

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Thursday 11 April 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:** A Walker, B Wells, R Holland, A Bircham

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

**APOLOGIES FOR ABSENCE:** None

23/38 **DECLARATIONS OF INTEREST**

| Name of Councillor      | Type of Interest | Item/Nature of Interest  |
|-------------------------|------------------|--|
| Councillor M McClintock | Non-Pecuniary    | Agenda Item 4, Item 1, Ward Councillor                         |
| Councillor Ian Morrish  | Non-Pecuniary    | Agenda Item 4, Item 1, Step-daughter works for Persimmon Homes |
| Councillor David Coupe  | Non-Pecuniary    | Agenda Item 4, Item 2, Ward Councillor                         |
| Councillor Jim Platt    | Non-Pecuniary    | Agenda Item 4, Item 3, Ward Councillor                         |

23/39 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 7 MARCH 2024**

The minutes of the meeting of the Planning and Development Committee held on 7 March 2024 were submitted and approved as a correct record.

23/40 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

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

**20/0658/FUL, Nunthorpe Grange, Nunthorpe, Middlesbrough, erection of 69 no. residential dwellings with associated access, landscaping and infrastructure.**

*\*\* Councillor Morgan McClintock recused himself from the Committee for consideration of the item\*\**

Members were advised that planning permission was sought for the erection of 69 dwellings with associated access, landscaping and infrastructure on land at Nunthorpe Grange to the northwest of the A1043 Nunthorpe Bypass. Members heard that the land was part of the wider Nunthorpe Grange Plan.

Members heard that the application had previously been considered at Committee on the 16 December 2022. The application was deferred for two reasons. Firstly to allow the developer time to discuss the application with residents at Nunthorpe Gardens particularly in relation to the impact of one plot on the immediate property 18 Nunthorpe Gardens. Secondly, to provide more detailed information on the legal rights of access for future residents of the development to a pedestrian and cycle link connecting to Nunthorpe Gardens providing a sustainable link to existing infrastructure and services.

The Head of Planning stated that following a consultation exercise in December 2022, 33 objections were received from 33 properties, Nunthorpe Community Council, Nunthorpe

Parish Council and Ward Councillors.

Members were advised that the site was allocated for housing in the Local Plan therefore the principle of residential dwellings on the site was acceptable. It was considered that the proposed development would provide a good mix of dwelling types

The site was allocated for housing in the Local Plan therefore the principle of residential dwellings on this site was 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 density, design, housetypes and layout were sympathetic to the local character of the surrounding area and were in accordance with the adopted Design Code.

The development would not result in a significant detrimental impact on the amenities of existing local residents.

Members heard that it was considered that the development of this site in isolation did not give priority first to pedestrian and cycle movements. It failed to provide a suitable, safe and attractive pedestrian and cycle link to existing residential estates and infrastructure. The proposed link was long, convoluted, lacked natural surveillance and was considered to be unsafe. It does not promote and provide an attractive sustainable travel option for residents as an alternative to private car journeys.

The proposed development therefore failed to deliver alternative travel options which are sought in the NPPF paragraphs 114 and 116, and the Local Plan policy CS4.

The Committee were informed that changes had been made to the layout since the application was deferred. The majority of the changes did not materially alter the analysis of the application set out in the previous report. Members were advised that they needed to consider the application in relation to the reason the application was deferred.

The Committee were advised that the developer had since submitted information which proposed a link out of the site onto the A1043. The alternate route promoted by the applicants involved the creation of a street lit 2m footway heading Eastwards alongside the A1043 between the site access and an existing public footpath located over the railway bridge on the Redcar & Cleveland side of the authority boundary. This footpath then leads Northwards to Morton Carr Lane which provides a connection to Guisborough Road and various facilities located there including shops, schools and the rail station. It was advised that it was the view of officers that this was not a suitable alternative or sustainable solution.

Members were advised that the separation distance between the proposed dwelling closest to 18 Nunthorpe Gardens was in excess of 9m (from the properties original side elevation) and approx. 4.5m from the conservatory wall which was located on the side elevation of no. 18. These separation distances are in keeping with the distances between existing properties on Nunthorpe Gardens whilst there is an impact on the side of the property, it is not so significant as to warrant the refusal of the application.

The Head of Planning advised that the recommendation from officers was for refusal of the application.

A representative from Persimmon Homes was in attendance to speak in support of the application the committee were advised

- A 3-4 metre section of land for footpath was in private ownership
- Persimmon can not acquire the land and the landowners are unwilling to sell
- The alternative route would provide protections on the footpath for pedestrians and cyclists
- The section along the railway bridge has a barrier
- The footpath would have a 1-2 meter verge
- Persimmon would work closely with the Highways Department

**Thursday 11th April, 2024**

The Chair of Nunthorpe Parish Council spoke in objection to the application. The following objections were raised:

- The application fails to provide and promote sustainable pedestrian access
- Both routes are in conceived and fail to provide a safe cycle and footpath
- There has been no attempt to engage with the residents living at 18 & 19 Nunthorpe Gardens
- 69 houses exceeds the density
- Non compliant with the Local Plan
- No sustainable travel plan

The resident of 18m Nunthorpe Gardens also spoke in objection to the application. The following objections were raised:

- Loss of light due to the proximity of plot 46
- A BRE assessment for loss of light would fail
- Re-location of pumping station to plot 46 would be more suitable

The Ward Councillor also spoke in objection to the application and a letter from the other Ward Councillor was read out to the Committee. The following objections were raised:

- The development is not near shops, facilities or public transport
- Connectivity for pedestrians and cyclists not overcome
- The connection via the cul-de-sac between no's 18 & 19 Nunthorpe Gardens needs to be resolved
- Initial application was deferred for 6 months and 16 months later still no resolution
- The alternative route is not a suitable or sustainable solution
- Outstanding issues have not been overcome
- Plans are overbearing on properties 18 & 19
- Discussions have not taken place with residents
- Should be refused on recommendation as well as other impacts

The Head of Planning advised the committee that failure to speak to residents is not a material planning consideration.

Members debated the application.

**ORDERED:** that the application be refused for reasons detailed in the committee report.

**23/0390/OUT, Land at Hemlington Grange South, Middlesbrough, outline application for 130-150 residential dwellings and nutrient mitigation scheme**

Members heard that outline planning permission was sought for the construction of 130-150 dwelling houses on land referred to as Hemlington Grange South. Members were advised that as it is an outline application with all matters reserved, the application only relates to the principle of the development on the site.

The detailed matters including access, appearance, landscaping, layout and scale would be considered as part of any reserved matters application.

The proposed outline application for the development of the site with all matters reserved had been considered in relation to relevant local and national planning policies. The site was allocated within the Local Plan and on the Proposals Map for residential development as part of the wider Hemlington Grange development.

In principle, the use of the site for residential development was deemed to be acceptable and in line with the Local Plan.

Assessments of matters of the likely transport implications, the impacts on ecology, the flooding and drainage impacts, as well as the environmental health impacts concluded that there would be no significant harmful impacts in principle.

Members were advised that no objections had been received from the Parish Council or the Community Council.

**ORDERED:** that outline planning permission is approved with conditions

**23/0661/FUL, 4, Hall Drive, Middlesbrough, TS5 7EN, retrospective extensions and alterations to garage to side to create residential annex**

Members attended a site visit to the application site prior to the committee meeting.

Members were reminded that planning permission was originally granted in September 2020 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.

Members heard that an application was subsequently submitted seeking to regularise the unauthorised works which was refused, then dismissed at appeal. Although the Inspector dismissed the appeal, 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.

Members were advised that 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 covered most of the rear roof plane of the original dwelling – would not be unduly harmful. The current application sought approval for the works which the Inspector had identified not to be harmful.

**ORDERED:** that the application be approved subject to conditions including a permanent Juliet balcony being installed.

**23/0666/FUL, 30, Woodvale, Middlesbrough, TS8 0SH, two storey extension to side, part single storey extension to rear side and single storey extension to side, two storey bay extension to the front, including alterations to windows**

The application sought approval for extensions to the property as well as alterations to windows and the existing materials. Approval was sought for the following extensions as set out below:

- Two storey side extension
- Single storey side extension
- Part single storey extension to rear/side
- Two storey bay extension to the front

Members were advised that following the consultation exercise, objections were received from nearby residential properties. Concerns had been raised with regards to loss of privacy, overshadowing, loss of light, noise, the use of the property and the scale and appearance of the proposed works. Third party representations had also raised concerns regarding the property being used as an HMO however this does not form part of the proposal and members were advised that a HMO would require additional permission for 7 or more occupants.

Members heard that the scheme had been amended during the application process to change the proposed materials and remove a second floor side window.

It was advised that taking into account all material considerations, it was considered that the proposed extensions and alterations to the property would not harmfully dominate the host property or wider street scene and would also have no significant detrimental impact on adjacent properties. Whilst there would be some impact, it would not be so significant as to warrant refusal of the scheme. As the scheme was able to accord with relevant Local Plan Policies CS5 and DC1.

**ORDERED:** that the application be approved subject to conditions

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**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**

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**PLANNING APPEALS**

The Head of Planning advised the Committee that the Lidl application on Green Lane would be appealed and a public enquiry would be held. It was also advised that the appeal for 8 dwellings on Grey Towers had been approved by the Planning Inspectorate.

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

None