required to convert the property into a 5 bed HMO with shared communal facilities.

The proposal will comprise of five bedrooms (which has been reduced from 6 bedrooms) each with their own en-suite, two to the ground floor and three on the first floor. A shared kitchen/diner and utility room will be available at the rear and shared lounge to the front which will be available for use by all the residents occupying the property. The property also has outdoor amenity space at the rear.

PLANNING HISTORY

No relevant planning history.

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:

Housing Local Plan (2014)

- H1 Spatial Strategy
- H11 Housing Strategy

Core Strategy DPD (2008)

- CS4 Sustainable Development
- CS5 Design
- CS18 Demand Management
- CS19 Road Safety
- DC1 General Development

Other Relevant Policy Documents

- Interim Policy Conversion and Sub-Division of Buildings for Residential Use

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

Planning Policy

The principle of use of the property as a HMO is not contrary to the Development Plan, subject to consideration that the proposed development would result in satisfactory amenity for occupiers of the property and for neighbouring properties.

Highways

The proposals will lead to an increased demand for on-street parking. Present demand for the limited available on-street parking in the vicinity of the site is high with unmanaged parking already seen. It is considered that the additional demand for parking that will be generated by the development cannot be accommodated within the public highway, without being detrimental to highway safety, free flow of traffic nor residential amenity. This would be contrary to the NPPF and Core Strategy Policy DC1 (General Development).

Environmental Health

No Objections

Elected Mayor Andy Preston

I would like to express my objection to the current HMO application in Queens Rd.

An additional HMO in this area would cause a number of issues for the street, including exacerbating existing parking problems, household-waste management challenges and worst of all: anti-social behaviour.

The introduction of HMOs in this part of Linthorpe will, I fear, rapidly change the nature of the whole area and ultimately bring about a widespread decline in this part of Middlesbrough. In turn this would lead to increased middle-class flight to outer suburbs and cause some of central Middlesbrough's shocking demographic problems to spread to and ultimately dominate Linthorpe.

Cllr T Furness

As the Ward councillor I would like to formally lodge my objections to the proposed HMO at 16 Queens Road for the following reasons:

1. Refuse collection and fly tipping is already an issue in the area and having a house with multiple occupants will add to stretched services
2. The streets are already overrun with residents cars and the potential for 6 more cars to be added will only make the current parking situation worse
3. HMO normally have short tenancy agreements, and this has the potential to add to the loss of community from already transient rental population in the area
4. Granting a HMO license for this area could then lead to further HMO licenses being sought after. Which will add to the other 3 issues I have already highlighted

Andy McDonald MP

I have recently been contacted by some of my constituents in Queens Road, one of whom I spoke to at some length at my Advice Surgery in February 2022, about the proposed change of use of one of the properties to an HMO. I do understand their concerns about the potential impact that the introduction of such an HMO could have on their street.

In relation to traffic and parking in Queens Road, from my own personal observations, I am aware of the major issues which already exist and am most concerned that if such an extension to the number of households is permitted, with associated visitors and delivery vehicles, it would serve to exacerbate these problems further.

I am also aware of the predicted further strain this could place on local services relating to the street and associated alley, which I understand are already under pressure, including the refuse collection service and the drainage systems.

Constituents have also expressed their concerns to me that if this particular HMO were to be permitted, that it would set a precedent for further such applications, thus increasing the proportion of short-term, transient renters in the area, in contrast with the current sustainable community comprising of a predominance of family type accommodation with long-term occupancy. It is clearly felt that such changes of use to the property at 16 Queens Road would be out of character with the area and have an adverse impact on its residents

I would therefore request, that Middlesbrough Council Planning Committee gives careful consideration to the very valid concerns that residents of Queens Road and their local councillor have expressed in relation to this application.

Public Responses

Number of original neighbour consultations	5
Total numbers of comments received	42
Total number of objections	42
Total number of support	0
Total number of representations	42

1. Richard Atkin - 35 Queens Road
2. Richard Watson – 48 Queens Road
3. Carly Walden – 5 Queens Road
4. C & G Jayasuriya – 42 Queens Road
5. Mr P Brown – 7 Queens Road
6. Sophie Curtis – 24 Queens Road
7. Jane Mason & Julie Duncan – 23 Queens Road
8. Kenneth Lynne – 18 Queens Road
9. Stephen Bloomfield – 27 Queens Road
10. Simah Salim& Razwan Khan – 3 Queens Road
11. Sonia Pearce – 46 Queens Road
12. Carol Bowen – 15 Lambeth Road
13. Mr David Walker - 59 Queens Road
14. Sumaira Iqbal– 65 Queens Road
15. Sue & Tom Richardson – 22 Queens Road
16. Tom & Avril Stoddard – 2 Queens Road
17. Occupier of 28 Queens Road
18. Ashley & Kathleen Francis – 45 Queens Road
19. Marie Hodgson – 44 Queens Road
20. Mrs K Jones - 19 Queens Road
21. A & B Conroy – 1 Queens Road
22. Jonathan MaCann - 55 Queens Road
23. Eric Longley – 10 Queens Road -
24. Patricia Hodgson - 47 Queens Road

25. Michelle Nightingale – 13 Queens Road
26. Christine Tate – 17 Queens Road
27. Elizabeth Watson – 43 Queens Road
28. Andrew Hodgson – 44 Queens Road
29. C Glazebrook – 46 Queens Road
30. 69 Queens Road
31. 65 Queens Road
32. Mr & Mrs Day – 54 Queens Road
33. Max Ferreira & Jackie Cheesebrough – 9 Queens Road
34. Mr & Mrs Ali – 26 Queens Road
35. Shaun Warren – 24 Queens Road
36. Richard Drinkwater -27 Queens Road
37. Mohammed & Nargis Hussian – 15 Queens Road
38. Lesely Willis & Richard Angus Dye - 67 Queens Road
39. Mrs G Moore - 32 Queens Road
40. V Thompson – 7 Queens Road
41. Kenneth & Sue Lynne – 18 Queens Road
42. Rafia Hussain – 8 Queens Road

Letters of objection can be viewed in full online via the following link -
<https://planning.agileapplications.co.uk/middlesbrough/application-details/37657#scrollResponseDetails>

For the purpose of this report, objector comments have been summarised as follows –

- Increase in vehicle numbers/parking issues/highway safety
- The use will attract tenants that will bring criminal and anti-social behaviour
- Additional pressures of rubbish and recycling
- HMO use will change character of the area
- Loss of community
- Noise
- The use will make area less desirable for families and more desirable to developers
- Street does not have capacity of additional households
- Decrease in property values
- Loss of family homes
- Drainage issues

PLANNING CONSIDERATION AND ASSESSMENT

Overview

1. The application site is a two storey, end terraced property, situated to the southern side of Queens Road in Linthorpe, 65m west of the junction with Windsor Road in what is a predominately residential area.
2. Existing plans indicate that the last use of the property was three flats. Whilst planning approval was never sought for the conversion to 3 flats from a single dwelling, Council Tax records indicate that the property has been used as flats since 2006. As this change of use was made more than 10 years ago, albeit unauthorised, this is considered to be the established use. This results in planning approval being required to convert the property into a 5 bed HMO with shared communal facilities.

3. Small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom are usually permitted without the need for formal planning permission. However, as the property has been converted to flats, HMO use is not permitted, and planning approval required in this case.

Policy

4. The application site is not allocated for a specific use in the adopted Development Plan. It is a residential property and curtilage within an established residential area.
5. Local Plan Policy H1 advises that windfall developments (those not detailed by specific Local Plan Policies) will need to be sited within the urban area and be sustainable development. The application site is within the urban area within a sustainable location and accords with H11 in this regard.
6. Policy H11 seeks to ensure that housing development delivers a balanced and sustainable housing stock that meets current and future needs. The Middlesbrough Local Housing Needs Assessment 2021 identifies that 2,400 'other' households are projected to form between 2019 and 2037. These 'other' households include multi-person households of unrelated people sharing a dwelling and the proposed development will assist in meeting the projected future housing needs for such households.
7. Policy CS4 requires all development to contribute to sustainable development. This includes being located so that services are accessible and sustainable transport is encouraged, making efficient use of land and prioritising previously developed land. The application site is a sustainable location, close to a local centre and bus routes and again, adheres to the policy requirements in this regard.
8. Policy CS18 requires that development proposals improve the choice of transport options, including promoting opportunities for cycling and walking. The application includes the provision of cycle storage within the yard. The proposed internal layout of the cycle storage appears impractical however as to access a bike in the furthest rack it would be necessary to move the three bikes in the racks in front. A more practical solution would be to rotate the layout of the racks through 90 degrees to enable easier access to all racks. This matter can however be dealt with by agreeing an alternative provision through condition.
9. Policies CS19 and DC1 advise that development proposals that would have a detrimental impact upon road safety will not be supported. As the application site does not have any off-street parking consideration should be given to whether the proposed change of use would result in increased levels of car use and if so, whether the associated on-street car parking could be safely accommodated. This is considered further within the report.
10. Policy CS5 requires all development to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. Policy DC1 requires that the effect of development on the surrounding environment and amenities of occupiers of nearby properties is minimal. With the exception of the cycle store the only external alterations are to the fenestration at the rear of the property on the ground floor. These matters are considered further within the report.

11. Council policy requires consideration to be given to whether the proposed changes to the internal layout of rooms would have any impact upon the amenities of occupiers of neighbouring properties. The Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Use sets out criteria for the sub-division of dwelling houses and commercial buildings into smaller residential units. The application site is currently three flats, so is neither a dwelling house or a commercial building and as such the Interim Policy does not technically apply to this application. However, a number of the criteria set out in the Interim Policy are relevant considerations in the determination of the application on its own planning merits. This includes that the building is capable of providing the number of units proposed to an acceptable standard of accommodation providing adequate levels of privacy and amenity and meeting the Government's Technical Housing Standards. The supporting text to the Policy recognises that individual units for communal accommodation may fall below the nationally prescribed space standards but requires that proposals for such accommodation provide a high standard in terms of the space, usability, privacy and amenity, which is suitable for long-term accommodation and may also provide an element of communal space.

Proposal

12. The proposed 5 units will range in size from approx. 11.5sqm to 8.5sqm. Unlike flats and dwellings, there is no national or Middlesbrough based planning space standards for houses in multiple occupation. However, consideration still needs to be given to whether or not there is sufficient and usable space to provide reasonable amenity / provision for future occupiers. Flexibility can be given in this regard as the units aren't self-contained, compromising of a bedroom and en-suite only. Internal communal space (40m²) will be available on the ground floor comprising of an open plan kitchen/diner/lounge and separate utility room at rear and additional lounge to the front along with a modest outdoor amenity area.
13. The policy also advises that layouts should be designed to retain / achieve a reasonable standard of amenity for existing and future occupiers by avoiding ground floor bedrooms located directly onto pavements. Waste and cycle provisions should also be incorporated into new developments of this type located close enough to serve the properties but at the same time, suitably distanced away from windows.
14. Following concerns regarding the front ground floor bedroom, the scheme has been reduced from 6 units to 5, with the original front ground floor bedroom being now shown as providing a communal lounge. The windows at ground floor to the front and rear of the property are the communal rooms which is similar to the other properties in the street. The HMO is presented and laid out well, with bedrooms large enough for basic furniture (i.e., bed, desk, wardrobe etc.) and windows to each room providing natural light. Refuse/recycling provisions will be located at the rear and along with cycle storage and the properties communal areas run from the front door through to the rear door so all residents would have access in / out of both the front and rear door. The presence of a separate utility room off the kitchen is considered to add positively to the overall provisions.
15. The presence of 2 main communal areas within the building and a rear garden / yard area which is also communal allows for the residents to occupy and use those areas without the need for the use to spill out onto the adjoining street, i.e. it has the ability to be relatively self-contained.

16. No significant external changes are proposed to the property, as such the property will appear unchanged within the streetscene presenting itself as one property as it had done previously. The proposed change of use will contribute to the provision of a mix of well detailed properties in the area.

Privacy and Amenity

17. Where properties are sub-divided, and use intensified there is potential for noise transference between adjoining properties. However, it is a requirement of Building Regulations that adequate noise insulation measures are provided to attenuate noise transference. No significant external alterations are proposed to the property, as such the overall appearance of the property and outlook/privacy of neighbouring properties will not be significantly different as a result of the works.
18. There will be likely to be some additional comings and goings in the property although, it is considered that these are not, through number, likely to have a notably adverse impact on either the character of the area or on the amenity associated with nearby properties in accordance with Policy DC1 (test c).

Highway Safety

19. Parking in this area is limited as the properties along Queens Road have no incurtillage parking and rely heavily on on-street parking. With properties being laid out in terraces and properties having limited widths, there is only a limited amount of space within the street relative to the amount of properties that are present. There is local Tees Valley Highways Guidance which indicates parking standards various types of development although this does not cover Houses in Multiple Occupation. Notwithstanding this, the level of parking and potential impact on parking in the street and freeflow of traffic / highway safety remain to be a material planning consideration.
20. This property is already in existence and the application relates to its change of use and so the existing parking requirements for the property also need to be taken into account. The relevant matter is therefore, whether this proposal would increase demand for parking within the highway and if so, whether any increase could be reasonably accommodated and if not, the likely implications of this impact.
21. The Ward Councillor, Local MP and Mayor have all written in objection to this scheme raising concerns over the lack of adequate parking and highlighting existing parking problems within the street. Local residents have raised the same concerns / objections.
22. The Council's Highway Officer has considered the proposed scheme and has advised that the proposals will lead to an increased demand for on-street parking whilst highlighting that present demand for the limited available on-street parking in the vicinity of the site is high and that unmanaged parking is already taking place. The Highway Officer considers that the additional demand for parking that will be generated by the development cannot be accommodated within the public highway, without being detrimental to highway safety, free flow of traffic nor residential amenity and concludes that the proposed scheme would therefore be contrary to the NPPF and Core Strategy Policy DC1 (General Development).
23. In line with the comments received and comments of the Highways Officer, it is considered that there is very limited parking within Queens Road and that there are already parking issues associated with Queens Road in relation to parking and that

adding demand for parking to the current situation would be undesirable and lead to more ad-hoc parking and adversely affect the free flow of traffic. However, consideration has to be balanced taking into account the existing situation / use of the property. The need for some street parking would have been the arrangement for the property in its original form as one dwelling and in its later use as 3 flats. It is not possible to guarantee nor make assumptions that the five proposed residents will not own vehicles, although HMO's do tend to appeal to single people and those on low incomes where car ownership is reduced. The site is located in a sustainable location a short walk from Linthorpe Road, one of main thoroughfares into the town centre, where there are main bus routes and local services and amenities. The development also includes cycle storage provisions at the rear of the site promoting suitable transport methods which is considered will be more likely to provide for the proposed use than the need for car parking. The former use provided three individual flats, albeit unauthorised, for over 10 years. Three flats would have had a likely capacity of between 3 and 6 adult residents in total and it is considered that a 5 bed HMO is unlikely to generate a greater demand for on street parking and therefore unlikely to have an adverse impact on highway provision / safety which would warrant the refusal of the application in this case. The proposal is considered to adhere to the Council's Sustainable Development Policy CS4. The proposal is therefore considered to be in line with Policies CS18, and DC1 which advise that proposal should incorporate sustainable transport options and do not have a detrimental impact on road safety.

Nutrient neutrality

24. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
25. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
26. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development

(which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.

27. The current use of the property as three flats is already 3 residential units and a HMO is classed as a single unit. Three flats would have had a capacity of 6.6 people (average of 2.2 people per flat). The conversion works seeks approval for a 5 bed HMO proposal for 5 people and as such would have a lesser number of people residing there (potentially) at any one time. In view of these matters, it is considered that the proposed change of use is 'out of scope' of needing consideration in relation to impacts of nutrient neutrality on the SPA.

Other matters

28. Concerns have been raised by some residents with regards to additional pressures on waste and recycling. The property is an end-terraced property which has provisions for waste and recycling at the rear. Refuse will also be collected in the same manner as the other properties in the vicinity. The property will house 5 residents which would be a similar capacity to some of the family homes in the area as such it is not anticipated that the amount of waste would be significantly different to that of other properties or the existing 3 flats at the premises.
29. Concerns have also been raised by some residents with regards to the proposed HMO use and possible criminal and anti-social behaviour associated with it. Whilst residents have reported that there have been issues at the property previously in its former use as flats, there is no evidence to suggest that this type of activity will occur in this case. Anti-social behaviour is the actions of an individual and a HMO has the ability to operate without such impacts but can equally operate with impacts, as can a normal residential property, flat or other form of accommodation. In this respect, anti-social behaviour is not a material planning consideration and alternative legislation deals with this should it happen, essentially being a police matter.
30. The HMO will include 5 bedrooms each with en-suite facilities which has raised neighbour concerns with regards to drainage. Drainage falls outside of the planning remit, although works will have to comply with the relevant Building Regulations.
31. Some residents have also commented that property values in the area could decrease as a result of this change. Property values are not material planning considerations and therefore cannot be taken into account during the determination process.

Conclusion

32. The proposed HMO is considered to provide adequate individual and communal space within the property and sufficient space externally taking into account the existing use of the property as 3 flats. The proposal has no off-street parking and notwithstanding objections, it is considered that the proposal will not increase parking requirements at the site. Adequate cycle and bin store provisions are provided within the scheme and adequate levels of privacy and amenity would be retained for both surrounding residents and future occupiers of the property. The proposal would also add to the mix of properties within the area.

33. Recommendation is to approve subject to standard conditions.

RECOMMENDATIONS AND CONDITIONS

1. Time Limit

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

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

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the following plans and specifications received 7th February 2022 and shall relate to no other plans.

- a. Location plan received 4th May 2022
- b. Proposed layout plan received 23rd June 2022

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

3. Internal Arrangement –HMO

The internal arrangement of the development hereby approved, including the position and number of bedrooms and living areas and the size of the rooms, shall be undertaken in accordance with the approved plans and thereafter shall not be altered in any way without the written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the residents and to ensure a satisfactory form of development having regard for Policies DC1, and CS5 of the Middlesbrough Local Plan and section 12 of the NPPF.

4. Cycle Store

The development hereby approved shall not be occupied/brought into use until covered and secure cycle parking facilities, for five cycles, have been provided in accordance with plan which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings must show the position, design, materials and finishes thereof. Thereafter the cycle parking facilities shall be retained in perpetuity for the sole purpose of parking cycles.

Reason: To promote use of cycles reducing traffic congestion and in the interests of the amenities of residents to ensure a satisfactory form of development having regard for policies DC1, CS4 and CS5 of the Local Plan and sections 9 and 12 of the NPPF.

REASON FOR APPROVAL

This application is satisfactory in that the proposed change of use accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy H1, H11, DC1, CS4, CS5, CS18, CS19, and DC1 of the Council's Local Development Framework). In particular, the use will not prejudice the

character and function of the area and will not significantly affect any landscaping or prevent adequate and safe access to the site. The proposed use will be consistent with the residential uses of Queens Road and the wider area and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the residential use will not be of a level likely to result in an unacceptable impact on nearby premises. The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused

INFORMATIVES

NONE

Case Officer: Joanne Lloyd

Committee Date: 22nd July 2022

Appendices A – Site location plan



Appendices B – Proposed floor plans/layout



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