

PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday 7th March, 2024
Time: 1.30 pm
Venue: Mandela Room

AGENDA

No site visits will be held prior to this meeting

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Planning and Development Committee - 8 February 2024 3 - 14
4. Schedule of Remaining Planning Applications to be Considered by Committee 15 - 74
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 - Item 1 – Chandlers Ridge Primary School – Page 17
 - Item 2 – Discovery Special Academy – Page 35
 - Item 3 – 4 Hall Drive – Page 59
5. Applications Approved by the Head of Planning 75 - 78
6. Planning Appeals
7. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 28 February 2024

MEMBERSHIP

Councillors J Rostron (Chair), I Blades (Vice-Chair), D Coupe, J Ewan, M McClintock, I Morrish, M Nugent, J Platt, J Ryles and G Wilson

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne McNally, 01642 728329, Joanne_McNally@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 8 February 2024.

PRESENT: Councillors J Rostron (Chair), I Blades (Vice-Chair), D Coupe, J Ewan, M McClintock, I Morrish, M Nugent, J Platt, J Ryles and G Wilson

ALSO IN ATTENDANCE: E Swannick, J Roebuck, A Murphy-Brown, K Rowley, T Wilson, L Salvati

OFFICERS: P Clarke, C Cunningham, A Glossop, J McNally and S Thompson

23/26 **DECLARATIONS OF INTEREST**

Name of Councillor	Type of Interest	Item/Nature of Interest
Councillor I Morrish	Non-Pecuniary	Agenda Item 4, Item 1, Ward Councillor, Member of Marton West Community Council
Councillor M McClintock	Non-Pecuniary	Agenda Item 4, Item 1 Ward Councillor and Member of Nunthorpe Parish Council
Councillor J Rostron	Non-Pecuniary	Agenda Item 4, Item 2, Ward Councillor
Councillor J Platt	Non-Pecuniary	Agenda Item 4, Item 3 & 4, Ward Councillor

23/27 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 11 JANUARY 2024**

Councillor McClintock requested that the minutes be amended as he had declared an interest at the meeting on 11 January 2024.

The Democratic Services Officer advised Councillor McClintock that the minutes had been amended to include the Declaration.

The minutes of the meeting of the Planning and Development Committee held on 11 January 2024 were then submitted and approved as a correct record.

23/28 **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.

22/0524/MAJ, Land at Ford Riding Centre, Nunthorpe, erection of 45 dwellings along with open space and associated infrastructure (Demolition of existing buildings)

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 along with detailing consultee and other responses.

Members heard that planning permission was sought for the demolition of some existing buildings on the site and the erection of 45 dwellings, including 18

bungalows, with associated access, landscaping and infrastructure on land at the Ford Close Riding Centre to the east of Brass Castle Lane.

The dwellings proposed consist of:

- 13. no three bed dwellings
- 15. no four bed dwellings
- 17. no five bed dwellings

18 dwellings (40% of the proposed dwellings) were bungalows, all the properties were detached dwellings.

Members were advised that the site was allocated for housing in the Local Plan therefore the principle of residential dwellings on this site would be acceptable. It was considered that the proposed development would provide a good mix of dwelling types which were of a high-quality design and materials, in an attractive landscaped setting with an appropriate layout. The development would not result in a significant detrimental impact on the amenities of existing local residents. Members heard that localised and strategic works to the highway network would mitigate against the impact of the development on the local highway network.

The Head of Planning explained that the site was located to the east of Brass Castle Lane, south east of the junction with Fulford Way. It comprised of 5.5ha of open fields and mature woodland. Part of the site had an existing dwelling and buildings relating to the riding school located along the northeast boundary of the site.

Members heard that a previous planning application submitted on 8 December 2020 which sought the demolition of existing buildings and the erection of 69 dwellings (including 19no. bungalows) with open space and infrastructure had been refused.

Members were advised that consultation letters had been sent to local residents and following receipt of revised plans a further consultation exercise had been carried out. Objections had been received from residents from 6 properties.

The objections included:

- Object to anymore houses in this area
- Loss of green space
- Increase in traffic
- Inadequate parking/fronts dominated by parking
- Increase in noise
- Impact on wildlife
- Additional tree planting should run the full length to make a natural green wall
- An “executive” bungalow has four or more bedrooms on the ground floor, no such properties have been included
- They have not proposed any bungalows only dormer properties
- Not enough community assets/amenities
- Not in accordance with the Marton West Neighbourhood Plan
- The local plan is out of date in relation to its assessment of current housing need in 2022;
- Middlesbrough Council have breached its legal requirement to review its local plan every five years;
- Latest housing land supply figures (April 2021) confirm that there is no requirement for land at this site to be developed;
- Council have failed to implement adequate infrastructure;
- Development is outside the local plan;
- Goes against Planning Inspectors comments in previous appeal; and,

- The whole planning concept is flawed. The development is part of the wider Grey Towers Village, Grey Towers, Bridle Woods and Ford close are being looked at as separate developments when in reality they are in the same land and location carved into sections.

Objections had also been received from Marton Community Council, Nunthorpe Parish Council and the Ward Councillor for Nunthorpe Councillor M Smiles full details of the objections were outlined in the report.

Members heard that a number of comments had been received in objection to the bungalows that had been proposed stating they were not bungalows and should be single storey. It was explained to Members that *Ward v Paterson* [1929] 2 Ch 396 defines a bungalow as a building of which the walls, with the exception of any gables, are no higher than the ground floor, and of which the roof starts at a point substantially not higher than the top of the wall of the ground floor, and it does not matter in what way the space in the roof of a building so constructed is used. As a result a bungalow does not specifically mean rooms cannot be located in the roof space.

The Head of Planning explained that the application site was allocated for housing in the Housing Local Plan policy H30 which allowed for a maximum of 50 dwellings policy H1 allowed for additional dwellings if the design and quality of the development was not compromised. This application sought the erection of 45 high quality executive dwellings which was in accordance with policy H30.

It was also advised that the development did meet the National Planning Policy Framework aims and objectives regarding increasing and delivering a wide choice of high quality homes. In addition the provision of 18 bungalows was in accordance with the Marton West Neighbourhood Plan and enhanced the types of dwellings available adding to the quality of the development.

Members were advised that the development had been considered in relation to the impact on capacity and safety of the local highway network.

Speed Limit

The 30mph/40 mph speed limit boundary on Brass Castle Lane would be relocated circa 45m South. This would result in the 30mph scheme and the street lighting being extended to a point South of the proposed site access.

A new gateway feature at the change in speed limit would be introduced, consisting of signage and lining to reinforce the change in speed limit and to influence driver behaviour.

Pedestrian Infrastructure

A new footway would be provided to the sites Northern boundary on Brass Castle Lane to connect into internal footpaths which in turn connect into adjacent routes and the Grey Towers Farm development

Public Transport

Tactile paving and crossing points across the junction with Brass Castle Lane and Brass Castle Lane itself would enable pedestrians/cyclists to access the existing footway/cycleway on the northern side of Fulford Way/ Brass Castle Lane. Improvements would be made to the Eastbound and Westbound bus stops serving the site consisting of hardstanding, easy access kerbs, flag, shelters and real time display.

In addition to the above physical works being delivered a financial contribution towards strategic highways infrastructure would be made and secured through a S106 Agreement.

The Committee was advised that the analysis of the development determined that the proposals were for a sustainable development, which would assist in economic growth in the town. The proposed layout and dwellings were of a high-quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. Landscaped areas would enhance ecological potential and would benefit the wider community. There are no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The application site was an allocated site within the approved Housing Local Plan. It meets the requirements of policy H30 other relevant local policies (DC1, CS4, CS5), the Marton West Neighbourhood Plan and national policies.

Members heard it is the planning view that none of the material objections raised would result in a significantly detrimental impact on the character of the area, the nearby residents or the community as a whole.

The proposals do not conflict with local or national policies relating to sustainability, design, transport, open space or flood risk. The development would support the spatial vision set out in the development plan.

The Design & Planning Director of Stonebridge Homes addressed the Committee in support of the application and highlighted the following points

- The s106 agreement would secure contributions to mitigate the impact of the development.
- Local highways improvements including the extension of the 30mph speed limit to the boundary to the south of the entrance on Brass Castle Lane, traffic calming measures at the site entrance, a pedestrian crossing providing connectivity onto Fulford Way and bus stop improvements on Brass Castle Lane
- Contributions to strategic highway improvements, off-site affordable homes, improvements to Marton West Beck, and maintenance of Bonny Grove, West Moor Farm and Fairy Dell as identified in the Marton West Neighbourhood Plan.
- Executive Development was policy compliant
- The SUDS pond had been re-designed to include two significantly smaller, landscaped and organically shaped drainage basins
- SUDS would offer significant ecological benefits alongside other ecological mitigation including bird, bat and bee boxes, hedgehog highways and ecologically valuable landscape planting
- Tree belt had been re-designed to retain the existing tree belt and the footpath has been positioned close to the trees
- Pedestrian routes would be enhanced by a woodland sculpture trail
- The bespoke house types had been inspired by existing homes on Cheltenham Avenue and the McInnes Estate, the proposed bungalows met the legal definition of a bungalow and 40% of the new homes constituted a bungalow in accordance with the aspirations of the Marton West Neighbourhood Plan.
- A refuse vehicle swept path analysis had been completed confirming refuse vehicles would be able to navigate the road however the circular road had been widened further in response to Nunthorpe Parish Council's comments.

Two objectors From Marton West Community Council addressed the Committee and raised the following objections on the basis of the following material planning considerations:

- Failure to comply with NPFF, Paragraph 33 of the NPFF.
- Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary
- Reviews should be completed no later than five years from the adoption of the plan and should take into account changing circumstances or relevant changes in national policy
- Relevant strategic policies would need updating at least once every five years if their applicable local housing need figure has changed significantly
- Local housing need approved in the Local Plan was 410 dwellings per annum
- April 2023 the Council's local housing need was assessed at 253 dwellings per annum
- There had been a significant change in housing need a reduction of almost 40%
- Strategic Housing Policy not reviewed since 2014, it is 10 years old and should have been reviewed in 2019
- The Strategic Housing Policy contained in the Local Plan is no longer effective or relevant
- Five Year Housing Land Supply Assessment shows that Middlesbrough had in excess of 7 years deliverable housing supply published 31 January 2024
- Housing Delivery Test showed a figure of 257% which signified Middlesbrough had over-achieved it's housing delivery against homes needed
- Approved increases in dwellings over and above the housing allocations in the Housing Local Plan 2014
- Marton West Neighbourhood Plan MW4 requires a proportion of executive bungalows our interpretation of bungalow is single storey dwelling
- Executive Housing defined as typically high-quality detached accommodation having 4+ bedrooms set in own grounds in region of 7 dwellings per hectare
- Density of site
- The net Biodiversity Net Gain legislation becomes mandatory on 12 February 2024.

In response to the objections the Head of Planning stated that:

Whilst it is a requirement to review the Local Plan every 5 years, Members will be aware that a consultation had been launched on the draft review of the Local Plan. It is over 10 years after the adoption of the Local Plan that this new Plan will be adopted. The Government have measures in place if they felt the Local Authority is failing in its duty and can intervene by either directing the Local Authority to prepare a Local Plan or take that responsibility over themselves. The Government are aware that Middlesbrough Council had not delivered a Local Plan and had not intervened. The Local Plan is still considered relevant and up to date for decision making for the following reasons:

- There have been appeal decisions that have considered the Local Plan to still be relevant in decision making, this includes the previous appeal on this site.
- There is still a five year housing land supply, which is a key indicator of whether the plan is up to date or not.
- The Council exceeds the Housing Delivery Test.

If the Local Plan is not considered up to date, or silent on an issue, then applications will be considered against the considerations of the NPFF. The NPFF states that decision making means to approve development proposals that accord with an up to

date development plan without delay or where there are no relevant development planning policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance, as defined by the NPPF provides a clear reason for refusing the development and there is no clear reason for refusing. Against the considerations of the NPPF the proposal would still be considered acceptable.

In reference to the five-year land supply and housing delivery tests, it was clarified that they are primarily performance measures to identify whether the Local Plan was considered up to date or not. It was advised that if we are not delivering against the housing delivery test or do not have a five year housing land supply then the plan is not up to date and it would show that the plan was failing. The fact that there is still a 7-year land supply and that we are delivering at 257% indicates that the plan is still up to date and still relevant in accordance with the Governments requirements.

It was advised that the figures quoted in respect of 267 and 253 dwellings per annum were based on housing projections and were seen as a minimum in the NPPF and not a maximum. The figure set in the new Local Plan would be 400 new homes per annum.

The Marton West Neighbourhood Plan did refer to bungalows, it was advised the Council takes case law as legal definitions and regardless of what the intention was when the policy was written the policy it did specify bungalows, and there was no definition contained within the plan.

In terms of the Biodiversity Net Gain it was confirmed that it would come in on 12 February but this application would not take this into consideration as it was received before the BNG requirements came into force on 12 February 2024.

A Member queried why the Marton West Neighbourhood Plan decided to specify a number of bungalows and where the demand was coming from. In response Members heard that it was in keeping with the rest of the Ward and there was a shortage of low-level single storey bungalows within the whole area, the demand was coming from the growing number of older residents in the local population and older residents would ideally like to downsize into appropriate accommodation.

A Member queried why only 6 residents had objected, the response given was that a lot of the residents were elderly and don't use the internet or do not have the facilities.

A Member queried the definition of bungalows the Legal Representative clarified that the legal definition for a bungalow was at paragraph 29 of the report.

Members felt that the number of houses in the application were correct in accordance with the Local Plan and the Marton West Neighbourhood Plan.

ORDERED - That the application be **APPROVED** subject to the signing of the s106 agreement

23/0291/FUL, J H Proudlock Limited, Emmerson Street, Middlesbrough, erection of 6No Industrial units for Use Class B2 & B8 (demolition of existing buildings)

Full details of the planning application were outlined in the report.

Members were advised that permission was sought for the demolition of some existing buildings on the site and the erection of 6 no. industrial units (use class B2 and B8).

Members heard that the application site was approximately 0.06 hectares. It was located on the east side of Emmerson Street, south of the junction with Stonehouse Street. The site was located in an industrial area with a builders yard as the established use, which included single storey buildings to the northside, a storage/distribution unit attached to the southside and a cash and carry/retail units to the front. There are residential dwellings located to the rear of the site with the rear boundary wall of the application site forming the rear boundary wall of the residential properties. There was also an apartment located above the cash and carry/retail unit to the front.

Members were advised that work had already commenced on site but had not been completed. As a result this application sought retrospective consent.

Following a consultation exercise three objections were received from residents who had raised the following concerns:

- In support of some form of development but have concerns
- Increased noise including roller shutters, engine noises, people shouting and having loud conversations;
- Deliveries arriving early or late;
- Drainage will overhand property;
- Unsightly design and materials;
- Height of the building is too large and is overbearing;
- Impact on light into garden;
- What are the opening hours and proposed uses; and;
- Overlooking, privacy.

In terms of Highways it was advised that the majority of Emmerson Street (including the section where this site is located), Stonehouse Street and Simpson Street, and a stretch of unnamed road located between Stonehouse Street and Simpson Street, are unadopted. As a result they are outside the control of the Local Highway Authority. Members heard that the applicant owns and controls the adjacent site to the north of the application site which was a builders yard and the submitted details proposed 6no. parking spaces within the adjacent land.

Whilst no servicing or turning area was provided within the site boundary and as such vehicles delivering/collecting goods would need to do so from within the street, this was consistent with other adjacent units in the locality.

Members raised concern over the height of the wall and that it would impact on sunlight for the residential properties.

Concerns were raised by Members on parking and vehicles accessing the site via the narrow street and how the units would be serviced without causing harm to the use of the highway.

ORDERED that the application be **REFUSED** for the reasons outlined below.

- Vehicle access narrow to units
- Lack of parking facilities
- Impact on residents
- Inadequate and poor servicing arrangements

23/0556/VAR,136, Low Lane, Middlesbrough, TS5 8EE, variation of condition 3 & 4 (use Restrictions) on planning application 22/0714/COU to allow property to be used as care facility to children and young adults

*** In order to address the Members as a Ward Councillor, Councillor Jim Platt recused himself from the Committee for consideration of the item***

Members were advised that planning permission was granted under application 22/0714/COU for the change of use of the property from a residential dwelling to a children's home. In order to restrict the use to the principles on which were being considered at that time, conditions were applied which restricted the property to provide accommodation for children only (excluding staff) and also limited the number of children resident at any one time.

Members heard that this variation application sought to amend the wording of the conditions to enable the proposed use to a care home which would enable the provision of care for the intended use of young adults between the ages of 16 and 25 years. The application sought no changes to the previously approved operational development of the building. The daytime and night staff numbers would not be increased from the previously approved scheme and as set out within the supporting planning statement may be reduced (subject to individual needs) to 7 staff during the day and from 3 to 2 staff during the night. It was indicated that residents would be encouraged to complete their own housekeeping resulting in their being a reduced demand for a dedicated housekeeper post.

It was advised the proposed variation to amend the proposed use of the building to include young adults would result in no significant operational changes to the use of the building given there would be no significant increase in the previously approved staffing levels or alterations to the approved internal and external layout, including parking provision. It was considered the proposed variation would therefore have no significant impact on the amenity of the neighbouring properties or on highway safety, acting as residential accommodation in a residential area. It is considered that the scale of the premises and its intensity of use requires control to prevent it from being out of character with the surrounding area. The proposed variation to the use is considered to be in accordance with the requirements of the Local Plan Policies H1, H11, CS4, CS5, CS18, CS19 and DC1.

Following the consultation process there had been 9 neighbour objection comments (including 2 from the Ward Councillors). The objections related to the proposed change to the principle use as a children's home, impact on amenity of neighbours, parking for visitors/staff and construction vehicles having impacts on traffic and highway safety, whether there was a need for the use, anti-social behaviour/crime, alternative locations, devaluation of properties Members were advised a number of the objections raised are not material planning considerations.

The Representative from Courtyard Care Group addressed the Committee and informed them that the provision had been developed with local social care commissioners. There would be no fundamental differences and any impact could reduce with fewer staff being employed. There would be a maximum of 5 residents and a staff compliment of 7. The home would provide permanent long-term homes for service users and help promote independent living. Members were advised that the home would be registered with the Care Quality Commission.

A resident read out objection comments from the Ward Councillor which included:

- Majority of local residents are over 60
- 2nd planning application in 8 months
- Private agency delivering the service

- Very expensive provision
- Local area caters for elderly and not young people
- Significant change to the original application
- Residents would be encouraged to be active in the local area – is this the right location
- Increase in traffic
- Speeding
- Concerns of locating vulnerable adults in area with elderly residents and high volumes of traffic
- Personal safety of residents not taken into account

A second Ward Councillor addressed the Committee to object against the application, objections included:

- Application had been approved for a children's home not a home for young adults
- Substantial number of residents had objection previously
- Volume of traffic
- Parking facilities
- Parking on road
- Residents do not want this facility
- Not a local company, extortionate charges

ORDERED - That the application be **APPROVED**

23/0631/MAJ, Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN, erection of single storey Secondary School building (class F1) with associated works including landscaping, fencing and extension to parking area

Planning permission was sought for the erection of a special educational needs (SEN) secondary school on the existing Discovery Academy site, which is on the northern side of Sandy Flatts Lane.

Members were advised that whilst the application site was allocated on the adopted Local Plan Proposals Map as part of the Green Wedge, planning permission was granted in March 2021 for the creation of a SEN primary school at the site, which included a new school building and the associated playing areas and car parks. The land was, therefore, considered to have an established educational use.

Members heard that the site is located on land that is designated as Green Wedge, and includes both Primary and Secondary Open Spaces. Whilst local policies seek to safeguard such land from development, it is the officer view that the provision of a Special Educational Needs (SEN) secondary school should be considered as an exception, as the development would have an over-riding benefit to the community as a whole, which would outweigh the loss of this part of the Green Wedge.

It is considered that the proposed development would not result in the significant loss of open space. The application site occupies a relatively small area of the larger Green Wedge allocation, and that the green character and open appearance of the Green Wedge would not be significantly harmed.

The Committee were advised that 6 letters of objection were received from local residents. The following objections were made:

- Parking at drop off and pick up times causes disruption now along Sandy Flatts Lane and this would become worse, pedestrians are forced to walk

along the road

- The car park expansion would not stop vehicles parking along Sandy Flatts Lane
- There will be more noise from the additional traffic expected
- The existing access road of Sandy Flatts Lane is not wide enough
- Road needs to be widened to take into account for the vehicles including coaches
- Primary school is nearly at full capacity
- Trees need to be felled to accommodate the new building
- Overbearing visual impact
- Existing school an eyesore and out of character
- Layout and density of the building inappropriate
- Building is close to a live high pressure gas main

Members were advised that there were no objections from Highways subject to conditions. Car parking had been provided in accordance with the Tees Valley Highway Design Guide, the majority of pupils arrived by pre-planned managed travel. A swept path analysis demonstrated that the internal layout was suitable, and a Travel Plan is currently being implemented and would be further conditioned. As such it was not considered that grounds could be sustained that there is a high likelihood that unmanaged car parking would occur to the detriment of free flow of traffic or highway safety.

The Head of Planning advised that conditions are attached to the planning application including mitigation around ecology and tree loss, increasing bio-diversity net gain by 10%.

A resident spoke in objection to the application the following objections were raised:

- Why has work started on 5 February 2024 without agreement of the Planning Committee
- Proposed land for initial school there was a condition that the land would be left green and planted, this has not happened
- Saplings not planted
- Use of transport told no coaches would access site, coaches have been on site with over 25 seats
- Overspill of parking internally in car park
- Outside of school reckless parking
- 62 cars noted on one day
- Road is not wide enough to take vehicles, road needs widening to 6.7 meters
- Dangerous pot holes
- Design of road was to take only 300 vehicles per day
- High volume of traffic had worn the roads
- Pot holes in the road every 6 months having to be realigned compared to every 18 months
- Dangerous gas pipelines
- Council responsible for building works close to gas pipelines

The Head of Planning advised that he was not aware of any work that had begun and any work undertaken would be at the applicants own risk.

It was advised that HSE guidelines are used regarding pipelines.

A Member queried if in the previous planning permission there were any conditions regarding the green wedge in this application. The Head of Planning stated that the area was not within the previous planning application so there would have been no conditions put in place.

Members raised concerns that there was no representative present from the school to explain the reason for the application.

ORDERED: That the application be deferred to a future meeting of the Planning and Development Committee to request that a representative from the school attend the meeting to answer queries from Members regarding parking and clarity on how the school is operating in terms of the impact on traffic and access to the school site by vehicles.

23/29 **APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

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

NOTED

23/30 **PLANNING APPEALS**

NONE

23/31 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

NONE

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Agenda Item 4

Planning & Development Committee Schedule - 07-Mar-2024

Town Planning applications which require special consideration

1	<p>Reference No: 23/0424/FUL</p> <p>Ward: Nunthorpe</p>	<p>Applicant: Vision Academy Learning Trust</p> <p>Agent: Architectural Base Consultancy.</p>	<p>Description: A single storey extension to the existing school building to create 2 new classrooms with associated external works in the existing car park</p> <p>Location: Chandlers Ridge Primary School, Chandlers Ridge, Middlesbrough</p>
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2	<p>Reference No: 23/0631/MAJ</p> <p>Ward: Kader</p>	<p>Applicant: Jennifer Duncan</p> <p>Agent:</p>	<p>Description: Erection of single storey Secondary School building (class F1) with associated works including landscaping, fencing and extension to parking area</p> <p>Location: Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN</p>
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3	<p>Reference No: 23/0661/FUL</p> <p>Ward: Kader</p>	<p>Applicant: A Ghafoor</p> <p>Agent:</p>	<p>Description: Retrospective extensions and alterations to garage to side to create residential annex</p>
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			Location: 4, Hall Drive, Middlesbrough, TS5 7EN
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UPDATE REPORT

Application No:	23/0424/FUL
Location:	Chandlers Ridge Primary School, Chandlers Ridge, Middlesbrough
Proposal:	A single storey extension to the existing school building to create 2 new classrooms with associated external works in the existing car park
Applicant:	Vision Academy Learning Trust
Agent:	Architectural Base Consultancy.
Ward:	Nunthorpe
Recommendation:	Approve with Conditions

UPDATE REPORT

BACKGROUND

On the 11th January 2024, the application proposing the extension to Chandlers Ridge Primary School was placed before Planning Committee with a recommendation to approve subject to conditions. The Planning Committee considered the proposals, along with concerns raised by objectors in attendance.

Following discussion, members sought to defer the application to allow the school to explore further parking provision within the school grounds and to detail options in relation to the travel plan. A request was also made from members that a representative from the school / schools agent, attend the meeting to answer queries from members.

The applicant has reviewed the parking arrangements at the school and has increased the proposed provision of car park spaces to 30. A travel plan has not been able to be detailed currently, however, officers have been advised that this will be produced in line with conditional requirements should it be approved. It is also understood that a representative for the scheme will be present at committee.

The overall considerations of the scheme are all detailed within the main report which is appended to this update report. This update report seeks only to consider and recommend based on the additional details which have been submitted since the 11th January Committee.

PLANNING CONSIDERATION AND ASSESSMENT

Scale, Design, Privacy and Amenity

The scale, materials and design of the proposed building have not been amended from the previous consideration at committee on the 11th January. It is considered that the proposals remain to be in keeping with the host building and the character of the area and being of a suitable quality, thereby being in accordance with the guidance set out within paragraph 130 of the NPPF and Core Strategy Policies DC1 (b) and CS5 (g) in these regards.

Since the previous committee, the additional classrooms have not increased or altered in scale or position, or in relation to where windows or doors would be located, or the capacity for additional children. As such, the implications of the proposed building will not alter the considerations around privacy or amenity for nearby properties beyond the considerations in the main report and since the previous committee.

Revised plans show an extension to the re-configured car park as considered at the previous committee, with it extending further to the north (see appendix ref's 2,3 & 7). This part of the site is sat behind houses which back onto the school site. This slight change would result in staff cars penetrating into the site further than is currently the case and although immediately adjacent to residential boundaries, it is considered that this slight change would not notably increase impacts on privacy or amenity for the adjacent properties given the existing arrangements and the presence of privacy fencing between the two different uses.

Parking Arrangements

With regards to parking provision, the objections raised to the scheme are detailed and considered in the main report. The initially considered scheme would have resulted in reduced staff parking at the site, from 29 spaces down to 22 spaces. The previous report advised that the Tees Valley Highway Design Guide indicates that a school of this scale should provide 25 spaces. Whilst the proposals were below the guideline figure, officers were satisfied reasonable provision was being made and presented this to members on the 11th January.

Notwithstanding this, discussion of committee members at the 11th Jan Committee focussed around staff parking and objectors comments raised concerns in relation to staff parking outside of the school and suggested that there was daily problems at the school with pick up and drop off 's of children within what is predominantly a residential area.

The school have sought to address the concerns raised and a revised plan submitted which now details 30 parking spaces for staff. This increases from the previous provision by 1 space and is 20% higher than the amount recommended by the Tees Valley Highway Design Guide. In terms of parking for staff / visitors and servicing arrangements, it is considered that the revised plans are acceptable and in accordance with the relevant guidance.

With regards to the general aim of encouraging sustainable movement of people to and from the site, it is recommended that a Travel Plan is sought by condition. This would require the school to devise a travel plan, submit it to the Local Planning Authority and for that to be approved by the Local Planning Authority. The wording of the recommended condition would require this to be implemented prior to first occupation of the additional classrooms and for the school to then operate in accordance with the Travel Plan unless agreed otherwise in writing by the Local Planning Authority. The aim of this is to promote sustainable transport measures for visitors / staff and parents through the encouragement of

non car based travel and multi occupation car based travel. As a travel plan would cover the entire school operation, rather than being solely for the 2 classrooms being proposed, it is considered that a travel plan has the ability to achieve positive aims.

Notwithstanding this, it is recognised that parking in and around schools can and often be problematic, particularly for residents living in close proximity. Issues such as illegal parking and anti-social parking however are not issues that can be dealt with under planning legislation and are issues for traffic wardens and the police instead, should obstruction or dangerous driving occurring.

Conclusion (of amended details)

In view of these matters, it is considered that the proposal, with;

- additional parking spaces; and
- a condition requiring the operation of a travel plan; and
- surpassing the parking numbers in the Tees Valley Highways Design Guide; and
- being a relatively modest extension to an existing school

adequately complies with the requirements of addressing and mitigating its own impacts, in line with the general principle of national and local planning policy.

RECOMMENDATIONS AND CONDITIONS

Approve in line with the recommendation and conditions associated with the 11th January Committee subject to the revised plans being added to the Approved Plans Condition.

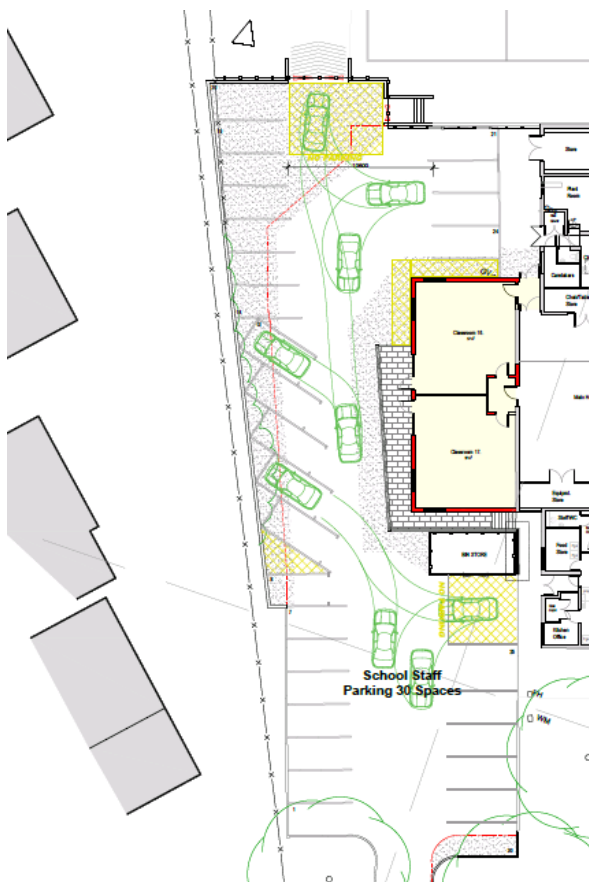
Case Officer: Andrew Glossop

Committee Date: 7th March 2024

Appendix 1: Existing Site layout



Appendix 2: Proposed Reconfigured and Extended Car Park



Appendix 3: Google Satellite view of site area



Appendix 4: Highway leading to School



Appendix 5: Access to School Car Park



Appendix 6: Existing Car Park



Appendix 7: Location of Extended Car Park



Appendix 8- Previous Committee Report 8.02.24

APPLICATION DETAILS

Application No:	23/0424/FUL
Location:	Chandlers Ridge Primary School, Chandlers Ridge, Middlesbrough
Proposal:	A single storey extension to the existing school building to create 2 new classrooms with associated external works in the existing car park
Applicant:	Vision Academy Learning Trust
Agent:	Architectural Base Consultancy.
Ward:	Nunthorpe
Recommendation:	Approve with Conditions

SUMMARY

The application seeks planning approval for a single storey extension to the existing school building to create two additional classrooms. Part of the extension will be built on the school car park resulting in a loss of 7 car parking spaces.

Objections were raised from residents and the Parish Council, mainly with regards to parking and highway safety.

The Council's Highway's Officer has considered the proposed scheme and considers that the level of parking is adequate for the overall site use, and in order to further assist with car parking and school traffic at peak times, has recommended conditions should be applied to require the submission and operation of a Travel Plan and details of cycle parking.

The proposed extension is a modest secondary addition to the school which will be finished in matching materials and would generally be in keeping with the scale and appearance of the existing school building. The extension would be set well back into the site and would not create an incongruous feature when viewed from the public realm.

The proposed extension will bring the school building closer to residential properties although a reasonable intervening distance will remain and as such there will be no notable adverse impact on residential amenity.

The proposed development is considered to be in accordance with Core Strategy Policies CS4, CS5 and DC1 and principles of the Urban Design Guide and Para 130 of the NPPF.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The school is located on the northern side of Chandlers Ridge. There are residential properties surrounding the site with the closest being to the side and front.

Planning permission is sought for a single storey extension to the west of the main school building with associated external alterations, and alterations to the existing car parking area. The proposals will also alter the arrangements for the existing bin stores which will be relocated close to their existing location. Seven car parking spaces would be lost in order to facilitate the proposed extension.

PLANNING HISTORY

It is understood that the Council has agreed to offer Vision Academy Learning Trust a grant to carry out remodelling and expansion works at Chandlers Ridge Academy. The purpose of the Grant (secured by 106 payments) is to support the provision of additional capacity at the Academy to meet the needs arising from the Grey Towers Farm housing development and assist the Council to ensure there are sufficient school places.

CM/FP/0502/95/P - NURSERY BUILDING & ASSOCIATED PLAY AREA PLUS CAR PARKING. Approve with Conditions 29/06/1995

M/GRG/0225/02/P, NEW NURSERY AND CLASSROOMS EXTENSION
Approve with Conditions 22/04/2002

M/GRG/0377/97/P SITING OF SINGLE MOBILE CLASSROOM UNIT
Approve with Conditions 09/06/1997

M/GRG/0851/05/P. EXTENSION TO FORM TOY STORE
Approve with Conditions 07/06/2005

M/GRG/0852/05/P, EXTENSION TO EXISTING CAR PARK
Approve 07/06/2005

M/GRG/1191/02/P, 2 METRE HIGH BOUNDARY FENCING
Approve with Conditions 19/11/2002

M/GRG/0489/04/P, SINGLE STOREY CLASSROOM EXTENSION
Approve 30/04/2004

M/GRG/0492/11/P, SINGLE STOREY CLASSROOM EXTENSION
Approve with Conditions 20/06/2011

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).
- Stainton and Thornton Neighbourhood Plan (2022)

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, 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

Consultee comments summarised as follows;

Highways Officer –

No objections subject to conditions

Development proposals seek to erect an extension which will provide a further 2 classrooms at Chandlers Ridge Primary School. Information supplied by the applicant states that there will be no increase in staffing numbers and that the new classrooms are to facilitate projected increase in the school role and provide better teaching facilities.

As part of the extension the car parking area will be partly built on and changes made to the car parking layout. Parking numbers are proposed to be reduced by 7 spaces from 29 to 22. The school car park is only used by staff, visitors and for deliveries i.e it is not available for use by the public nor parents.

With regards to the slight reduction in parking, the Tees Valley Highway Design Guide indicates that the school could provide 25 spaces. The level of provision is therefore only 3 spaces below that set out in the Design Guide. In addition to this guidance the school have undertaken surveys which demonstrate that the parking is not fully utilised and as such the reduction in spaces can be accommodated without harm or displacement of parking.

It is considered that the level of parking is appropriate and that in order to further assist with car parking and school traffic at peak times that a condition be applied to require the submission of a Travel Plan and details of cycle parking.

Conditions recommended

Cycle Parking

Method of Works Statement

Travel Plan

Parish Council –

Does not object completely to the scheme. Wishes to raise concern over parking and highway safety. Suggests the Council and School work together. Potential concerns over loss of staff parking, increased traffic during non-term time.

Public Responses

Number of original neighbour consultations	28
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	4

Public responses summarised as follows;

27 Chandlers Ridge –

Has seen the school grow over the last 20 years. Can be chaos at drop off and pick up times. Would not have an issue with the new classrooms if provision is made for traffic

21 Chandlers Ridge –

Suspect the development would lead to more traffic problems. Works will result in worse issues given the reduction in spaces. Issues getting off the drive during peak times. The scheme requires a review of the infrastructure

25 Chandlers Ridge –

Concerns the scheme will make the existing car parking issues worse, including footpaths and driveways being blocked. It could result in more cars visiting the site and an increase in pollution. Issues of where the construction traffic will park. Questions the need for the extension.

1 The Resolution –

Concerns over the dangers to pedestrians with increased traffic.

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations for this proposal are the potential impacts on the character and appearance of the site / area, the impacts on the privacy and amenity of the neighbouring properties and impacts on parking provision and highway safety. These and other material planning considerations are considered as follows;

Character and appearance of the street scene

Core Strategy Policies DC1 (b) (General Development) and CS5 (g) (Design) require all new development to be of a high-quality design which fits in with the character and appearance of the area. The National Planning Policy Framework (NPPF) establishes that good design is a key to achieving sustainable development, indicating at paragraph 130 that planning decisions should ensure developments ***'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development' and are 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'***

The proposal details two classrooms on the western side of the existing school building, on an area currently used as hardstand / car park. The proposed design mirrors that of a previous extension to the school building and is considered therefore would be in keeping with the host building. It is detailed with a gable roof, windows and a brick finish. The extension is set in from the school boundary to the side and set a long way back from the highway to the front and also behind the buildings existing front elevation, all of which would allow the proposed extension to be subservient to the existing school buildings.

The proposed scale, materials and design of the proposed building are therefore considered to be of a suitable quality and accord with the guidance set out within paragraph 130 of the NPPF and Core Strategy Policies DC1 (b) and CS5 (g) in these regards.

Privacy and Amenity

Paragraph 130 (f) of the NPPF sets out that consideration should be given to development to **'create places which are safe, inclusion and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users'**.

Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.

The proposal for 2 additional classrooms would not change the existing use of the site but instead, would result in its intensification. The proposed extension building is single storey with windows facing the car parking area. The proposed building would be set approx. 15m from the nearest part of the school boundary to the side which is shared with residential properties. The adjacent properties which share a boundary with the school are set several metres further away from the boundary as each has its own rear garden. Whilst the upper parts of the proposed extension would be visible above the private rear garden fences, there would be sufficient intervening space to prevent undue impacts of privacy or amenity taking into account the design of the extension, there being a car park in between and as a result of its limited scale, would not be notably overbearing on the adjacent properties.

In these regards the proposal is considered to accord with the guidance set out in Paragraph 130 (f) of the NPPF and Core Strategy Policies DC1 (c).

Highway Safety

Objections have been received from neighbouring residents and similar concerns raised by the Parish Council over matters including car parking being limited already and the concern that this would be reduced by this scheme when the scheme will result in an increased demand for parking, with comments advising that staff already park in the surrounding streets. The concerns also relate to highway safety, highlighting that there is already a lot of traffic movements in the area at school opening and closing times and suggesting that the proposed scheme will make the situation worse if not addressed.

As part of the extension the car parking area will be partly built on and changes made to the car parking layout. Parking numbers are proposed to be reduced by 7 spaces from 29 to 22. It is understood that the school car park is currently only used by staff, visitors, and for deliveries. It is not available for use by the public or parents and this proposal will not change that situation.

With regards to the reduction in parking, the Tees Valley Highway Design Guide indicates that the school should provide 25 spaces, taking into account the proposed extension. The level of provision would only be 3 spaces below that set out in the design guide. In addition to this guidance the school have undertaken surveys which demonstrate that the parking is not fully utilised.

The Council's Highway's Officer has considered the proposals and considers that the level of parking is appropriate and that in order to further assist with car parking and school traffic, and to alleviate problems at peak times has suggested that conditions are applied to require the submission and operation of a Travel Plan and the provision of cycle storage for staff and others to utilise. These would require the school to actively plan for green travel movements, thereby reducing reliance on the private car by staff and others. Given the limited increase in the size of the school being proposed, and the limited shortfall of parking to those indicated as suitable within the Tees Valley Design Guide, it is considered these measures would reduce the likelihood of additional demand and would be sufficient to prevent any additional adverse impact of parking in the immediate area. Important to note is

that, whilst there may be ongoing issues of parking within the area, determining an application cannot be used as a measure to alleviate existing problems, but can reasonably be expected to prevent additional impacts being caused due to the proposed development. It is considered that the proposed conditions can be reasonable be justified.

As well as limiting impact on highway safety, this would limit impact on residential amenity caused by any additional access / egress of vehicles / movement of vehicles in the area.

Notwithstanding the above, it is recognised that parking in and around schools can and often is problematic, particularly for residents living in close proximity. Issues such as illegal parking and anti-social parking however are not issues that can be dealt with under planning legislation and are issues for traffic wardens and the police instead, should obstruction or dangerous driving occurring. Planning can influence the provision of parking within the site and elements such as the travel planning for the site in order to actively design in solutions to any impacts that are likely to occur.

Other matters

The development would not result in the loss of land used for sports or formal recreation. Given the location of the development on the school car park and an area used for bin storage. The scheme is acceptable in this regard.

The proposed scheme has indicated a construction compound within the site which should limit the extent of construction related activities within the wider area, although they will clearly be visible and audible to surrounding residents and will result in additional traffic related problems over the construction period.

Conclusion

The proposal has been assessed against local policy and guidance and the National Planning Policy Framework and is considered to be a high-quality development that is in keeping with the host building in terms of scale and design and would not have any undue impacts on privacy or amenity associated with adjacent properties. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with national and local policy and is therefore recommended for approval 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) Location Plan, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, received 27th July 2023

Reason: For the avoidance of doubt and to ensure that the development is carried

out as approved.

3. Materials - Matching

The materials to be used in the construction of the external surfaces (including windows) of the development hereby permitted shall match those used in the existing building, 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: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

4. Cycle Provision

The development hereby approved shall not be commenced until details of covered and secured cycle parking facilities have been provided in accordance with plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishings of the cycle parking facilities. The works shall be implemented prior to first occupation of the development hereby approved and thereafter retained in perpetuity for the sole purpose of parking cycles.

Reason: To ensure the adequate provision for the parking of cycles and to promote sustainable transport measures for visitors/staff/pupils having regard for policy CS4 of the Local Plan and Section 9 of the NPPF

5. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

6. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed extension 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 the NPPF. In addition the proposed works accords with the local policy requirements (Policies DC1, CS4, CS5 of the Council's Local Development Framework).

In particular the works are designed so that their appearance is complementary to the existing building and so that they will not have a detrimental impact on the amenity of any adjoining or nearby resident. The works will not prejudice the character and appearance of the area and will not significantly affect any landscaping nor 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

- **Rights of Access/Encroachment**
This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.
- **Deliveries to Site**
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.
- **Building materials on highway**
The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

Case Officer: David Gibson

Committee Date:

Appendix 1: Site Location Plan



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APPLICATION DETAILS

Application No:	23/0631/MAJ
Location:	Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN
Proposal:	Erection of single storey Secondary School building (class F1) with associated works including landscaping, fencing and extension to parking area
Applicant:	Jennifer Duncan
Company Name:	
Agent:	Michael Martos
Company Name:	
Ward:	Kader
Recommendation:	Approve Conditionally

SUMMARY

Planning permission is sought for the erection of a special educational needs (SEN) secondary school on the existing Discovery Academy site, which is on the northern side of Sandy Flatts Lane.

Whilst the application site is allocated on the adopted Local Plan Proposals Map as part of the Green Wedge, planning permission was granted in March 2021 for the creation of a SEN primary school at the site, which included a new school building and the associated playing areas and car parks. The land is, therefore, considered to have an established educational use.

The site is located on land that is designated as Green Wedge, and includes both Primary and Secondary Open Spaces. Whilst local policies seek to safeguard such land from development, it is the officer view that the provision of a Special Educational Needs (SEN) secondary school should be considered as an exception, as the development would have an over-riding benefit to the community as a whole, which would outweigh the loss of this part of the Green Wedge.

In addition to the above, it is considered that the proposed development would not result in the significant loss of open space. The application site occupies a relatively small area of the larger Green Wedge allocation, and that the green character and open appearance of the Green Wedge is not significantly harmed.

Given the above, it is the officer recommendation to approve conditionally.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site forms part of the Discovery Academy SEN primary school, which was granted planning permission in March 2021 and lies on the northern side of Sandy Flatts Lane. The application is detailed and all matters – including layout, scale, access, landscaping and appearance – shall be assessed.

The application is for the erection of a single storey secondary school building, which would be located to the east of the existing primary school building and to the north of the multi-use games area. As well as additional landscaping and fencing, the car park for the school will be extended to the south of the site.

The proposed school building would be part modular and part traditional building (the main hall) and would comprise part cladding, part timber and part brickwork to tie in with the existing adjacent primary school building.

PLANNING HISTORY

20/0565/EIASC
Screening opinion for proposed Discovery Academy
EIA Not Required
14th October 2020

20/0566/FUL
Erection of school building (Class F1) with associated outdoor-sports areas, parking and landscaping
Approved subject to S106 agreement
3rd March 2021

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).
- Stainton and Thornton Neighbourhood Plan (2022)

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:

CS17 - Transport Strategy
CS20 - Green Infrastructure
MWC4 - Safeguarding Minerals
MWP1 - Waste Audits
CS4 - Sustainable Development
CS5 - Design
CS16 - Education
CS18 - Demand Management
CS19 - Road Safety
DC1 - General Development
E2 - Green Wedges

E7 - Primary Open Space (Existing)
E10 - Secondary Open Space
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 the subject of the standard notification of neighbouring properties by letter drop, which includes 86 different addresses. The application was also advertised in the local newspaper and a site notice was displayed at the application site to ensure wider publicity.

Following the consultation period, 6 letters of objection were received from local residents (one of which was anonymous). The comments within the representations can be summarised as follows:

- a) Parking at drop off and pick up time causes disruption now along Sandy Flatts Lane and this would become worse. Pedestrians are forced to walk on the road.
- b) The car park expansion will not stop vehicles parking along Sandy Flatts Lane, as they already do, causing congestion and stopping free flow of traffic. Double yellow lines should be extended to prevent on street parking.
- c) There will be more noise from the additional traffic expected.
- d) The existing access road of Sandy Flatts Lane is not wide enough for the amount of traffic using it. The road needs to be widened to account for the vehicles, especially coaches, that will be using it.
- e) The primary school is nearly at full capacity, so how long until the existing primary school needs to increase again? The same can be said for this proposed secondary school.
- f) Trees need to be felled to accommodate the new building.
- g) The new building would have an overbearing visual impact.
- h) The existing school is an eyesore and out of character with the surrounding trees and green areas.
- i) The layout and density of the building seems inappropriate for the plot of land.
- j) The building is close to a live high pressure gas main.

Summary of Public Responses

Number of original neighbour consultations	86
Total numbers of comments received	6
Total number of objections	6
Total number of support	0
Total number of representations	0

Responses from Internal Technical Services

Planning Policy – No objections

The site is located on land that is designated as Green Wedge, and includes both Primary and Secondary Open Space which are areas that should be safeguarded from development. However, as the application regards the provision of a SEN secondary school, it may be considered that an exception can be made as the development would have an over-riding benefit to the community as a whole and would not result in the significant loss of open space.

Highway Planning – No objections subject to conditions

Car parking has been provided in accordance with the Tees Valley Highway Design Guide, the majority of pupils arrive by pre-planned managed travel, swept path analysis demonstrates that the internal layout is suitable, and a Travel Plan is currently being implemented and will be further conditioned. As such it is not considered that grounds could be sustained that there is a high likelihood that unmanaged car parking will occur to the detriment of free flow of traffic or highway safety.

Local Flooding Officer – No objections subject to conditions

The proposed drainage strategy is considered to be acceptable as it follows the principles as outlined in the flood risk assessment. Additional information is required, including details of the design, the management and maintenance of the drainage system.

Environmental Health – No objections subject to conditions

A validation report is required to ensure there are no contamination issues and that the school is safe for people to use. Conditions are also recommended to ensure the development is carried out in accordance with the submitted noise assessment and that a validation report is required to ensure the specified noise levels are achieved. A further condition is recommended to approve the external lighting layout.

Waste Policy – No objections

Secured By Design Advisor – No objections

The development should be developed to accredited secured by design standards.

Responses from Statutory and External Consultees

Northumbrian Water – No comments received

Northern Gas Networks – No objections

Initially issued a standard objection as the proposals are close to its intermediate pressure gas transmission system. The developer is to provide assurance to Northern Gas Networks that its assets will not be affected or that the relevant protective measures will be incorporated within the development proposals.

Cleveland Fire Service – No objections

No comments to make on the application, however Access and Water Supplies should meet the statutory requirements.

Health and Safety Executive – No objections

The development site is not within the consultation distance of a major hazard site or major accident hazard pipeline. The HSE has no interest in the proposals and does not advise against the application.

Environment Agency – No objections

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. The proposed development relates to the erection of a secondary school building and associated works at the existing Discovery Special Academy, Sandy Flatts Lane. The development will form an addition to an adjacent primary school building granted consent in March 2021 (20/0566/FUL), with building works completed in 2022.

National Planning Guidance

2. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF). The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (Paragraph 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 the closer policies are to those in the Framework (Paragraphs 224 and 225).

3. Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise.

4. Section 2 of the NPPF gives a broad outline on achieving sustainable development. To ensure sustainable development is pursued in a positive way, Paragraph 10 states that the presumption in favour of sustainable development is at the heart of the framework. Paragraph 11 requires development proposals that are in accordance with the development plan to be approved without delay.

5. Specific Government guidance for school related development is held within chapter 8 of the NPPF. Paragraph 99 within chapter 8 outlines that *'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They [LPAs] should (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications, and (b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

6. It is clear that the Government intends that decisions on planning applications should be in accordance with the relevant Development Plan and that new development should be in accordance with the relevant Development Plan for the area. However, other material considerations can be taken into account by the Local Planning Authority providing they are relevant to the development being proposed. The weight of these other material considerations and how they balance against the policies in the Development Plan is fundamental to the consideration of this application by Members.

Local Policy Context and Assessment

7. The development site is located on land that is designated as Green Wedge. In addition to this, the western part of the site is designated as Secondary Open Space and the eastern part as Primary Open Space. Given this allocation on the Proposals Map, Policies E2, E7, E10 and CS20 are applicable.

8. Local Policy E2 seeks to retain Green Wedges as open space and sets out several criteria where planning permission will not be granted. These include:

9. *Criterion (i) Development would include substantial building works.* Whilst it is acknowledged that the proposed building has been designed to be predominantly single storey to minimise its visual impact, it would involve substantial building works. The application could be considered to fail this criterion.

10. *Criterion (ii) Development would result in loss of grade 1 to 3a agricultural land.* The application site is classified as grade 3 agricultural land but has not been in agricultural use in recent years. Consequently, the development of the site would not result in any loss of land in productive agricultural use.

11. *Criterion (iii) Development would affect the predominantly open, green character of a Green Wedge or create undue nuisance or disturbance to occupiers of nearby properties or to quiet enjoyment of the open space.* The school site is located on the southwest edge of the Green Wedge and forms a relatively small area of the overall Green Wedge. As such, it is considered development of the application site would not be detrimental to the predominantly open, green character of the wider Green Wedge. The application has been supported by an acoustic report which sets out mitigation measures to ensure appropriate levels of noise.

12. *Criterion (iv) Harm visual amenity.* With the majority of the proposed development being single storey, it is considered this will assist in limiting its visual impact. Although some of the tree belt along the eastern boundary of the site are to be removed to enable the development, the majority of the trees on site will be retained and assist in screening and limiting the visual impact of the proposed building on the wider Green Wedge. When approaching the site from the south along Sandy Flatts Lane, however, the southernmost part of the site is proposed for the extended car park where no screening trees or landscaping is proposed. It is considered that this car park expansion could adversely affect the Green Wedge by extending the existing hardstanding landscaping, which is dominated by parked cars, hard surfacing and ancillary structures. Mindful of which, it is considered that boundary planting around this part of the site would assist to better integrate the proposed development with the surrounding natural environment and to retain the green character of the Green Wedge and Secondary Open Space. A condition can be recommended to secure appropriate planting as part of the development.

13. *Criterion (vi) Impair public access to Green Wedges or compromise greenlinks.* It is understood that the proposed school site is not located on land that the public have a right of access over. A greenlink runs immediately adjacent to the east of the site, but it is the officer's view that the proposed development would not negatively impact on public use of the greenlink.

14. *Criterion (viii) Reduce the physical separation between existing development.* With the recent development of the Discovery Academy SEN primary school at the site, it is considered that there will be no additional harm to the physical separation between existing development. Whilst the existing primary school inevitably reduced the physical separation between development, the proposed development would be within the boundaries of the

existing school and does not significantly encroach into the existing surrounds. It is considered that any adverse visual impacts from the development could be mitigated by additional soft landscaping and planting around the boundaries of the site.

15. Policy E7 seeks to safeguard allocated Primary Open Space from development. The Policy does, however, allow development that is of over-riding benefit to the community as a whole provided that it would not result in the significant loss of specified types of open space, including open space within a Green Wedge. In this case, it is considered that the provision of a SEN secondary school would be of over-riding benefit to the wider community. Moreover, the area of Green Wedge to be lost is considered to be relatively small compared to the broader Green Wedge in the locality, which will be retained. The Primary Open Space that is included within the eastern part of the application site is a relatively thin strip of land, which would accommodate part of the building but would remain largely grassed or feature other soft landscaping. The proposals retain parts of the tree belt within the Primary Open Space along the eastern boundary, which would help to protect its visual and landscape value.

16. Policy E10 advises that planning permission will only be granted for development on Secondary Open Space where it would not result in a loss of an area of significant recreational, visual or amenity resource or of significant nature conservation value. In all cases, the policy states that the predominantly green character of the open space should be retained. The proposed layout illustrates that the northern part of the wider school site would be retained grassed as part of the Secondary Open Space and preserves the predominantly green character of the Green Wedge.

17. Policy CS20 advises that the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted. The Policy specifically identifies Middlesbrough's 'green lung' and Green Wedge as part of the strategic network, which the site is located within. As already stated in relation to Policy E2 above, development of the site would result in the loss of a relatively small area of Green Wedge, though it is considered that additional tree planting and soft landscaping would help to minimise the impact of the development on the integrity of the wider Green Wedge.

18. Policy CS5 requires all development proposals to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. This includes criterion (c) *ensuring development is well integrated with the immediate and wider context* and criterion (f) *ensuring a quality of new development that enhances both the built and natural environments*. Evidently, the site is recognised as a sensitive location being within the Green Wedge. It is important therefore that the design integrates well with the existing primary school and the surrounding natural environment.

19. With a single storey height, the building is relatively low and considered to be unimposing in this Green Wedge setting. Not only are the chosen materials (which include brickwork and timber cladding) within the building intended to complement the existing primary school, but they are considered to reflect the context of the surrounding environment – the brickwork reflecting the housing at Sandy Flatts Lane and the timber cladding responding to the open nature of the Green Wedge.

20. Policy CS4 requires all development to contribute to achieving sustainable development. This includes criterion (d) *that everyone should have access to the education facilities they need*. It is the officer view that the proposed secondary school will assist in providing access to education facilities for pupils, in particular, those with special educational needs.

21. Policy CS16 seeks to ensure that everyone has access to the facilities required to meet their educational needs. The Policy sets out criteria when considering the provision of new schools. These include that: a high quality learning environment is created, opportunities to incorporate other related educational and community initiatives are considered, that the design and materials minimise maintenance and running costs, and that the education facility is accessible to the catchment it is designed to serve. It is considered that the proposed development will provide such facilities to help improve the quality of the learning environment for pupils with learning disabilities and special education needs and disabilities.

22. Policy DC1 requires the effect of development on the Green Wedge to be limited, that the visual appearance and layout of development is high quality, that existing transport infrastructure has capacity for the development with no impact on highway safety, and that the amenities of occupiers of nearby properties is protected. The visual appearance and layout of the proposed development have been discussed and considered to be of a good quality and acceptable in this location.

23. In terms of the impacts on the amenities of neighbouring occupiers, the nearest properties to the site are over 200 metres to the west. Moreover, the existing primary school shields the proposed building from these residential properties. It is considered that this separation distance combined with the intervening existing primary school would result in no undue harmful impacts on the living conditions of existing occupiers.

24. A new bin store would be created to accommodate the proposed development, which would be positioned on the western side of the school site within the car park and adjacent to the existing cycle store. Whilst this position is nearest to the existing residents, it is considered unlikely that the bin store would be harmful to the residential amenities of nearby occupiers, which are over 100 metres away. The location of where bins and cycles are stored is not something that usually requires planning permission, only the enclosures behind which they would be stored. Being within the car park, the bin store would occupy a fairly prominent location. However, it would be reasonably well screened by parked cars and the soft landscaping at the front of the site. As no finishing details for the bin store have been submitted, a suitably worded condition is recommended to secure these finishing materials are sympathetically designed and do not have an adverse impact on the Sandy Flatts Lane streetscene.

25. A secure 2.4-metre-high weld mesh fence is proposed around the extended car parking area, which would match the existing fence and considered to be acceptable. No other existing boundary treatments at the site would be altered.

Transport Implications

26. Policy CS17 requires all development to be located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS19 seeks to reduce the impact of traffic and improve road safety and the quality of environment through school travel plans and safer routes to schools. It is noted that a Travel Plan has been submitted in support of the planning application. Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options.

27. As noted, Policy CS4 requires all development to contribute to achieving sustainable development, which includes criterion (i) locating developments that attract large numbers of people in locations accessible by sustainable forms of transport. The site is in relatively close proximity to the bus network 'super core' route along Acklam Road and there are

further bus stops along Ladgate Lane, providing a further sustainable transport option for school staff.

28. As the development proposals seek to create further parking as part of the extension to the existing Discovery Academy school, the traffic implications of the proposed development need to be considered.

29. The proposals will utilise the existing entrance points into the site and extend the car parking within the site from internal access points.

30. The development will result in the following increases:

	Existing	Proposed	Net Change
Pupils	118	188	+70
Staff	74	114	+40
Car Parking	48	80	+32
Mini bus	10	20	+10
Charging Points/spaces	0	4	+4

31. Concerns have been raised previously regarding the suitability of Sandy Flatts Lane, the traffic generation and parking associated with the proposed schools. The primary school already exists and, as such, the consideration of the impact on the highway is the change in volume/usage associated with the proposed secondary school development. Sandy Flatts Lane in terms of its geometry (width of the carriageway, centreline radius, achievable sightlines etc.) is considered to meet all local and national guidance. As such, there are no highways nor planning grounds to seek any changes nor improvements to the highway.

32. There are a number of factors that are specific to this school and these proposals that makes the way it operates different to other schools. Due to the needs of the pupils and size of catchment, it is unlikely that pupils will utilise active travel to get to school, meaning the school has a higher reliance on vehicular access. However, the impact of this is minimised, as the majority of children are brought in by minibus, which surveys have demonstrated to have an average occupancy of 10 children. The proportion of children brought in individual cars is low and, given the needs of the pupils, the tendency seen at other schools for parents/carers to park on the adjacent highway and wait is not as considered to be as prevalent.

33. The applicants have provided the following data on how staff and pupils travel to school based upon surveys.

EXISTING (PUPILS)				PROPOSED (PUPILS)		
Mode	No.Pupils	%age Pupils	Vehicles	No.Pupils	%age Pupils	Vehicles
Walk	0	0	0	0	0	0
Cycle	0	0	0	0	0	0
LA Taxi	4	3	4	4	2	4
LA Minibus (Avg 10 pupils per minibus)	119	86	12	160	85	16
Parent/Guardian Car	16	12	16	24	13	24
Public Bus	0	0	0	0	0	0
Train	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	139	100	32	188	100	44 (+12)

EXISTING (STAFF)				PROPOSED (STAFF)		
Mode	No.Staff	%age Staff	Vehicles	No.Staff	%age Staff	Vehicles
Walk	3	4	0	5	4	0
Cycle	1	1	0	1	1	0
Car (assume single occupancy car)	64	86	64	89	78	89
Public Bus	2	3	0	4	4	0
Train	0	0	0	0	0	0
Other	4	5	0	15	13	0
TOTAL	74	100	64	114	100	89 (+25)

34. The tables above demonstrate that the increase in vehicle movements would be 49 two-way vehicle movements.

35. Of the trips, only pupil movements are likely to occur during the traditional highway AM/PM peak periods, when demand on the network is at its greatest. Pupil trips will generate an increase in 24 two-way movements (12 inward and 12 outward). Whilst there is an increase in 25 staff movements over the existing situation, staff will arrive at work and leave outside of the tradition peak periods when there is greater capacity on the network. As with all schools, this increase in traffic generation will only occur during the school peak periods in term time only and outside of these periods such traffic will not be generated by the site.

36. Aimsun modelling work submitted with the original consent for the school demonstrated that the existing school would not have a material impact on the operation of the adjacent highway network, nor be of a level that could be demonstrated to be severe as per the requirements of the NPPF. Officers are of the view that the likely increase in traffic associated with the new secondary school building would not change this position.

37. A Travel Plan was secured through the previous consent for the school, and this is recommended to be conditioned again to cover the proposed building. The Travel Plan will focus more on staff travel and, among other initiatives, seek to encourage staff to car share and use alternates to the private car in order to further manage car parking on site and minimise vehicular impact.

38. The surrounding highway is protected from indiscriminate parking by waiting restrictions, which can be enforced by the Highway Authority. In numerous appeals, the Planning Inspectorate has taken a clear stance that refusing applications on the grounds of unmanaged parking on the highway is unlikely to be successfully defended where Traffic Regulation Orders or other tools at the disposal of Highway Authorities are available to address and manage such concerns.

39. Car parking for the proposed development has been provided in accordance with the Tees Valley Highway Design Guide. With the majority of pupils arriving by pre-planned managed travel, it is considered that this limits the adverse impacts of unmanaged car parking on the adopted highway, which may be to the detriment of free-flowing traffic. Swept path analysis has been submitted with the application that demonstrates that the internal layout is suitable and allows for all vehicles arriving at the site to leave in a forward gear. With the further conditioning also of a Travel Plan, it is considered that the likelihood of unmanaged car parking occurring at the site will be low, and there would be no significant impacts on the free flow of traffic or highway safety.

40. Given the above factors, there are no objections to the scheme from a highways perspective, subject to conditions requiring the works being in line with a revised Travel Plan, the implementation of the cycle store and parking areas before occupation, and a method of works statement to protect the existing highway.

Flood Risk and Drainage Implications

41. Given the area of the site and the sensitivity of the use, the application has been submitted with a Flood Risk Assessment (FRA). The site is within flood risk zone 1, which is recognised as an area with low probability of flooding.

42. The submitted drainage information has been considered and it is noted that the surface water design and strategy follow the principles as outlined in the FRA and drainage strategy, but some of the points need clarifying and may still have an impact on the final design.

43. It is understood and accepted that SuDS features below ground are to be used due to the use of the site and their location, and that appropriate pollution mitigation methods are to be implemented. It is noted that surface water will be discharged into the surface water network across the rest of the site, which is currently restricted to 6.3l/s before entering the NWL sewer system. It is accepted that the discharge rate from the proposed development will be limited by way of a vortex hydrobrake to less than the identified greenfield run-off rate. The discharge is into a network that has already been calculated and restricted, so clarification is required on the impact that this additional flow will have on the existing network, and if it has the capacity to take the additional flow/storage within the network.

44. While the proposed drainage plan follows the principles as outlined in the FRA, limited information has been provided in relation to the maintenance and management of the drainage system. Information has been provided within the FRA appendix on Drainage Maintenance Schedules, although clarification is required on the precise details as this appears to cover all types of assets, including those not provided. The FRA recommends

that flood resistant/resilient construction techniques are utilised, but information would be required on how this would be achieved.

45. While it appears that there is no flooding from manholes during the 1 in 100 +45% for climate change, confirmation is required on the 1 in 200-year event plus climate change. If flooding is anticipated, a plan is required showing exceedance routes.

46. The submitted drainage information has been considered by the relevant drainage authorities who are satisfied with the proposed strategy as it follows the principles as outlined in the submitted Flood Risk Assessment. However, conditions in relation to the maintenance and management of the drainage system, as well as details of surface water arrangements, are recommended to secure appropriate details.

Health and Safety Considerations

47. The proposed development has been considered using the Health and Safety Executive (HSE) web app. It has been identified as a site that does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline. The HSE does not need to be consulted on any developments on this site and does not advise against the proposed development.

48. Northern Gas Networks initially issued a standard objection to the application, as the proposed works are considered to be close to its intermediate pressure gas apparatus. The developer is to provide Northern Gas Networks with assurances that the works either do not impact upon its assets or that protective measures will be put into place during the construction phase.

49. A detailed Site Investigation and Gas Monitoring reports were submitted with the application, which have been considered by the Council's Contaminated Land Officer. Whilst the findings of the report are accepted, gas mitigation measures will be required as a minimum for the traditional built structures (the main hall of the building). A condition is recommended for a validation report to be submitted post construction to ensure all necessary mitigation measures are implemented.

Ecological Considerations

50. Due to the overall scale of the proposed development and its siting in the Green Wedge, it is important to ensure that there are no adverse impacts on any protected species, flora and fauna, and that the development provides biodiversity net gain as required by national planning guidance. The National Planning Policy Framework (NPPF) provides protections for important sites and wildlife and makes provisions for the delivery of biodiversity net gain. The latest published version of the NPPF strengthens policy wording on biodiversity net gain.

51. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity value, and minimising impacts on and providing net gains for biodiversity. Paragraphs 185 and 186 continue by stating that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

51. The application was supported by an overarching preliminary ecological appraisal, which assesses the likely impacts of the proposed development on local wildlife, with particular note to bats, reptiles, amphibians, birds and badgers. The survey concludes that there are no potential roosting features for bats but is appraised as having moderate value for bat activity. To avoid impacts upon bat activity, the report recommends that dark and unlit corridors should be maintained around the site, which would allow bats to pass through the site unhindered by artificial lighting.

52. The report advises that a bespoke amphibian and reptile method statement should be undertaken, as there are habitats in the area that have potential for amphibians and reptiles. For badgers, the survey advises that all excavations be covered at night to avoid accidental trappings.

53. Noting the proposed removal of a number of trees, the survey recommends that all tree removal should be completed outside of the main nesting season. If this is not possible, all suitable habitats should first be checked by a suitable ecologist. As well as this, the survey recommends artificial bird nesting features to be incorporated within the scheme.

54. Conditions are recommended to secure the appropriate protection and mitigation during and after construction principally through adherence to the submitted preliminary ecological appraisal, and a separate condition is recommended to ensure the requirements of biodiversity net gain are met.

Residual Matters

55. The application has been supported by an arboricultural assessment, which has been undertaken by a qualified arboriculturalist. As noted earlier, a number of trees are to be removed to enable the construction of the building but the assessment identifies that all these trees to be removed are categorised as either B (moderate quality) or C (low quality); no trees to be removed are considered to fall under category A (high quality). Although it is preferable to retain as many moderate quality trees as possible, it is considered that replacement planting can compensate for the trees lost to make way for the development. A suitably-worded condition is recommended to secure new planting.

Conclusion

56. Although the proposed development could be considered contrary to Policy E2 (Green Wedge), like the SEN primary school development that preceded it, it is considered that the benefits of the proposed special educational needs secondary school to the community as a whole outweighs the loss of this Green Wedge. Moreover, the site area is a relatively small area of the larger Green Wedge allocation, which extends as far north as Linthorpe and as far east as Marton Road. As for the lost piece of Green Wedge, it is considered that if tree planting and landscaping were to be incorporated within the application site boundary, this would reduce the visual impact of the development on the Green Wedge.

57. Overall, the officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

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 accordance with the following approved plans:

- a) Location Plan (1901 Rev P01)
- b) Proposed Block Plan (1804 P01)
- c) Proposed Site Plan Part A (1805 Rev P01)
- d) Proposed Site Plan Part B (1806 Rev P01)
- e) Proposed Ground Floor Plan (1003 Rev P01)
- f) Proposed Roof Plan (1004 Rev P01)
- g) Section AA BB (3002 Rev P01)
- h) Section CC DD (3003 Rev P01)
- i) Proposed Elevations (2002 Rev P01)
- j) Proposed Landscape Plan (Illustrative) (0001 Rev 04)

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

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the use of satisfactory materials.

4. Validation Report of Gas Mitigation Measures

Before the occupation of any part of the development hereby approved, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall confirm that all the proposed remediation works set out in the GEO Investigate Phase 2 Intrusive Site Investigation Report (G23325) were completed before occupation of any part of the site or school building hereby approved.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity and the amenities of the potential occupiers of the site.

5. Noise Assessment

The approved use shall be developed in full accordance with Noise Assessment Reference P6648-R1-V1 submitted to the Local Planning Authority as part of the application. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for written approval.

Reason: To ensure a satisfactory form of development in the interests of the

amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

6. Sound Testing – Validation Report

Prior to the first use of the development hereby approved, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority. Such validation testing shall be carried out in accordance with the approved noise assessment and demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

7. External Lighting Layout

The approved use shall be developed in accordance with the External Lighting Layout, Reference OPP1310401 submitted to the Local Planning Authority. Any deviations from the layouts made in the strategy shall be submitted to the local planning authority for written approval.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

8. Surface Water Drainage Details

Prior to the commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the HSP2023-C4478-CandS-FRAS1-1772 (Revision B), Dated 20 November 2023 and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include, but not be limited to:

- i. The surface water discharge from the development must be limited to a Greenfield run off rate (Q_{bar} value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- ii. The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.
- iii. The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.
- iv. Provide an outline assessment of existing geology, ground conditions and permeability.

- v. The design shall take into account potential urban creep.
- vi. The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedence routes)

This should be accomplished by the use of SuDs techniques, if it is not possible to include a sustainable drainage system, details as to the reason why must be submitted.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

9. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- i. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- ii. Details of any control structure(s) and surface water storage structures
- iii. Details of how surface water runoff from the site will be managed during the construction Phase
- iv. Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

10. Surface Water Drainage Management and Maintenance Plan

The development shall not be occupied until a Management and Maintenance Plan for the surface water drainage scheme has been submitted and approved by the Local planning Authority; the plan shall include details of the following:

- i. A plan clearly identifying the arrangements for the adoption of the surface water system by any public authority or statutory undertaker (i.e s104 Agreement) and any other arrangements to secure the operation of the scheme throughout its lifetime.
- ii. Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

Reason: To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

11. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans,

and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

12. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details:

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

13. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

14. Soft Landscaping

Prior to the occupation of the school hereby approved, a detailed scheme for tree planting and associated soft landscaping works based on the indicative landscaping proposals drawing and the requirements set out in the Wildlife Mitigation condition shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include details of the proposed trees to be planted, including their species, size and location. The tree planting and associated landscaping works shall take place during the first available planting season (October-March) following the completion of building works on the site. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

15. Landscape Management Plan

A landscape management plan, including management responsibilities and maintenance schedules for a minimum of five years, and including arrangements for its implementation, for all landscape areas shall be submitted to and approved in

writing by the Local Planning Authority prior to the occupation of any part of the development for its permitted use. Thereafter, the approved landscape management plan shall be carried out as approved.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

16. Replacement Planting

If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the general amenities of the area and a satisfactory landscaping scheme.

17. Details of Boundary Treatments

Notwithstanding the approved plans, prior to their installation, details of all boundary treatments for the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details for submission shall include the design, specification and positioning of the boundary treatments. Any approved boundary treatments shall then be implemented as part of the development hereby approved.

Reason: In the interests of the visual amenities of the local area and the character and appearance of the Green Wedge.

18. Details of Refuse Store

Prior to the first use of the development hereby approved, details of the proposed refuse store for the school shall be submitted to and approved in writing by the Local Planning Authority. The details for submission shall include the finishing materials and elevations of the refuse store based on the proposed location as shown on the approved drawings. Any approved specifications for the refuse store shall then be implemented as part of the approved development and retained in perpetuity.

Reason: To ensure an appropriate refuse store design that does not harm the visual amenities of the local area.

19. Ecology – Mitigation During Construction

The mitigation measures detailed below, and as set out in the approved Preliminary Ecological Appraisal – Final Report (Version 2) (issued 24.11.2023) by Archer Ecology, shall be implemented as part of the construction works of the development hereby approved.

- a) External lighting that may reduce bat use of the site will be avoided.
- b) All excavations should be covered at night to avoid the accidental trapping of badgers and other terrestrial mammals, such as hedgehogs. It is further advised that a check for badger setts is completed immediately prior to any ground-breaking or compaction activities.
- c) The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in

accordance with the guidance given by BS5837:2012.

- d) All works will be undertaken to a precautionary amphibian method statement.

Reason: To protect and enhance the ecology and biodiversity of the site and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development having regard to policy CS4 of the Local Plan and section 15 of the NPPF.

20. Wildlife Mitigation

Additional mitigation measures to enhance biodiversity at the site, as set out in the approved Preliminary Ecological Appraisal – Final Report (Version 2) (issued 24.11.2023) by Archer Ecology, and others detailed below, shall be implemented prior to the first use of the development hereby approved.

- a) Installation of bird boxes within retained trees or on the new building
- b) Creation of log piles suitable for refugia for small mammals and amphibians
- c) Creation of wildflower areas within the retained grassland. Any introduced landscaping incorporates native, species-rich plants and shrubs of local provenance. Species of greatest value to pollinators, and other aerial invertebrate should be sought as this offers a greater potential food source for locally foraging bats, mammals, avifauna and herpetofauna
- d) Landscape design will seek to include hedgerow/scrub planting utilising locally native species of wildlife value.
- e) In order to avoid impacts upon nocturnal bat activity, dark and unlit corridors should be maintained around and across the site, allowing bats to pass through the site unhindered by artificial lighting. Should any artificial lighting be introduced on the site, this should be directed away from potential foraging features, including woodland, scattered trees and dense scrub established along and immediately beyond the site peripheries. Introduced lighting should be positioned at a minimum of 7m from any existing tree lines. Mercury or metal halide lamps must also be avoided. The hours of illumination could be restricted to provide a minimum of 8 hours of darkness per night. Introduced lighting should further comprise a maximum of 1 lux which is comparable to moonlight conditions.

The details of the mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and retained as part of the development in perpetuity.

Reason: To enhance habitats for wildlife in accordance with the requirements and guidance of the National Planning Policy Framework.

21. Site Clearance and Protection of Nesting Birds

Any works to clear the site in preparation for development (including removal of vegetation and any groundworks) should be initiated outside of the bird breeding season (March to October). If preparatory site clearance works cannot be undertaken outside of the bird breeding season, a suitable methodology for undertaking site clearance works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved methodology shall be carried out on site.

Reason: To provide adequate protection for nesting and breeding birds.

22. Biodiversity Net Gain

Prior to the commencement of the development hereby approved, a detailed ecological appraisal for the purposes of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The appraisal shall assess the ecological value of the existing site and identify measures to secure a net measurable gain in biodiversity of at least 10% when measured against the pre-development biodiversity value of the development site. Any approved scheme for biodiversity net gain shall then be implemented prior to the first use of the development hereby approved and retained in perpetuity.

Reason: To protect and enhance the ecology and biodiversity of the site and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development having regard to policy CS4 of the Local Plan and section 15 of the National Planning Policy Framework.

23. Floodlighting

No floodlighting shall be erected other than in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development (including light spill), and the hours of operation of the lighting in accordance with the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light 2011'. The construction and use of the floodlighting shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of the amenities of nearby residents and local wildlife having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

REASON FOR APPROVAL

This application is acceptable as the proposed SEN secondary school and associated works is in full accordance with the relevant national and local planning policies.

In particular, the proposed development adheres to the principles and guidance contained within the National Planning Policy Framework and the policies regarding sustainable development, the efficient use of land, transport and accessibility, appropriate measures to mitigate flood risk, conserving and enhancing the historic environment, and it would not be detrimental to the amenities of local residents and other neighbouring uses. Although the proposed school development would be situated in a location being allocated for Green Wedge, the benefits of the proposed development for the wider community are considered to outweigh the lost part of Green Wedge.

Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Informatives: Highways Related Matters

Works to Highway - S278

The proposals will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act. The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

Informative: Drainage Related Matters

Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

Informatives: Cleveland Fire Service

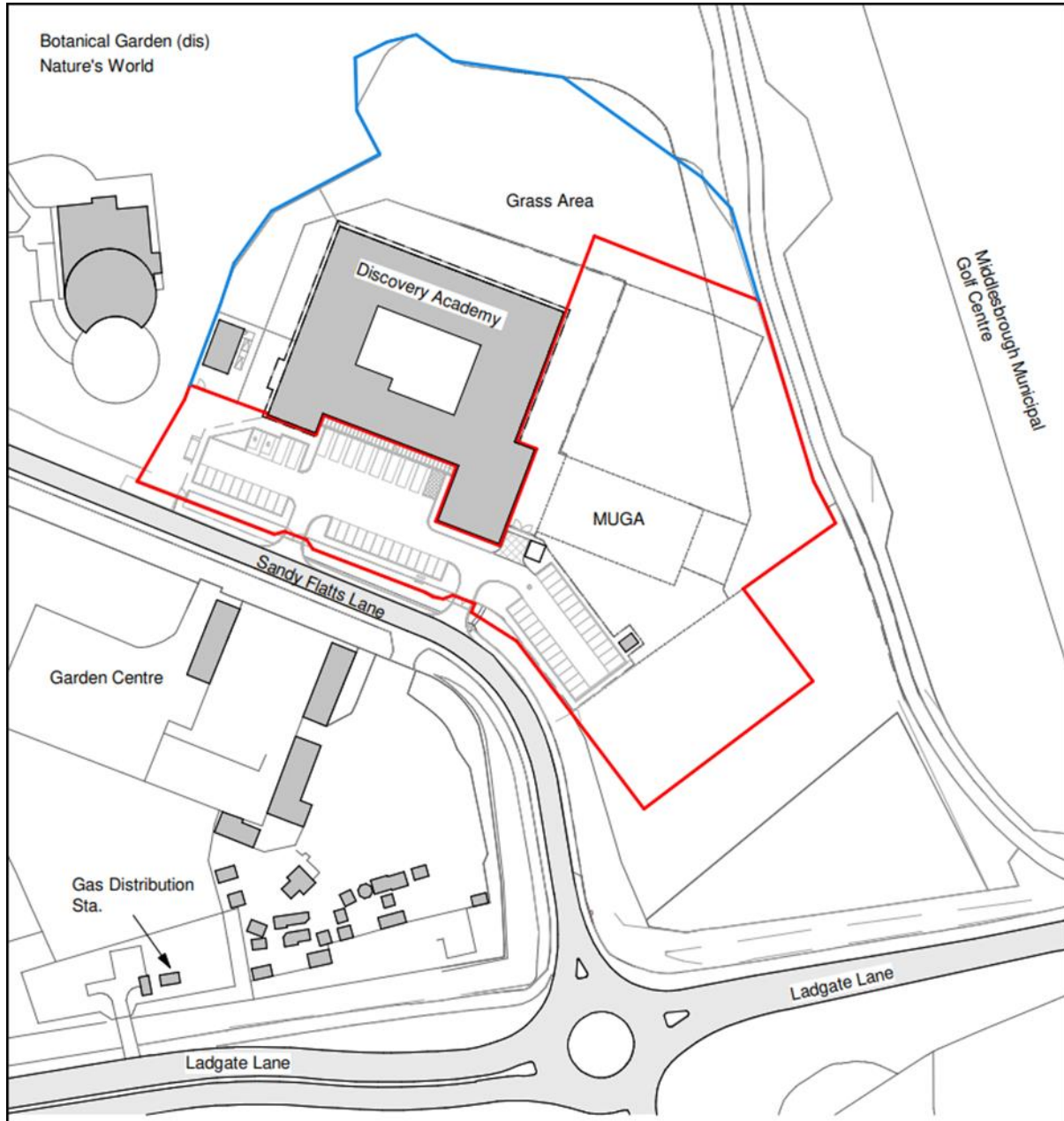
Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety. It is therefore recommended that as part of the submission consideration is given to the installation of sprinklers or a suitable alternative AFS system.

Case Officer: Peter Wilson

Committee Date: 8th February 2024

Location Plan



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APPLICATION DETAILS

Application No:	23/0661/FUL
Location:	4, Hall Drive, Middlesbrough, TS5 7EN
Proposal:	Retrospective extensions and alterations to garage to side to create residential annex
Applicant:	A Ghafoor
Agent:	Benson Themuka
Ward:	Kader
Recommendation:	Approve Conditionally

SUMMARY

Planning permission was originally granted in September 2020 (20/0316/FUL) to convert and extend the existing attached side garage to form a residential annex. Post commencement, however, the attention of the Council was brought to unauthorised works, which included the construction of three dormer windows fronting Hall Drive (instead of the approved one dormer), a flat-roofed box-like rear dormer (instead of the approved one small dormer), and a single storey extension to the rear of the annex with flat roof and parapet detail. An application was subsequently submitted seeking to regularise the unauthorised works (21/1048/FUL) which was refused, then dismissed at appeal.

Although the Inspector dismissed the appeal (Inspector's decision letter is attached as Appendix 3), the Inspector found no harm from the three dormers fronting Hall Drive, the appearance of the front elevation facing Hall Drive, or the single storey extension and its flat roof. The main reason for the appeal being dismissed was the box-like rear dormer, although the Inspector noted that a catslide roof on this dormer – to match the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling – would not be unduly harmful. The current application seeks approval for the works which the Inspector identified not to be harmful.

Given the above, it is the officer recommendation to approve conditionally.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a large 1.5-storey dwelling situated on a generous cornerplot location where Hall Drive meets Acklam Road. The property is well screened from Acklam Road by the belt of mature trees that line the street. The side of the property faces onto Hall Drive.

Retrospective planning permission is sought for:

1. Three narrow pitched-roof dormer windows on the side elevation facing Hall Drive.
2. Re-arrangement of windows and doors on the side elevation facing Hall Drive and the introduction of a garage door.
3. Single storey extension with flat roof and parapet detail. The extension measures 4.5 metres in length from the previous side wall of the annex and has a total height of 3.5 metres to the top of the parapet roof.
4. Dormer window on side elevation facing the rear garden with catslide roof over.

PLANNING HISTORY

There are three relevant applications relating to the annex at this site.

M/FP/0457/14/P

Conversion of existing garage and extensions to provide 1no dwelling with associated access and boundary treatments
Refused 11.06.2014

20/0316/FUL

Conversion of garage and extension to side and rear to create a residential annex
Approved 09.09.2020

21/1048/FUL

Retrospective extensions and alterations to garage to side to create residential annex
Refused

Whilst the appeal was dismissed (see Appendix 3), the Inspector:

- Identified no harm from the front dormers subject to the construction of pitched roofs over.
- The Inspector considered the elevation fronting Hall Drive to be acceptable.
- The single storey extension at the rear was deemed not to be harmful to the neighbouring property. The flat roof with parapet wall detail was considered by the Inspector to be a reasonable compromise and would not cause harm to the character and appearance of the area.
- The only harm the Inspector identified was the flat-roofed box dormer, which the Inspector found to be an incongruous and visually dominant addition and one that would appear out of keeping with the design of the original dwelling. The Inspector noted, however, that a box style dormer with a full catslide roof on the annex would not be unduly harmful as it would be read as an extension to the existing dormer (paragraphs 8-9). I note the current plans show a catslide roof arrangement.

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).
- Stainton and Thornton Neighbourhood Plan (2022)

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
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 was subject to the standard notification of neighbouring properties, which included a letter drop to 12 different addresses. A press notice was placed in the local paper giving wider publicity.

Following the consultation period, **three letters of objection** were received. The comments within the representations can be summarised as follows:

- The application has already been denied.
- No changes have been made and the building work is not legal.
- The originally approved two bedroom annex has now become a separate three bedroom property with a much larger footprint.
- The conservatory walls are intrusive as are the lights on the rear of the building due to the proximity to our [neighbour at No. 6] reception room.
- Loss of amenity, being overlooked, infringement of privacy, negative impact on the use of our garden and rear reception room.
- There is no interconnecting door between the property and the annex which makes it a separate dwelling, despite plans showing it is an annexe.
- This new application now creates a separate three bedroom property, which will overlook the main dwelling house and could be rented out or even sold separately in the future.
- The amended plans have not made any changes to the original issues and so the building is still not in keeping with neighbouring architecture. It negatively impacts the street scene.
- The application still does not meet the Urban Design SDP, in respect of the dormer windows.
- This revised application does not address the concerns of the Planning Inspector.
- The original application back in 2016 had an internal link to the existing property. This has now disappeared. If approved this application could be considered a separate dwelling and not an annex and represents what was refused under M/FP/0457/14/P.

Summary of Public Responses

Number of original neighbour consultations	12
Total numbers of comments received	3
Total number of objections	3

Total number of support	0
Total number of representations	0

Responses from Internal Technical Services

Conservation Officer – No objections

Following a dismissed appeal, this retrospective application proposes to retain and alter some extensions and alterations to the garage to create a residential annex. Whilst the dwelling does not typify the best of traditional development in Acklam Hall Conservation Area, it is on a prominent and leafy corner plot at one of the entrances to the Conservation Area.

In the appeal, the Inspector found harm to the character and appearance of the area arising from the flat roofed box dormer on the side elevation of the annex facing the rear garden of the original dwelling. This element has been improved through the addition of a catslide roof. The Inspector also raised the impact of the built flat-roofed dormers, which was in the initial application and is proposed here to add pitched roofs to, which is an improvement. The result is an improved scheme, better guided by the host dwelling.

The proposed development should not cause harm to Acklam Hall Conservation Area, in accordance with policies CS4 and CS5 of the Middlesbrough Core Strategy and with paragraph 203 of the 2023 National Planning Policy Framework.

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. Planning approval was originally granted in 2020 for the construction of an annex at the application site (20/0316/FUL), which would be created through the conversion and minor extension of the former garage to the side of the property. During construction, it was brought to the Council's attention that the build was being constructed contrary to the approved drawings.
2. An application was subsequently submitted to the Council seeking retrospective consent for various works at the site (21/1048/FUL), which included the construction of three dormer windows fronting Hall Drive (instead of the one approved dormer), a flat-roofed box-like rear dormer (instead of the one approved small dormer), and a single storey extension to the rear of the annex that incorporated a flat roof and parapet detail. The Council refused this application as the various elements of the scheme were deemed to be harmful to the conservation area and the amenities of the occupiers of the neighbouring property.
3. The current application has been submitted following on from the conclusions of the Planning Inspector who dismissed the appeal on 27th July 2023 (see appendix 3).
4. It is important to clarify that the following paragraphs shall not assess the principle of an annex at the property, which was given due consideration under the original approved application (20/0316/FUL) but shall focus on the various elements of the constructed works, which includes the three constructed dormer windows facing Hall Drive, the revised fenestration arrangement and garage door facing Hall Drive, single storey extension with flat roof within the rear garden, and large dormer window facing the rear garden.

Site Context

5. The application dwelling is a detached bungalow that is considered to be infill development, in terms of the traditional and historic development nearby. Built at some point between 1960 and 1988 (according to historic maps), it is the only development that has ever stood on the site. The surrounding uses are primarily residential, with some education and commercial (in the uses in Acklam Hall) further from the application site. The application dwelling is in the suburb of Acklam, formerly a village, south of Middlesbrough's urban area.

Character and Appearance of the Area

6. The application property occupies a substantial corner plot which is primarily characterised by a significant number of mature trees, particularly along the western boundary with Acklam Road through which glimpses of the house can be seen.

7. The property is positioned close to the eastern boundary of the plot, orientated with its principal elevation fronting Acklam Road, although its access is taken from Hall Drive. While there is a large close boarded timber fence along this boundary, it is from this point that the property makes an impression on the street scene, as there is less tree cover, and the steep roof pitch is visible high above the fence.

8. The property is unique in its design and appearance, being of a different period to most of the two-storey semi-detached pairs further east on Hall Drive and those on Acklam Road. The property is a dormer bungalow; however the scale and design of the roof in particular give the impression of it being on a similar scale to the neighbouring two-storey properties.

Heritage Assets

9. The application site lies within Acklam Hall Conservation Area. Acklam is first recorded on the Domesday Survey of 1086. Church Lane is the historic core of the village of Acklam but most of the buildings date from the mid or late twentieth century and are of limited interest.

10. During the first half of the seventeenth century, the estate was acquired by William Hustler; his grandson, Sir William Hustler, built the present Acklam Hall in c.1683. Hustler also laid out extensive gardens around the house and the avenue of trees stretching south. It is the only Grade I Listed Building in Middlesbrough and the surrounding Conservation Area includes Locally Listed St Mary's Church, Danby House, South Lodge and West Lodge. The significance of the Conservation Area lies in Acklam Hall, being oldest surviving country house in Middlesbrough, its grounds and ancillary buildings, which are now surrounded by suburbs.

Assessment of Constructed Works and Proposals

11. For ease of consideration of the constructed works and those proposed in the latest drawings, the following shall assess the different aspects of the development

Front Elevation (fronting Hall Drive)

12. The 20/0316/FUL approval included a single, moderate-sized dormer window positioned centrally within the roof plane. Two rooflights are included either side of the dormer window. The annex has since been constructed with three narrow dormer windows and it is proposed to incorporate pitched roofs over each to improve their appearance.

13. The Council's adopted Urban Design SPD notes that 'dormer extensions to the roof of a house can drastically alter the appearance of the property. The SPD adds that the general rule is to attempt to minimise the visual impact of the dormer by reducing its scale to that of a roof window, with a pitched roof and the cheeks of the dormer set in from the edge of the roof'.

14. Whilst the Council raised concerns in the previous application that the dormers could be visually dominating and would not have a minimal impact on the surrounding area, this view was not shared by the Planning Inspector, who was of the view that the pitched roofs over the three dormer windows **would not cause harm to the character and appearance of the area or the conservation area.**

15. The Council also raised concerns with regard to the rearrangement of fenestration and the introduction of a garage door (serving a store) and considered this to provide a poorer appearance on the Hall Drive streetscene, contrary to the requirements of CS5 and DC1.

16. The Planning Inspector when considering the appeal, however, noted that **the garage door is of a modest size in comparison to the width of the elevation on which it is located and that the presence of a garage door on what is a modern domestic property is not objectionable or visually harmful, even in the context of the site being with the conservation area.** The Inspector also commented that a **garage door of some type was present facing Hall Drive.**

17. In their conclusion, the Inspector was of the view that **the dormers on the side elevation facing Hall Drive would not, subject to the incorporation of pitched roofs, cause harm to the character and appearance of the area or the conservation area. The changes to the ground floor fenestration on that elevation and the addition of the single storey extension to the other side elevation also do not cause harm to character and appearance.**

Rear Elevation (dormer window and roof plane)

18. Similar to the front roof plane, the 20/0316/FUL approval included a single, moderately sized dormer window left of centre of the roof plane. A rooflight was included to the right of the dormer serving one of the bedrooms. Instead of the approved pitched-roof dormer, however, a large flat-roofed dormer window has been constructed that spans the width of the rear roof plane. The previous application sought retrospective permission for the works but was refused and dismissed at appeal. The Inspector noted that the flat-roofed box dormer **would be an incongruous and visually dominant addition and appear out of keeping with the design of the original dwelling.**

19. Notwithstanding the above, however, the Inspector noted that the constructed dormer adjoins the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling. In this context, the Inspector was of the view **that a box style dormer with a full catslide roof on the annex would not be unduly harmful, as it would in effect be read as an extension to the existing dormer.** As the proposals are for this large dormer to incorporate a catslide roof over to match the dormer on the host dwelling, it is considered that this would now be acceptable as it would be read in conjunction with the existing property. This would also adhere to the SPD which states that 'whether planning permission is required or not, certain basic principles should be applied to all types of extension...which includes consistent design, so that...the pitch and design of the roofs match the existing'.

20. As Officers have informed the applicant previously that a walk-on terrace could not be supported due to the unacceptable impacts on privacy to the neighbouring residents, a Juliet balcony is shown on the submitted drawings, which is considered to enable the appropriate levels of privacy for the neighbouring property to be retained. As a Juliet balcony is not a walk-on terrace, the impacts of this are considered to be similar to the impacts of a window.

Single Storey Rear Extension

21. At ground floor level, a single storey extension has been built which spans the width of the annex and projects 4.5 metres beyond the rear elevation of the approved annex. The single storey extension also includes detailing resembling a parapet wall, which has an overall constructed height of 3.5 metres.

22. In the previous application, Officers recommended refusal and that enforcement action be taken as the works were considered to be unacceptable. Officers were mindful of the Council's Urban Design SPD which advises that 'flat roofs should be avoided, as they are usually inappropriate in design terms'. The SPD also notes that 'the extension should not look out of place in the site or in the street and should enhance, not detract, from the character of the area'.

23. In their report, however, ***the Inspector noted that the incorporation of a pitched roof would be difficult to implement given the relationship to the roof of the annex and would considerably add to the bulk of the extension close to the common boundary with 6 Hall Drive.*** Instead of proposing a pitched roof, the Inspector states that ***the inclusion of parapet walls at either side aids in screening the flat roof and on balance achieves a reasonable compromise between providing the additional floorspace and not causing unacceptable harm to the character and appearance of the area or the conservation area.*** Given the Inspector's comments, Officers are of the view that the design can be supported.

24. In terms of the potential impacts on the living conditions of the neighbouring property, the Inspector remarks that the projection of the single storey extension ***is not substantial, extends along only part of the common boundary and is not positioned close to the main rear garden area.*** The Inspector was satisfied that ***even in its current built form, it has not caused an undue impact upon the living conditions of the occupiers of the adjacent property with respect to its massing or from a loss of outlook. Whilst there is a window on the side elevation of No 6 facing the extension, this is a secondary window and therefore there has not been harm in terms of a loss of light.*** The Inspector concludes that the single storey extension ***has not caused harm to the living conditions of the occupiers of No 6. Consequently, this element of the development accords with Policy DC1(c) of the CS, where it seeks to protect living conditions. There is also no conflict with the aims of the SPD in the same regard.***

Conclusion

25. Whilst Officers were of the view that parts of the development were unacceptable, namely the single storey rear extension with flat roof detail and the elevation facing Hall Drive, the Planning Inspector has not found harm to the character and appearance of the area nor upon the living conditions of the neighbouring property from these elements.

26. In terms of the box-like dormer window on the rear of the annex, the Inspector identified harm from the design, but observed the catslide roof on the dormer on the host bungalow and noted that a similar style roof over the dormer on the annex would be acceptable, as it would be read as an extension to the existing dormer.

27. The Inspector also noted that pitched roofs over the three dormer windows facing Hall Drive would also be acceptable and would not cause harm to the character and appearance of the area or conservation area.

28. Given the Inspector's decision and informative comments, it is considered that the proposed development would now be acceptable and would accord with Policies DC1(b and c), CS4(k and l) and CS5(f) of the Core Strategy 2008(CS), where they seek to protect character and appearance. There would also be adherence with the SPD in the same regard, and with the aim of the National Planning Policy Framework to achieve well-designed places. Moreover, the proposed development should not cause harm to Acklam Hall Conservation Area, in accordance with local policies and with paragraph 203 of the 2023 National Planning Policy Framework.

RECOMMENDATIONS AND CONDITIONS

Approve subject to the following 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 accordance with the following approved plans:

- a) Location Plan (AG.02.01)
- b) Site Plan (AG.02.02)
- c) Floor Plans (AG.02.04)
- d) Elevations (AG.02.05)

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

Reason for Approval

This application is satisfactory in that the retrospective extensions and alterations to garage to side to create residential annex accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies CS5, CS4 and DC1 of the Council's Local Development Framework).

In particular, the work to create the residential annex have been designed so that its appearance is complementary to the host dwelling and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The proposed residential annex will not prejudice the character and appearance of the Hall Drive streetscene and does not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

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.

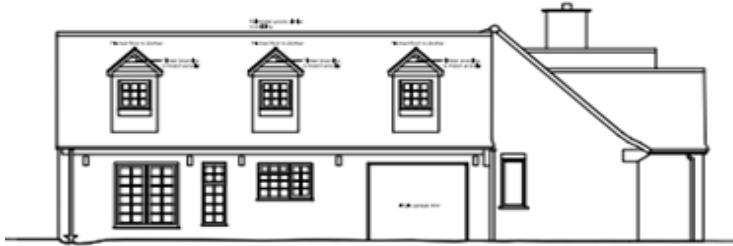
Case Officer: Peter Wilson

Committee Date: 7th March 2024

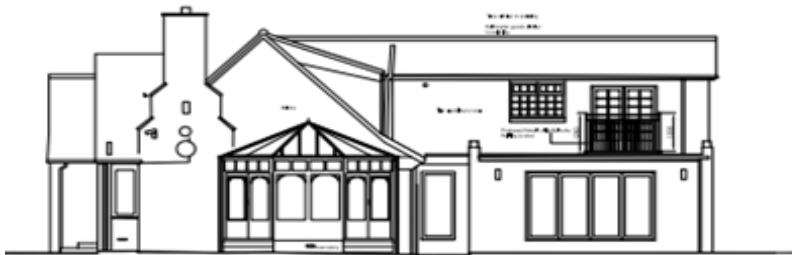
Appendix 1: Location Plan:



Appendix 2: Proposed Elevations:



Side Elevation



Side Elevation



Rear Elevation



Front Elevation

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Middlesbrough

Appendix 3: Appeal Inspector's Decision Letter



The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/W0734/D/23/3317384

4 Hall Drive, Middlesbrough TSS 7EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Ghafoor against the decision of Middlesbrough Council.
 - The application Ref 21/1048/FUL, dated 31 October 2021, was refused by notice dated 23 December 2022.
 - The development proposed is amendments to approved granny annex and rear side extension as per attached drawings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2020 for the conversion of the existing garage and an extension to the side and rear of it to create a residential annex¹. The planning application that is subject to this appeal sought to regularise changes to the approved plans which were made when the development was built. These are primarily identified as changes to the approved dormers to the two side elevations, changes to the fenestration at ground floor level on the side elevation facing Hall Drive including a garage door, and the addition of a single storey side extension.
3. However, it was evident at my site visit that the development shown on the plans submitted with the appeal planning application does not entirely match with what has actually been built. In particular, the dormer on the side elevation facing the rear garden of the original dwelling has had a partial catslide roof added, although a section of it remains flat roofed. For the avoidance of doubt therefore, I have made my assessment on the basis of the plans that are before me.
4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Acklam Hall Conservation Area (CA).

Main Issues

5. The main issues are the effect of (i) the development upon the character and appearance of the area and the CA and (ii) the single storey extension on the living conditions of the occupiers of 6 Hall Drive, with particular reference to massing and outlook.

¹ 20/0316/FUL

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Reasons

Character and appearance

6. The annex is located in a prominent position fronting onto Hall Drive close to its junction with Acklam Road, and it is within the CA. It sits along with the original dwelling on a large plot of land which by reason of its size and spaciousness contributes positively to the character and appearance of the CA. In that respect, it is noted in the Acklam Hall Conservation Area Appraisal and Study 2006 (CAAS) that the trees within its garden area make a positive contribution to the CA, although the modern building is of little architectural interest.
7. The significance of the CA lies predominantly in the presence of Acklam Hall, the oldest surviving country house in Middlesbrough and a grade I listed building. Although the annex is not in the immediate vicinity of the hall, the development that has taken place around the hall and within its former grounds contributes to the character and appearance of the area in which the hall is found and appreciated and to the CA in general. Due to its position on the edge of the CA, the appeal site makes an important visual contribution at an entrance point into the designated area.
8. The dormer on the side elevation facing towards the rear garden of the original dwelling adjoins the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling. In that context, a box style dormer with a full catslide roof on the annex would not be unduly harmful, as it would in effect be read as an extension to the existing dormer. But, as I have outlined, the plans submitted instead show a flat roofed box dormer. This would be an incongruous and visually dominant addition and one that would appear out of keeping with the design of the original dwelling.
9. I acknowledge that the dormer would not be visible from the public domain, but nonetheless it would be seen from adjacent dwellings. It would from those views cause significant harm to the character and appearance of the annex on which it would be located, and it would represent a poor design solution. This in turn means that there would be harm to the character and appearance of the area. There would be no specific harm to the character or appearance of the CA when considered in terms of its significance and because of the location of the dormer, however this does not overcome the other aforementioned harm I have found.
10. The single storey extension to the side elevation facing towards the garden of the original dwelling has a flat roof, which the Urban Design Supplementary Planning Document 2013 (SPD) advises should be avoided. However, the incorporation of a pitched roof would be difficult to implement given the relationship to the roof of the annex and would considerably add to the bulk of the extension close to the common boundary with 6 Hall Drive. The inclusion of parapet walls at either side aids in screening the flat roof and on balance achieves a reasonable compromise between providing the additional floorspace and not causing unacceptable harm to the character and appearance of the area or the CA.
11. The side elevation that faces onto Hall Drive contains three dormer windows, which are broadly in accordance with the guidance set out in the SPD. Subject to pitched roofs being added to these as is indicated on the submitted plans,

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the Council does not raise an objection to this element of the development. I find no reason to disagree with that assessment, and therefore I concur that the dormers as intended to be completed on this elevation would not cause harm to the character and appearance of the area or the CA.

12. The side elevation facing Hall Drive now also includes the presence of a garage door to which the Council takes exception as a dominating and characterless feature. However, the garage door is of a modest size in comparison to the width of the elevation on which it is located. Furthermore, the presence of a garage door on what is a modern domestic property is not objectionable or visually harmful, even in the context of the site being within the CA. It would also appear that prior to the development taking place a garage door of some type was present facing towards Hall Drive.
13. In conclusion, the dormers on the side elevation facing Hall Drive would not, subject to the incorporation of pitched roofs, cause harm to the character and appearance of the area or the CA. The changes to the ground floor fenestration on that elevation and the addition of the single storey extension to the other side elevation also do not cause harm to character and appearance.
14. However, the flat roofed box dormer to the side elevation facing the rear garden of the original dwelling would cause significant harm to the character and appearance of the area and would fail to accord with Policies DC1(b), CS4(k and l) and CS5(f) of the Core Strategy 2008 (CS), where they seek to protect character and appearance. There would also be a conflict with the SPD in the same regard, and with the aim of the National Planning Policy Framework to achieve well-designed places.

Living conditions

15. The single storey extension is situated close to the rear area of 6 Hall Drive. However, its projection beyond the rear elevation of that adjacent dwelling is not substantial, it extends along only part of the common boundary, and it is not positioned close to the main rear garden area of No 6. As a result, even in its current built form, it has not caused an undue impact upon the living conditions of the occupiers of the adjacent property with respect to its massing or from a loss of outlook. Whilst there is a window on the side elevation of No 6 facing the extension, this is a secondary window and therefore there has not been harm in terms of a loss of light.
16. For these reasons, I conclude that the single storey extension has not caused harm to the living conditions of the occupiers of No 6. Consequently, this element of the development accords with Policy DC1(c) of the CS, where it seeks to protect living conditions. There is also no conflict with the aims of the SPD in the same regard.

Conclusion

17. Whilst I have not found harm to result from the single storey extension or from the development on the elevation facing Hall Drive, I have found that there would be harm to the character and appearance of the area arising from the flat roofed box dormer on the side elevation of the annex facing the rear garden of the original dwelling.
18. For this reason, the proposal fails to accord with the development plan and there are no considerations in its favour that indicate that a decision should be

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made otherwise than in accordance with the plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR

Agenda Item 5

Planning Ref Decision Date Decision

23/0343/FUL	29-Jan-2024	Approve with Conditions
Company / Surname	Peter Lunnon	
Proposal	Two extensions to the Coulby Medical Practice; Change of use of an existing Phar	
Address	COULBY MEDICAL PRACTICE, Cropton Way, Middlesbrough, TS8 0TL	
23/0488/COU	29-Jan-2024	Approve with Conditions
Company / Surname	Mrs Gillian Dune	
Proposal	Change of use from Agricultural land to residential curtilage	
Address	15, 17 & 19, Land to rear of, Old Stokesley Road, Middlesbrough, TS7 0NL	
23/0645/FUL	29-Jan-2024	Approve with Conditions
Company / Surname	Fastned UK Ltd	
Proposal	The proposed development is for an Electric Vehicle Charging Station comprising	
Address	Car park at Six Medals public house, Heath Road, TS3 6AT	
23/0124/FUL	30-Jan-2024	Refused
Company / Surname	Thirteen Group	
Proposal	Removal of a section of communal grassed area to create parking	
Address	Arundel Green, Middlesbrough, TS3 8HL	
23/0549/FUL	30-Jan-2024	Approve with Conditions
Company / Surname	Mr & Mrs Stuart & Bernice Coleman	
Proposal	Single storey extension to rear (Part demolition of existing garage)	
Address	3, Holbeck Avenue, Middlesbrough, TS5 8DR	
23/0616/FUL	30-Jan-2024	Approve with Conditions
Company / Surname	Cutler	
Proposal	Garage conversion into a habitable room	
Address	24, The Pastures, Middlesbrough, TS8 0UJ	
23/0639/FUL	31-Jan-2024	Approve with Conditions
Company / Surname	Mr M Iqbal	
Proposal	Single storey extension at rear to replace existing single storey extension at r	
Address	5, Thornfield Road, Middlesbrough, TS5 5LA	
23/0651/ADV	01-Feb-2024	Approve with Conditions
Company / Surname	Mark Johnson	
Proposal	3no Internally Illuminated fascia signs and 1no printed window graphics	
Address	Hollywood Bowl, Aintree Oval, Middlesbrough, Stockton-on-tees, TS17 7BU	
23/0229/MAJ	02-Feb-2024	Refused
Company / Surname	Naveed Ihsan	
Proposal	demolition of the existing structures and the formation of a new five-storey str	
Address	30, Southfield Road, Middlesbrough, Middlesbrough, TS1 3EX	
23/0523/DIS	02-Feb-2024	Part Discharge Conditions
Company / Surname	James Hall and Company Ltd	
Proposal	Discharge of condition of condition 4 (Soft landscaping) & 5 (Landscape managem	
Address	Vacant land east of Acklam Road formerly, Former Roseberry Filling Station, Acklam Road, Middlesbrough	
23/0554/DIS	02-Feb-2024	Part Discharge Conditions
Company / Surname	James Hall and Company Ltd	
Proposal	Construction of replacement petrol filling station and local convenience store w	
Address	Vacant land east of Acklam Road formerly, Former Roseberry Filling Station, Acklam Road, Middlesbrough	
23/0603/DIS	02-Feb-2024	Full Discharge Conditions
Company / Surname	J Hedley	
Proposal	Construction of replacement petrol filling station and local convenience store w	
Address	Vacant land east of Acklam Road formerly, Former Roseberry Filling Station, Acklam Road, Middlesbrough	
23/0643/TCA	02-Feb-2024	No Objections
Company / Surname	Gateley Smithers Purslow	
Proposal	Removal of 3no. Sycamore trees within the grounds of Parkside Halls of Residence	
Address	Land to the west of University of Teessi	
23/0606/FUL	06-Feb-2024	Approve with Conditions
Company / Surname	Margaret Cafferkey	
Proposal	Conversion of garage to habitable room, changing garage door to window. Addi	
Address	50, Ceremony Wynd, Middlesbrough, TS4 2WG	
23/0663/TPO	06-Feb-2024	Refused
Company / Surname	Mr Graeme Milne	
Proposal	Removal of lower limb to 1no. Oak tree to rear	
Address	35, Collingham Drive, Middlesbrough, TS7 0GB	
23/0652/COU	07-Feb-2024	Approve with Conditions
Company / Surname	Peter Broome	
Proposal	Change of use of unit 2 to provide mixed use comprising of art gallery and dance	
Address	251, Unit 1, Linthorpe Road, MIDDLESBROUGH, TS1 4AT	
23/0412/FUL	08-Feb-2024	Refused

Company / Surname	R Hadfield	
Proposal	Erection of 5 Supported Living dwelling units and formation of car park	
Address	18, Land adjacent to 18 Low Lane, Land adjacent to 18 Low Lane, Middlesbrough	
23/0589/FUL	08-Feb-2024	Approve with Conditions
Company / Surname	Banner Chemicals Ltd	
Proposal	The installation of three converted shipping containers to provide locker rooms,	
Address	M P Storage And Bending Limited, Dockside Road, Middlesbrough, TS3 8AS	
23/0657/COU	08-Feb-2024	Refused
Company / Surname	Mr Stephen Morrison	
Proposal	Change of use from Film Studio and Offices (sui generis) and Trade Counter (B8)	
Address	1, Marsh Street, Middlesbrough, TS1 5JH	
23/0667/FUL	08-Feb-2024	Approve with Conditions
Company / Surname	Crutchely	
Proposal	single storey extension to the rear	
Address	42, Spencerfield Crescent, Middlesbrough, TS3 9HD	
23/0547/FUL	09-Feb-2024	Approve with Conditions
Company / Surname	Mr Karl Wrightson	
Proposal	Erection of two storey office building and extension of service yard with associ	
Address	LIONWELD KENNEDY LTD, Marsh Road, Middlesbrough, TS1 5JS	
23/0660/FUL	09-Feb-2024	Approve with Conditions
Company / Surname	Dan Sheekey	
Proposal	Installation of 3no. new conservation style rooflights to the main roof of the p	
Address	5, Hustlers Way, MIDDLESBROUGH, TS5 7DT	
23/0291/FUL	12-Feb-2024	Refuse and enforce
Company / Surname	Sadiq and Finnegan	
Proposal	Erection of 6No Industrial units for Use Class B2 & B8 (demolition of existing b	
Address	J H Proudlock Limited, Emmerson Street, Middlesbrough, TS5 6JF	
23/0591/FUL	13-Feb-2024	Refused
Company / Surname	Humaira Sharif	
Proposal	loft conversion including rear dormer and detached outbuilding to form garage an	
Address	111, Cambridge Road, Middlesbrough	
24/0006/TPO	14-Feb-2024	Approve
Company / Surname	Trevor Shaw	
Proposal	Thinning and crown lifting works of 3No. horse Chestnut, 1No. Sycamore, 1No. Oak	
Address	2, The Paddock, Middlesbrough, TS7 0PJ	
23/0662/FUL	19-Feb-2024	Approve with Conditions
Company / Surname	Mr Jasvinderpal Singh	
Proposal	Two storey extension to rear	
Address	380, Acklam Road, Middlesbrough, TS5 8BA	
23/0668/ADV	19-Feb-2024	Approve with Conditions
Company / Surname	Arcadis	
Proposal	4no. internally illuminated fascia signs	
Address	646, Acklam Road, Middlesbrough	
24/0007/FUL	19-Feb-2024	Approve with Conditions
Company / Surname	Bara Al-miaari	
Proposal	Proposed front entrance porch extension	
Address	12, Hereford Close, Middlesbrough, TS5 6PL	
24/0012/PNH	19-Feb-2024	Prior Notification Not Required/No Obj
Company / Surname	M Zaman	
Proposal	PROPOSED SINGLE STOREY REAR EXTENSION	
Address	14, Croft Avenue, Middlesbrough, TS5 8AX	
23/0582/MAJ	20-Feb-2024	Approve with Conditions
Company / Surname	Lionweld Kennedy Group	
Proposal	Construction of three-storey building for incidental office use	
Address	LIONWELD KENNEDY LTD, Marsh Road, Middlesbrough, TS1 5JS	
23/0626/FUL	20-Feb-2024	Approve with Conditions
Company / Surname	Mr & Mrs Shipley	
Proposal	New flat roof rear extension, rebuild and reposition single garage	
Address	440, Acklam Road, Middlesbrough, TS5 8BB	
24/0013/COU	20-Feb-2024	Approve with Conditions
Company / Surname	Coco & Rum	
Proposal	Proposed Change of Use from Public House to Restaurant	
Address	200, Linthorpe Road, Middlesbrough, TS1 3RF	
23/0655/FUL	21-Feb-2024	Refused
Company / Surname	A ADIL	
Proposal	side first floor bedroom extension and rear ground floor bedroom / kitchen exten	
Address	88, The Avenue, Middlesbrough, TS5 6RT	
23/5019/MAJ	22-Feb-2024	Refused
Company / Surname	Alta Vista Global Ltd	

Proposal Address	Conversion of vacant building to form 22no apartments (includes some demolition) 20, Brentnall Street, Middlesbrough, TS1 5AP	
24/0010/PNH	22-Feb-2024	Prior Notification Not Required/No Obj
Company / Surname	Mr & Mrs Bailey	
Proposal Address	Single storey extension to rear (Eaves 3.20m, height 3.50m, length 5.30m) 26, Stokesley Road, Middlesbrough, TS7 0NA	
23/0410/FUL	26-Feb-2024	Approve with Conditions
Company / Surname	Ifzal Hussain	
Proposal Address	Proposed infill, extension and chimney and raising of roof to rear, plus interna 35, Cambridge Road, Middlesbrough	
23/0461/MAJ	26-Feb-2024	Approve with Conditions
Company / Surname	River Tees Multi-Academy Trust	
Proposal Address	Erection of new double storey 5 classroom and associated 1st floor office space RIVER TEES HIGH, Sulby Avenue, Middlesbrough, TS3 8RD	
23/0672/FUL	26-Feb-2024	Approve with Conditions
Company / Surname	Mr Daniel Rastric	
Proposal Address	installation of window openings to rear, velux windows to front rear and wheel h 8, Farmside Mews, Middlesbrough, TS8 9UR	
23/0673/LBC	26-Feb-2024	Approve with Conditions
Company / Surname	Mr Daniel Rastric	
Proposal Address	installation of window openings to rear, velux windows to front rear and wheel h 8, Farmside Mews, Middlesbrough, TS8 9UR	
Total Decisions	39	Total Approvals 30
		Total Refusals 9

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