

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 17 March 2023.

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

**ALSO IN ATTENDANCE:** J Martin, Councillor M Saunders and S Shaw

**OFFICERS:** P Brewer, P Clarke, R Harwood, G Moore and S Thompson

**APOLOGIES FOR ABSENCE:** Councillors C Dodds, M Nugent and G Wilson

22/26 **DECLARATIONS OF INTEREST**

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

22/27 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 20 JANUARY 2023**

The minutes of the meeting of the Planning and Development Committee held on 20 January 2023 were submitted and approved as a correct record.

22/28 **SCHEDULE OF 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.

**22/0693/MAJ Conversion of the existing traditional farm house and buildings to form 7 dwellings, the demolition of agricultural buildings and the construction of 5 newbuild dwellings, along with associated works at Nunthorpe Hall Farm, Hall Farm, Old Stokesley Road, Middlesbrough, TS7 0NP**

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 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 Head of Planning explained that the application related to Nunthorpe Hall Farm, which consisted of a former farmhouse and several associated agricultural outbuildings located in Nunthorpe Village. It was advised that the proposal was seeking planning consent for the conversion of the existing farm buildings (former stable courtyard buildings and two grain store buildings) into seven dwellings, the demolition of two agricultural storage buildings, the erection of five detached dwellings with associated garages, works to a listed walled garden to form a group of private gardens and other ancillary works.

Following consultation there had been 3 objections, a letter of concern received from nearby residents and comments submitted by Councillor Mieka Smiles. It was explained that the objections and concerns referenced the scale, proportion and design of the new builds; the impact on the character of the area and setting of listed buildings; loss of privacy; parking issues; traffic and noise increases; privacy issues from Nunthorpe Hall access rights; impacts on nature/wildlife/biodiversity, Public Rights of Way (PROW) access issues and broadband access.

The committee was advised that the site was outside the limits of development, as it was located within the Nunthorpe and Poole Conservation Area.

Members heard that the farm buildings were locally listed and were considered to be an important part of the village's character. The buildings were also considered to make a notable

contribution to the significance of the conservation area. The wall that had been constructed to provide a walled garden was also a listed structure, being formerly associated with Nunthorpe Hall. It was commented that there were several other listed buildings within the immediate vicinity, including Nunthorpe Hall.

The committee was advised that the existing farm buildings had been vacant for a considerable period and, in order to maintain their contribution to the character of the village, their retention and re-use was considered to be of significant importance.

In 2013, the Local Authority had commissioned the North of England Civic Trust to undertake a study to examine the long-term use and retention of the heritage assets associated with the farm complex. Members heard that the study had identified that the brick-built buildings on the site would lend themselves to be converted into residential properties. Furthermore, the Civic Trust had identified that the clearance of the two agricultural stores would provide the opportunity for modest new development to help fund the repair and re-use of the existing historic buildings and spaces.

It was explained that the proposed conversions of the historic farm buildings were considered to be well detailed, respecting the existing form of those buildings and with modest extensions to supplement them. Those works planned to retain the historic presence and contribution of those buildings to the character of the village. It was highlighted that the proposed new builds were deemed necessary to support the commercial costs of undertaking the overall works. The committee heard that the new builds would be located in two areas, a single dwelling fronting the main road and designed to be a cottage, which was in keeping with the existing cottages adjacent, and a further courtyard of larger buildings designed to be more functional in appearance and represent agricultural scale, design and arrangement.

The committee was advised that the scheme proposed the conversion of the existing brick-built buildings into 7 dwellings and the erection of a further 5 detached properties with a mixture of integral, attached and detached garages. It was explained that the properties would be 3 to 5 bed. The site layout included individual gardens for each of the plots, with additional garden spaces for plots 1 to 6 and a communal bin store within the walled garden. It was advised that the existing highway access would be retained and utilised for each of the plots, with a mixture of garage and courtyard parking spaces being provided. The site planned to include a SUDS pond to the east of the new build plots. Members heard that a small amount of landscaping would be removed to facilitate the development, including a Silver Birch and a small section of hedgerow. However, the scheme had identified new planting as part of the proposals.

An objection comment had been received in relation to the potential loss of privacy from the two dormer windows proposed for the front elevation of the converted courtyard buildings (plots 1 and 2), which would face the main road and the residential property at 4 West Side. Members heard that there had been particular concerns in respect of the proposed dormer above the entrance door for plot 2. Those concerns had been raised with the Applicant and the dormer was subsequently removed from the scheme. Furthermore, it was explained that the second dormer had been redesigned with a barn style door opening. It was highlighted to the committee that the revisions to the plans were considered to adequately address privacy matters.

The committee was advised that the proposed scheme aimed to utilise as many existing entrances as possible, and any new entrances were planned to reflect those that would be expected for listed buildings.

The proposed works to plots 6 and 7, which were the original grain store buildings, planned to utilise the original windows and door openings and retain the original architectural features. The external alterations to those buildings included single storey extensions to the rear. It was confirmed that the design and materials for the rear extensions would not detract from the original architectural features of the grain store buildings.

Plot 8 had been designed of a scale, and with architectural details, that reflect the existing row of terraced properties to the north at 15-21 Old Stokesley Road (also facing the highway) and with a consistent building line. It was explained that Plot 8 would retain the original boundary wall and the large Oak Tree to the front.

The committee was advised that the four new build plots (9-12) had been designed to appear as if they were former agricultural buildings within the site, resulting in a courtyard arrangement. It was planned that each building would have a different design and scale to reflect a collection of farm buildings.

The proposal planned to utilise an existing entrance to the rear of the stable block to access the walled garden area and create six individual, smaller walled gardens for plots 1-6, including traditional gate details. The committee was advised that the garden boundaries would match the existing walled garden with stone coping. In addition, it was proposed that a small bin store structure would be created within the walled garden area and would be designed to reflect a historic brick potting shed. Members heard that the walled gardens and bin store were considered to be appropriately designed for their position and would retain the integrity of the traditional character of the site and external views of it.

The committee was advised that, with the agricultural and grazing land and SUDS pond forming part of the nutrient neutrality mitigation calculation, a condition was recommended that those uses be retained for the lifetime of the development.

Members heard that there were two PROW across the site. It was explained that one PROW would be stopped up and the existing PROW, which ran along the existing farm track into the site, would remain.

The committee was advised that the proposal had considered the loss of existing wildlife within the site and appropriate mitigation measures would be put in place, such as bat boxes.

In summary, the committee was advised that the site was outside of the limits for development but within an established village and would serve to provide a re-use and renovation of a group of locally listed buildings, which were considered to be of notable importance to the historic significance of the village and the associated conservation area. It was explained that the new build properties, whilst contrary to the policy in principle, were necessary to provide viability to the overall scheme of works to the locally listed buildings. It was added that the new builds would not cause undue harm to the privacy and amenity of surrounding properties and would have a neutral impact on the significance of the heritage assets (both within and adjacent to the site). The proposal was considered to represent a high-quality, historically representative development of a scale relative to agricultural forms and functions where appropriate. Matters of archaeology, ecology, nutrient neutrality, biodiversity and drainage amongst other matters had all been suitably dealt with and were all subject to controlling conditions. The recommendation was for approval of the application, subject to conditions.

A Member raised a query in respect of parking and the use of agricultural and grazing land to provide additional spaces. In response, the Head of Planning explained that the Highways Authority had confirmed that, in accordance with the Tees Valley Highway Design Guide, the scheme would provide sufficient parking for residents. Due to the rural nature of the development, and conversion of existing agricultural buildings, it was not possible for visitor parking to be provided within the development. Furthermore, to utilise agricultural and grazing land to provide a car park would inevitably negatively impact on the nutrient neutrality mitigation that was being proposed.

A Member expressed concern regarding the condition of the large oak tree, which was located at the site. In response, the Head of Planning advised that work would be undertaken to determine whether the tree was dead or decaying and, if necessary, appropriate action would be taken.

A Member raised a query regarding the maintenance of agricultural and grazing land. In response, the Head of Planning provided an outline of all the conditions associated with the proposal, one of which was the implementation of a landscape management plan. It was also explained that permitted development rights would be removed from all the new residential uses created, in order to manage future change and to protect the significance of the conservation area.

A Member raised a query in respect of access to the site. The Head of Planning advised that the development was proposed to be served via the existing vehicular access onto West Side. It was confirmed that it had been proposed that the access and a turning head was to be adopted and, as such, provided facilities clear of West Side for refuse vehicles and other

emergency or servicing traffic.

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

In summary:

- It was advised that Shaw Property Developments Ltd had over 20 years' experience of specialising in the restoration and conversion of historic buildings in the area.
- Members heard that the Civic Trust had undertaken a study and had concluded that the brick-built buildings could be converted into residential properties and that the clearance of the two agricultural stores would provide the opportunity for modest new development to help fund the proper repair and re-use of the existing historic buildings and spaces.
- It was commented that the retention, restoration and conversion of the locally listed buildings would not have been financially viable or achievable, on a commercial basis, without enabling development of the new builds.
- An extensive consultation had been undertaken and positive feedback had been received.
- It was explained that local residents had concerns about the current physical appearance of the derelict stables and the farm building and the fact the current state of the buildings would deteriorate further in the long-term.
- In light of comments received throughout the consultation process, changes had been made to the scheme to address the concerns of local residents, such as removing a dormer window and redesigning the garages.
- Members heard the scheme planned to redirect and improve the PROW.
- It was advised that the proposal planned to ensure the long-term protection and enhancement of the heritage assets.
- It was commented that the scheme was considered to represent a high-quality, historically representative development, which Middlesbrough could be proud of.

A Member expressed concern that approval of the scheme would result in other parcels of land, in the locality, being developed. In response, the Head of Planning advised that the site was outside of the limits of development, as was the remainder of Nunthorpe Village. It was added that the development was unique with regards to the conversion and re-use of existing locally listed vacant farm buildings. It was explained that each proposal was considered on a case-by-case basis and determined on its own merits.

The Head of Planning confirmed that the full list of conditions, which the Applicant would need to comply with, had now been finalised.

**ORDERED** that the application be **Approved subject to conditions** for the reasons set out in the report.

**23/0061/FUL Erection of single storey community facility (F2(b) use class) comprising a multi-use hall and multi-purpose rooms, including ancillary community café and office spaces; creation of multi-use games area (MUGA) with associated fencing and floodlighting; construction of associated car park, access roads and landscaping at Site of former Southlands Centre, Ormesby Road, Middlesbrough, TS3 0HB for Design Services, Middlesbrough Council**

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 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 Head of Planning advised that the application had been submitted to seek planning permission for the erection of a single storey community facility, a new multi-use games area (MUGA) and associated works on the site of the former Southlands Leisure Centre.

A consultation had been undertaken with surrounding neighbours through a letter-drop exercise and the consultation phase had not expired until 16 March 2023 (the day prior to the committee meeting). The Head of Planning confirmed that no comments had been received.

Members heard that a similar application had been submitted in 2021, for a community facility and associated car park. However, the committee had agreed to defer the application due to concerns regarding the proposed position of the vehicular access to the facility (via the residential estate) as well as an outstanding objection from Sport England. Following the deferral, the Applicant had given consideration to an alternative access (off the existing roundabout) and had engaged in discussion with Sport England. The 2021 application was then subsequently withdrawn and the current application was submitted. It was confirmed that the previous concerns and issues, identified by the Planning and Development Committee, had now been resolved.

The committee was advised that the application site formed part of the grounds of the former Southlands Centre, as well as land to the north. Residential properties were situated along much of the southern boundary of the site, Middle Beck ran along the eastern boundary, Ormesby Road was situated to the west and the Unity City Academy was situated to the north.

Planning permission was sought for the construction of a new community centre facility, comprising a single storey building to be used as a multi-function hall and multi-purpose rooms with associated car park and other works.

Members heard that the Applicant had not submitted a sequential test or provided robust justification to demonstrate why the café and offices could not be located in a sequentially preferable location. The committee was advised, however, that the principal objective of the café would be to serve the users of the community facility and it was seen as integral to the use of the building and would help ensure its long-term viability. A condition was recommended to ensure that the café and office uses were ancillary and remained as such in perpetuity.

The Head of Planning concluded that the proposed development would constitute a high-quality, sustainable development that would contribute towards enhancing the site of the former Southlands Centre. It was added that the scheme would provide community facilities and resources to meet anticipated demand. Furthermore, the design and layout of the scheme were acceptable and generally in accordance with the relevant local and national policies, given there would be only limited adverse impacts on the surrounding residential area. It was therefore recommended that the application be approved, subject to conditions.

A Member raised a query regarding the provision of changing facilities. In response, the Council's Housing Growth Project Officer explained that, initially, users would be able to access the changing facilities located at Unity City Academy. Members were advised that the proposed development formed part of a phased development (funding permitting) and the application before the committee was the first phase. The Head of Planning advised that there was also potential to extend the building and the principle of expansion would be acceptable in planning terms.

It was confirmed that Sport England had no objection, however, conditions would be imposed to ensure the playing pitches were fit for purpose, sustainable and provided anticipated sporting benefits.

Members were advised that pedestrians currently had to wait for traffic, cross in two stages and hold in a pedestrian refuge when crossing Ormesby Road. It was explained that the highway works proposed consisted of upgrading the existing uncontrolled pedestrian crossing to a signalised Toucan crossing, which would also connect into existing shared pedestrian/cycle routes that ran along Ormesby Road. Those works planned to improve non-car accessibility to the site and would be secured by a suitably worded condition.

A resident was elected to address the committee, in support of the application.

In summary:

- It was advised that the proposed use had already been established on the site.
- Members heard that the local community supported the development of the site and residents were in agreement with what was being proposed.
- It was explained that the site would allow for a temporary overspill car park and if

extended, changing facilities could be provided onsite.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor commended the partnership work that had been undertaken by Council officers and local residents to develop a high-quality, sustainable development that planned to deliver much needed community facilities for local residents and the wider community.

**ORDERED** that the application be **Approved subject to conditions** for the reasons set out in the report.

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## **DELEGATED PLANNING DECISIONS**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

A Member queried the reasons for one particular application being a delegated decision. In response, the Head of Planning explained that most planning applications, in accordance with the scheme of delegation, could be assessed against the Council's planning policies and decided by a planning officer without needing to be considered by the Planning and Development Committee. However, if there was a certain amount of interest in the plans, the decision would be made by the Planning and Development Committee, for example - when three or more objections had been received, or a councillor had requested the application be decided by the committee, for sound planning reasons.

## **NOTED**

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

### **Planning Appeals**

#### **Appeal Ref: APP/W0734/W/22/3307708 16 Queens Road, Middlesbrough TS5 6EE - Allowed**

The development proposed was change of use from 3 flats to 5 bed HMO.

The main issues were the effects of the proposed development on highway safety and on the character and appearance of the area.

It was explained that the Planning Inspectorate had acknowledged the Council's concern that planning permission had not previously been granted for 3 flats at the appeal site, but the use had become lawful over time. Subsequently, the use of the site was as 3 flats and it was within that context that the appeal had been determined and allowed.

#### **Appeal Ref: APP/W0734/W/22/3297347 Land at Hemlington Lane, Middlesbrough TS8 9DW - Dismissed**

The development proposed was described as erection of 18no bungalows with associated access and landscaping works.

The main issues were the effect of the development on:

- trees, biodiversity and ecology;
- the living conditions of the existing residents on Hemlington Lane, with respect to traffic noise and disturbance; and
- Teesmouth Special Protection Area (SPA) as a habitat site.

It was explained that primarily the appeal had been dismissed due to nutrient neutrality, as the Applicant had offered up no mitigation to offset the impacts on the SPA.

## **NOTED**

### **Weekly Planning Lists**

A Member highlighted the importance of elected members receiving email notification of the weekly planning lists. In response, the Head of Planning advised that at the present time, due to demands and increasing workloads, the department was unable to action the request. It was commented that Members were able to access the weekly lists via the planning portal.

It was currently taking six to eight weeks for planning applications to be validated and assigned to planning officers. In response to Members concerns, the Head of Planning advised that there were plans to update the system to ensure that applications were only viewable by the public once an officer had been allocated the case.

It was advised that the Government had announced a consultation on proposals to raise fees in line with inflation and increase planning fees by 35% for major applications and 25% for all other applications. Proposals also recommended the monitoring of more performance measures and reducing the Planning Guarantee period from 26 weeks to 16 weeks for non-major applications.

**NOTED**