

PLANNING AND DEVELOPMENT COMMITTEE

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| Date: Thursday 5th September, 2024 |
| Time: 10.00 am |
| Venue: Mandela Room |

AGENDA

1. Apologies for Absence
2. Declarations of Interest
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7. Planning Reforms
8. 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 August 2024

MEMBERSHIP

Councillors J Rostron (Chair), I Blades (Vice-Chair), D Coupe, M McClintock, I Morrish, J Ryles, G Wilson, J McTigue, J Thompson and D Branson

Assistance in accessing information

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

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 11 July 2024.

PRESENT: Councillors J Rostron (Chair), I Blades (Vice-Chair), D Branson, D Coupe, M McClintock, J McTigue, I Morrish, J Ryles, J Thompson and G Wilson

ALSO IN ATTENDANCE: Councillor T Livingstone and Councillor J McConnell. S Ashton, A Briscoe, H Hogben, L Wood.

OFFICERS: S Bonner, P Clarke, A Glossop, R Harwood, S Pearman and S Thompson

APOLOGIES FOR ABSENCE: None.

24/7 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair advised all attendees of the fire evacuation procedure.

24/8 **DECLARATIONS OF INTEREST**

| Name of Councillor | Type of Interest | Item/ Nature of Interest |
|--------------------------------|------------------|--|
| Councillor David Coupe | Non-Pecuniary | Agenda Item 1 Ward Councillor |
| Councillor Morgan M McClintock | Non-Pecuniary | Agenda 1 Former Governor for North Star Housing Agenda Item 4, Item 5 Ward Councillor |

24/9 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 6 JUNE 2024**

The minutes of the meeting of the Planning and Development Committee held on 6 June 2024 were submitted and approved as a correct record.

24/10 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

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

SUSPENSION OF COUNCIL PROCEDURE RULE NO. 4.13.2 – ORDER OF BUSINESS

In accordance with Council Procedure Rule No. 4.57, the Committee agreed to vary the order of business.

ORDERED that the following applications be determined as shown:

24/0179/COU 22 Dixons Bank, Middlesbrough, TS7 8NT. Change of use from residential dwelling (C3) to care facility (C2).

The Development Control Manager submitted a report regarding an application that sought planning permission for the change of use of the property from a residential dwellinghouse (C3) to residential care facility (C2). Consent was being sought for the caring of up to five children between the ages of 9 and 17 at the property.

The principal reason for the change of use of the property was the requirement to move from its existing premises at Rigwood House in Saltburn.

Following the consultation period, a number of objections were received expressing concerns about the proposals and their expected operations, which were detailed in the report. The main issues raised were on the grounds of staff parking and general traffic movements at the

site and along the side road, as well as concerns about potential associated nuisance implications associated with the use/residents.

Noting the number of expected staff and users at any one time and the parking spaces within the curtilage of the application site, Members were advised that, in officer's views, the number of vehicles anticipated with the proposals can be accommodated at the site. Any surplus parking outside of the site was likely to be infrequent and could be accommodated near the property. As such parking issues were not likely to adversely affect the amenities of nearby residents.

The activities associated with the proposed residential care facility use were considered to be compatible and appropriate within a residential estate in a suburban context. Many issues raised relating to anti-social behaviour had no evidence to demonstrate that this would be the outcome of the use and such matters could also be associated with the occupation of any residential dwelling.

The application site was a two-storey detached residential dwellinghouse situated on the eastern side of Dixons Bank, Marton. The local area was a well-established residential area, which comprised predominantly of two-storey semi-detached properties arranged at a medium density.

Members were advised that, 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. The report detailed the planning policy position in relation to the application.

The Development Control Manager advised the Committee that the application be approved subject to conditions.

A representative from Highfield North East was in attendance to speak in support of the application.

The Committee was advised:

- There would likely only be up to five cars on site at any given time and the activity of the home would not be significantly different to a typical large family home.
- A family would likely have three or four cars which would depart and arrive on a similar ration to the Care Home staff, namely morning and an evening.
- In the event more parking was required, additional parking was available a short distance from the property at Marton Shops and the Southern Cross public house.
- The Highways department had not raised any objections to the application on grounds of parking. In terms of concerns raised about road safety, risk assessments would be undertaken for all children exposed to those risks.

A spokesperson on behalf of local residents was in attendance to speak in objection to the application. The following objections were included:

- The material issue of land use was a public consideration and there was a need to promote healthy and safe communities.
- The Council had a responsibility for the safeguarding of children and that children with social and emotional difficulties deserved a safe and secure place to live.
- The Care Standards Act 2000 required the registration of Children's Homes with a material consideration being homes should not be close to environment hazards, such as busy roads.
- The application placed the Care Home next to one of Middlesbrough's busiest roads.
- A child in an aligned home had several missing from home instances, and in this case, there was a chance a child might try to cross Dixon's Bank.
- Dixon's Bank was also a main route for James Cook University Hospital and as such there was an increased level of emergency vehicle activity passing the property.
- A Freedom of Information Request showed an accident had taken place on Dixon's Bank involving a child enroute to primary school.
- There was inadequate consultation with Highways, nor had a site visit been undertaken.

The Ward Councillor for Marton East spoke in objection to the application and made the following points:

- Ward Cllrs were not opposed to having a children's home in the area, but the proposed property was the wrong property.
- The balcony on the front of the property which could be a risk to children living there. A neighbour had a son with additional needs and the opening of the home would affect his quality of life.

Members debated the application.

In response to an issue raised by an objector regarding the PSED a member sought clarification from officers as to whether the committee could take into account the effect of the application on a neighbouring child who had a disability, asking whether it was a material planning consideration. The Development Control Manager confirmed that material planning considerations vary depending on the situation and this is why there is no definitive list of material planning considerations. Further advising that this consideration would be given due weight if there was evidence to establish that the application would have a negative/harmful effect on Mr Martin's child's quality of life. The Development Control Manager used an example of a hypothetical situation whereby if an airfield was proposed to be constructed adjacent to a property, then clearly noise from this would have a negative effect on the child and as such would be given due weight to reflect this. However, in this instance it is being assumed that the proposed use would result in an increase of anti-social behaviour with no evidence to support this and therefore it had not been established that the application would have a negative effect on the child in question, stating that reliance on children in a children's home causing anti-social behaviour could not be relied on to happen and was therefore not appropriate to take into account, particularly where the property already exists as a residential property where children can reside already. The member raising the question was asked by the Development Control Manager what the specific action or harm to the child would be and no clarity or request for further clarification from officers was made. These points were re-iterated later within the discussion by the Development Control Manager.

ORDERED that the application be approved for the reasons set out in the report.

23/0527/MAJ Land at Strait Lane, Stainton, Middlesbrough. Erection of 22no. dwellings, provision of access, landscaping and ancillary works.

Councillor D Coupe recused himself from proceedings owing to his role as Ward Councillor

Councillor Joan McTigue withdrew from the meeting

The Head of Planning submitted a report that sought permission for the erection of 22 dwellings with associated highways, landscaping and infrastructure, on the Rose Cottage housing development site in Stainton.

Following a consultation exercise, objections were received from residents of 23 properties, and Stainton and Thornton Parish Council. The site was allocated for housing in the Local Plan, therefore the principle of residential dwellings on this site was established. The scheme had been amended since its initial submission to address a host of design and layout related matters. It was considered that the proposed development would provide a good mix of dwelling types which were of a good quality design and use of materials with adequate landscaping in the form of private gardens and with a suitable layout overall.

It was considered that the proposed development would not result in a significant detrimental impact on the amenities associated with adjacent properties / uses and would adequately provide for the amenity and privacy of future occupiers of the development. No technical objections have been received in relation to highways matters and flood risk. The development meets the requirements of the relevant national planning guidance detailed within the NPPF and Local Plan policies, specifically H1, H11, H12, H27, H31, CS4, CS5, DC1. The recommendation was for approval of the application subject to conditions and a S106 agreement.

The site was located to the northeast of Strait Lane approximately 60m from the junction with Low Lane. The site comprises 0.6 hectares of open green space and an existing access point

from Strait Lane. Existing residential dwellings are located immediately adjacent to the site on the southeast and northeast boundaries. A care home is located on land to the northwest. To the southwest Strait Lane separates the site from more residential dwellings. Permission is sought for the erection of 22 dwellings and associated works. The dwellings proposed consist of:

- 11 two bed dwellings
- 8 three bed dwellings
- 3 four bed dwellings

The proposed dwellings comprised 9 pairs of semi-detached dwellings including 6 bungalows, one detached dwelling and a terrace of 3 dwellings. The associated works proposed included the construction of highways, landscaping and drainage works. Documents submitted in support of the application included:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Flood Risk Assessment
- Ecology Assessment
- Air Quality Assessment
- Noise Assessment
- Statement of Community Involvement

Members were advised that, 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. The report detailed the planning policy position in relation to the application.

The Head of Planning advised the Committee that the application be approved subject to Section 106 Agreement and the conditions detailed in the report.

At this point in the meeting a representative of ELG Planning was invited to speak in support of the application. Their presentation included the following points:

- All 22 dwelling would be affordable housing and would be delivered by North Star Housing Association.
- Throughout the application process no objections had been received from any statutory consultees.
- All dwellings met the required standards and would exceed minimum performance standards.
- In terms of ecology; surveys have been carried out showing there was little impact to wildlife on the site but bird box installation and tree planting would take place.
- The applicant had worked with Mont Pellier care home, which had resulted in the bungalows on the plans being relocated.

At this point in the meeting Cllr Coupe was invited to present his case as Ward Cllr. Cllr Coupe's presentation included the following points:

- Cllr Coupe was not opposed to the chosen site but had some concerns.
- Straight Lane was a 20-mph zone, with Low Lane being a 40-mph zone. There was also the possibility that construction vehicles would cause congestion in the immediate vicinity.
- There were no amenities in the area.
- Main issues were traffic and congestion with Strait Lane acting as a pinch point.
- If the development went ahead, it would be important that any Section 106 money would benefit Stainton and Thornton.

Members debated the application.

ORDERED that the application be approved subject to Section 106 Agreement and the conditions detailed in the report and reported by officers.

and erection of boundary treatment (outbuilding - permitted development).

The Development Control Manager submitted an application which sought approval for external alterations to the property's garage and erection of boundary treatment. Members were advised the application site was a semi-detached, 2 storey residential dwelling which was located on the corner of Tollesby Road and Glenfield Drive. The property had its front elevation facing onto Tollesby Road, and being a corner plot, had a side elevation facing onto Glenfield Drive.

Prior to recent works being undertaken a privacy fence formed most of the properties curtilage onto Glenfield Drive and Tollesby Road. Following consideration of an enforcement case, the council became aware of unauthorised works to the property.

As officers considered the works as undertaken could not be supported on planning grounds, an enforcement notice was served requiring the works to be undone. In discussion with the property owner, they had confirmed their interest in retaining the development and submitted this application to regularise the unauthorised works on site which included; external alterations associated with the conversion of the attached garage, erection of boundary treatment around the front and side of the property and a single storey extension to the side of the property. Officers raised concerns over the way in which the works had been carried out in respect of the new windows and wall within the former garage door opening, with the nature of the extension due to its flat roof and rendered finish and regarding the dominance and contrasting appearance of the boundary wall.

The owner was also advised to cease works and that any continued works would be at their own risk. Following these concerns being raised by officers revised plans had been submitted which now showed revisions to the wall, garage door detail and which indicated the extension will be severed from the main dwelling to make it an outbuilding, which would make that aspect permitted development. The amendments to the boundary treatments included improved materials and reduction in height which will help break up its appearance and reduce its dominance sufficiently to prevent it appearing excessive in height and intrusive or overbearing within the streetscene.

Members were advised that an extension to the property (termed the garden room) was no longer attached to the main house and as such was classed as permitted development. Members were also advised that if the garden room was reconnected to the property enforcement action was possible, but such action had to be reasonable and expedient.

Members were advised that, 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. The report detailed the planning policy position in relation to the application.

The Development Control Manager advised the committee the application should be approved with the conditions detailed in the report. If the application were to be approved the council could undertake necessary enforcement action should the remedial works not progress immediately to sever the extension from the property and install the approved details.

At this point in the meeting Ms A Briscoe was invited to speak in objection to the application. Ms Briscoe's presentation included the following:

- The situation had been a long-running issue with little response from the Council other than that issued by former Councillor Shiela Dean in 2022.
- The situation had caused significant distress and Ms Briscoe sought assurance that the development would be safe.
- the garden house was still attached to the house via the roof.
- Other inspections had taken place, particularly of the roof space, which had been deemed unsafe in terms of fire safety.

Cllr Livingstone was invited to speak as ward Councillor. Cllr Livingstone's presentation included the following:

- Safety concerns included discarded concrete blocking drains with residents having no control over an unsafe area.
- If planning permission were granted this unsafe situation would continue.
- The building works were having a significant impact on the character of the local area.

Members debated the application. During the debate it was clarified that remedial works to resolve existing problems could only reasonably happen quickly if the application was granted. If the application was refused it would likely delay any further work, and may be subject of an appeal which could delay any further works by several months and pressing on with existing enforcement action whilst there is a live appeal is not good practice. It was also confirmed that if remedial works were undertaken in lieu of an approved scheme, they would need to be compliant with permitted development allowances and this would then prevent the Local Planning Authority having controls over certain aspects and may result in a worse scheme being achieved.

The Development Control Manager recommended an additional be imposed which required materials to be agreed with officers prior to works being undertaken on site.

ORDERED that the application be approved based on the recommendation in the report and subject to a materials condition.

24/0056/MAJ Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW 39 no. dwellings (including 11 no. additional dwellings and 28 replan).

Councillor M McClintock recused himself from proceedings owing to his role as Ward Councillor

The Principal Planning Officer submitted a report that sought approval for the erection of 39 dwellings on the Grey Towers housing development site. The site currently had consent for 28 dwellings. This permission sought to add an additional 11 dwellings increasing the number of dwellings to 39. The wider site currently had permission for 452 dwellings, this application would increase the number of dwellings on the wider site to 463.

Following a consultation exercise, objections were received from residents from 5 properties. No technical objections were received from consultees.

The site was allocated for housing in the Local Plan and there was currently permission for 28 dwellings on the site, 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 that would complement the approved development. The development would not result in a significant detrimental impact on the amenities of existing local residents. The previous application for the site provided localised and strategic mitigation against the impact of the wider development on the local highway network. The traffic generated by a further 11 dwellings would be negligible and could not be demonstrated to have a material impact on the operation of the network.

The development met the requirements of the relevant national planning policies detailed within the NPPF, policies CA1, D1, D3 and G1 of the Nunthorpe Design Statement and Local Plan policies, H1, H10, H11, H12, H31, CS1, CS4, CS5 and DC1.

The application site was part of the wider Grey Towers development which was currently under construction. The application site at the western edge of the wider site. To the north were existing dwellings within the Grey Towers site, and then the Ford Close Riding Centre, housing development site on Brass Castle Lane. To the west was an existing tree belt which separated the site from the Bridlewoods housing development on Brass Castle Lane. To the south was a sustainable drainage feature and existing houses within the wider Grey Towers site.

To the east was an area of planting to create a new woodland belt which separated the application site from more dwellings within the wider site. The site currently had consent for 28 dwellings.

The 39 dwellings proposed consisted of:

- a) 6no. three bed dwellings;
- b) 31no. four bed dwellings; and,
- c) 2no. five bed dwellings.

The proposed house types included one pair of semi-detached properties with the rest being detached. The majority of the dwellings were two storeys. Three of the dwellings were 2.5 storeys with rooms located in the roof space. The associated works proposed included the construction of highways, landscaping and drainage works.

The Principal Planning Officer advised the application should be approved subject to conditions and a S106 agreement.

At this point in the meeting Mr A Walker was invited to speak in objection to the application. The presentation included the following:

- The Council's Planning Policy allowed for a maximum of 295 dwellings.
- There had been numerous applications which had increased the size of the site.
- As such the application was contrary to existing planning policy.

At this point Cllr McClintock was invited to speak in objection to the application. The presentation included the following:

- The Committee was being urged overlook the deviation from policy as building houses was seen as a good thing.
- There were concerns that developments of this nature had previously promised the development of community facilities, but these had not been realised.
- The Council was having to use the Town's fund to complete a small community facility.

Members debated the application.

ORDERED that the application be approved with the conditions detailed in the report.

2, Helmsley Close, Middlesbrough, TS5 7LP, Two storey extension to side and single storey extensions to rear (Demolition of existing garage).

The application was considered at the previous committee meeting held on 6th June, as members had concerns over the two-storey element to the rear and the decision of the application was deferred at that committee to allow the applicant to consider removing the first floor section to the rear, an element that members had concerns over.

Revised plans had been submitted omitting the two-storey rear section (the proposed rear extension was now single storey only). The eaves of the ground floor elements to the front and rear had also been lowered which was now more in keeping with the host property.

The proposal was being reported back to committee for consideration.

Although the changes reduced the scale of the proposals, for completeness, the residents had been reconsulted on the revised plans. No comments/objections had been received in relation to the revised plans.

Officers considered that the revised extensions are of an appropriate size and scale relative to the existing house and plot size and would be sufficiently in keeping with the host property and without any significant impact the amenities associated with neighbouring properties.

Overall, the development was considered to be in accordance with Local Plan Policies DC1 and CS5 and the requirements of the Urban Design SPD.

The application site was a two-storey detached property that was situated to the north side of the close, approximately 30m west of the junction with Fountains Drive in Acklam. The site was situated in an area which is used predominately for residential purposes.

Similar two storey houses line the street to the north and the south that were characterised by their red brick construction and upper floor cladding, gable roofs, attached flat roof garages at side that twin up with the neighbour, small porches to front and open plan frontages.

The proposal would create additional living space on the ground floor and first floor, with the first floor being reconfigured and extended to provide five bedrooms and a bathroom. The two-storey element at side was shown set back at first floor level with its eave's height (gutter line) matching that of the existing house and having a gable roof which a slightly lower ridgeline (uppermost part of the roof) to that of the host property.

The single storey rear extensions would project 3m beyond the rear building line, they will have monopitched roofs with an eave's height of 2.4m and overall height of 3.2m.

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. The report detailed the planning policy position in relation to the application.

ORDERED that the application be approved with the conditions detailed in the report.

24/0164/FUL The Avenue Play Area, The Avenue, Middlesbrough, TS7 0AG Installation of play equipment.

Councillor M McClintock recused himself from proceedings owing to his role as Ward Councillor

The application sought approval to install additional play equipment at The Avenue Play Park in Nunthorpe. Additional equipment would include a Children's Trim Trail, consisting of 7 individual play items and step posts. Two additional lamp columns were also proposed. The position of the items was shown on The 'Technical Layout Plan' within the appendices of the report. The application was a resubmission of a previous scheme which was deferred and later withdrawn to address concerns raised by members and residents which included the location of the play equipment in proximity to the adjacent footpath and the position of the basketball hoop.

There were also complaints regarding the lack of consultation with residents prior to the planning application being submitted. The site was set between two streets (The Avenue and The Resolution) and a pedestrian footpath connected the two, with open space and the existing play equipment within it.

Taking on board resident comments and following further consultation with residents, the proposed play equipment had been positioned to the north of the site in a curved arrangement, being to the north of the footpath. Three objections had been received from residents which largely relate to anti-social behaviour (noise, nuisance, damage to equipment) and increase in traffic and parking problems. The additional equipment is set away from houses within the area and close to the existing play equipment is located, with a degree of natural surveillance as well as existing CCTV coverage along with proposed additional lighting. In view of these matters it was considered that the proposal would not have an adverse impact on the character of the area and would be a complementary addition to the existing established play park. It would also be of public benefit and provide children with a greater provision.

It was also considered that the equipment was shown in positions that would limit any impacts associated with the use of the equipment on residential amenity and highway safety nor would it be detrimental to users of the main footpath link.

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. The report detailed the planning policy position in relation to the application.

The Head of Planning advised the committee the application should be approved subject to the conditions detailed in the report.

At this point in the meeting Cllr McClintock and Mr A Walker were invited to speak in support of the application. The presentation included the following:

- Nunthorpe Parish Council were in favour of the scheme and the additional play equipment would complement the existing facilities.
- CCTV and improved lighting would address the concerns raised in the previous applications.
- The scheme, overall, was much improved on the previous application.

ORDERED that the application be approved subject to the conditions detailed in the report.

24/11 **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

24/12 **PLANNING APPEALS**

The Head of Planning advised the committee that an appeal had been lodged by Lidl following committee's decision to refuse that application. A Planning Inspectorate Hearing was scheduled for 24 September 2024.

24/13 **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 - 05-Sep-2024

Town Planning applications which require special consideration

| | | | |
|---|--|---|--|
| 1 | <p>Reference No: 24/0190/MAJ</p> <p>Ward: Nunthorpe</p> | <p>Applicant: Thornfield Gospel Hall Trust</p> <p>Agent: Prism Planning Ltd</p> | <p>Description: Construction of gospel hall with associated car parking and landscaping.</p> <p>Location: Land off Stokesley Road, Nunthorpe, Middlesbrough</p> |
| 2 | <p>Reference No: 24/0216/FUL</p> <p>Ward: Hemlington</p> | <p>Applicant: Mr Ged O'Leary</p> <p>Agent: Sean Mclean Design</p> | <p>Description: Single storey extension to rear and single storey workshop extension to side and rear of existing garage</p> <p>Location: 36, Nuneaton Drive, Middlesbrough, TS8 9PR</p> |
| 3 | <p>Reference No: 24/0226/MAJ</p> <p>Ward: Berwick Hills/Pallister Park End/Beckfield</p> | <p>Applicant: Middlesbrough Council</p> <p>Agent:</p> | <p>Description: Erection of single storey community facility (F2(b) use class) comprising a multi-use hall and multi-purpose rooms, including community café; construction of access roads, associated car park, fencing and landscaping</p> <p>Location: Site of former Southlands Centre, Ormesby Road, Middlesbrough, TS3 OBH</p> |

APPLICATION DETAILS

| | |
|------------------------|--|
| Application No: | 24/0190/MAJ |
| Location: | Land off Stokesley Road, Nunthorpe, Middlesbrough |
| Proposal: | Construction of gospel hall with associated car parking and landscaping. |
| Applicant: | Thornfield Gospel Hall Trust |
| Agent: | Steve Barker, Prism Planning Ltd Prism Planning Ltd |
| Ward: | Nunthorpe |
| Recommendation: | Refuse |

SUMMARY

Planning permission is sought for the construction of a gospel hall with associated car parking area and landscaping on land at the southern end of the allocated Nunthorpe Grange housing site.

Following a consultation exercise, objections and other representations were received from 120 different addresses, as well as the Nunthorpe Parish Council and a ward councillor.

The application site forms part of the wider Nunthorpe Grange site allocation where local Policies collectively allocate the site for residential development. The proposed development would, therefore, be a departure from the adopted Development Plan, although a place of worship could be considered a compatible use within the allocation.

Notwithstanding the potential acceptance of the use, the proposal is considered not to provide a high quality development, primarily as a result of the poor design of the gospel hall building and the sprawling car park layout. These issues with the layout and design are considered to result in a development that will detract from the visual amenity of the area and be unsympathetic to the local character of the surrounding area and would subsequently fall short of the policy based requirements for design and layout to be appropriate for the area.

The development is considered to be in conflict with local plan policies and Paragraph 135 of the National Planning Policy Framework and it is the officer recommendation to refuse.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application refers to a plot of land approximately two hectares in size located within the suburb of Nunthorpe in south Middlesbrough. More specifically, the proposals sought through this application would be sited in the southeast corner of Nunthorpe Grange, immediately north of Poole Roundabout.

The site is bounded to the north by greenfield land, which has seen recent development through a new medical centre and is allocated for future residential development in the Local Plan. Beyond the open fields to the north are residential properties and sports grounds as part of Nunthorpe and Marton Recreation Club. To the east of the site is further greenfield land and the A1043 (Nunthorpe Bypass). To the south is Poole Roundabout. To the west is Stokesley Road and beyond this are residential dwellinghouses as part of the Grey Towers Drive housing estate.

The application seeks planning permission for the construction of a purpose-built gospel hall (F1 use class) with associated car parking and landscaping. Access to the site would be formed off the private access road to the nearby medical centre.

The hall building would be positioned to the north of the application site, having a northwest-southeast orientation with the main entrance on the southeast elevation. The footprint of the building would be 1448 square metres – approximately 51 metres in length and 28 metres in width (this would increase to approximately 56 metres and 32 metres respectively when accounting for the roof overhang). The main roof design would feature a dual-pitched gable, which has a total height of approximately 9 metres, whilst a flat roof canopy runs around the southwest and southeast elevations at an approximate height of 2.5 metres.

The external elevations would comprise red brickwork at a lower level with charcoal grey colour timber cladding over. The roof would include terracotta colour pantiles. On the northwest elevation, a close boarded timber fence encloses the service yard. Three air conditioning units are positioned approximately midway along the northwest elevation. Given the internal arrangements and functionality of the building, there would be no glazing on the four elevations, except for that within the main entrance. Immediately adjacent to the main entrance is a plaza area.

Surrounding the building would be the associated car park, which accommodates 163 permanent spaces and 121 temporary spaces on Grasscrete. In total, 284 spaces could be provided, with 102 of these double-parked when the car park is full. The parking area materials would consist of porous blocks and tarmac. The car park would be restricted to users of the gospel hall with the exception of 12 spaces near to the point of access which would remain available for use by the local community.

On the perimeter of the site would be new planting, including trees and hedging, as well as a detention pond on the western boundary to allow connection to the main sewer system and to provide increased biodiversity at the site.

Documents that have been submitted in support of the application include:

- Planning Statement
- Design and Access Statement
- Transport Statement and Travel Plan
- Aimsun Modelling Report
- Car Park Plan (car park entry and exit management)

- Biodiversity Net Gain Statement
- Biodiversity Metric Calculation
- Stage 1 Geo-Environmental Desk Study Report
- Preliminary Ecological Appraisal
- Habitat Management and Monitoring Plan
- Noise Impact Assessment
- Flood Risk Assessment
- Drainage Strategy

PLANNING HISTORY

There is no relevant planning history relating to this site, which has previously been in agricultural use.

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:

Housing Local Plan (2014)

H1 – Spatial Strategy

H10 – Nunthorpe

H11 – Housing Strategy

H29 – Land at Nunthorpe, South of Guisborough Road

H31 – Housing Allocations

CS17 – Transport Strategy

Tees Valley Joint Minerals & Waste DPDs (2011)

MWC4 – Safeguarding of Minerals Resources from Sterilisation

MWP1 – Waste Audits

Core Strategy DPD (2008)

CS4 – Sustainable Development

CS5 – Design

CS6 – Developer Contributions

CS18 – Demand Management

CS19 – Road Safety

DC1 – General Development

Saved Local Plan Policies (1999)

E49 – Development Along Main Approach Routes

Supplementary Planning Documents

Middlesbrough's Urban Design SPD (2013)

Nunthorpe Design Statement SPD (2011)

Other Relevant Policy Documents

Nunthorpe Grange Design Code (2018)

Tees Valley Design Guide and Specification: Residential and Industrial Estates Development

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

Neighbour Consultation

Consultation letters were posted out to local residents, a press notice was issued and, given the wider implications of the proposals, six site notices posted around the site and nearby area. At the time of writing, the following representations had been received from the below properties, and their comments are subsequently summarised.

Public Responses

| | |
|--|-----|
| Number of original neighbour consultations | 205 |
| Total numbers of comments received | 121 |
| Total number of objections | 120 |
| Total number of support | 1 |

Late letters of support

It is noted that the application has recently received a significant number of letters in support of the proposed development. At the time of writing, however, it has not been possible to list the addresses of all those in support and to summarise their comments as they were received too close to the deadline for finalising this Committee Report. They will be summarised in a subsequent addendum report, which Members will be given.

Summary of letter of **support**:

- As a member of the PBCC residing in Guisborough, I am deeply invested in the spiritual and communal life of our church and would like to express the importance of this new development for my family.
- Our faith and way of life centre around regular gatherings, not just for worship, but also for communal activities that strengthen our bonds with one another and with the wider community.

- The current church at Gypsy Lane has become too small to accommodate our growing congregation, which draws other Plymouth Brethren members from across the North East.
- Nunthorpe offers a location that minimises journey times. Our way of life involves frequent gatherings that require a place that is easily accessible to all. Relocating to a site further away would impose significant travel burdens on many members, reducing the time we can spend in fellowship and in service to the community.
- The Brethren have a longstanding commitment to contributing positively to the communities in which we reside.
- Through initiatives such as the Rapid Relief Team (RRT), we regularly engage in charitable work, providing support and aid to those in need. In Nunthorpe, our members have been active in various forms of community service, and the new church in the area would further enable us to continue and expand this work.
- In conclusion, the proposed church in Nunthorpe is essential for meeting the spiritual needs of our growing congregation and will allow us to continue our tradition of contributing positively to the local area.

Letter of support received from:
2 Sandwood Park, Guisborough

Summary of issues raised in objections:

- Is contrary to the plan for Nunthorpe Grange and restricts the construction of the required housing in the area.
- There are sequentially more preferable sites in Middlesbrough and the Tees Valley.
- The development would be better in a town centre next to major arterial link roads and public transport.
- The amount of traffic associated with the proposals will cause congestion, significant noise and impact on road safety.
- Pavements are not adequate in this area. There is no pedestrian crossing nor a pavement on this side of Stokesley Road and with the additional traffic, this is a hazard for pedestrians.
- The existing highway infrastructure cannot accommodate the proposals.
- Car park dominates the site.
- Development goes against the Council's green transport policies.
- No provision for cycle parking.
- Access to the site is very narrow and near a junction and on a blind corner which poses a safety hazard to all highway users.
- Excess parking would be in the surrounding housing estates.
- The design and scale of the proposals is not in keeping with the area and would negatively impact on the local character and amenity.
- This location is not suitable for a development of this scale.
- Building has a lack of windows and looks more like a warehouse in an industrial area.
- The Council should be insisting on solar panels.
- Concerns with the size of the building and fire regulations.
- Impacts on local wildlife.
- Nunthorpe needs its green spaces.
- Limited land in Nunthorpe and it should be used to serve the local area, which the proposed gospel hall will not.
- The proposals will not serve the local community.

- Concerns over the possible functions that may happen, which brings many vehicles and noise.
- Services will happen at times when local residents are trying to sleep.
- Significant loss of revenue from council tax that dwellings would provide.
- The development (tarmac car park) could have flooding impacts on the area.

Letters of objection received from:

Aldwalk Close – No. 1
Ayton Meadows – No. 1
Bedford Road – Nos. 20 and 24
Boardstone – No. 28
Borrowby Rise – No. 31
Bromley Hill Close – Nos. 1 and 2
Castle Wynd – No. 8
Chandlers Ridge – Nos. 2 and 3
Clevegate – Nos. 5 and 79
Collingham Drive – Nos. 12 and 29
Connaught Road – Nos. 2a and 20
Cookgate – Nos. 12 and 76
Cotscliffe Way – No. 8
Crookers Hill Close – Nos. 1 and 17
Ellerbeck – No. 9
Fearnhead – No. 18
Fencote Grange – No. 3
Forest Drive, Ormesby – No. 13
Glendue Close – No. 1
Green Close – No. 10
Green Way – No.22
Grey Towers Drive – Nos. 8, 18, 24, 26, 28, 35, 41, 52, 58, 60 and 66
Grey Towers Farm Cottages – Nos. 1, 3 and 4
Guisborough Road – Nos. 53, 73, 109, 114a, 119 and 159
Gypsy Lane – No. 62
Hastings Close – No. 11
High Gill Road – No. 19
Innes Court – No. 5
Lamonby Close – Nos. 6 and 18
Low Gill View – No. 1
Mallowdale – Nos. 1, 32 and 43
Marton Moor Road – Nos. 25 and 33
Matfen Avenue – No. 15
Mayfield Road – No. 64
Mickleby Close – No. 24
Moor Green – Nos. 5 and 24
Moor Park – No. 30
Muirfield – Nos. 1 and 5
Nunthorpe Gardens – Nos. 1, 15 and 27
Railway Cottages – Treetops
Ripon Road – No. 27
Rookwood Road – Nos. 2 and 18
Rosedale Road – No. 61

Rounton Grange – No. 11
Runnymede – No. 12
Ryehill Close – No. 2
Selby Road – No. 15
Sessay Grange – No. 3
Shandon Park – No. 29
Silverdale – No. 3
Stokesley Road – Nos. 3, 7, 8, 13, 14, 16 and 22
Sudbury – No. 15
The Avenue, Nunthorpe – Nos. 12, 89 and 125
The Crescent, Nunthorpe – No. 2b
The Paddock – No. 1
The Resolution – Nos. 1 and 3
The Woodlands – No. 1
Thurlestone – No. 25
Tirril Way – No. 5
Watchgate – No. 1
Westside, Old Nunthorpe Village – No. 14
Westwood Avenue – No. 5
Wildon Grange – No. 9
Windsor Crescent – No. 41
Wyke Lane – Nos. 2 and 9
York Road – No. 1

Local Ward Councillor Mieka Smiles made the following comments:

- Objects to this planning proposal in its current state.
- I am not totally opposed to a religious group having a new place of worship in this location as the group's current church is in the centre of a residential area and creates traffic and parking issues.
- This structure is far too large and not at all in keeping with the wider area. The hall in its current guise looks like a warehouse which is more suited to an industrial estate rather than an attractive residential area.
- The structure does not have windows. I think this is dangerous and I would question the legality of this for a building that's set to hold so many people.
- The expectation of up to 800 attendees far exceeds that of a small community church. The traffic this brings is too much for the road that already struggles with speeding vehicles - so much so that interventions such as electronic speeding signs have had to be introduced. Overflow onto the Marton Crawl should be a consideration. Parking could spill over onto Stokesley Road as this gospel hall hopes to be a regional hub.
- I would like to see any structure of this scale welcome in members of the wider Nunthorpe community.
- I would like to see local firms benefit from any new structure of this kind. Any planning permission should make sure that this is a condition.
- Flooding is a known issue in this area.

Nunthorpe Parish Council submitted the following objection:

- *Traffic, Travel, Highway and Pedestrian Safety*
- The Nunthorpe infrastructure is unable to accommodate such a development.
- The increase in pollution from noise and vehicle emissions will impact on residents.

- The addition of large numbers of vehicles entering and exiting the site will increase the danger of the crossing significantly.
- *Size, Scale, Layout and Appearance of the Development*
- The design, proposed materials and overall appearance of the development is not in keeping or sympathetic with the local surrounding area.
- The design is inappropriate of this green space which borders a conservation area.
- The green metal weld mesh fencing will be overbearing on the area.
- The scale, design and appearance of the proposed car parking has a negative impact on the streetscene and overall appearance of the site and surrounding area.
- The overall design does not appear to be of a high quality. Instead, it will be incongruous and obtrusive and gives the impression of an industrial style site.
- *Nature Conservation and the Environment*
- The development could result in cumulative negative effect on the environment and nearby properties.
- Loss of wildlife and a wildlife corridor.
- Reduced drainage exacerbating the flooding of gardens already experienced by properties along Stokesley Road.
- Increased noise and air pollution.
- Little benefit to the majority of Nunthorpe residents.
- Nunthorpe Grange Masterplan identifies this area allocated for residential development.

Responses from Internal Technical Consultees:

MBC Planning Policy

The proposed use of the site as a place of worship would be a departure from Policy H29, which allocates the land for housing. Whilst the provisions of Draft Local Plan Policy HO4d would establish the principle of providing a place of worship on the site, limited weight can be attached to this as the document is at an early stage in its preparation.

While the material palette of the Gospel Hall seeks to reflect the local context, the overall form and detailing of the building is considered to create a design that is not in keeping with or sympathetic to the character of the surrounding area. The proposal is therefore considered to be contrary to Policies CS4, CS5, and DC1 and the guidance set out in Middlesbrough's Urban Design Guide SPD and the Nunthorpe Design Statement SPD.

The Gospel Hall has a substantial seating capacity, with a considerable amount of associated car parking provision to accommodate this. The proposed use of the site and the impact it would have on the strategic transport network, the capacity of the road network, road safety, and the amenity of the surrounding environment will need to be considered.

The extent to which the proposal contributes towards the achievement of sustainable development principles should also be considered, including the promotion of sustainable modes of transport. Subsequently, the developments adherence to the provisions of Policies H29, CS6, CS17, CS18, CS19 and DC1, as well as guidance set out in the Tees Valley Design Guide and Specification and Nunthorpe Grange Design Code, is of relevance in the determination of the application.

Finally, the provisions of Policies H29, CS4, and CS5, and the guidance set out in the Nunthorpe Design Statement SPD and Nunthorpe Grange Design Code, should be considered with respect to the proposed landscaping of the site.

MBC Highways

The proposed building accommodates up to 984 people. A number of services occur with the largest events being Interchange Meetings that occur every third Sunday and which currently attract 800 worshippers.

Site Access

Access is proposed from Stokesley Road, with a new junction being formed off the access road serving the adjacent Nunthorpe Medical Centre. A new footway is proposed to the south side of the access road linking the development site to Stokesley Road.

Assessment of Development

The proposals have been assessed using agreed input parameters within the Strategic Aimsun Model. Vehicle trip generation estimates are based upon an average car occupancy of 3.4 people per car, based upon information supplied by the applicant as determined by the patterns observed at an existing gospel hall site.

Additional information supplied indicates that the development has very short arrival and departure periods – people arrive within a short window before and leave immediately after a service (within 30 minutes). Within the 30-minute arrival window, there is a peak where around 70% of total arrivals do so within a 10-minute window, which results in significant vehicular movements occurring over a very short timeframe on a localised part of the network.

In order to understand the potential implications of the development, the Aimsun Model tested two of the main events in a future year scenario (2030) to understand the impact of any delays in vehicles entering/exiting the site on the adjacent network given the intense nature in which traffic arrives and departs the site. These tests took into account varying degrees of delay when vehicles enter the site.

City Meetings are the most frequent services and occur 3 times per week. It is advised that 220 people attend these and based upon the above car occupancy rates would generate 65 vehicle arrivals and 65 departures. Aimsun Modelling demonstrates that meetings of this scale result in small changes in delay and queuing over that which would be seen in the future year without the development in place. As such, it is confirmed that this scale of development would not have a material impact on the operation of the network in terms of capacity, delay or queuing.

Interchange Meetings are capacity events which occur every third Sunday. It is advised that 800 people attend these and based upon the above car occupancy rates would generate 235 vehicle arrivals and 235 departures. In summary, the Modelling demonstrates that meetings of this scale result in more significant changes in journey time and queuing over that which would be seen in the future year without the development in place. Furthermore, the scale of the impact on the highway created as a result of these events is much more sensitive to the size of the potential delay incurred by vehicles accessing the site. In addition to increased journey times and delay this manifests itself as increased localised queuing.

To address concerns over the intensity of use of the site, a car parking management strategy has been submitted to support the application. This management strategy involves the use of ten wardens to direct arriving vehicles in order to fill the car park efficiently. A similar plan is proposed to ensure that the car park empties in a similar manner.

The Modelling demonstrates that the impact on the adjacent highway is critically dependent on the implementation and ongoing use of access and parking management. The Modelling also shows that a delay as small as 1 second per vehicle results in a much greater impact on the adjacent highway. Should there be any slight change to access and operation of the car park resulting in each vehicle only being delayed by 1 second, there is a disproportionate impact on the adjacent network. Such an approach requires a very high level of ongoing control with very small margins for error.

Whilst the applicant advises the larger capacity Interchange Meetings only occur once every third Sunday, it is not possible to control this in Planning terms. In addition, just because an event occurs infrequently, does not diminish the potential harm created by its operation. Conditions seeking to limit the use of a development for larger events would be highly restrictive and it is considered unlikely that such an approach would be reasonable or enforceable. The car parking management plan could be conditioned, although such management requires an extremely high level of control. Should this fail or there are external influences outside of the control of the applicant then the impact on the adjacent highway would be significant with no mitigation available. This could be considered contrary to Paragraph 115 of the National Planning Policy Framework which states that development should be refused where there is an unacceptable impact on highway safety.

Officers therefore have significant concerns regarding the proposals. The impact that can be seen on the highway network is critically dependent on the frequency of use of the building for the larger/capacity events and the ongoing successful implementation of a car parking management plan. However, this has to be weighed up against the information supplied by the applicant and detail on the way in which the site is intended to operate.

Making a recommendation from a Highways perspective is based upon various pieces of evidence and assessing whether a scheme could be made acceptable, which on this scheme is finely balanced with pros and cons. Whilst the Modelling establishes that there is potential for harm, consideration must be given to whether the impacts could be mitigated against and whether it would be appropriate to mitigate.

It is the view of officers that the impacts could not be mitigated against. Due to the layout of the highway, it is considered that the effects of additional queuing or journey time delay could not be mitigated against. Increasing the number of approach arms or width of approach to existing junctions either cannot be achieved within the available land or the cost of such works would be disproportionate to the scale of development. Increasing vehicular capacity at junctions would also not address issues created by lengthy queuing, which occurs due to vehicles having to give way to other flows at junctions.

In terms of whether it would be appropriate to mitigate against the impacts, the frequency of the events of harm are based upon capacity events. Notwithstanding concerns over how the number of events could be controlled, the harm is only seen for a short peak (circa 10-15 minutes) within a 30-minute period before and after a service.

Car Parking

Development proposals indicate that a total of 284 car spaces are proposed. A typical Interchange Meeting currently attracts 800 worshippers and based upon the car occupancy levels, the parking demand from these meetings would be 235 vehicles. Should the building be operated to its full capacity, the parking demand would be 289 spaces.

The level of car parking being proposed is significantly higher than the Tees Valley Highway Design standards, which would advocate 164 spaces if the building were operating to its full capacity. Whilst each development is taken on its own merits generally where parking levels exceed the Tees Valley Highway Design Guide an objection is raised. This approach is taken as the availability of car parking is an established demand management tool which when utilised with other measures seeks to promote sustainable travel and reduce dependence on the private car. An overprovision of car parking can lead to car dependence and associated issues arising from such an approach. The main difference with the scheme in question, however, is that the high levels of car parking are a function of the significant capacity of the building. The applicant has indicated that they have an average number of occupants per vehicle of 3.4 which is very high and unlikely to be able to be improved.

Active Travel

Generally, churches and places of worship are facilities which serve the local community and the tendency for people to walk would be high. In this case, however, the development has a much wider catchment area and travel by foot or bicycle becomes less viable. Supporting documents advise that members of the church do not cycle as they would be dressed in unsuitable clothing (suits, dresses etc). The times of services fall outside the operation of frequent public transport and, when factoring in the catchment area of worshippers, public transport becomes a much less viable solution. The applicant has therefore not proposed any off-site highway mitigation towards Active Travel and their position is that the primary form of travel to the development will be by car.

Notwithstanding the above, a Travel Plan has been submitted, although it is the officer view that this document is a token gesture and it is highly unlikely that the current travel patterns will change owing to the approach taken to the development. It is noted that such a form of development with an almost exclusive car-based approach is contrary to local and national policies regards sustainable transport.

Given the above assessment, the recommendation is very finely balanced between supporting and objecting to the proposals and there are a number of concerns and issues raised. When assessing each of these issues and concerns individually and whether they could be suitably addressed, it is the opinion of the Local Highway Authority that the development could just be considered acceptable subject to a number of elements being conditioned to secure ongoing control.

MBC Environmental Health

The ARP Geo-technical Ltd Phase 1 has been reviewed and the conclusions are agreed with that a site investigation would be required. In the event of approval, a condition is recommended.

The noise assessment has been reviewed – as well as the additional information from the agent regarding when the facility would be used in the early morning – and it is the impacts of the use during the early hours that would be the main concern. The use early morning will

be each Sunday where it is understood there will be around 12 cars and 40 people attending. The predicted noise levels within the noise assessment were considered with the car park full, so the noise predictions are more than the anticipated noise levels, as the number of cars arriving early Sunday morning has been significantly overestimated in the noise assessment.

Whilst the predicted noise levels will be in excess of the existing background noise levels from 6am – 7am (classed as night time), the actual noise level and predicted internal noise levels from this all meet the BS8233 criteria, including night time noise levels measured as Leq and Lmax levels. As local residents are expected to be within their homes between 6am and 7am, the assessment of noise using internal noise levels and BS8233 guideline levels is acceptable.

In addition, there will be no amplification of music or voices from the church. Overall, there are no objections in terms of noise impact.

In relation to lighting, if external lighting within the building grounds and/or car park grounds are proposed, a condition is recommended for details of the lighting prior to installation.

MBC Flooding Officer

No objections subject to conditions for drainage information.

MBC Waste Policy

No objections.

MBC Valuation and Estates

No comments received.

Responses from External/Statutory Consultees

Secured By Design

Recommends that the applicant actively seeks Secured by Design accreditation.

Natural England

No comments received.

Cleveland Fire Brigade

No objections.

Northern Gas Networks

Objects to the application on the grounds that the protection given to NGN plant may be diminished by the works proposed.

Northumbrian Water

No comments received.

Environment Agency

No comments received.

Redcar and Cleveland Borough Council
No objections.

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process, revised drawings were submitted seeking to address concerns that officers raised over the design of the proposals. Amongst the principal changes were the introduction of pantile roof tiles within a new dual pitched gabled roof design as well as different colour timber cladding in the elevations. The revised drawings form the current set of plans upon which the following analysis is based.

Principle of Development

2. The application site is located in south Middlesbrough and relates to an area of land identified as part of the wider 'Land at Nunthorpe, south of Guisborough Road' housing allocation. Policies H1, H10, H11, H29 and H31 collectively allocate the site for residential development and are relevant to this application. As the proposed development regards the construction of a place of worship, it is considered to represent a departure from the adopted Development Plan.

3. The application site forms part of the 'Nunthorpe Grange' housing allocation, which is identified in Policies HO4 and HO4d of the Council's Draft Local Plan (January 2024). These draft policies – as well as established Policy H31 in the Local Plan – indicate that the site could accommodate approximately 250 dwellings. In addition, part g of Policy HO4d states that the site should '*provide a community hub and community garden, community hall or places of worship*'. Although this proposal would establish the principle of providing a place of worship at the site, it is considered that limited weight should be attached to the policies within the Draft Local Plan as the document is at an early stage in its preparation. As it advances further through the preparation process, more weight may be attached to the policies it contains.

4. Amongst other things, Policy H29 advises that the site will not be brought forward until an agreement on provision of a park and ride facility has been secured or the Longlands Road to Ladgate Lane Road have been secured and a timetable for implementation agreed. It is noted that neither of these transport infrastructure schemes has been agreed. A doctors' surgery has been granted planning permission and constructed within the allocation site in advance of an agreement on the schemes, which could be considered to establish a precedent. Provided that the impact of the proposed development on the highway network can be satisfactorily mitigated by other measures, this would be a material planning consideration which could justify approval of a development proposal in the absence of any agreement on the above two infrastructure schemes.

5. Policy CS4 requires all development to contribute towards the achievement of a range of sustainable development principles, where appropriate. Consideration should therefore be given to the provisions of Policy CS4, which include: respecting the diverse needs of communities and ensuring that everyone has access to the community facilities they need in their daily lives; ensuring that biodiversity and other natural assets and green infrastructure are protected and, where possible, enhanced; and incorporating within

developments of a floorspace of 1,000 square metres or more, onsite renewable energy facilities or energy saving technologies (for example combined heat and power systems, photovoltaic cells and wind turbines) that provide as a minimum 10% of energy requirements. In the event of approval, a condition can be imposed to provide 10% renewables or a fabric first approach.

6. Whilst a place of worship is strictly a departure from the residential development anticipated for this part of the site as per the Nunthorpe Grange masterplan, it could be deemed a compatible use within the allocation.

Highways Implications

7. Policies CS17, CS19 and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety and the capacity of the road network. Policy H29 requires the provision of any necessary off-site improvements to transport infrastructure to ensure traffic generated by the development does not have a significant detrimental impact upon the highway network.

8. Similarly, and where necessary, Policy CS6 requires a contribution towards providing infrastructure – that is directly related to the proposed development – to make a scheme acceptable in Planning terms. The Nunthorpe Grange Design Code identifies that £159,295 per net developable hectare will be required for local strategic road improvements. Although this requirement was based on the site being developed for housing, consideration needs to be given to the level of off-site improvements required to mitigate the impact of the proposed development on the road network. Having considered the supporting Transport Assessment and Aimsun Modelling, no contribution is deemed necessary in this case.

9. The application specifies the proposed patterns of use for the gospel hall as ranging from smaller meetings of around 40 people (approximately 12 cars), to larger meetings of around 800 people (approximately 240 cars) that occur less frequently every third Sunday. The building, however, is stated in the submitted Planning Statement as having a maximum seating capacity of 982 and has parking to accommodate a total of 284 cars. The intensity of the proposed use and the potential impact that it may have upon both the strategic transport network and the capacity of the road network needs careful consideration, as well as any implications that it may have on road safety.

Site Access

10. Access is proposed from Stokesley Road, with a new junction being formed off the access road serving the adjacent Nunthorpe Medical Centre. A new footway is proposed to the south side of the access road linking the development site to Stokesley Road.

Assessment of Development

11. The proposals have been assessed using agreed input parameters within the Strategic Aimsun Model. Vehicle trip generation estimates are based upon an average car occupancy of 3.4 people per car, based upon information supplied by the applicant as determined by the patterns observed at an existing gospel hall site.

12. Additional information supplied by the applicant indicates that the proposed development has very short arrival and departure periods – people arrive within a short window before and leave immediately after a service (within 30 minutes). Within the 30-minute arrival window, there is a peak where around 70% of total arrivals do so within a 10-

minute window. The result of this is that there are significant vehicular movements occurring over a very short timeframe on a localised part of the network.

13. In order to understand the potential implications of the development, the Aimsun Model tested two of the main events in a future year scenario (2030) with further sensitivity testing to understand the impact of any delays in vehicles entering/exiting the site on the adjacent network given the intense nature in which traffic arrives and departs the site. These sensitivity tests have been undertaken on the following basis.

- Test 1: vehicles incur no delay on access.
- Test 2: vehicles incur 1 second of delay per vehicle on access.
- Test 3: vehicles incur 2 second of delay per vehicle on access.

14. *City Meetings* are the most frequent services and occur 3 times per week. It is advised that 220 people attend these and based upon car occupancy rates (3.4 people per vehicle) would generate 65 vehicle arrivals and 65 vehicle departures. Aimsun modelling demonstrates that meetings of this scale result in small changes in delay and queuing over that which would be seen in the future year without the development in place. As such, it is confirmed that this scale of development would not have a material impact on the operation of the network in terms of capacity, delay or queuing.

15. *Interchange Meetings* are capacity events which are stated as occurring every third Sunday. It is advised that 800 people attend these and based upon car occupancy rates (3.4 people per vehicle) would generate 235 vehicle arrivals and 235 vehicle departures. In summary, the modelling demonstrates that meetings of this scale result in more significant changes in journey time and queuing over that which would be seen in the future year without the development in place. Furthermore, the scale of the impact on the highway created as a result of these events is much more sensitive to the size of the potential delay incurred by vehicles accessing the site.

- Test 1: Journey time increases on the network immediately surrounding the site of between +01:22 (+56.7%) and +03:16 (+101.3%) over that seen in the no development scenario.
- Test 2: Journey time increases on the network immediately surrounding the site of between +01:27 (+60.2%) and +03:35 (+115.6%) over that seen in the no development scenario.
- Test 3: Journey time increases on the network immediately surrounding the site of between +01:56 (+80.4%) and +05:45 (+178.1%) over that seen in the no development scenario.

16. In addition to increased journey times and delay this manifests itself as increased localised queuing.

| Junction | Arm | No Development Mean Queue | With Development Mean Queue | Summary |
|-----------------------------------|--------------------------|---------------------------|-----------------------------|---|
| Poole Roundabout | | | | |
| | Stokesley Road | 1 vehicle | 8 vehicles | This increase is solely attributed to additional development trips using this arm of the junction when departing. On most occasions, any queuing is contained within the Stokesley Road approach to Poole Roundabout however in some instances queues extend as far as the site access junction and thus prevent vehicles exiting the site for a short period of time. |
| | Nunthorpe Bypass (A1043) | 4 vehicles | 25 vehicles | This increase is attributed to vehicles approaching the Poole Roundabout from the Nunthorpe Bypass having to give way to an increased number of vehicles entering the roundabout from Stokesley Road. This increase is associated with development trips departing the site and turning left out of the site onto Stokesley Road. Given the greater volumes of traffic using the Nunthorpe Bypass, the level of queuing remains reasonably consistent after 13:00 and does not drop as quick as predicted on other arms. |
| | A172 (South) | 1 vehicle | 21 vehicles | This increase in queueing is solely attributed to additional development trips using this arm of the junction on arrival. |
| | Cotcliffe Way | 2 vehicles | 2 vehicles | Mean queues on Cotcliffe Way change only very subtly with the development in place |
| | Dixons Bank (A172) | | | This increase in queueing is due to a small number of additional development trips using this arm of the junction to access the site, as well as vehicles on this approach having to give-way to an increased number of trips entering the roundabout from the A172 South. IN addition, some partial blocking does occur, particularly in Test 3, with development trips queueing along Stokesley Road into the site access. This means that vehicles on the Dixons Bank approach queue onto Poole roundabout. |
| Stokesley Road/Site Access | | | | |
| | Stokesley Road North | 0 vehicles | 2 vehicles | This change is associated with queuing further downstream on approach to the Poole roundabout. On some occasions, these queues extend as far back as the site access and due to the increased number of left turning development trips departing the site, this impacts upon vehicles travelling southbound on Stokesley Road. |
| | Site Access | 0 vehicles | 7 vehicles | This increase in queuing is attributed to development trips when departing the site. Generally, any queuing is contained on the site access arm but on some occasions, this does extend as far back as the Gospel Hall car park access and into the site. |
| | Stokesley Road South | 0 vehicles | 11 vehicles | This increase in queueing occurs as a result of right turning development trips giving way to southbound traffic on Stokesley Road and queuing on the site access arm into the Gospel Hall car park. Queuing on this arm of the junction is particularly sensitive to the level of delay assumed at the car park access, with the results showing: <ul style="list-style-type: none"> • Mean queues of up to 11 vehicles (approx. 64m) in Test 3. On some occasions, the extent of queueing is greater than this and extends as far back as Poole roundabout. • Mean queues of slightly less than 2 vehicles (approx. 12m) in Test 2. • No queueing in Test 1. |

17. In order to address concerns over the intensity of use of the site, a car parking management strategy has been submitted to support the application. This management strategy involves the use of wardens (10 indicated) to direct arriving vehicles in order to fill the car park in a set routine in order to ensure maximum efficiency. A similar plan is proposed to ensure that the car park empties in an efficient manner.

18. As has been demonstrated within the modelling, the impact on the adjacent highway is critically dependent on the implementation and ongoing use of access and parking management which are highly controlling and restrictive. As has also been demonstrated by the modelling, a delay as small as 1 second per vehicle results in a much greater impact on the adjacent highway. Should there be any slight change to access and operation of the car park resulting in each vehicle only being delayed by 1 second, there is a disproportionate impact on the adjacent network. Such an approach requires a very high level of ongoing control with very small margins for error.

19. A further consideration is that whilst the applicant advises the larger capacity Interchange Meetings only occur once every third Sunday, it is not possible to control this in planning terms. Consent is being sought for a place of worship that can accommodate up to 984 people with 284 car spaces. It is the implications of this scale of development which need to be understood and assessed with any mitigation required put in place. In addition, just because an event occurs infrequently, does not diminish the potential harm created by its operation.

20. Consideration is given to the use of conditions to meet the tests of the Circular 11/95 and whether they could make development acceptable in planning and highway terms. Conditions seeking to limit the use of a development for larger events to a certain number of times per week/month etc. would be highly restrictive and it is considered unlikely that such an approach would meet the tests of the Circular nor would any condition be likely to be enforceable in a practical sense. The car parking management plan could theoretically be conditioned, although as has been demonstrated within the Aimsun Model, such management requires an extremely high level of control for the life of the site. Should this fail or there are external influences outside of the control of the applicant then the impact on the adjacent highway would be significant to which no mitigation is available. This could be considered contrary to Paragraph 115 of the National Planning Policy Framework which states that development should be refused where there is an unacceptable impact on highway safety.

21. Officers therefore have significant concerns regarding the proposals. The impact that can be seen on the highway network is critically dependent on the frequency of use of the building for the larger/capacity events (the Interchange Meetings, in particular) and the ongoing successful implementation of a car parking management plan. However, this has to be weighed up against the information supplied by the applicant and detail on the way in which the site is intended to operate.

22. Making a recommendation from a Highways perspective is based upon various pieces of evidence and assessing whether a scheme could be made acceptable, which on this scheme is finely balanced with pros and cons. Whilst the modelling establishes that there is potential for harm, consideration must be given to whether the impacts could be mitigated against and whether it would be appropriate to mitigate.

23. It is the view of officers that the impacts could not be mitigated against. Due to the layout of the highway, it is considered that the effects of additional queuing or journey time delay could not be mitigated against. Increasing the number of approach arms or width of approach to existing junctions either cannot be achieved within the available land or the cost of such works would be disproportionate to the scale of development. Increasing vehicular capacity at junctions would also not address issues created by lengthy queuing, which occurs due to vehicles having to give way to other flows at junctions.

24. In terms of whether it would be appropriate to mitigate against the impacts, the frequency of the events of harm are based upon capacity events, events which it is understood occur once every third Sunday. Notwithstanding concerns over how the number of events could be controlled, the harm is only seen for a short peak (circa 10-15 minutes) within a 30-minute period before and after a service.

Car Parking

25. Development proposals indicate that a total of 284 car spaces are proposed consisting of 163 hard surfaced spaces plus 121 Grasscrete spaces. A typical Interchange Meeting currently attracts 800 worshippers and based upon the car occupancy levels provided (3.4 people per car), the parking demand from these meetings would be 235 vehicles. Should the building be operated to its full capacity of 984 worshippers, the parking demand would be 289 spaces.

26. The level of car parking being proposed is significantly higher than the Tees Valley Highway Design standards, which would advocate 164 spaces if the building were operating to its full capacity. Whilst each development is taken on its own merits – taking into account such considerations such as the location and land use – generally where parking levels exceed the Tees Valley Highway Design Guide an objection is raised. This approach is taken as the availability of car parking is an established demand management tool which when utilised with other measures seeks to promote sustainable travel and reduce dependence on the private car. An overprovision of car parking can lead to car dependence and associated issues arising from such an approach. The main difference with the scheme in question, however, is that the high levels of car parking are a function of the significant capacity of the building. The applicant has indicated that they have an average number of occupants per vehicle of 3.4 which is very high and unlikely to be able to be improved.

Active Travel

27. Generally, churches and places of worship are facilities which serve the local community and as such the propensity for people to walk would be high. In this case, however, the proposed development has a much wider catchment area and travel by foot or bicycle becomes less desirable or viable. Supporting documents (Transport Statement) advise that members of the church do not cycle due to worshippers being dressed in unsuitable clothing (suits, dresses etc). In addition, the applicant also advises that the times of services fall outside the periods of operation of frequent public transport and, when factoring in the catchment of worshippers' public transport, again, becomes a much less viable solution. On this basis, the applicant has not proposed any off-site highway mitigation towards Active Travel and their position is that the primary form of travel to the development will be by car.

28. Notwithstanding the above, a Travel Plan has been submitted, although it is the officer view that this document would have limited impact as it is highly unlikely that the travel patterns will be that of car borne visits, owing to the approach taken to the development and statements made by the applicant. It is noted that such a form of development with an almost exclusive car-based approach is contrary to local and national policies regards sustainable transport. It is noted however, that this is always likely to be the case for a use which attracts people from a dispersed wider area. However, such uses would ideally be located at a site where there are sustainable travel options. Arguably, it is in an unsustainable location for this use.

29. Whilst the comments of the Highways Officer are noted, there remains to be concern over the nature of traffic movements. Planning permission is being sought for a use and putting too much focus on a very specific way in which it would work is challenging unless it can be reasonably controlled by condition. It is considered that increased frequency of use, change in timing of meetings into the peak hours, removal of marshalling or low effectiveness of marshalling, will all be likely to result in notable levels of traffic backing up into the adjacent highway and this could be on a more regular basis than for a half hour (out of peak) period once every 3 weeks.

30. It is considered to be very difficult to control the individual movements of people and when talking about delays of a few seconds influencing traffic queues entering a site off a carriageway, this has significant potential to cause problems. Again, a notable or significant impact on the highway for 30 mins every 3 weeks outside of peak hours is one consideration but this is very different to a greater use infringing into peak hours and planning permission would be granted for the overall parking spaces and thereby would be significantly different. Conditions could be imposed to restrict numbers of cars, but that would not necessarily stop cars going to the site. Opening hours could be controlled, but this level of control would result in a large building and expansive car park being empty for the majority of the time.

31. In view of these matters, it is considered that the amount of car parking sought would result in adverse impacts on the movement of traffic on the adjacent highway and conditions to control this would not pass the tests of reasonableness as they would render the building largely unused. Whilst this may suit a very specific occupier, it is unlikely to suit the building or the use long term. The building is of a nature, as a single hall, that all users would always arrive over a very short period, rather than a building of multiple uses where the same overall level of use is spread over much longer times and this inherent design requirement is problematic when considering the movement of vehicles.

Flood Risk and Drainage Considerations

32. The application has been considered by the relevant water authorities, including Northumbrian Water and the Council's Local Flooding Officer. All have confirmed that there are no objections to the proposed development subject to it being carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy. More information would be required however, as there are some areas where information or clarification is required, although such information can be secured through appropriate conditions.

Ecology/Landscaping/BNG

33. The application is supported by a Preliminary Ecological Assessment, which provides general advice on the ecological constraints to the proposed development and what appropriate mitigation measures might be implemented to minimise adverse impacts on the flora and fauna at the site.

34. The application site primarily comprises agricultural field and has established hedgerows along much of the site boundaries. The proposals will involve the clearance of the existing grassland habitat to facilitate the development, although the agricultural grassland is assessed as being of no notable ecological value. The surrounding hedges and self-seeded trees within it, however, are considered to have ecological importance. The site has been assessed in relation to a number of different protected species including bats, nesting birds, badger, great crested newts and reptiles.

35. The report assesses that the site is not optimal for badgers but they may commute and forage on site, so basic mitigation measures are recommended to avoid any significant harm. The site provides no potential roosts for bats, as there are no buildings at the site and the trees and hedgerows are considered not to support roosting bats. The site may provide opportunities for foraging so basic mitigation measures could be introduced to avoid indirect impacts. The site is considered to have poor habitats for great crested newts and there are no records of them in the surrounding area, so there are unlikely to be significant impacts as a result of the development. The site is also considered to have no reptiles present given the sub-optimal habitats and the previous land use, so there impacts on reptiles are deemed

to be insignificant. The grassland habitats and hedgerows on site are considered to offer suitability for nesting birds, so in the event of approval, suitable mitigation and avoidance measures are recommended and can be conditioned. As well as the protected species, the site was considered suitable for hedgehogs, which could be impacted by any site clearance works and appropriate mitigation and site enhancement measures should be implemented in the event of approval. A condition can be imposed for appropriate enhancement features.

36. A detailed soft landscaping scheme has been submitted as part of the application, which shows the planting of 82 new trees (including Norway Maples, Alder, Silver Birch, Hornbeam, Hawthorn, Apple, Rowan and Oak) and ornamental shrub planting across the site. Wild flora would be planted within the linear park, which goes around the edge of the site, and a new wetland area created near to the southwest boundary (adjacent to the site entrance) that seeks to provide opportunities to increase biodiversity at the site. Along with the established hedgerows on the southwest and southeast boundaries, the proposed landscaping assists with screening the development from outside of the site.

37. Since April 2024, Biodiversity Net Gain (BNG) has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10% over 30 years, which means that development will result in a more or a better quality natural habitat than there was before development.

38. The application has been supported by a Biodiversity Net Gain Statement and the required Biodiversity Metric tool has been completed. The Biodiversity Net Gain Statement advises that the BNG mitigation hierarchy has been followed, which requires development to firstly avoid impacts, then to minimise impacts and then to compensate for impacts to on site habitats. The Metric concludes that area habitats will be improved by over 13% and that hedgerows will be improved by over 128%. A management and monitoring plan to ensure that the minimum requirement of 10% net gain in biodiversity is achieved over 30 years can be conditioned in the event of approval.

Building Impacts on Residential Amenity

39. Policy DC1 requires the impacts from all development proposals upon the surrounding environment and amenities of occupiers of nearby properties to be minimal. With many residential properties in the area, it is important that the potential impacts on nearby occupiers are acceptable.

40. The application has been supported by a noise assessment. This, as well as additional information provided by the agent of when the facility would be used, has been reviewed by officers in the Council's Environmental Health service. The impacts of the use of the proposal during the early hours would cause the main concerns.

41. The use of the site early morning will be every Sunday where it is understood there will be around 12 cars and 40 people attending. Reviewing the noise assessment, the predicted noise levels within the assessment were considered with the car park full and, therefore, the noise predictions are considerably in excess of the anticipated noise levels, as the number of cars arriving early Sunday morning has been significantly overestimated in the noise assessment. Whilst the predicted noise levels will be above the existing background noise levels between 6am and 7am (classed as night time), the predicted internal noise levels from the actual noise levels will comply with the BS8233 criteria. As local residents are reasonably expected to be within their homes between 6am – 7am each morning, the assessment of noise using internal noise levels and BS8233 guideline levels is acceptable.

42. It is understood that there will be no amplification of music or voices from the church. Overall, there are no objections in terms of noise impact from the proposals.

43. The proposed building would be situated over 100 metres from the nearest residential properties that are along Stokesley Road. At this distance, there are considered to be no adverse impacts in terms of overshadowing or oppression from the building. The proposed building would also be screened by the existing hedgerows that run along the boundary with Stokesley Road as well as the mature trees that are situated in many front gardens of properties along Stokesley Road. The proposals also detail a soft landscaping scheme, which will further considerably screen the building and the car parking area from the nearby properties.

44. Properties to the north of the site, situated at The Woodlands, are deemed not to be affected by the proposals due to a lack of proximity to the building (over 150 metres) and being separated from the development site by the existing doctors surgery and adjacent open field.

Design/Layout/Streetscene

45. Paragraph 135 of the National Planning Policy Framework states that *'planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate landscaping; are sympathetic to local character, including the surrounding built environment and landscape setting; and, establish a strong sense of place, using building types and materials to create attractive and distinctive places to visit'*.

46. Local Policies CS4, CS5 and DC1 collectively require all development proposals to demonstrate a high quality of design that positively contributes to the character and appearance of the surrounding area. This includes the layout, form, scale and materials of a proposed development. Middlesbrough's Urban Design Guide SPD provides further guidance on development design. It states that new development should look to strengthen and reinforce the locally distinctive identity, avoiding bland and contextless design that may lead to 'anywhere' developments, whilst avoiding pastiche.

47. The Nunthorpe Design Statement SPD (NDS) aims to maintain the distinctive character of Nunthorpe and provides guidance on the design of development in the area. Guideline D1 encourages high quality contemporary architecture that references locally distinctive detailing and responds to the context of its particular location. For development on the boundary/outside of urban Nunthorpe, Guideline D6 encourages development that is sympathetic with the surrounding landscape and buildings. It also states that adequate measures should be taken to screen ancillary features such as car parks.

48. Prior to the planning application being submitted, it is noted that a scheme was considered by the Local Planning Authority as part of its pre-application advice service, which included a meeting with representatives of the church and a detailed advice note being issued. In accordance with Paragraph 137 of the National Planning Policy Framework, the pre-application procedure sought to provide the applicant with relevant information of what the Council would expect to see as part of the formal planning application for a development on this site.

49. Policy H29 sets out criteria that development proposals at the 'Land at Nunthorpe, South of Guisborough Road' allocation are expected to satisfy. In terms of the design process, it states that the topography, features, and views of the site should be taken into account. The Nunthorpe Grange Design Code (NGDC) specifically identifies the location of the application site as forming a very important view from Poole Roundabout, as this will be the first view of the development for any cars approaching the site from the south or east. In addition, as the application site is visible from the A172, Policy E49 is relevant which states that particular regard will be paid to the quality of design and landscaping of proposals visible from the main approach routes to Middlesbrough.

50. The proposals have been arranged with the main gospel hall building at the northernmost point of the site. Whilst the principle of this arrangement might be considered acceptable, it is also considered to be a missed opportunity to construct a building of a higher quality and take advantage of this very prominent corner position to the north of Poole Roundabout. Being at the northernmost point of the site, however, means the building sits further from a key public vantage point and would be less imposing. These concerns were put forward to the development during the pre-application process and officers advised that the position of the building should be reviewed.

51. Notwithstanding the above, the main gospel hall is situated towards the northern end of the site and measures over 50 metres in total length and nearly 30 metres in width. The main roof design would have a dual-pitch and reaches approximately 9 metres in overall height. Given the considerable size of the building, it is particularly important that the design and materials used in its external finish are appropriate in order for the building scale and mass not to be visually harmful to the local area.

52. The materials to be used in the building are considered to be acceptable in principle, as the brickwork, composite timber cladding and double pantiles would all be deemed appropriate for a building of this type and are listed in the Nunthorpe Grange masterplan as being acceptable for use in building elevations. A condition can be attached to any planning permission requiring samples of materials prior to their use in construction. Such a condition is deemed particularly important for the proposed composite timber cladding, as the masterplan states the use of *imitation timber cladding may be acceptable depending on the quality*.

53. Whilst the materials may be acceptable, concerns are raised by officers over the design of the building, which is considered not to exhibit a high quality appearance. Concerns were initially raised at the pre-application stage that the proposed building had a utilitarian appearance and that the design needed to be reviewed in order to break up its elevations and soften its appearance. Despite the submission of a revised drawing showing an alternative roof design, these concerns are still raised.

54. It is understood that there is very little flexibility in terms of the floor plan due to the internal layout requirements, which has been designed in accordance with a very specific design code used by the gospel hall community worldwide. This set design for the floor plan, however, is considered to have negative implications on the external finished appearance. The main hall, which is referred to as an inverted dish, occupies the majority of the floorspace of the building and has four emergency exits on the side elevations but no windows. Toilets are provided either side of the foyer before entering the main hall, which similarly have no windows serving them. The absence of feature / detailing within the fenestration on the external elevations results in a finished appearance solely featuring

composite timber cladding above a lower brick wall. Such a material finish can provide a quality appearance, but on a building of this scale with no complementary glazing to break up the elevations, the overall appearance is deemed to be similar to an agricultural or industrial building, which would be unacceptable for this suburban verdant location and incongruous when adjacent to planned high quality residential development.

55. The majority of the site is taken up by the associated car park and internal road layout, which accounts for approximately 1 hectare of the overall site. During pre-application discussions with the developer, concerns were expressed over the size of the car park which was shown to accommodate 202 vehicles, as the location on the edge of town and close to the limits to development is considered an inappropriate environment for such a large car park. As part of the formal planning application the car park size increased to 284 spaces, although it is noted that attempts have been made to soften the appearance of part of the area of hardstanding through proposing grasscrete for 121 of the spaces.

56. As discussed in the Highways section of this report, it is understood that the car park will only be full as part of Interchange Meetings that occur every three weeks. Outside of these Interchange Meetings, the car park will be used as part of other services including City Meetings, which occur three times a week and would expect approximately 65-70 cars, occupying only a quarter of the car park. As such, a large proportion of the car park would be left unused for most of the time.

57. Whilst the existing hedgerows along Stokesley Road and the proposed soft landscaping – when mature – would provide adequate screening of the car parking area from some aspects, the overall size and design would not be considered in keeping with or sympathetic to the character of the surrounding area and coupled with the massing and design related issues of the proposed building, the overall development would have a retail shed / retail park layout, scale and feel to it.

58. Guideline G1 of the Nunthorpe Design Statement seeks to maintain Nunthorpe as a green and leafy suburb, with the retention of hedgerows and addition of trees into the streetscape. Policy H29 similarly requires the retention and integration of existing mature trees and hedgerows where possible. The proposed site and landscape plans appear to show that the existing hedgerow which runs along the south, east, and western boundaries of the site will largely be retained, with only small portions removed along the east and western boundaries to facilitate the development footpaths. New hedges and trees are to be planted as part of the landscaping of the site and, once established, they would provide an element of screening, particularly with respect to the associated car parking and weld mesh fencing that surrounds it. Where appropriate, part (n) of Policy H29 requires the use of SUDs to be maximised and, to that end, a pond will be introduced along the western edge of the site, which the application specifies would improve biodiversity at the site as well as drainage.

59. A key element of the masterplan set out in the Nunthorpe Grange Design Code is the inclusion of a linear park and associated green infrastructure around the south and west boundaries of the allocation site that will push development away from the site boundary and create a visual and acoustic buffer that will transition between open countryside and the allocation site. It is advised that the linear park should include shared pathways and features such as a trim trail type installation, short stop seating and public sculpture. The proposed footpath, seating, and landscaping along the south and western edges of the site would help to establish the creation of a linear park within the 'Land at Nunthorpe, South of

Guisborough Road' allocation site. A condition can be attached in the event of approval to secure this information.

60. On balance, it is considered that the proposals do not provide a high quality development as a result of the poor design, form and layout, which would not be in keeping with or sympathetic to the character of the surrounding area. The proposals would be in conflict with local Policies DC1, CS4, CS5, H29 as well as the guidance set out in the Nunthorpe Design Statement and Nunthorpe Grange masterplan. Moreover, Paragraph 139 of the National Planning Policy Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Conclusion

61. Although the principle of a place of worship would be deemed as a departure from the adopted Development Plan, it could also be considered a compatible use within the allocation at Nunthorpe Grange which identifies the land primarily for residential development. Moreover, there are no significant technical objections to many parts of the development, which is deemed to be acceptable in principle with regard to matters of noise, flooding, residential amenity, ecology and biodiversity.

62. The report has, however, given consideration to the highway implications from the development and significant concerns have been raised over the potential adverse impacts from site activities, especially the Interchange Meetings which could see over 280 vehicles arrive and depart from the site within a short timeframe. The developer has put forward a car park management plan where marshals would assist vehicles into and out of the car park to ensure maximum efficiency, although it has been reported that such a strategy requires a high level of precision and that small margins of error – which are not always in the applicant's control – could result in significant adverse impacts on the local highway network. Moreover, whilst the potential for significant highways impacts from the development is expected to occur only once every three weeks, it has been discussed that there is no reasonable or practical way for Planning to restrict site activities – especially those that cause most harm – and so it is entirely possible for similar activities to become more frequent.

63. Paragraph 114(d) of the NPPF states that it should be ensured that any significant impacts from the development on the transport network (or on highway safety) can be cost effectively mitigated to an acceptable degree. In this case, however, officers have considered the proposals and are of the view that no mitigation can reasonably be achieved given the existing highway layout and environmental restrictions. The impacts from the proposed development must, therefore, be considered on their own merits based on the information submitted.

64. Both the design of the gospel hall building and the general layout of the site have also been assessed as being of a poor quality. While the materials palette of the main hall building is deemed to reflect the local context and in line with the materials considered to be acceptable in the Nunthorpe Grange Design Code, they are unable to mask the sheer scale and mass of the building. The design features very little relief or break in the elevations, which gives the building a very functional appearance that detracts from the visual amenity of the area and is not sympathetic to the local character of the surrounding environment and fails to meet the design aspirations for Nunthorpe Grange.

65. The Government's National Design Guide: Planning practice guidance for beautiful, enduring and successful places document identifies ten key characteristics for developments to create well designed places. Relevant to this development, these include: Context – enhances the surroundings, Identity – attractive and distinctive, Built form – a coherent pattern of development, and Movement – accessible and easy to move around. As a result of the issues described in relation to the building design and layout, it is considered that the development fails to achieve the aspirations of the adopted design code and the above key characteristics identified in the national design guide.

66. Paragraph 139 of the National Planning Policy Framework states that '*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design codes*'. Local Policies CS4, CS5, DC1 and H29, Middlesbrough's Urban Design SPD and the Nunthorpe Design Statement SPD clearly sets out the aspirations for development to create a strong sense of place with clear character areas and good functionality. The proposed layout is considered not to meet these aspirations and, therefore, permission should be refused in accordance with the NPPF.

67. The development is therefore considered to be in conflict with local policies DC1(b), (c) and (d), CS4(i) and (l), CS5(a), (c) and (f), H29(b) and CS18(a) as well as the requirements of the National Planning Policy Framework – Paragraphs 115, 135 and 139 in particular – and the Officer recommendation is for refusal.

RECOMMENDATIONS AND CONDITIONS

Refuse for the reasons below

1. Reason for Refusal 1

In the opinion of the Local Planning Authority, the proposed development would fail to be of a high quality design and would be out of keeping with the existing and planned positive character of the area taking into account the scale of the building, the extent of car parking and general scale and layout arrangements, being contrary to development Plan Policies DC1(b), CS4(g) and (l), CS5(a), (c), (f), and H29(b), Nunthorpe Design Statement Policies CA1 and D1, the Nunthorpe Grange Design Code and Paragraphs 135 and 139 of the National Planning Policy Framework.

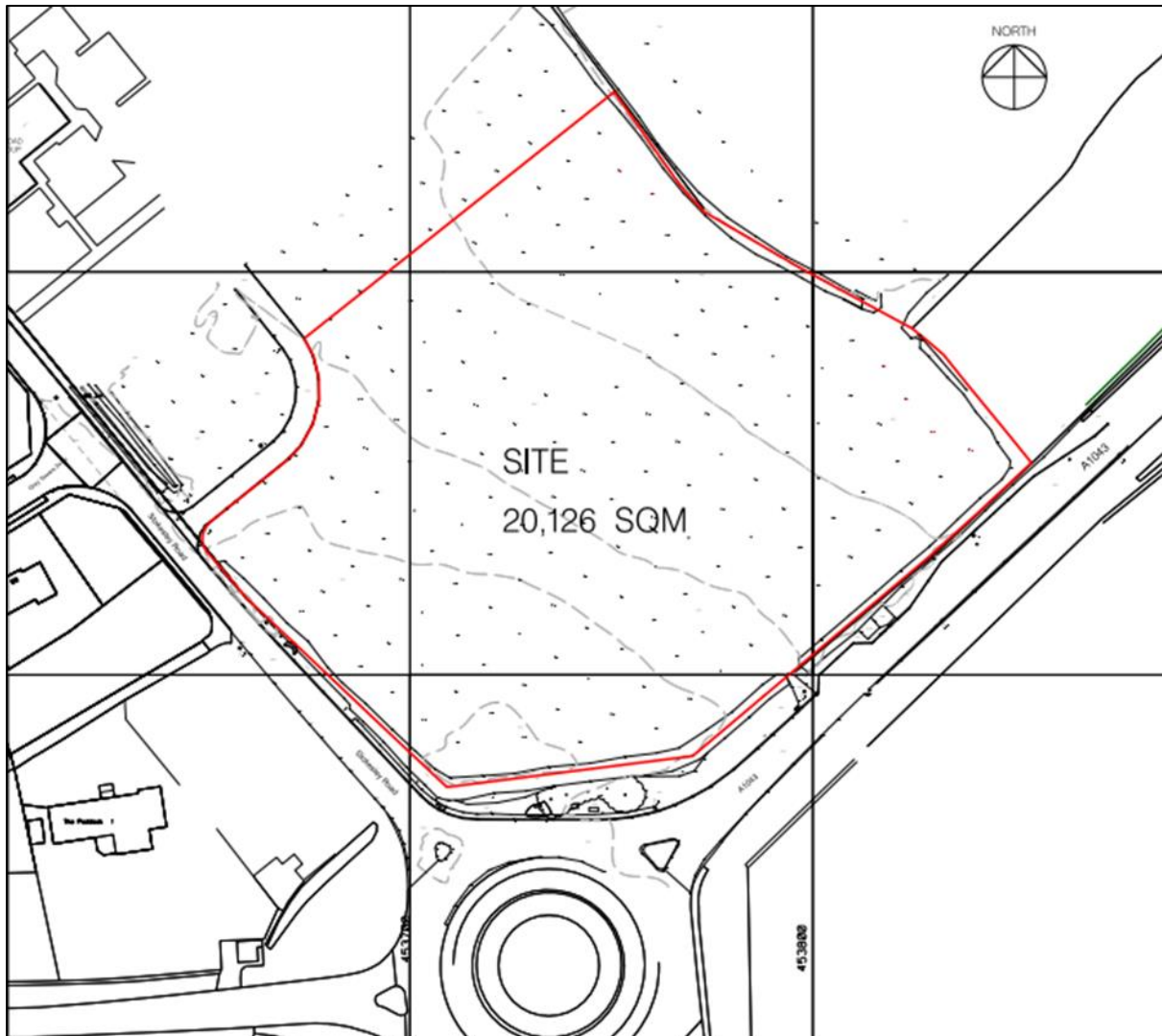
2. Reason for Refusal 2

In the opinion of the Local Planning Authority, the proposed use with high volumes of vehicles arriving and departing from the site over a short period of time, is likely to have a significant harmful impact on the movement of traffic on the surrounding public highways. This is considered contrary to Development Plan Policies DC1(d), CS4(g), CS18(a) and Paragraph 115 of the National Planning Policy Framework.

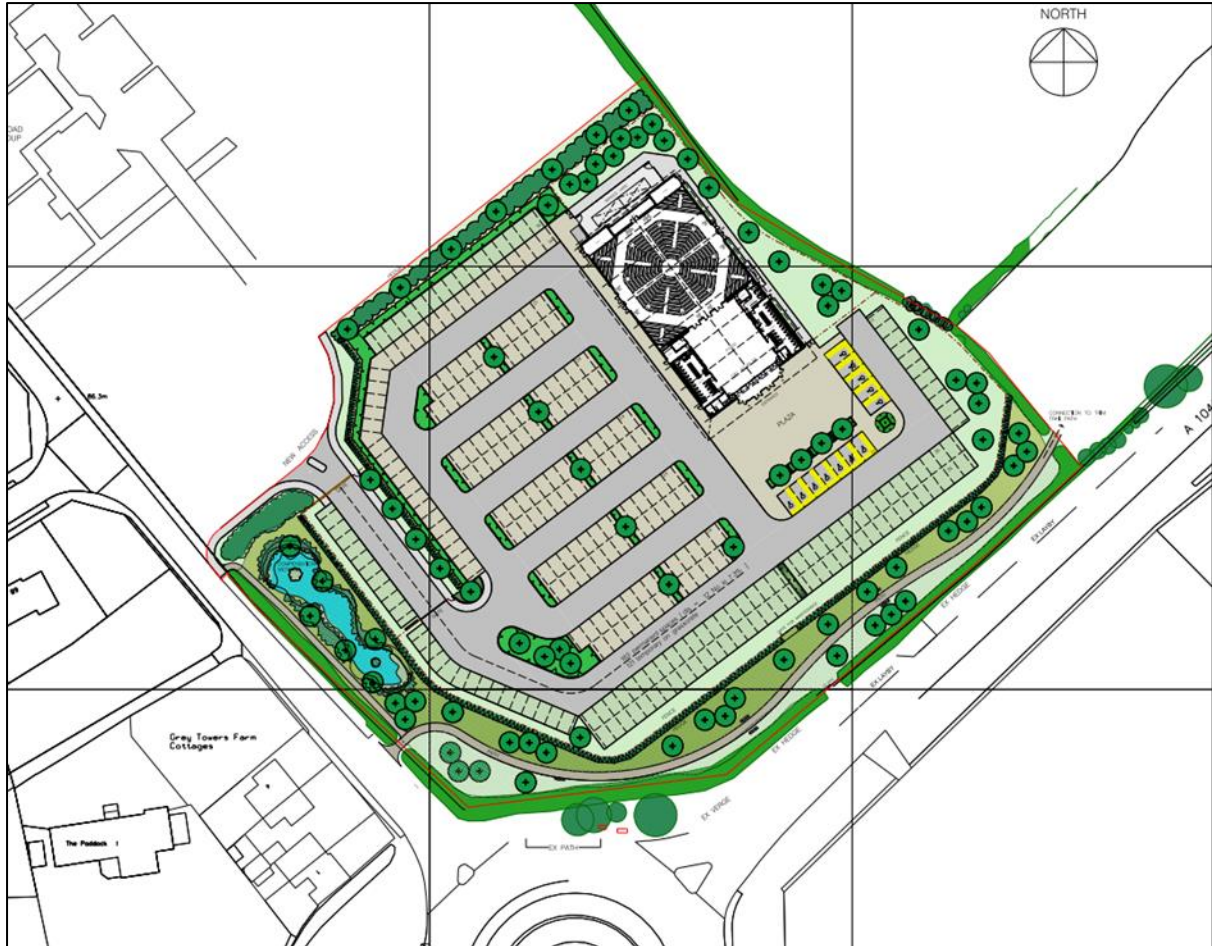
Case Officer: Peter Wilson

Committee Date: 05-Sep-2024

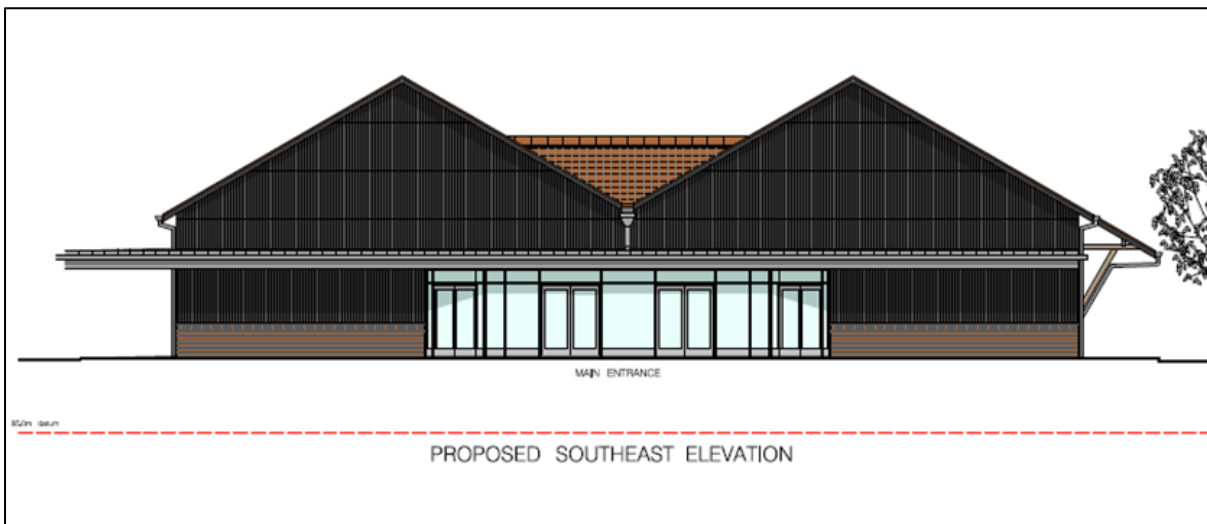
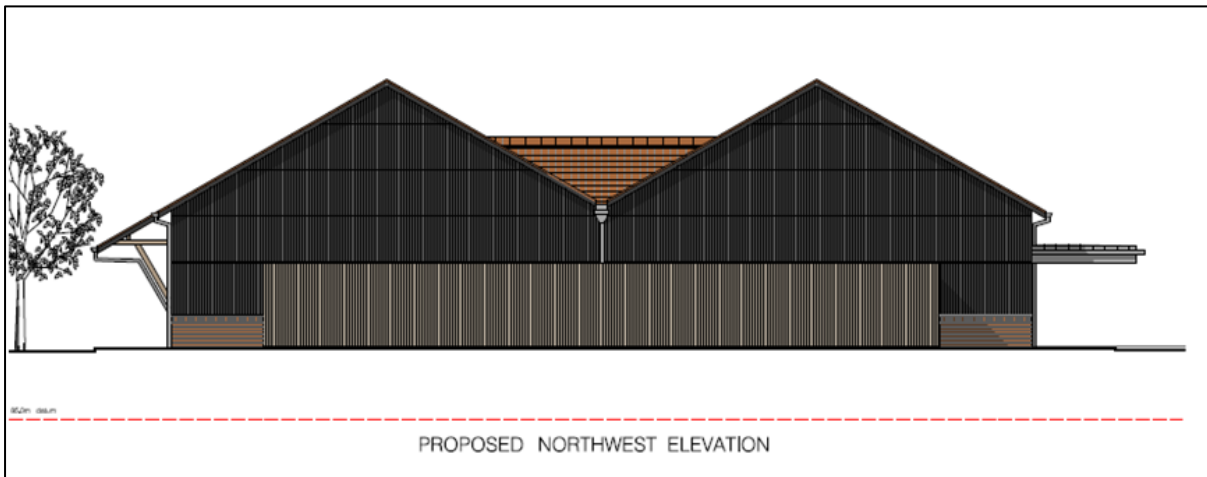
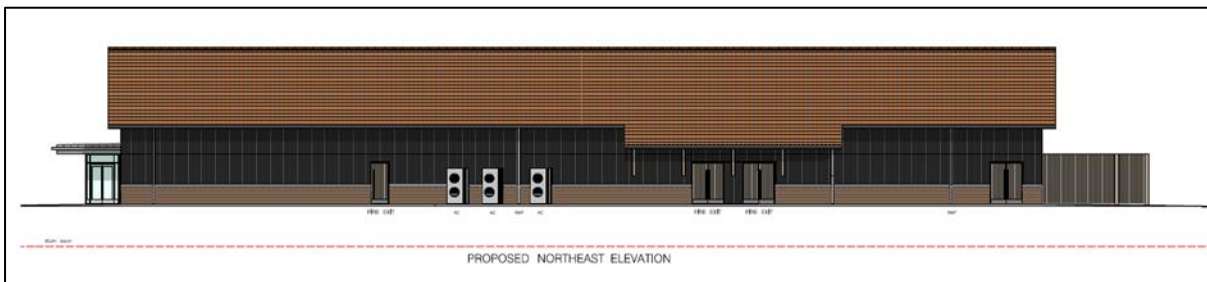
Appendix 1: Location Plan



Appendix 2: Proposed Site Plan



Appendix 3: Proposed Elevations



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APPLICATION DETAILS

| | |
|-------------------------------------|--|
| Application No: | 24/0216/FUL |
| Location: | 36, Nuneaton Drive, Middlesbrough, TS8 9PR |
| Proposal: | Single storey extension to rear and single storey workshop extension to side and rear of existing garage |
| Applicant: Company Name: | Mr Ged O'Leary |
| Agent: Company Name: | Sean Mclean Design |
| Ward: | Hemlington |
| Recommendation: | Approve with conditions |

SUMMARY

The application seeks approval for a rear extension to the property and an extension to the existing garage.

Following the consultee exercise, objections were received from nearby residential properties. Concerns have been raised with regards to overbearing, overlooking and noise from the development. The scheme has been amended during the application process in order to lower the extension from the main ridge of the dwelling and it is noted that this also inset the built form from the side elevations.

Taking into account all material considerations, it is 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. This impact would not be so significant as to warrant refusal of the scheme. As such the scheme is able to accord with relevant Local Plan Policies CS5 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

1. The application site is an established residential area close to Hemlington Lake. The application property itself sits adjacent to the turning head of the cul-de-sac of Nuneaton Drive. Dwellings are predominantly single storey and detached of traditional appearance however some two-storey properties are evident. Dwellings are set-back from the road but plot sizes differ, with the application dwelling having a larger sized plot compared to other properties on Nuneaton Drive. The rear of the site backs onto

Newquay Close, a cul-de-sac which contains detached and semi-detached two-storey dwellings.

2. It is proposed to erect a rear extension to the property forming a bedroom and lounge/diner area, and also to extend the existing garage.
3. These are to be of matching materials to the host property and garage.

PLANNING HISTORY

4. None relevant

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

During the initial consultation process, three third party representations were received (three objections).

Comments received are summarised below:

17 Newquay Close

- Proximity of build to boundary
- Noise from workshop
- Concern over drainage
- Overbearing and out of character development

15 Newquay Close

- Noise and disturbance from the proposal
- Overbearing
- Loss of privacy
- Lack of spacing

12 Hallview Grove, Darlington

- Noise
- Overlooking

- Loss of privacy
- Overbearing

Public Responses

| | |
|--|---|
| Number of original neighbour consultations | 6 |
| Total numbers of comments received | 0 |
| Total number of objections | 3 |
| Total number of support | 0 |
| Total number of representations | 3 |

PLANNING CONSIDERATION AND ASSESSMENT

Principle of development

5. The application site is within an established residential area. The general principle of extensions to the dwelling is acceptable subject to detailed consideration of the specific scale, design, appearance and relative impacts of what has been proposed. Please note there is no change of use proposed and this application seeks approval for domestic extensions only.

Impact on the character and appearance of the area

6. The host dwelling comprises a red brick, single storey dwelling with a detached single storey garage.
7. The relevant local plan policies to be considered in determining this application are Policies CS5 and DC1. Policy CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal. This application is seeking approval for a rear single storey extension to the dwelling and an extension to the garage.
8. The proposed extensions and alterations to the dwelling are considered below which takes into changes to the scheme since the application was submitted;

Proposed Rear Extension

9. The proposed rear extension extends approx. 4m from the rear wall with a ridge height of approx. 4.5m. As submitted, the extension was full width and extended from the ridge line of the host but amendments were requested by the case officer in order to make the addition more subservient. As such, the revised extension to be considered is now set down from the ridge and has an inset from either side of the host property. Therefore, at single storey height, the extension is subservient to the main dwelling and retains sufficient rear garden curtilage. It is considered to be of acceptable design and constructed of suitable matching materials.

10. The requirement for good design is not limited to elements visible from public vantage points. Poor design to the rear of the property where it is visible to neighbours to the side and rear will reduce the appreciation neighbouring properties have of the environment in which they live. This is set out in recent appeal decisions (APP/W0734/D/23/3317384, 20/3260409 & 19/3242426) the character of the area comprises all spaces seen at the principle elevation or at the rear. The rear of the property is not visible from the public realm so would not be prominent in the street scene however despite this, it is necessary to uphold good design principles.
11. Para 5.4c of the adopted Urban Design Guide SPD advises that extensions should be subservient to the host property, being of a scale appropriate to the existing building and not be of an overbearing nature, indicating that oversized extensions can completely change the character of an area and should be avoided.
12. In this case, the extension would be approx. 4m in length from the rear wall and is now inset from the full width of the dwelling. Whilst the garden areas serving this property are shorter in depth, it is not considered that the footprint would be of such scale which would unduly change the character resulting in a notable negative impact. However, it is considered that this would be towards the upper limit of what may be acceptable in terms of footprint and plot coverage without negatively changing the character of these properties.
13. With this in mind, on balance the proposed footprint is considered acceptable and would not cause notable harm by way of appearing oversized to a degree which would warrant refusal of the scheme.
14. Further, the adopted Middlesbrough Urban Design SPD at para 5.4h specifically references flat roofs and that these should be avoided. The plans show a pitched roof which is considered an acceptable roof form in this case.
15. In view of the above, there is not judged to be notable harm to the character or appearance of the area which would warrant refusal of the scheme.

Proposed Garage Extension

16. It is proposed to extend the garage/workshop to the side and rear. Whilst wrapping around the garage, the extension contains a modest projection of approx. 1.2m from the respective elevations. The extension would also contain a matching sloping roof. As such, the extension is considered to be an appropriate scale and design which would not overwhelm the existing built form.
17. It would not be highly visible in the street scene as it is set back towards the rear of the plot and sits away from the public highway. As such, it is not considered that the proposed works would appear prominently in the public realm or upset the appearance of the street scene.

Cumulative Impact

18. It is noted that the cumulative impact would clearly change the bulk of the dwelling and its associated garage but the site-specific circumstances are relevant. In this case, given the scale of extensions and the position of the application property set back from the road, it is not considered that the additions would appear overly

prominent as to cause significant harm to the street scene, nor would they dominate the original form and scale of the host property to a degree which would warrant refusal of the scheme in terms of overdevelopment.

19. In light of the above, the proposal would result in additions to the dwelling and garage. The additional mass/bulking is noted but overall, the extensions would be of subservient form and scale. Also considering the orientation and position of the host dwelling which is set back from the road, the proposals would not notably harm the character and appearance of the area to a degree which would warrant refusal of the scheme in this case. It is also noted that these properties benefit from permitted development rights and therefore could erect an extension 4m in length subject to meeting the relevant criteria. On balance, the scheme is considered acceptable, being in accordance with the general principles of the adopted Urban Design SPD as well as Local Plan Policy CS5.

Impact on privacy and amenity

Rear Extension

20. The Council's SPD sets out that (in relation to semis or terraced properties where there is an attached neighbour) that a single storey rear extension, should be limited to 3m in projection but a greater allowance can be achieved in the case of a detached dwelling. If in excess of this, an extension should be set in from the shared boundary by a sufficient distance and with consideration given to roof type, orientation and distances from the boundary and principal windows. The extension projects approx. 4m as mentioned previously which would not be contrary to the SPD. The site specific circumstances also require assessment.
21. In terms of potential overbearing or overshadowing to neighbours either side, it is noted that the extension would be at a distance of approx. 5m from the boundary with no. 38 Nuneaton Drive with further separation from the main neighbouring dwelling as a result of the driveway area serving the application property. With regards to no. 34 Nuneaton Drive which sits to the north of the extension, there is a separation distance of approx. 2m again with further separation from the main neighbouring dwelling due to their driveway area. The pitched roof would also be sloping away from these neighbours. Considering the position, orientation and roof type, the proposed projection is not judged to result in notable overbearing or overshadowing to neighbours either side.
22. With regards to the neighbours which border the rear of the property, it is noted that there is a separation distance of approx. 6.5m from the rear corner of the extension to no. 15 Newquay Close at its widest point and 4.8m at its narrowest point. In relation no. 11 Newquay Close, there is approx. 4.8m at its widest point and 3.4m at its narrowest point. Whilst the gap is closing due to the built form, there would be screening by the boundary fence in situ, it is also noted that these neighbours benefit from more generous gardens and therefore the neighbouring properties themselves sit at a further distance from the extension. As such, this is considered sufficient as to not result in harmful overbearing or overshadowing as a result of the extension.
23. In accordance with the Council's SPD, windows are placed on the rear elevation. There are no windows proposed on the side elevation of the extension so views would be directed over the site's garden area. The separation distances are outlined above and combined with the boundary fence, views would look out on to this, much

like the existing rear windows. As also mentioned above, the neighbouring properties themselves sit at a further distance away. As such there is no notable overlooking associated with the proposed development which would warrant refusal of the scheme.

24. In view of the above, whilst the extension is creating built form closer to neighbours at the rear, the impact itself is not considered notably adverse due to remaining separation distances and the orientation of dwellings. The hipped rear roof is then sloping away from the neighbours at the rear, creating additional breathing space between these properties. As such, the extension is not considered to result in harm to neighbours which would warrant refusal of the scheme. The proposal is therefore in accordance with Policy CS5.

Garage Extension

25. The garage extension would see an increase in built form a further metre towards the rear boundary (facing no. 15 and 17 Newquay Close) and side boundary (facing 38 Nuneaton Drive). Given the modest footprint this is not considered to pose concerns of harmful overbearing or overshadowing.
26. Third party representations raised concern with regards to noise from this element. Clarification was sought from the agent that the garage is to be used as a domestic garage/workshop and this was confirmed. Therefore the use would not be expected to produce harmful noise and disturbance. It is not considered appropriate in this case to add a condition which prevents the garage from business use as it is noted that this can be done without planning permission. In any event, noise levels are also controlled via separate legislation under Environmental Health. As such, the proposal is not judged to result in a notable level of noise and disturbance which would warrant refusal.
27. Fenestration would direct views over the site's garden area so no notable overlooking impacts would be associated with the garage extension. In light of the above, the proposal is considered in accordance with Local Plan Policy CS5.

Other matters

28. Third party representations raised concern in relation to the use of the garage. As stated above, the use is to be domestic and not for separate commercial activities.
29. The proposal would result in an additional bedroom being created, going from 2 to 3 bedrooms. Under the Council's Parking SPD, no additional spaces are required with this change so there would be no implications on the highway. It is noted that additional paving is being proposed to the driveway. Concerns of drainage were also mentioned by third parties. Whilst also falling under Building Regulations, it is noted however that the plans show permeable hardstanding.

Conclusion

30. In view of the above, the proposal would have some impact on the amenity of neighbouring properties. However it is considered that the impacts would not be so significant as to amount to a notable harm which would necessitate the refusal of the application. This is due to the design and scale of the extensions in relation to the site-specific circumstances of the application dwelling being suitably subservient.

31. Officer recommendation is to approve subject to the following conditions;

RECOMMENDATIONS AND CONDITIONS

1. Time Limit

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

Reason: 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 - Drawing no. 2455/01 'O', received 03 June 2024
- b) Existing Site Plan – Drawing no. 2455/ 02 'O', received 03 June 2024
- c) Existing Ground Floorplan – Drawing no. 2455/04 'O', received 03 June 2024
- d) Existing Elevations – Drawing no. 2455/05 'O', received 03 June 2024
- e) Proposed Site Plan – Drawing no. 2455/03 'A', received 17 July 2024
- f) Proposed Ground Floorplan – Drawing no. 2455/06 'A', received 17 July 2024
- g) Proposed Elevations – Drawing no. 2455/07 'A', received 17 July 2024

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 walls, roof & windows) of the development hereby permitted shall match those used in the existing building. 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.

INFORMATIVES

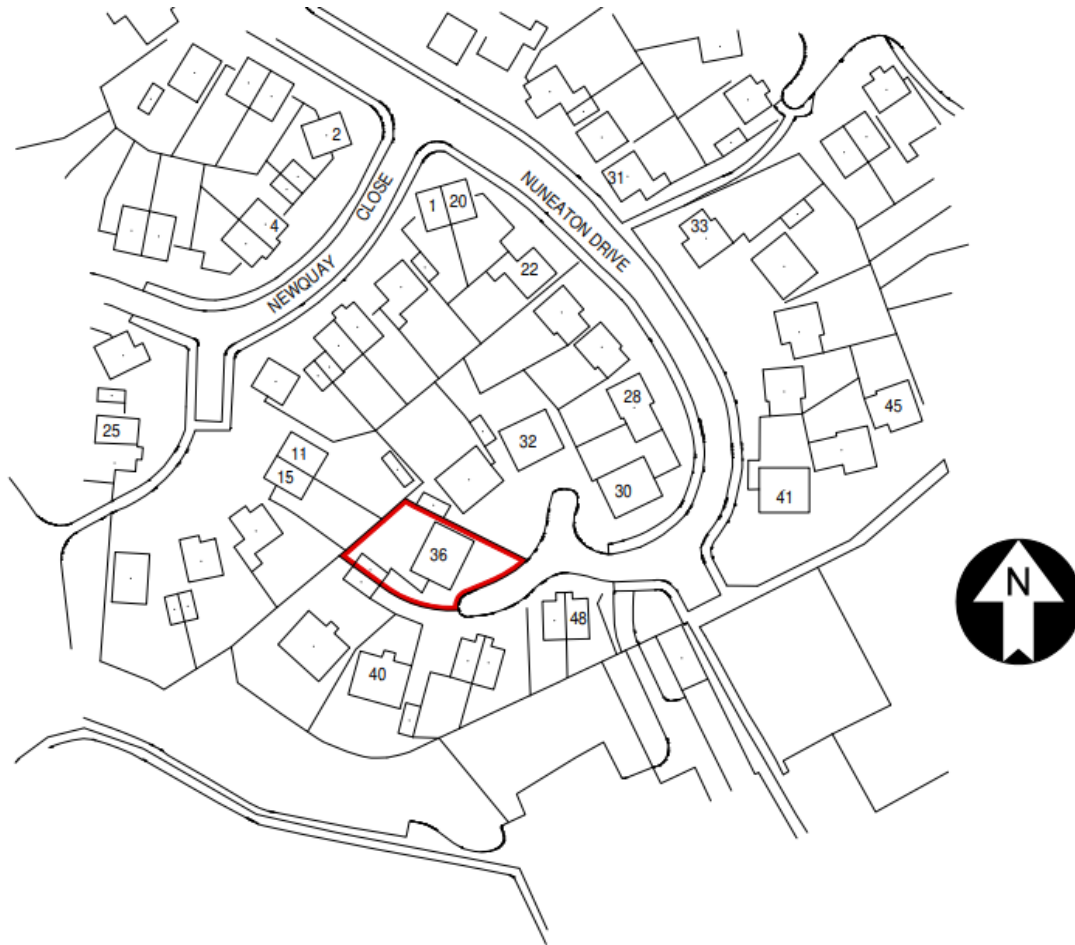
None

Case Officer: Victoria Noakes

Committee Date: 5th September 2024

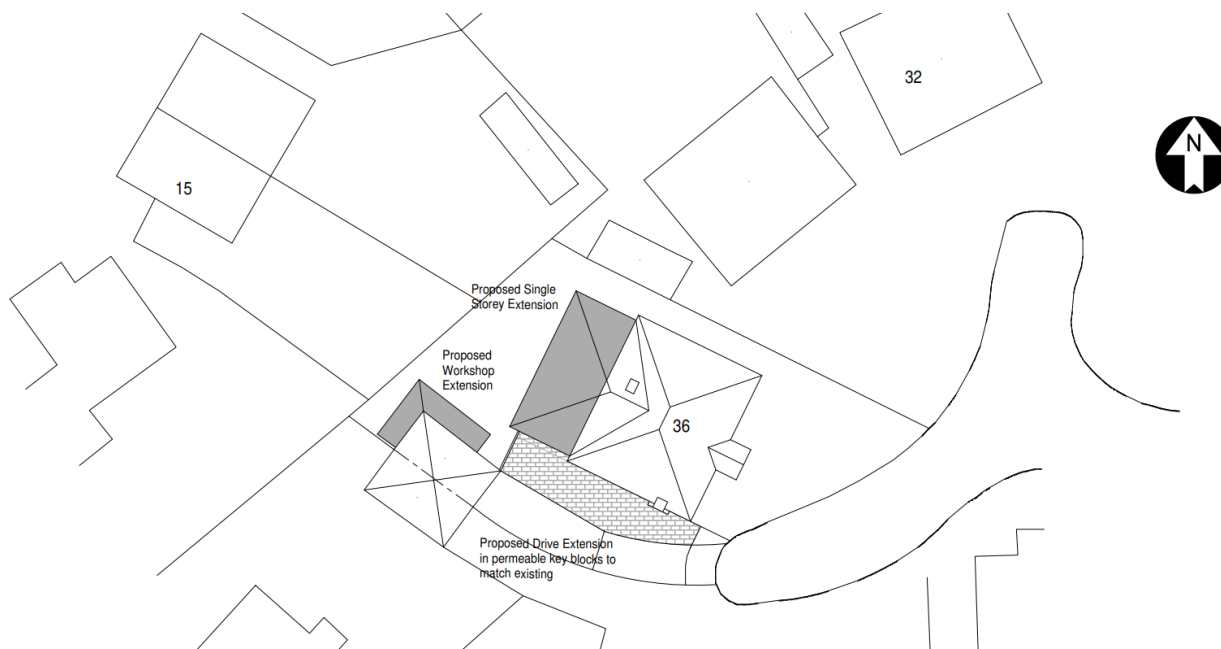
Appendices

Appendix 1 – Location Plan

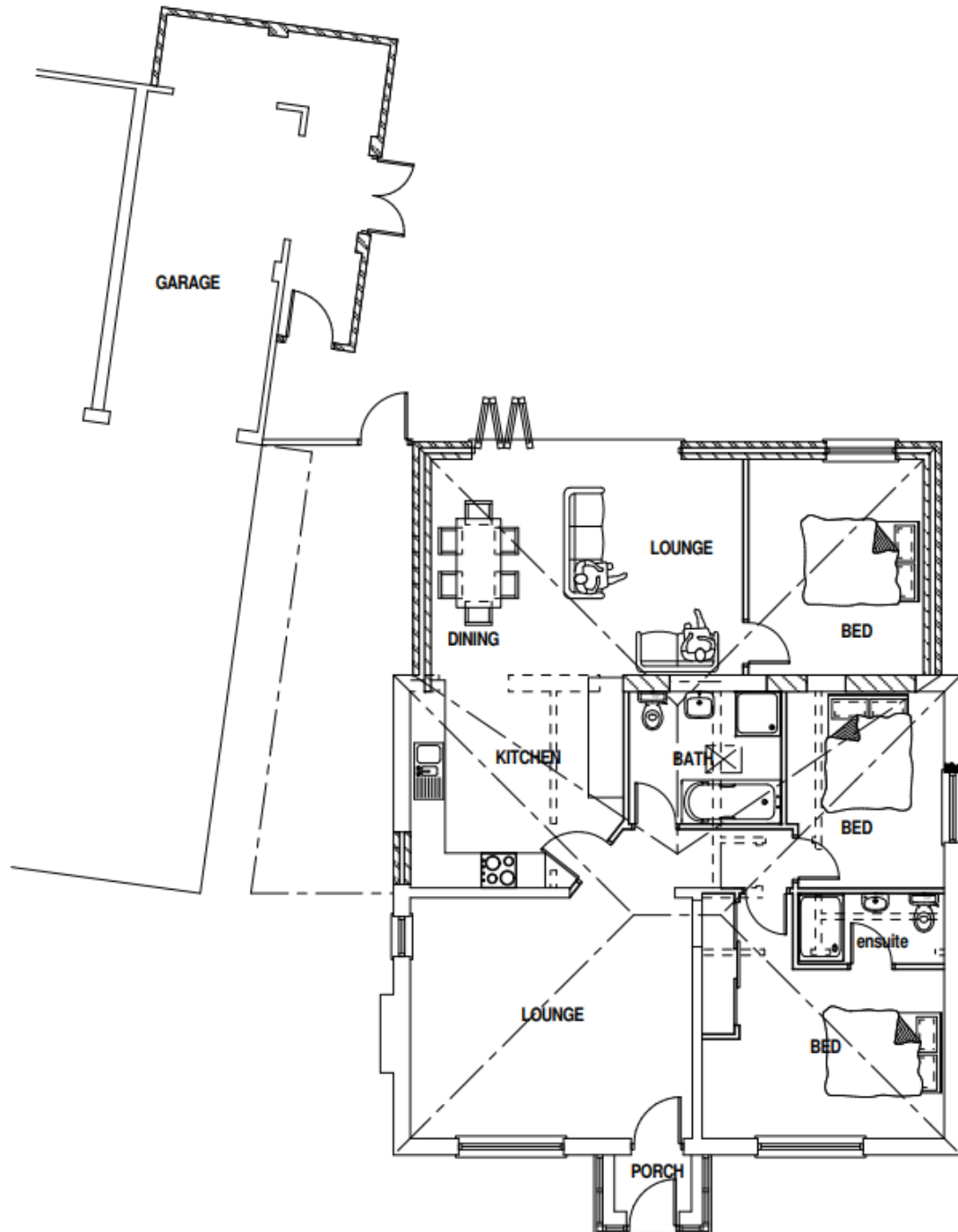


Location Plan (scale 1:1250@A4)

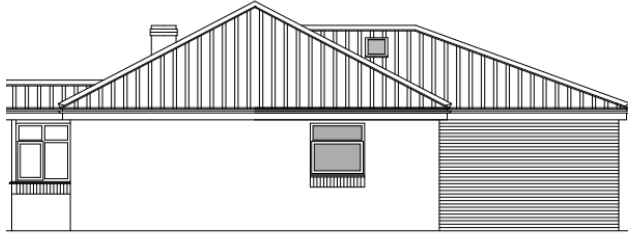
Appendix 2 – Proposed Site/Block Plan



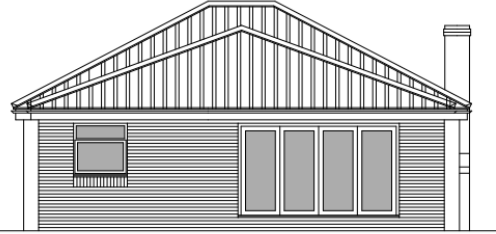
Appendix 3 – Proposed Ground Floorplan



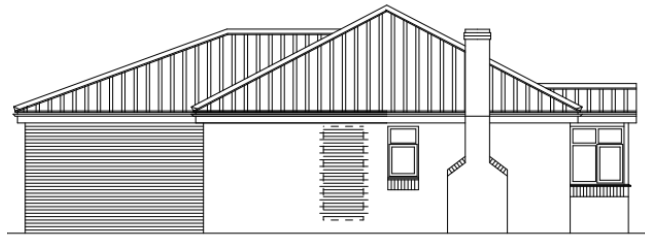
Appendix 4 – Proposed Elevations



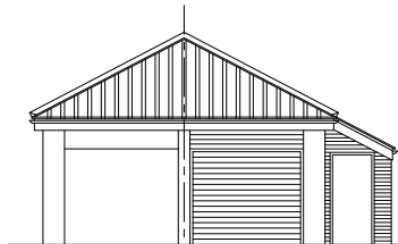
Proposed S.W. Elevation
(scale 1:100)



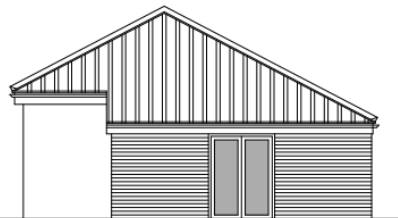
Existing N.W. Elevation
(scale 1:100)



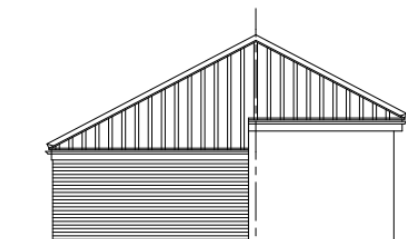
Proposed N.E. Elevation
(scale 1:100)



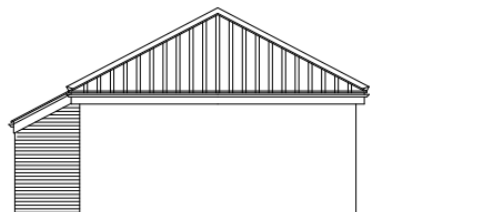
Proposed Garage S.E. Elevation
(scale 1:100)



Proposed Garage N.E. Elevation
(scale 1:100)



Proposed Garage N.W. Elevation
(scale 1:100)



Proposed Garage S.W. Elevation
(scale 1:100)

APPLICATION DETAILS

| | |
|------------------------|---|
| Application No: | 24/0226/MAJ |
| Location: | Site of former Southlands Centre, Ormesby Road, Middlesbrough, TS3 OBH |
| Proposal: | Erection of single storey community facility (F2(b) use class) (comprising changing facilities, multi-use hall and multi-purpose rooms), construction of access roads, associated car park, fencing and landscaping |
| Applicant: | Middlesbrough Council |
| Agent: | Design Services |
| Ward: | Berwick Hills/Pallister, Park End/Beckfield |
| Recommendation: | Minded to Approve Conditionally |

SUMMARY

The application seeks planning permission for the erection of a single storey community facility and associated works on the site of the former Southlands Centre. Similar applications have been submitted in 2021 and 2023 for a community facility and associated car park. The first application was withdrawn and the second application was approved but not implemented.

The key considerations with the current application relate to the design and arrangement of the proposals, the highways related issues such as vehicular movements and access to the site, the implications including potential noise nuisance on surrounding properties. The main issue, however, is the consideration of the requirements of Sport England and its objection to the scheme.

The report concludes that the proposed building is of a high quality and situated at a distance away from residential properties not to unduly harm their amenities. Whilst the community centre building would be within the Green Wedge and Primary Open Space, it has been designed in a way to minimise the impact on the local area.

Issues relating to the likely noise levels from activities at the proposed community facility have been considered as well as the implications of traffic movements on nearby properties, although none have been deemed as having harmful impacts.

Whilst Sport England raises objection to the proposed layout (with specific reference to the issue of the footpath connecting the site to the Unity City Academy) and the ground conditions for the replacement playing field, it is the view of Officers that the footpath allows greater accessibility and could even be considered permitted development, whereas the

issue of the ground conditions could be overcome by a suitable planning condition to enable this element to be deemed acceptable.

Members are asked to give careful consideration to the issues raised by Sport England but to ultimately be minded to support the scheme in line with Officers recommendations and conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site forms part of the grounds of the former Southlands Centre, as well as land to the north.

Residential properties are situated along much of the southern boundary of the site, Middle Beck run along the eastern boundary, Ormesby Road is situated to the west, and the Unity City Academy is situated to the north.

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

The external finish of the community centre facility would be a combination of brickwork (Staffordshire Blue), timber cladding and aluminium cladding.

The community centre would be located to the north of the proposed new car parking area, which would have capacity for 72 vehicles (including 5 accessible spaces). A cycle store with 4 stands and bin store would be created adjacent to one another within the car park. Between the community centre building and the car park would be 2.4 metres high weld mesh fencing, which would also run alongside Ormesby Road and return across the site beyond the new eleven-a-side football pitch.

On the plot of the former Southlands Centre building would be a new playing field, which is proposed as a replacement playing field/pitches, and works would be carried out to improve the ground conditions to enable appropriate pitch standards.

PLANNING HISTORY

18/0568/PNO

Demolition of Southlands Leisure Centre
Prior Notification Approved
13th September 2018

21/0058/FUL

Erection of single storey community facility, comprising of a multi-use hall and 2 multi-purpose rooms with associated car park and external works

Deferred at Planning Committee 9th April 2021. Members principally raised concerns with regards to the position of the vehicular access to the facility, which was through the residential estate to the south, as well as an outstanding objection from Sport England.

After the deferral, the applicant has given consideration to an alternative access (off the existing roundabout) and engaged in discussion with Sport England.

The 2021 application was subsequently withdrawn and the 2023 application submitted.

23/0061/FUL

Erection of single storey community facility (F2(b) use class) comprising a multi-use hall and multi-purpose rooms, including community café and office spaces; creation of multi-use games area (MUGA) with associated fencing and floodlighting; construction of associated car park, access roads and landscaping

Approved with Conditions

22nd March 2023

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
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- Any other material considerations.

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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:

Core Strategy:

DC1 (General Development),
CS4 (Sustainable Development),
CS5 (Design),
CS13 (A Strategy for the Town, District, Local and Neighbourhood Centres),
CS18 (Demand Management) and
CS19 (Road Safety)

Housing Local Plan:

H1 (Spatial Strategy),
CS17 (Transport Strategy) and
CS20 (Green Infrastructure)

Saved Local Plan:

E2 Green Wedges
E7 Primary Open Space (Existing): Protection from Development
E28 Recreational Uses in the Countryside and in the Green Wedges

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

Neighbour Consultation

Consultation with surrounding neighbours through a letter-drop exercise has been undertaken. Additional to the letter-drop exercise, two site notices have been displayed near to the site (one at the site entrance off Ormesby Road and the other at Blanchland Road).

No objections or other representations have been received.

Summary of Public Responses

| | |
|--|-----|
| Number of original neighbour consultations | 108 |
| Total numbers of comments received | 0 |
| Total number of objections | 0 |
| Total number of support | 0 |
| Total number of representations | 0 |

Summary of responses from Internal Technical Services

MBC Highways

The application has been supported by a Transport Statement and Travel Plan. The level of traffic generation is not significant and no further assessment of the operation of the network is required.

The level of car parking is considered to be acceptable. Turning and parking for coaches has been demonstrated as being acceptable.

The application includes ped/cycle links to the surrounding communities.

No objections subject to conditions requiring the turning/servicing areas and parking areas to be implemented before use, off-site highways works, a method of works statement and full travel plan.

MBC Flooding Officer

No formal comments received.

MBC Waste Policy

No objections.

MBC Environmental Health

There are no objections subject to five conditions: 1) restrictions on the collections and deliveries to the site, 2) restrictions on the collection of refuse, 3) details of any floodlighting, 4) development in accordance with the submitted noise assessment, and 5) site investigation.

Summary of responses from External and Statutory Consultees

Sport England

The community facility, car parks and footpaths are constructed on land which falls within the definition of playing field and are considered against Sport England's playing field policy exception 2.

The proposed car parking areas have a minimal impact on the playing field area. The proposed community centre is located on playing field that has previously been used to set out a football pitch. There is a network of new footpaths across the site, one of which runs

directly north from the proposed community centre to the Unity Academy. This footpath directly impacts on the playing field areas and limits the flexibility to set out pitch types.

A number of elements are not considered to comply with the playing field policy exception 2.

In addition, the Southlands site was earmarked as replacement playing field and pitches for the 2.9Ha playing field being lost to the housing development on land adjacent to Marton Avenue.

Whilst the proposed area of playing field appears large enough to replace what has been lost to housing development at Marton Grove, there is conflict in the submitted documents and uncertainty about how the playing field (upon the site of the former Southlands building) will be brought to an appropriate standard to accommodate playing field.

At present, the proposal is not considered as adequate replacement for the playing field lost at Marton Avenue.

Northern Gas Networks

No objections to the proposals, although there may be apparatus in the area that may be affected by the development. Informative recommending contact with NGN has been provided.

Cleveland Fire Brigade

No objections to the proposals. Informative with recommendations of the access and water supplies have been provided.

Natural England

No comments received.

Northumbrian Water

No comments received.

Secured By Design

It is recommended that the development incorporates Secured by Design principles within the scheme.

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. The application before Members is a full application for planning permission for a new community facility and associated works on the site of the former Southlands Centre.

2. Since its recent demolition, the site of the former Southlands Centre has been the subject of two applications for planning permission for a community centre and associated works. The first application for redevelopment works (21/0058/FUL) was withdrawn prior to determination; the second application was approved but has not been implemented (23/0061/FUL) and has been superseded by the current application.

Relevant National and Local Policies

3. National guidance relating to development for community facilities is contained within the National Planning Policy Framework (NPPF). Paragraph 20 of the NPPF states that the Councils strategic policies should '*make sufficient provision for leisure and community facilities*' and that decisions should help provide community needs.

4. Section 8 of the NPPF makes clear the role of local authorities and outlines how they need to be '*promoting healthy and safe communities*'. The section advises that policies and decisions *should aim to achieve healthy, inclusive and safe places, as well as providing the social, recreational and cultural facilities and services the community needs*. Paragraph 96 states that authorities should *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and strong neighbourhood centres* amongst other things. The same paragraph also advises planning policies and decisions to aim for healthy, inclusive and safe places that are *safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as well as to enable and support healthy lifestyles*. Paragraph 97 states that decisions should *plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services*.

5. The relevant policies in the Local Development Plan regarding this application have been outlined in the Planning Policy section of this report. In general terms, these policies seek to achieve high quality sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.

Principle of Development

6. The application site has two principal designations on the Local Plan Proposals Map. The site of the former Southlands Centre building, the access road from Ormesby Road and the existing all weather pitch have no specific allocation. The land to the north of the site entrance (the site of the 11x11 pitch and the new community centre on the submitted plans) is allocated as Green Wedge and Primary Open Space.

7. Within the previous applications, the proposed community centre building was on land that had no specific allocation and was considered on its own merits. In the current application, however, the building is proposed within the Green Wedge and Primary Open Space and consideration needs to be given to whether its siting within this allocation is acceptable.

8. Policy E2 seeks to retain Green Wedges as open space and sets out several criteria where planning permission will not be granted. Policy DC1 similarly requires that the impact of the development upon the surrounding environment to be minimal; that the effect on protected open space within the urban area and Green Wedges is limited. Policy E28 advises that outdoor participatory recreational uses will normally be permitted in Green Wedges subject to criteria, a number of which overlap with the criteria in Policy E2. In terms of the criteria of E2, 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. Whilst the application could be considered to fail this criterion, it is recognised that 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.

10. Criterion (ii) *Development would result in loss of grade 1 to 3a agricultural land.* The application site is classified as sports fields and has not been in agricultural use. 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 site where the main building works would take place 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 a noise impact assessment, which concludes that the expected noise levels from the development would satisfy local and national planning policy aims. The proposed development is, therefore, considered unlikely to have a significantly detrimental impact on the quiet enjoyment of open space within the Green Wedge compared to the current situation.

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. Soft landscaping is indicatively shown on the site plan and a condition can be imposed in the event of approval to ensure appropriate planting to screen the building and the enlarged car park, which would further minimise its visual impact and would assist to better integrate the proposed development with the surrounding natural environment and to retain the green character of the Green Wedge and Primary Open Space.

13. Criterion (vi) *Impair public access to Green Wedges or compromise greenlinks.* A greenlink runs immediately adjacent to the east of the site, but it is the officer view that the proposed development would not negatively impact on public use of the greenlink. In addition, a network of new footpaths is proposed around the site which link the development to existing footpaths to the east and west. A footpath is also proposed to the north linking the proposed development to the Unity City Academy. Overall, the proposals are considered to adhere to this criterion.

14. Criterion (viii) *Reduce the physical separation between existing development.* It is considered that there will be no harm to the physical separation between existing development that surrounds the site. Whilst the proposed community centre would inevitably reduce the physical separation between development, the proposed development would not significantly encroach into the existing surrounds. It is also noted that the recent demolition of the Southlands Centre building has increased the distance between buildings and this would be further established through the reinstatement of the ground to playing field standards.

15. Policy E7 seeks to safeguard Primary Open Space from development and only allows exceptions that complement its function or is of over-riding benefit to the community and would not result in the significant loss of open space which is in a Green Wedge or of significant visual or landscape value. In this case, it is considered that the community centre, which provides changing facilities for the sports pitches as part of its operation, would complement the playing fields and be of over-riding benefit to the wider community. The Primary Open Space that is included within the western part of the application site and would accommodate part of the building would remain largely grassed or feature other soft landscaping, which would help to protect its visual and landscape value.

16. 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 part of the site is located within. As already stated in relation to Policy E2 above, the 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.

17. Overall, it is considered that the principle of the proposed development meets the requirements of the Green Wedge and Primary Open Space policies, and the application is deemed to be compliant with the relevant criteria of DC1, E2, E7, E28 and CS20.

18. Policy H1 advises that development proposals need to be sited within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development as contained in Policy CS4. Such proposals also need to demonstrate how they would contribute to achieving the spatial vision and objectives of the Plan. The application site is in a suburban location adjacent to a residential area and therefore easily accessible to the community that the proposed development is intended to serve. Objective 1 of the Housing Local Plan is to stabilise population decline through the creation of sustainable communities that create an attractive environment to retain the population in the town. The Plan advises that the objective will be achieved through a combination of providing housing in locations, and of the type, that people want, and through improvements to the local environment and investment in facilities and infrastructure. The proposed community centre and sports pitches that are proposed by the application are considered to provide facilities and infrastructure that will contribute to the creation of sustainable communities.

19. Policy CS4 requires all development to contribute to achieving sustainable development, which includes ensuring everyone has access to leisure and other community facilities that they need in their daily lives, promotion of a healthier community, being located so that services and facilities are accessible on foot, bicycle, or by public transport, making the most efficient use of land with priority being given to development on previously developed land, in particular vacant sites, and ensuring that green infrastructure is protected. It is considered that the proposed development will improve access in the locality to sports and community facilities, and the sports facilities should bring health benefits to the users. The application site is considered to be in a sustainable location, being adjacent to residential properties and close to a bus route and cycle path. Moreover, the proposed community building is on previously developed land. Given the above, it is considered that the development would comply with the criteria of CS4.

Design, Scale and Impacts on Surrounding Areas

20. 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*. Similarly, 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. It is important, therefore, that the design integrates well with the surrounding natural environment.

21. Part of the proposals includes the creation of a 72 space car park off the access road. Whilst this marginally reduces the size of the Green Wedge, the car park is positioned close to the existing access road and has space for the anticipated vehicles as calculated

through the transport statement. The car park is considered to be of an appropriate size to enable the development to function and allow accessibility. As discussed in the previous section, a detailed scheme of soft landscaping can help to minimise any adverse impacts of the hardstanding within the Green Wedge.

22. With a single storey height, the building is relatively low and considered to be unimposing in this Green Wedge setting. The proposed building has a contemporary design and the chosen materials – which include a combination of brickwork and timber cladding – within the building are considered to complement the existing buildings in the local area and reflect the context of the surrounding Green Wedge environment. A condition is recommended that appropriate materials and colours are used in the finished appearance.

23. It is noted that the building design features measures to minimise potential crime and other unauthorised access to the facility, and the location of the building is relatively well positioned, with natural surveillance from the surrounding residential area, all of which are in line with the guidance of the NPPF.

24. Policy DC1 seeks to ensure that the effect upon the surrounding environment and the amenities of occupiers of nearby properties will be minimal as a result of development. The nearest properties are considered to be those to the south of the site – those located on Anglesey Avenue and Blanchland Road – which would be separated from the front elevation of the facility by approximately 75 metres. For a development of this type and scale, it is considered that such a separation distance would be suitable and minimise the impacts of the scheme as a result of its presence and scale.

25. In between the proposed community centre building and the nearby residential properties is the access road and car park. It is noted that there will be activities in the car park – vehicular movements, car headlights, doors slamming – that could adversely affect the living conditions of residential occupiers. The noise impact assessment that supports the application has concluded that none of the additional noise and disturbance is anticipated to bring significant undue levels that would be detrimental to residential amenity.

26. The use of the pitches is likely to generate noise from participants and from footballs hitting fencing, which may have harmful impacts on the levels of residential amenity of nearby occupiers. Moreover, it is noted that part of the Green Wedge is currently school playing field and there is an existing all-weather pitch nearby and, as such, there is currently a level of sports/play related noise. To assess the likely impacts, the application has been supported by a noise assessment, which has been considered by officers in the Council's Environmental Health service. No objections have been raised to the conclusion that there would be no adverse impacts on residential properties.

27. Weld mesh fencing is shown separating the community centre and 11-a-side pitch from the car park, which is considered to be an appropriate fence type for the development, as it allows views through to the building for security reasons as well as retaining the open feel to the Green Wedge. Fencing also surrounds the bin store that is situated in the car park, which would be 2.4 metre high close board timber panels. The use of close board timber panels is deemed to be suitable, as it provides a good level of screening of the refuse bins as well as an acceptable finish.

28. No details have been provided for any floodlighting that may be used on the new pitch to be created on the land of the former Southlands Centre building. To safeguard the amenities of local residents, a condition is recommended for details to be submitted prior to their installation.

Sequential Assessment

29. In isolation, office space is deemed to be a main town centre use as defined by the NPPF. Core Strategy Policy CS13 advises that new office development will be directed to the Town Centre and requires a sequential approach to be applied when considering proposals for new town centre uses outside of designated centres. Section 7 of the NPPF similarly requires that Local Planning Authorities apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

30. Whilst the proposed office space is strictly in an out-of-centre location, it is understood that the offices are for community benefit only as well as the management of the proposed facility rather than being for general use offices to be occupied by any business. As such, there would be no expectation for the applicant to provide a sequential test or provide robust justification for why the offices cannot be located in a sequentially preferable location.

31. The office space is seen to be integral to the use of the building for community uses and help ensure its long-term viability. A condition is recommended to ensure that the office use is ancillary and remain as such in perpetuity. Given this intention, the proposed development is considered to be in accordance with Policy CS13 and Section 7 of the NPPF.

Highways Related Matters

32. Policy CS17 advises that the Council, in association with partners, will seek to deliver a sustainable transport network, which promotes alternative modes of transport other than the private car whilst reducing the need to travel. The Policy also expects all major developments to include a comprehensive network of cycleways and pedestrian routes that permeate throughout the site and link into the wider strategic network. Additionally, Policy CS18 requires development proposals to incorporate measures that improve the choice of transport options available to people, including promotion of schemes for cycling and walking. In order to assess the application against these Policies, the application has been supported by both a Transport Statement and Travel Plan; the scoping of which have been agreed with officers.

33. Traffic generation of the proposed uses has been established using the nationally recognised TRICS database and supplemented with Tees Valley Highway Design Guide parking standards. This approach has demonstrated that the peak periods of operation of the site will occur outside of the peak periods of operation of the highway network. The level of traffic generation, especially when taking into account the existing MUGA facility at the site, is not material and does not require further assessment of the operation of the network.

34. The TRICS data and parking standards have been used in conjunction to identify the most appropriate level of car parking for the site. This assessment has identified a peak accumulation/demand in parking of 31 spaces. Vehicular access to the proposed development is to be taken from the existing roundabout access onto Ormesby Road. This internal access road leads to a car park which is to provide 72 car spaces (including 5 disabled spaces). Turning and parking for two coaches within the site is also proposed and demonstrated to be practical with swept path analysis.

35. Pedestrian and cycle access is provided in the form of a new 3.6 metres shared route, which runs east-west through the site and links up with adjoining residential areas.

This facility leads to a proposed new Toucan signalised crossing on Ormesby Road just south of the existing roundabout, which will further encourage safe pedestrian access.

36. At this location, pedestrians currently have to wait for traffic, cross in two stages and hold in a pedestrian refuge when crossing Ormesby Road. The highway works consist of upgrading this existing uncontrolled pedestrian crossing to a signalised Toucan crossing, which will also connect into existing shared ped/cycle routes which run along Ormesby Road. These works will improve non-car accessibility to the site and will be secured by a suitably worded condition.

37. Bus stops exist immediately north and south of the proposed Toucan and are well served by a number of frequent bus services.

38. Given the above infrastructure and location the site can be considered to be highly sustainable, which will reduce the need to travel by car. In order to support this approach, a Travel Plan has been submitted which will also be secured by condition.

Drainage Related Matters

39. The application has been considered by the relevant water authorities, including Northumbrian Water and the Council's Local Flooding Officer. All have confirmed that there are no objections to the proposed development subject to it being carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy. More information would be required however, as there are some areas where information or clarification is required, although such information can be secured through appropriate conditions.

Ecological/Biodiversity Considerations

40. The application is supported by an Ecological Impact Assessment, which provides general advice on the ecological constraints to the proposed development and what appropriate mitigation measures might be implemented to minimise adverse impacts on the flora and fauna at the site. The Ecological Impact Assessment concludes that the site is dominated by amenity grassland and bounded by species-poor hedgerows and fences and that, overall, the majority of the habitats on site are of low ecological value. Provided the recommendations in the Assessment are implemented, it is anticipated that the proposed development would not have significant adverse impacts on notable species and wildlife.

41. Since April 2024, Biodiversity Net Gain (BNG) has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10% over 30 years, which means that development will result in a more or a better quality natural habitat than there was before development.

42. The application has been supported by a Baseline Biodiversity Net Gain Statement and the required Biodiversity Metric tool has been completed. The baseline score for the site includes habitats at 18.43 units and hedgerows at 1.63 units, which will need to be increased by at least 10% to meet the statutory requirements.

43. The Biodiversity Net Gain Statement advises that all trees and hedgerows will be retained as much as possible, that areas of poor grassland will be enhanced and that new planting will include species-rich hedgerows. Additional enhancements will include creation of habitat piles, bird nesting opportunities and bat boxes. As well as the standard BNG condition, a separate condition can be included for these habitat improvements.

Sport England Considerations

44. The Town and Country Planning Order 2015 states that a local planning authority shall consult Sport England on development that is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field. The consultation with Sport England is therefore a statutory requirement.

45. In addition to the above, Sport England also has an interest in this application as it was earmarked as providing replacement playing field and pitches for the 2.9 hectare playing field being lost to the housing development on land adjacent to Marton Avenue.

46. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 103), and against its own playing fields policy, which states: *'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions'*.

47. Having considered the proposals, Sport England highlights that the proposed car parking areas have a minimal impact on the playing field area and that the proposed community centre is located on playing field that has previously been used to set out a football pitch. Most crucially, however, Sport England raises concerns over the footpath linking the proposed community centre to the Unity City Academy, which it states directly impacts on the playing field areas and will limit its flexibility to set out differing pitch types in the future. With these concerns, Sport England advises that a number of elements are considered not to comply with its playing field policy exception 2.

48. In terms of the replacement pitch, Sport England states that the submission documentation is contradictory and missing detail in respect of how the ground would be reinstated to playing field standard. Sport England is of the view that the application does not include an assessment as to whether it is possible to reinstate the ground to playing field standard and what work is required. Whilst Sport England notes that the proposed area of playing field would be large enough to replace that being lost at Marton Grove, it concludes that there is an absence of key detail and uncertainty as to the quality of playing field that will be created.

49. During the application, a meeting has taken place between the applicant and Sport England in an effort to address the issues and concerns raised. Subsequent to this meeting, additional information was provided by the applicant, and a re-consultation exercise carried out with Sport England. Notwithstanding these efforts, Sport England upheld its objection to the application. Consideration is given to the points Sport England raises.

50. In terms of the specification of the replacement playing field area, it is noted that Sport England suggested a planning condition to secure these details as part of 23/0061/FUL, which was ultimately approved by Planning Committee in 2023. Although it is acknowledged that the playing pitches are now at a different part of the site (the replacement playing field now proposed on the site of the former Southlands Centre building), it is the Planning view that a condition could be imposed on any planning permission to secure a detailed assessment of the ground conditions. This is deemed to be in accordance with Paragraph 55 of the National Planning Policy Framework and make this element of the application acceptable.

51. In terms of the proposed layout, and specifically the footpath running north to the Unity City Academy, consideration has been given to its actual requirement or possible re-

routing. It is understood, however, that one of the aims of the facility is to provide an inclusive and accessible environment for all to be able to access sport and community facilities. Providing accessible routes in and around the site is seen as a key element of the scheme, which is why the applicant seeks to link the site to the nearby Academy.

52. In terms of re-routing, it is considered that this could be done around the edge of the site, which would not be considered so desirable by users. Although the footpath could be re-routed to enable greater flexibility to set out pitches, the laying of a footpath in this location could be considered as permitted development. Under Part 7, Class N of the General Permitted Development Order, a footpath (or any hard surface) would only not be permitted development if the playing field *could no longer be so used*. Whilst the proposed layout may cause potential implications in terms of setting out pitches, it is considered that any footpath laid out here (directly north to the Unity City Academy) would not prevent the use of the playing field.

53. Mindful of the above considerations, it is the Planning view the scheme can be supported in principle and that the issue of the ground conditions can be overcome through the use of appropriate conditions. If Members are minded to support the scheme, it is noted that the application and all the supporting documentation would need to be sent to the Secretary of State for consideration.

Conclusion

54. It is concluded that the proposed development would constitute a high quality, sustainable development, which will go towards enhancing the site of the former Southlands Centre and provides community facilities and resources to meet anticipated demand. Moreover, the design and layout of the scheme are deemed to be acceptable and generally in accordance with the relevant local and national policies given there will be only limited adverse impacts on the surrounding residential area.

55. For the above reasons, Officers are of the view that the application can be supported. In light of the continued objection from Sport England, however, Members cannot approve the application and would only be able to give a recommendation of minded to approve, subject to its consideration by the Secretary of State.

RECOMMENDATIONS AND CONDITIONS

Minded to Approve with 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) Proposed Red Line Site Boundary
- b) Proposed Site Plan (drawing no.03)
- c) Proposed Floor Plan (drawing no.01)
- d) Proposed External Elevations (drawing no.02)
- e) Drainage GA – Schematic Plans (246038-BGP-01-ZZ-D-C-01130 Rev P02)
- f) Drainage Details (246038-BGP-01-ZZ-D-C-01135 Rev P02)

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. This shall include materials to be used in the construction of the community facility building as well as the bin store screening/fencing.

Reason: To ensure the use of satisfactory materials.

4. Ancillary Office Space

The office space approved as part of the development hereby approved shall at all times remain ancillary elements to the community facility. The offices shall only be for local community benefit or management of the facility and not for general use by a business.

Reason: To ensure an acceptable form of development that is in accordance with Policy CS13 and Section 7 of the National Planning Policy Framework.

5. Soft Landscaping

Prior to the occupation of any community facility hereby approved, a detailed scheme for tree planting and associated soft landscaping works 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 (native species only), size and location, as well as their maintenance for a period of at least five years. 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.

6. 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.

7. Surface Water Drainage Scheme

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 Flood Risk Assessment (246038-BGP-00-XX-RP-C-001) and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but is 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.

8. 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.

9. Surface Water Drainage Management and Maintenance Plan

The development shall not be occupied until a Management & 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 (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.

10. Turning/ Servicing

No part of the development hereby approved shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles in accordance with the approved drawings, or such drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. The drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and retained thereafter 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.

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 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. Off-Site Highway Works

The development hereby approved shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- i. Removal of the existing pedestrian refuge south of the Sandringham Road/Ormesby Road/Site access roundabout and provision of a Toucan crossing together with associated infrastructure

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic having regard for

policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

13. 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:

- i. Routing of construction traffic, including signage where appropriate,
- ii. Arrangements for site compound and contractor parking,
- iii. Measures to prevent the egress of mud and other detritus onto the public highway,
- iv. A jointly undertaken dilapidation survey of the adjacent highway,
- v. Program of works, and,
- vi. 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.

14. Travel Plan

Within three 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.

15. Assessment of Ground Conditions

a) No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- i. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the grass playing pitches which identifies constraints which could adversely affect playing field quality; and
 - ii. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

16. Details of Floodlighting

Details of any floodlighting to be used at the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the use commences. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development and at the facades of neighbouring premises, and the hours of operation of the lighting. The construction and use of the floodlighting shall be carried out in accordance with the approved details and shall be retained in an operation state for the lifetime of the use.

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.

17. Approved Noise Assessment

The use hereby approved shall be developed in accordance with Noise Assessment Reference 10519.1 rev C, which was submitted to the local planning authority in support of the application. Any deviations from the recommendations made in the report shall be submitted to the local planning authority for written approval.

Prior to the installation of any fixed plant or machinery, further noise assessment shall be undertaken and the details of which 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.

18. Hours of Collections and Deliveries

Deliveries and collections to the premises shall be kept between the hours of 08:00 and 19:00 Monday to Saturday, and between the hours of 09:30 and 18:30 Sunday. Thereafter the collections and deliveries shall be operated in accordance with the approved hours unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the amenities of the area and local residents.

19. Refuse Collections

Collections from the refuse store shall be kept between the hours of 08:00 and 19:00 Monday to Saturday, and 09:30 to 18:30 Sunday.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

20. Site Investigation and Remediation

Before the commencement of any development works hereby approved, a full and competent site investigation, including a risk assessment, to identify any contamination present and to specify any remediation works which may be needed to be carried out to the site in order to bring it to a standard suitable for use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any remediation works required shall be carried out in accordance with the approved details prior to the commencement of the development. Prior to the commencement of development on site, validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and approved by the

local planning authority were completed and that the site is suitable for its intended use.

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

21. Ecology Mitigation

Ecological mitigation measures based on those detailed in the submitted Ecological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures approved by the Local Planning Authority shall then be implemented during construction and, where necessary, in perpetuity.

Reason: To protect the ecology 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.

22. Bird and Bat Boxes

A scheme identifying the locations of bat and bird boxes to be incorporated within the approved development as recommended in the submitted Ecological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes of the approved scheme shall then be installed at the agreed locations within six months of the first use of the development and retained in perpetuity.

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

23. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

24. Biodiversity Net Gain Maintenance Plan

The development hereby permitted shall be carried out in accordance with the approved Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development and the Biodiversity Gain Plan shall be implemented in full.

No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Local Planning Authority during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any measures needed to be

undertaken to address a shortfall in predicted levels of gain.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with paragraphs 180 and 186 of the National Planning Policy Framework.

REASON FOR APPROVAL

The proposed community facility with associated works is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposals are in accordance with the National Planning Policy Framework, and the policies regarding community development, sustainable development, the efficient use of land, appropriate scales of development, the protection of open spaces of different characters and uses, good quality design, and transport and accessibility, whilst proposing a development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area.

Issues of principle regarding the use of this site and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. 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

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.

Informative: Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works. The promoter of these works should contact Northern Gas Networks directly on 0800 040 776 (option 5) to discuss the requirements in detail. Should diversionary works be required these will be fully chargeable.

Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed

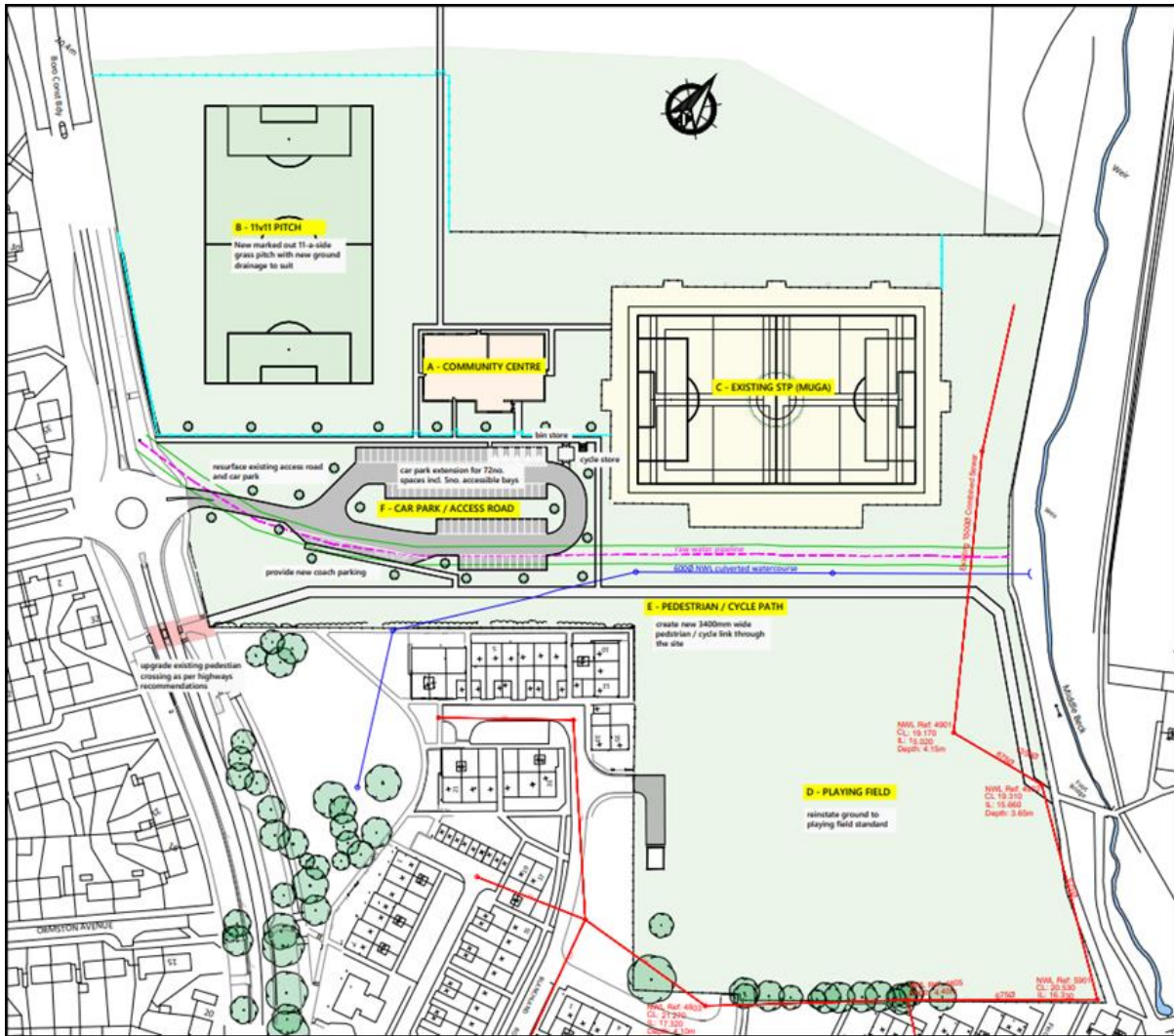
Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

Case Officer: Peter Wilson

Committee Date: 05-Sep-2024

Appendix 1: Proposed Site Plan



Appendix 2: Location Plan



Appendix 3: Proposed Elevations



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Agenda Item 5

Planning Ref Decision Date Decision

24/0178/FUL **02-Jul-2024** **Approve with Conditions**Company / Surname **Emma-Jane McGuinness**
Proposal **Garage conversion into 2 rooms and lobby/entrance way.**
Address **5 Fairfield Avenue,****24/0166/FUL** **04-Jul-2024** **Approve with Conditions**Company / Surname **Ms S Collins**
Proposal **Replacement slates to main roof and porch.**
Address **Sycamore House 60, The Avenue, MIDDLESBROUGH, TS5 6SB****24/0132/FUL** **05-Jul-2024** **Approve with Conditions**Company / Surname **S Nixon**
Proposal **single story extension to rear**
Address **3 Gatenby Drive****24/0141/FUL** **05-Jul-2024** **Approve with Conditions**Company / Surname **Benjamin Middleton**
Proposal **Single storey side and rear extension.**
Address **19 Yearby Close, Middlesbrough, TS5 8LY****24/0181/FUL** **05-Jul-2024** **Approve with Conditions**Company / Surname **Mr Brian Kirk**
Proposal **Two storey extension at side**
Address **11, Greatham Close, Middlesbrough, TS5 8JY****24/0180/PNO** **08-Jul-2024** **Prior Notification Not Required/No Obj**Company / Surname **Mr Ardesb Sarangam**
Proposal **Installation of solar panels on the roofs of the school**
Address **Pallister Park Primary School, Gribdale Road, Middlesbrough, TS3 8PW****24/0183/PNH** **08-Jul-2024** **Prior Notification Not Required/No Obj**Company / Surname **Mrs Nazia Hussain**
Proposal **Single storey extension at rear (add measurements in description)**
Address **31, Pinewood Road, Middlesbrough, TS7 8DB****24/0202/DIS** **08-Jul-2024** **Full Discharge Conditions**Company / Surname **Stonebridge Homes**
Proposal **Discharge of condition 28 (Nutrient Mitigation Scheme – Credits or Suitable Alte**
Address **Land at Ford Close Riding Centre, Brass Castle Lane, Marton in Cleveland, Middlesbrough, TS8 9QZ****24/0200/AMD** **09-Jul-2024** **Approve**Company / Surname **Taylor Wimpey**
Proposal **Non-material amendment to planning application 19/0530/RES, to change block**
Address **Land At Hemlington Grange, Middlesbrough****24/0189/FUL** **10-Jul-2024** **Approve with Conditions**Company / Surname **Mr & Mrs Peacock**
Proposal **Single storey extension to rear (demolition of existing conservatory)**
Address **8 Rushmere, Middlesbrough, TS8 9XL****24/0193/FUL** **10-Jul-2024** **Approve with Conditions**Company / Surname **Andy Palmer**
Proposal **Conversion of double garage into single garage**
Address **12, St Ives Close, Middlesbrough, TS8 9AA****22/0294/FUL** **16-Jul-2024** **Approve with Conditions**Company / Surname **Sheet Anchor Evolve (London) Ltd**
Proposal **Erection of two units (up to 5,111sqm of Class E floorspace), one with adjoining**
Address **DALBY HOUSE, Dalby Way, Middlesbrough, TS8 0XZ****24/0032/FUL** **16-Jul-2024** **Approve with Conditions**Company / Surname **Mr Mohamed Alnaggar**
Proposal **Erection of 1 metre high brick wall**
Address **51 Tollesby Road, Middlesbrough, TS5 7PT****24/0140/FUL** **16-Jul-2024** **Refused**Company / Surname **BRADLEY LOMAS**
Proposal **Single storey extension to side and rear**
Address **2, Clover Field Road, Middlesbrough, TS8 9FP****24/0164/FUL** **16-Jul-2024** **Approve with Conditions**Company / Surname **Middlesbrough Council**
Proposal **Installation of play equipment**

| Address | The Avenue Play Area, The Avenue, Middlebrough, TS7 0AG |
|--------------------|--|
| 24/0188/FUL | 16-Jul-2024 Refused |
| Company / Surname | Humaira Sharif |
| Proposal | loft conversion including rear dormer and detached outbuilding to form garage |
| Address | 111, Cambridge Road, Middlebrough, TS5 5HF |
| 24/0197/FUL | 16-Jul-2024 Approve with Conditions |
| Company / Surname | Miss Emma Harbron |
| Proposal | Single storey extension at rear |
| Address | 3, Farmside Mews, MIDDLESBROUGH, TS8 9UR |
| 24/0212/FUL | 16-Jul-2024 Approve with Conditions |
| Company / Surname | Thirteen Group |
| Proposal | Installation of two individual security gates complete with digi locks for acces |
| Address | Alleyways between 39 & 41 Kimberley Drive and between 1 Linmoor Avenue and 73 Premier Road, Middlebrough |
| 24/0131/FUL | 18-Jul-2024 Approve with Conditions |
| Company / Surname | Reader |
| Proposal | Single Storey Extension to Rear |
| Address | 49 Lambourne Drive, Middlebrough, TS7 8QF |
| 24/0195/FUL | 18-Jul-2024 Approve with Conditions |
| Company / Surname | Mr & Mrs Howarth |
| Proposal | Single storey rear extension |
| Address | 11A, Raylton Avenue, Middlebrough, TS7 8EF |
| 24/0210/FUL | 18-Jul-2024 Approve with Conditions |
| Company / Surname | Mr David Almond |
| Proposal | Single storey at rear (demolition of exisiting conservatory) |
| Address | 47, Fearnhead, Middlebrough, TS8 9XN |
| 24/0252/TPO | 19-Jul-2024 No Objections |
| Company / Surname | Mrs Lynne Brown |
| Proposal | Crown lifting and reduction to 1no. Oak tree in front garden |
| Address | 1, Rose Cottage Gardens, Middlebrough, Middlebrough, TS8 9FA |
| 24/0201/FUL | 22-Jul-2024 Approve with Conditions |
| Company / Surname | Matthew Bowa |
| Proposal | Single storey extension to rear with glazed link, conversion of garage to form g |
| Address | 58 Sinderby Lane, Middlebrough, TS7 0RP |
| 24/0172/FUL | 23-Jul-2024 Refused |
| Company / Surname | Mr Ash Mahmood |
| Proposal | Second flor dormer extension to front |
| Address | 7, Kensington Road, Middlebrough, TS5 6AJ |
| 24/0211/FUL | 23-Jul-2024 Approve with Conditions |
| Company / Surname | Mr & Mrs Lillystone |
| Proposal | Proposed railings to front boundary and new shed to rear garden |
| Address | 1 Fangdale Gardens, Nunthorpe, Middlebrough, TS7 0BF |
| 24/0227/TCA | 23-Jul-2024 No Objections |
| Company / Surname | Richard Palmer |
| Proposal | Removal of all overhanging branches from 2no Cypress tree's to the boundary of 9 |
| Address | 94 The Grove, |
| 24/0229/TPO | 24-Jul-2024 Approve |
| Company / Surname | Naz Ahmed |
| Proposal | T1 - Sycamore. Remove deadwood and trim trees canopy above roof of building (alm |
| Address | Oakview, 43a/45 Harrow Road, Middlebrough, TS5 5NT |
| 23/0328/FUL | 25-Jul-2024 Refused |
| Company / Surname | Leon White |
| Proposal | Conversion of terraced house to two self contained flats. |
| Address | 53, Aire Street, Middlebrough, TS1 4PG |
| 24/0213/FUL | 29-Jul-2024 Approve with Conditions |
| Company / Surname | Ahmmad Al-Falahi |
| Proposal | Single storey extension to rear |
| Address | 45, Ruskin Avenue, Middlebrough, TS5 8PG |
| 24/0167/OUT | 31-Jul-2024 Refused |
| Company / Surname | Paul Jackson |
| Proposal | Outline application with all matters reserved for the erection of 2no. detached |
| Address | 143 - 145, Burlam Road, Middlebrough, TS5 5AX |
| 24/0238/FUL | 31-Jul-2024 Approve with Conditions |

| | | |
|--------------------|--|---------------------------|
| Company / Surname | Mr Shaun Purvis | |
| Proposal | Single storey extension at rear | |
| Address | 30, Carlile Hill, Middlesbrough, TS8 9SL | |
| 24/0244/FUL | 31-Jul-2024 | Approve with Conditions |
| Company / Surname | M Stangroom | |
| Proposal | Single storey extension to rear of house to replace conservatory | |
| Address | 6, Hall Drive, Middlesbrough, TS5 7EN | |
| 24/0215/VAR | 01-Aug-2024 | Approve with Conditions |
| Company / Surname | Barrat and David Wilson Homes | |
| Proposal | Variation of condition 2 (Approved Plans) on application 19/0328/VAR - substit | |
| Address | Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW | |
| 24/0253/FUL | 01-Aug-2024 | Approve with Conditions |
| Company / Surname | Mr Andrew Alderson | |
| Proposal | Proposed single storey extension & wc to front | |
| Address | 18, Malltraeth Sands, Middlesbrough, TS5 8UH | |
| 24/0258/FUL | 01-Aug-2024 | Approve with Conditions |
| Company / Surname | Miss Natalie Doran | |
| Proposal | Erection of single storey rear extension | |
| Address | 4, Pevensey Close, Middlesbrough, TS4 3EG | |
| 24/0224/FUL | 02-Aug-2024 | Refused |
| Company / Surname | Stef Dean | |
| Proposal | Single storey rear extension | |
| Address | 282, Eagle Park, Middlesbrough, TS8 9QS | |
| 24/0260/DIS | 02-Aug-2024 | Full Discharge Conditions |
| Company / Surname | Mr & Mrs Ward | |
| Proposal | Discharge of condition 4 | |
| Address | 34, The Grove, Middlesbrough, TS7 8AG | |
| 24/0129/FUL | 07-Aug-2024 | Approve with Conditions |
| Company / Surname | Morrow | |
| Proposal | Two storey rear extension, Replacement roof with increased eaves height to form | |
| Address | 21 Fearnhead | |
| 24/0221/FUL | 07-Aug-2024 | Refused |
| Company / Surname | Mr Ian Broomhead | |
| Proposal | Single storey extension to front | |
| Address | 7, Nuneaton Drive, Middlesbrough, TS8 9PR | |
| 24/0223/FUL | 07-Aug-2024 | Refused |
| Company / Surname | Mr Paul Forrester | |
| Proposal | Single storey extension to front | |
| Address | 9, Nuneaton Drive, Middlesbrough, TS8 9PR | |
| 24/0254/TPO | 09-Aug-2024 | Approve |
| Company / Surname | Mrs Penny Watchman | |
| Proposal | Felling of 1no Cerry Tree and 1no Chestnut Tree | |
| Address | 116, Guisborough Road, Middlesbrough, TS7 0JA | |
| 24/0247/FUL | 12-Aug-2024 | Approve with Conditions |
| Company / Surname | Christina Jones | |
| Proposal | Retrospective consent for 2no. temporary single storey classrooms | |
| Address | RIVER TEES HIGH, Sulby Avenue, Middlesbrough, TS3 8RD | |
| 24/0196/FUL | 13-Aug-2024 | Approve with Conditions |
| Company / Surname | KATIE PHELPS | |
| Proposal | Single storey extension to rear | |
| Address | 4 Cloverwood Close, Marton | |
| 24/0046/FUL | 14-Aug-2024 | Refused |
| Company / Surname | Mr Edward Taylor | |
| Proposal | Single storey extension to rear including Demolition of existing conservatory | |
| Address | 25, Grange Crescent, Middlesbrough, TS7 8EA | |
| 24/0169/FUL | 14-Aug-2024 | Approve with Conditions |
| Company / Surname | ELR Developments | |
| Proposal | Extensions to existing commercial unit with associated vehicular parking and cyc | |
| Address | Unit A, Ramsdale Building, Maxwell Road, Middlesbrough, TS3 8TE | |
| 24/0194/FUL | 20-Aug-2024 | Approve with Conditions |
| Company / Surname | Akhtar | |
| Proposal | Two storey extension to side and single storey extension to rear | |
| Address | 5 Abdale Avenue | |

| | | |
|--------------------|--|--------------------------------|
| 24/0288/CLD | 22-Aug-2024 | Approve |
| Company / Surname | Brian Wing | |
| Proposal | Certificate of lawful development for single storey extension at rear | |
| Address | 18, Britain Avenue, Middlesbrough, TS5 7AT | |
| 24/0014/FUL | 23-Aug-2024 | Refused |
| Company / Surname | Ahmed Al Kahaji | |
| Proposal | Part 2 part single storey extension to the rear yard area of No31-33 Parliament | |
| Address | 31 - 33, Parliament Road, Middlesbrough, TS1 4JP | |
| 24/0130/COU | 23-Aug-2024 | Approve with Conditions |
| Company / Surname | Mr Taybrayz Khan | |
| Proposal | Change of use from residential (C3) to care facility (C2) | |
| Address | 128, Victoria Road, Middlesbrough, TS1 3HY | |
| 24/0204/FUL | 23-Aug-2024 | Refuse and enforce |
| Company / Surname | Mrs Iram Shehzadi | |
| Proposal | Retrospective two storey extension to rear | |
| Address | 8, Glenfield Drive, Middlesbrough, TS5 7PX | |
| 24/0266/TPO | 23-Aug-2024 | No Objections |
| Company / Surname | Joanne Day | |
| Proposal | Large Oak tree situated in back garden of 58 Larkspur Road. We are applying to p | |
| Address | 58 Larkspur Road | |
| 24/0283/CLD | 23-Aug-2024 | Approve |
| Company / Surname | Walker | |
| Proposal | Certificate of lawful development for single storey extension to rear, dormer wi | |
| Address | 1, Pennyman Way, Middlesbrough, TS8 9BL | |

| | | | | | |
|-----------------|-----------|-----------------|-----------|----------------|-----------|
| Total Decisions | 52 | Total Approvals | 41 | Total Refusals | 11 |
|-----------------|-----------|-----------------|-----------|----------------|-----------|

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| MIDDLESBROUGH COUNCIL |  |
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|----------------------|---|
| Report of: | Head of Planning |
| Submitted to: | Planning and Development Committee |
| Date: | 5 September 2024 |
| Title: | Planning Performance – Q1 (Apr – Jun) 2024/25 |

Introduction

1. The purpose of this report is to update members on the performance of the Planning Service during the first quarter of 2024/25. The report outlines a number of key performance measures for the Planning Service, in particular focusing on those measures against which a Local Planning Authority’s performance is measured against government targets.

Background

2. The government measures Local Planning Authority performance against a number of measures
3. Speed of decision making
 - For applications for major development

60 per cent of an authority’s decisions should be made within the statutory determination period or such extended period as has been agreed in writing with the applicant;
 - For applications for non-major development

70 per cent of an authority’s decisions should be made within the statutory determination period or such extended period as has been agreed in writing with the applicant;
4. Quality of decision making
 - For applications for major development

No more than 10 percent of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in the data collected by the Ministry for Housing, Communities and Local Government.
 - For applications for non-major development

No more than 10 percent of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in the data collected by the Ministry for Housing, Communities and Local Government.
5. The assessment period for these performance measures is over a rolling two year period. Failure to meet one or both of these measures could result in the Local Planning Authority

being designated, which would result in the removal of their powers to consider applications for either category of application.

6. In addition to the above there are a number of other measures that provide an indication of performance of the Service which will be of interest to members. These measures are
 - Number of applications received
 - Number of applications determined
 - Percentage of applications approved/refused
 - Percentage of applications delegated to officers for decision
 - Number of outstanding enforcement cases
 - Number of new enforcement cases
 - Number of enforcement cases closed

Planning Application Performance

7. Table 1 below sets out the LPAs in the speed of determining applications for the first quarter of 24/25, for the financial year 23/24 and for the last two years (Q1 22/23 to Q1 24/25).

| Application Type | Q1 24/25 | | | | 23/24 | | | | Q2 22/23 – Q1 24/25 | | | |
|------------------|----------|---------|-------------|------|-------|---------|-------------|------|---------------------|---------|-------------|------|
| | No. | In time | Out of time | %age | No. | In time | Out of time | %age | No. | In time | Out of time | %age |
| Major | 5 | 5 | 0 | 100% | 20 | 18 | 2 | 90% | 34 | 30 | 4 | 88% |
| Non-Major | 66 | 62 | 4 | 94% | 321 | 277 | 44 | 86% | 615 | 514 | 101 | 84% |

Table 1: Speed of planning decisions

8. 100% of all major applications were determined within the required timeframes. This represents a 10% increase over the performance for 2023/24 and 12% above the rolling two year performance to Q1 24/25. All figures are significantly above national targets.
9. All major applications considered during the first quarter of 24/25 The major applications considered and approved during the first quarter of 24/25 are:
 - 22/0524/MAJ Land at Ford Riding Centre. Residential development for 48 dwellings
 - 23/0390/OUT Land at Hemlington Grange South. Residential development for up to 150 dwellings
 - 24/0092/FUL Middlesbrough Leisure Park
10. The following major applications were refused during the first quarter of 24/25:
 - 20/0658/FUL Land at Nunthorpe Grange. Residential development for 69 dwellings
 - 21/0304/RES Acklam Hall. Hotel
11. The performance for non-major applications shows a similar path of improvement with 94% of all such applications during Q1 24/25 being determined within required timeframes,

representing an increase of 8% over the performance of 23/24 and 10% above the rolling two year average to Q1 24/25.

12. Table 2 sets out the LPAs performance with regards to applications generally, showing how many applications have been received and determined per quarter for the last 5 quarters.
13. This shows that the number of applications received has been declining. This however needs to be considered against the fact that from June 2023 (end of Q1 23/24) the LPA for large parts of the central area of the town has been the Middlesbrough Development Corporation (MDC). It would be expected that the number of applications received would drop. The last period before the MDC gained their planning powers (Q1 23/24) 124 applications were submitted to the Council. The figure for Q1 24/25 shows a drop of almost 39%. Not all of the decrease would however have been down to the number of applications within the MDC area. It should be noted that for the first 3 months that the MDC had planning powers that the Council agreed to continue to assess and determine planning applications, and some of these applications are still under consideration. The above figures for Q1 24/25 and 23/24 do not truly reflect the work that the service has had to undertake on planning applications.

| | 2023/24 | | | | | 2024/25 |
|---|---------|-----|-----|-----|-------|---------|
| | Q1 | Q2 | Q3 | Q4 | Total | Q1 |
| Applications on hand at start of period | 127 | 154 | 133 | 114 | 127 | 115 |
| Applications received during period | 124 | 84 | 88 | 87 | 383 | 76 |
| Applications determined during period | 96 | 100 | 97 | 83 | 376 | 78 |
| Applications on hand at end of period | 154 | 133 | 114 | 115 | 115 | 109 |
| Percentage of delegated decisions during period | 98% | 99% | 92% | 94% | 96% | 94% |
| Pre application enquiries | 165 | 150 | 127 | 148 | 590 | 177 |

Table 2: Total number of applications submitted and determined

14. The national average for officer delegated decisions is 96%. The figures for Middlesbrough are slightly below this at 94%. There has been a slight decrease in the percentage of decisions delegated to officers over the last year.
15. The Council introduced chargeable pre application enquiry service in 2023. This went live in April 2023. The purpose was to continue to offer a much valued service, but to also to assist with managing workloads. As the data illustrates such enquiries remain high.
16. Table 3 below provides data with regards to the quality of decision making. This compares the number of applications allowed on appeal as a proportion of the total decisions made during the assessment period.

| Application Type | 23/24 | | | Q2 22/23 – Q1 24/25 | | |
|------------------|------------------|-----------------|------|---------------------|-----------------|------|
| | Appeals allowed. | Total decisions | %age | Appeals allowed. | Total decisions | %age |
| Major | 1 | 20 | 5% | 1 | 34 | 2.9% |
| Non-Major | 6 | 321 | 1.9% | 9 | 615 | 1.5% |

Table 3: Quality of decision making

17. Performance target for both major and non-major decisions is no more than 10% of all decisions within the assessment period should be overturned appeals i.e. those decisions allowed on appeal. Figures for Q1 24/25 have not been provided as none of the applications refused during this period, will have been appealed yet, or if they have an appeal decision issued (figures for 23/24 may also change given that some appeals are still to be lodged and/or determined)

18. Table 4 shows the Council's general appeal performance over the last five quarters.

| | 2023/24 | | | | | 2024/25 |
|-------------------------------|---------|-----|-----|-----|-------|---------|
| | Q1 | Q2 | Q3 | Q4 | Total | Q1 |
| Appeals determined | 3 | 9 | 5 | 8 | 25 | 5 |
| Appeals allowed | 1 | 2 | 1 | 4 | 8 | 1 |
| Appeals dismissed | 2 | 7 | 4 | 4 | 17 | 4 |
| Percentage of appeals allowed | 33% | 22% | 20% | 50% | 32% | 20% |

Table 4: Appeal decisions

19. The following appeal decisions were received during Q1 24/35

Allowed Appeals

- 22/0270/MAJ
Land southwest of Grey Towers Farm
Proposed residential development of 8 dwellings

Dismissed Appeals

- 23/0418/FUL
Hawthorne Cottage, Stainton
Proposed annexe to rear garden
- 23/0601/FUL
234 Acklam Road
First floor extension to side
- 23/0391/FUL
62 The Grove
Proposed loft conversion with dormer extension

- 23/0345/COU
200 Linthorpe Road
Proposed erection of conservatory and change of use from public house to restaurant

Planning Enforcement

20. Since the advent of COVID enforcement cases have continued to rise and place significant pressures on the service and its ability to respond. Recently the Service has been able to secure additional support.
21. The number of new enforcement cases whilst slowly decreasing does remain relatively constant. Similarly the number of cases closed has remained at a relevant constant level, but at a much lower rate than the number of new case opened. This has led to a general rise in the number of outstanding cases. The first quarter of 2024/25 has seen this trend bucked with a concerted effort being made to actively close cases. This has seen a decrease in the number of outstanding cases but they remain unsustainably high.
22. The number of enforcement notices issued remains low, highlighting that cases have been resolved or closed by other means. Not all complaints lead to enforcement action being necessary or being taken.

| | 2023/24 | | | | | 2024/25 |
|-------------------|---------|-----|-----|-----|-------|---------|
| | Q1 | Q2 | Q3 | Q4 | Total | Q1 |
| Cases opened | 63 | 59 | 41 | 45 | 208 | 40 |
| Cases closed | 19 | 11 | 10 | 11 | 51 | 93 |
| Outstanding cases | 429 | 477 | 508 | 542 | 542 | 489 |
| Notices served | 0 | 1 | 1 | 1 | 3 | 1 |

Table 5: Enforcement workloads

23. Enforcement case can be broken down into a number of categories/classifications. The nature of enforcement cases that have been opened over the last five quarters are shown in table 6.
24. The principal nature of complaints received relate primarily to those instances:
- Where unauthorised works are being undertaken. These typically relate to homeowners undertaking works without the necessary planning permissions in place.
 - where an applicant/developer breaches a condition attached to a planning permission
 - Where a property or site is considered untidy, usually either associated with overgrown gardens, poorly maintained dwellings, or construction sites.
 - A property is being operated for a use where it doesn't have the necessary planning permissions in place.

| Nature of enforcement cases opened | 2023/24 | | | | | 2024/25 |
|---|-----------|-----------|-----------|-----------|------------|-----------|
| | Q1 | Q2 | Q3 | Q4 | Total | Q1 |
| Breach of condition | 10 | 16 | 13 | 13 | 52 | 10 |
| High hedges | 2 | - | - | - | 2 | - |
| Amenity (s215) | 2 | 2 | 5 | 3 | 12 | 2 |
| Refuse and enforce | - | - | - | 2 | 2 | 1 |
| Unauthorised advert | - | 1 | - | 1 | 2 | - |
| Unauthorised tree works | - | 2 | 2 | - | 4 | - |
| Unauthorised use | 11 | 5 | 7 | 9 | 32 | 8 |
| Unauthorised works | 26 | 15 | 11 | 12 | 64 | 13 |
| Untidy site | 10 | 17 | 3 | 5 | 35 | 6 |
| Unauthorised works to a listed building | 2 | 1 | - | - | 3 | - |
| Total Cases | 63 | 59 | 41 | 45 | 208 | 40 |

Table 6: Nature of enforcement cases

25. Where it is not possible to resolve an enforcement issue via negotiation the final sanction is taken and an enforcement notice is served. Ultimately if an enforcement notice is not complied with this could result in prosecution. Table 7 shows the number of such notices served over the last five quarters.

| | 2023/24 | | | | | 2024/25 |
|----------------------------|---------|----|----|----|-------|---------|
| | Q1 | Q2 | Q3 | Q4 | Total | Q1 |
| Enforcement notices served | 3 | 1 | 0 | 5 | 9 | 9 |

Table 7: Enforcement notices served

26. The figures show a marked increase in the level of notices being served, and an increase in enforcement activity. This reflects the increase in resources being dedicated, and a more proactive approach to, enforcement.

Conclusions and Recommendations

27. The Service performs above national performance targets. Overall the number of planning applications submitted fell significantly following the creation of the Middlesbrough Development Corporation. During the last quarter this fell further with a decrease in 10% (from 87 to 76 applications) submitted over the previous quarter. This is also reflected in the continued decline in the number of applications determined during the period, but is to be expected given the decline in applications submitted.

28. There has been a significant increase in the performance of the service with regards to enforcement activity. The number of enforcement cases has remained at consistent levels over the last three quarters, with a marked increase in the closure of cases during the last quarter, and an increase in the number of enforcement notices being served. This has resulted in a 10% decrease in the number of outstanding cases. The level of outstanding cases remains at an unsustainable high level. The principal cause of enforcement complaints remains unauthorised works – i.e works being undertaken without securing the necessary planning permissions.
29. It is recommended that the Planning and Development Committee note the contents of this report.

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