

PLANNING AND DEVELOPMENT COMMITTEE

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

AGENDA

1. Welcome and Fire Evacuation Procedure

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

2. Apologies for Absence

3. Declarations of Interest

4. Minutes - Planning and Development Committee - 10 October 2024 3 - 6

5. Schedule of Remaining Planning Applications to be Considered by Committee 7 - 80

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Item 1 - 27 Cornfield Road – Page 9

Item 2 – 15 Albert Terrace – Page 43

Item 3 – Swatters Carr – Page 67

6. Applications Approved by the Head of Planning 81 - 84
7. Planning Appeals
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 30 October 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, Joanne_McNally@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 10 October 2024.

PRESENT: 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

ALSO IN ATTENDANCE: Councillor Tom Livingstone, J Wyatt and C Young

OFFICERS: P Clarke, A Glossop, R Harwood, J McNally and S Pearman

24/21 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed everyone to the meeting and explained the Fire Evacuation Procedure.

24/22 **DECLARATIONS OF INTEREST**

| Name of Councillor | Type of Interest | Item/Nature of Interest |
|-------------------------|------------------|--|
| Councillor M McClintock | Non-Pecuniary | Agenda Item 5, Item 2, Ward Councillor |

24/23 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 5 SEPTEMBER 2025**

The minutes of the meeting of the Planning and Development Committee held on 5 September 2024 were submitted and approved as a correct record.

24/24 **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.

24/0259/FUL, 20, Fountains Drive, Middlesbrough, TS5 7LJ, erection of 1no. detached dwelling

Members were advised that planning permission was sought for the erection of a three bedroomed, two storey detached dwelling located to the north of 20 Fountains Drive. Members heard that the proposed vehicle access and driveway would be located off Sledmere Drive.

The Development Control & Building Control Manager advised the Committee that the application site was a corner plot located at the junction of Fountains Drive and Sledmere Drive within a predominantly residential area of Acklam. The dwelling design had a double frontage with the main entrance facing onto Sledmere Drive. The frontage facing Fountains Drive included a single storey off-shoot. The boundary treatment would be a 2-metre high close boarded fence set back from the pavement which would enclose the rear garden boundary along Sledmere Drive.

Members were informed that the application site was previously granted planning permission for a detached two storey property in 2012 and for a separate application for a dormer bungalow on the site in 2015.

Members heard that a planning application for a two storey dwelling was refused at Planning Committee in September 2021 on the grounds that the scale, design and position of the proposed property would have a detrimental impact on the open

character of the area and on the amenity of the adjacent properties contrary to Local Plan Policy DC1.

Members were advised that an appeal had been made to the Planning Inspectorate and the refusal decision was upheld in January 2022. The Planning Inspector had concluded that by virtue of its scale, bulk, and almost featureless gable wall the dwelling would be harmful to the character and appearance of the surrounding area contrary to Policy DC1.

It was advised that in October 2023 a planning application for a similar scale and designed two storey dwelling had been refused at Planning Committee. The sole reason for the reason was that suitable nutrient neutrality mitigation had not been provided.

The Committee heard that the revised design and reduced scale of the proposed dwelling from the previously refused scheme in 2021 were considered to achieve a property which was in keeping with the scale, design, and character of the existing semi-detached two storey properties along Fountain Drive. The Development Control & Building Control Manager informed the Committee that a revised plan had been received the day before committee with the removal of one car parking space and the fence line in line with the side of the property. It was also advised that the applicant had provisionally secured the required level of nutrient neutrality credits from Natural England.

The Development Control & Building Control Manager stated that 20 objections had been received highlighting issues with highway matters, amenity, and characteristics of the area, it was advised that the Planning Inspector had not raised highways as an issue and Middlesbrough Council Highways Department had not identified any highways issues with the application.

A Member queried the covenant on the site and if this could impact on the application it was advised that a covenant was not a planning matter.

The Development Control and Building Control Manager advised the committee that the recommendation was to approve the application with conditions and that permitted development rights could be removed which would take away the ability to build an extension onto the property without planning permission.

A resident addressed the committee and raised the following concerns:

- Traffic cutting through Fountains Drive to Hall Drive
- If a house was built it would impact on being able to see what traffic was coming
- The white lines currently on the road are not dominant.
- The road is used as a rat run.
- The junction is not clear.
- Houses will be overlooked.
- Cars will park on Sledmere Drive.
- Would prefer a bungalow on the site.
- Cars cut across onto the other side of the road.
- Children use the area to get to school.
- Properties are all bungalows in the area.

The Ward Councillor spoke in objection to the application and raised the following concerns:

- The comparisons to other junctions are irrelevant.
- Sledmere Drive is a long street with lots of traffic.

- Gardens of other properties in the area have low walls.
- The development is on Sledmere Drive which has 26 properties all of which are bungalows.
- All corners have a clear line of sight.

A Member queried if the applicant was likely to appeal if permission was not granted, the Development Control & Building Control Manager stated that the land had been sold, permissions had lapsed and the new owner had bought the land and appealed so it would be likely that the owner would appeal again.

ORDERED: that the application be approved subject to conditions and the removal of permitted development rights.

24/0307/VAR, Land at Grey Towers Farm, Nunthorpe, Middlesbrough, variation of Condition 1 (Approved Plans) on application 20/0028/VAR to include the installation of PV Panels to roof, extraction flue, EV charging points and removal of chimney (part retrospective)

*** Councillor Morgan McClintock recused himself from the meeting*

Members were advised that the application site was the new Miller and Carter restaurant/bar located west of the Poole roundabout.

The application sought to vary the approved plans to gain consent retrospectively for the erection of solar panels on the roof, the removal of a chimney located on the side elevation of the approved plans and the erection of a flue. Permission was also sought for electric vehicle charging points in the car park with associated works.

Members were advised that following consultation objections had been received from 2 residents, the Parish Council and the Ward Councillor. The objections related to the appearance of the proposed flue and the impact on residents from odours.

It was advised that the proposed development did not have a detrimental impact on the design quality of the building or its surrounding car park and landscaped setting. The changes did not result in significant harm to the visual amenity of the area or harm the character and appearance of the conservation area nor did they result in harm to the amenities of nearby residential properties. Members were advised that the flue had been painted black to soften the appearance, the flue does exceed what was previously approved however it complies with Defra guidelines and would extract 90% of odours.

The Agent for Miller and Carter addressed the Committee and apologised for not including these additional elements on the previous planning application. He assured the Committee that the flue and solar panels would not have a detrimental impact on the site.

The Ward Councillor addressed the Committee and stated that the Nunthorpe community welcomed the apology from Miller and Carter regarding the retrospective application. Residents were concerned about the appearance of the flue but were satisfied with the appearance now it had been painted black. The Ward Councillor requested that the flue be continuously maintained with the black paint.

ORDERED: that the application be approved with the condition that the flue would be black in perpetuity.

*** Councillor Morgan McClintock rejoined the meeting.*

24/25 **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

24/26 **PLANNING APPEALS**

The Head of Planning advised the Committee that the Lidl appeal had taken place and the Planning Inspector had dismissed the appeal. The Head of Planning stated that he would keep Members informed of any developments and paid testament to the work of officers involved in the application and appeal.

The Development Control & Building Control Manager provided a verbal update to the Committee on the outcome of various appeals including Grey Towers Farm, 29 Cambridge Road and St Edwards Primary School.

24/27 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

The Head of Service delivered a presentation to the Committee on the potential impacts of the Planning Reforms.

Agenda Item 5

Planning & Development Committee Schedule - 07-Nov-2024

Town Planning applications which require special consideration

| | | | |
|---|--|--|--|
| 1 | <p>Reference No: 23/0252/FUL</p> <p>Ward: Park</p> | <p>Applicant: RAFAKAT ALI</p> <p>Agent: ANTON LANG PLANNING SERVICES LTD</p> | <p>Description: Erection of 1No 5 bed detached dwellinghouse, with double detached garage and associated boundary treatments. To include demolition of existing bungalow and boundary wall</p> <p>Location: 27, Cornfield Road, Middlesbrough, TS5 5QJ</p> |
|---|--|--|--|

| | | | |
|---|---|--|---|
| 2 | <p>Reference No: 24/0055/COU</p> <p>Ward: Central</p> | <p>Applicant: Mr Jamie Davison</p> <p>Agent: Mr Russell Taylor</p> | <p>Description: Change of use of from dwellinghouse (C3) to 7 Bed HMO (Sui Generis) including external alterations to the detached garage</p> <p>Location: 15, Albert Terrace, Middlesbrough, TS1 3PA</p> |
|---|---|--|---|

| | | | |
|---|---|--|--|
| 3 | <p>Reference No: 24/0340/FUL</p> <p>Ward: Central</p> | <p>Applicant: Billy Kelly</p> <p>Agent: Harrison Ince Architects Ltd</p> | <p>Description: Installation of outdoor seating area to side of premises to include moveable furniture and moveable planters, barriers, and alteration / introduction of openings within elevations.</p> |
|---|---|--|--|

| | | | |
|--|--|--|---|
| | | | Location: The Swatters Carr, 228 Linthorpe Road, Middlesbrough, TS1 3QW |
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APPLICATION DETAILS

| | |
|------------------------|--|
| Application No: | 23/0252/FUL |
| Location: | 27, Cornfield Road, Middlesbrough, TS5 5QJ |
| Proposal: | Erection of 1No 5 bed detached dwellinghouse with detached garage and associated boundary treatments. To include demolition of existing bungalow and boundary wall |
| Applicant: | Rafakat Ali |
| Agent: | Anton Lang Planning Services |
| Ward: | Park |
| Recommendation: | Approve subject to conditions |

SUMMARY

The application site is 27 Cornfield Road located on a corner plot at the junction of Cornfield Road and The Crescent. The site is located within the Linthorpe Conservation Area and the Article 4 designated area. Currently within the site is a detached bungalow and detached garage to the side which both front onto Cornfield Road which is located to the south.

The proposal is for the demolition of the existing detached bungalow and garage and for the erection of a two and a half storey detached 5 bed roomed property with detached double garage to the site. The current vehicle access will remain from Cornfield Road with a wider access and installation of new access gates and boundary treatment to the front and side elevations.

The application site was previously refused planning permission under delegated powers with a subsequent appeal dismissed in May 2022 under planning application 20/0500/FUL (Appendix 2). The reasons the appeal was dismissed were that the development would not preserve or enhance the character and appearance of the Linthorpe Conservation Area and would harm the living conditions of neighbouring occupiers and would not accord with the development plan and there were no considerations of sufficient weight to justify making a decision otherwise. (Appendix 3)

Following a neighbour consultation exercise there have been 6 objection letters and 2 support letters. The objections relate primarily to the loss of privacy, overbearing impact, loss of light, noise and disturbance, overdevelopment, not in keeping with the conservation area and properties within the street scene, setting a precedent, revisions being minimal changes, not addressing the previous reasons for refusal and the reasons the appeal was dismissed, loss of trees, shortage of bungalows, highway safety issues.

The support comments relate to the existing property being empty for a considerable time and the design of the bungalow not in keeping and having a negative impact on the conservation area and the proposal being in keeping and enhancing the Conservation area.

The revised position of the dwelling within the site along with significant alterations to the design of the proposed dwelling and detached garage since the refused scheme in 2022 are considered to achieve a property which is in keeping with the scale, design and character of the properties within the existing street scene and the Linthorpe Conservation Area.

The location of the dwelling and the position of the windows/doors in relation to the other properties are considered to ensure the privacy and amenity of the neighbouring properties will not be significantly affected.

The existing vehicle access will be re-used and the length of the proposed driveway, detached garage and the hard standing to the front of the garage will provide adequate parking provision for the proposed dwelling with no notable additional impacts on highway safety.

The revised plans are therefore considered to accord with Local Plan Policies DC1, CS4 and CS5 and the UDSPD and the guidance within the NPPF.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is 27 Cornfield Road located on a corner plot at the junction of Cornfield Road and The Crescent. The site is located within the Linthorpe Conservation Area and the Article 4 designated area. Currently within the site is a detached bungalow and detached garage to the side which both front onto Cornfield Road which is located to the south.

The site is within a predominantly residential area with a detached bungalow at 4a The Crescent located to the north and to the east is a semi-detached property at 25 Cornfield Road. Directly opposite the property to the south is 26 and 28 Cornfield Road and to the west across The Crescent are a small group of two-storey flats at 1-16 Crescent Lodge.

The proposal is for the demolition of the existing detached bungalow and garage and for the erection of a two and a half storey detached 5 bedroomed property with detached single garage. The current vehicle access will remain from Cornfield Road with a wider access and installation of new access gates and boundary treatment to the front and side elevations.

Since the original submission the Council has worked with the applicant and their agent through meetings and feedback on a number of revised plans to address the points raised within the dismissed appeal.

The proposed dwelling will have a width of 13.37 metres and depth of 12.4 metres. The overall ridgeline roof height will be 9.3 metres with an eaves height of 5.7 metres. The dwelling design provides a two-storey gable off-shoot to the rear which has a lower ridgeline roof height of 8.8 metres and an orangery with a maximum height of 3.1 metres. The overall footprint of the building would be 156 square metres.

The front elevation design provides double height bay windows on either side of a central entrance door with single windows above the bay windows within each of the two gables. The entrance door has window on either side and two single windows on the first floor. The west side elevation facing The Crescent has a double height bay window.

The rear elevation provides a two-storey gable off-shoot extension with three single windows and a single access door which is slightly set in from the side elevation of the building and an orangery with a set of double doors and two windows on the rear elevation and two windows on the east side elevation and roof lantern. The east side elevation provides a small window within the third floor.

The detached double garage to the rear/side would have a hipped roof design and measures 5 metres by 6.5 metres with a single garage door and single access door. The front boundary will be a 0.5m high wall with cast stone coping and hedge with 1.7 metre high pillars on both sides of the vehicle entrance.

The materials for the dwelling and garage will be :-

- Proposed wall in cavity with facing bricks
- Natural Slate roof tiles
- Timber vertical sliding sash double glazed windows
- Permeable materials for the driveway

The application is supported by a :-

- Design and Access Statement
- Planning Statement
- Heritage Statement
- Materials Chart

PLANNING HISTORY

20/0500/FUL - Substantial remodelling of existing property to form 2 storey house including increase in the roof height of the property to provide a first-floor level including front and rear roof lights, two- storey extension to the front and new entrance porch, single storey rear extension and attached single storey garage to side. (Demolition of the existing single storey rear extensions and detached garage) – refused 16th August 2021.

The reasons for refusal were the following :-

1. In the opinion of the Local Planning Authority, the overall scale, design and mass of the proposed two-storey dwelling on such a prominent corner plot is considered to have a notable harmful impact on the existing character and appearance of the Linthorpe Conservation area and on the street scene. The development is, therefore, considered to be contrary to the guidance set out in Core Strategy Policy DC1 (b) General Development and CS5 (c & h) Design and the Council's Urban Design SPD and conflicts with the guidance contained within paragraphs 197, 200 and 202 of the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority, the proximity and location of the French doors, windows and roof lights on the rear elevation is considered to have a significant impact in terms of loss of privacy to the main dwelling and side and front garden area of 4a The Crescent. The development is considered to be contrary to Core Strategy Policy DC1 (c) General Development and the Council's Urban Design SPD and conflicts with the guidance contained within paragraph 130 of the National Planning Policy Framework.

Planning Appeal was dismissed on the 30th May 2022 (APP/W0734/D/21/3285528) with the Inspector concluding the proposal would ***'.... not preserve or enhance the character or appearance of the LCA, and would harm the living conditions of neighbouring occupiers. As such, it would not accord with the development plan taken as a whole and there are no considerations of sufficient weight to justify making a decision otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.'***

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
Linthorpe Conservation Management Plan

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

There have been 2 support letter and 6 objection letters following the neighbour consultation and site and press notices. The comments are summarised below and include those received following the submission of the revised plans.

Public Responses

| | |
|--|----|
| Number of original neighbour consultations | 19 |
| Total numbers of comments received | 8 |
| Total number of objections | 6 |
| Total number of support | 2 |
| Total number of representations | 0 |

Objection comments

Principle

- Shortage of bungalows in the area so why demolish a habitable one

Character and Appearance

- Design, materials and appearance not in keeping with the conservation area
- Contravenes everything the conservation area sets out to protect
- Overdevelopment Too large for a corner plot which should remain with open views
- Visually dominant from Cornfield Road and The Crescent fundamentally altering the street scene
- Layout and density much larger and higher covering most of 27 Cornfield Road which is not in keeping with surrounding properties.
- Current beautiful bungalow design fits in with the adjacent bungalow with a 2 ½ storey 5 bed roomed house, would not be in keeping and make the adjacent bungalow look out of place
- The appearance of the street scene and therefore Conservation Area will still be harmed due to the 'appearance' of a 2.5 storey dwelling from behind the mature

hedgerow which will visually be read by anyone passing by the site as a new build property on what appeared to be a previously undeveloped site.

- Loss of trees and vegetation which contribute to the character of the area and privacy
- Revised plans no main changes to the design apart from roof design
- The previous design featured a single, two-and-a-half-storey house with a single gabled projection, which was deemed too large and visually intrusive for the site. The new proposal now includes two projecting gables, further increasing the visual prominence of the development. This change is wholly inappropriate and intensifies the adverse impact on the site and its surroundings.
- Extra gables added to the design when previous submission was a single gable
- Despite the resubmitted details clarifying the material palette with changes to the southern roadside elevation, the severe impact upon 4a The Crescent and the wider Conservation Area remains unchanged.
- Previous application refused in 2020 and this proposal not much different and same if not all objections remain
- As previously highlighted, the prior application for the same site (Ref: 20/0500/FUL) which sought consent to demolish the existing bungalow and create a 2.5-storey detached property was refused by the Council in August 2021, with the Appeal (Ref: 3285528) dismissed in May 2022. Both the Officer Report and Inspectors Report identified that the proposals would result in 'less than substantial' harm to both listed buildings and the Conservation Area, with the Inspector at paragraph 9 considering that this issue would result in "a matter of considerable importance and weight". The revised plans do not mediate this impact.
- Findings of Inspector still valid in terms of 'less than substantial harm' with no public benefits so should be refused.
- In terms of public benefits, the removal of a fence and replacement with a low stone wall and slightly re-locating the dwelling more centrally within the plot are not considered to be sufficient to overcome the less than substantial harm contrary to paragraph 200 of the National Planning Policy Framework.
- The substantial detached double garage remains as part of the scheme proposals and still sits very close to the eastern boundary of the site and there remains a significant amount of new surfacing for the driveway and along the frontage of the property. When viewed from the existing site access, the combined massing of the proposed replacement dwelling plus the double garage will continue to appear as a clear overdevelopment of the site.
- The considerably sized, detached double garage and significant surfacing of the area around the proposed build, including the extensive driveway expansion proposed, is a clear overdevelopment of the site.
- Middlesbrough has few Conservation Areas, the majority of which have seen incremental development eroding and disaggregating their historic character and form, in contrast, Linthorpe remains largely untouched and is the only Conservation Area benefiting from an Article 4(2) Direction, underscoring its significance. If scheme approved, the Conservation Area will be made significantly denser by introduction of a substantial new build that disrupts the street's established and harmonious rhythm setting a dangerous precedent for further development of other infill sites within the Conservation area, in turn facilitating the gradual erosion of the area's historic and cherished character.
- The previous objections of myself and other residents in the area, together with comments from the Inspector's Report and other parties, remain, regarding the loss of vegetation and wildlife habitat, should the proposals go ahead.
- Disappointed previous comments been unaddressed, and the changes are minor in terms of design and footprint will result in dwelling which is well in excess of the existing bungalow.

- Set a precedent for others to flaunt the principles of the conservation area

Amenity

- Loss of Privacy
- Overbearing/ dominant impact
- Noise from occupants, traffic and building works and demolition works
- Traffic and parking provision issues with increase in volumes of traffic in a highly congested area
- Removal of the trees to the front will increase loss of privacy and remove existing views from the surrounding properties.
- The Inspector at Paragraph 14 of the Report noted that, due to the orientation of the proposal to the south/south-west of 4a The Crescent, there is also a reasonable likelihood for increased shadowing of this neighbouring property, particularly in relation to its rear garden, conservatory, and south facing kitchen window. As with the initial submission, there remains no form of shadow analysis or a daylight and sunlight assessment assessing the impact in terms of loss of light on 4a The Crescent. Section B.04 of the revised Design and Access Statement (REV 02) is considered tokenistic with no level of assessment on the impact an additional 1.5 stories will have upon natural light provision to the neighbouring 4a The Crescent, let alone the detrimental impact such a significantly scaled dwelling will have upon neighbouring privacy.

Highways

- The issues regarding traffic increase, and the building concerns in the light of the care and nursing homes in the area, as set out in my previous letter of objection, remain. The revised proposals have not in any way negated those objections.
- Several accidents in the last couple of months in corner of Cornfield Road and The Crescent due to the curve in the road where cars park. Bigger house means more cars which could have tragic consequences.

Residual matters

- Despite ongoing objections from residents still being asked for comments despite in essence the same planning application wasting time and costs for all parties
- Nature impact through loss of trees and detrimental impact on wildlife habitat with bats etc in the area from block paving most of the garden
- Is the building to be a family home or a HMO
- Is there a timeline for the proposed works as some developments on Green Lane being going on for years
- Owners should not be visiting properties asking not to object to the proposal this is the planning committee to decide.

Objection addresses

- 1 Crescent Lodge, Middlesbrough
- 3 Crescent Lodge, Middlesbrough
- 11 Crescent Lodge, Middlesbrough
- 4A The Crescent, Middlesbrough
- 28 Cornfield Road, Middlesbrough

Support Comments

Principle

- Property empty for a period of time so excellent idea for the area and the road

Character and appearance

- Building would be in keeping with the other houses

- Corner plot needs something exceptional doing as a bungalow not in keeping with the rest of the road and the current bungalow is quite modern so not in keeping with the conservation area.
- The current building at 27 Cornfield Road is a modern bungalow not in keeping with the landscape of Cornfield Road. It has a negative impact on the Conservation area due to its inappropriate scale and presents a negative relationship with my property at 25 Cornfield Road due to its late 20's architecture.
- The proposals will preserve and enhance the character and appearance of this part of the Linthorpe Conservation Area.
- The architectural style of the bungalow differ notably from the adjacent properties at Cornfield Road and surrounding area which are much larger and of Edwardian style. I am extremely surprised how the initial planning for the existing bungalow was ever granted in the first place in this area

Residual matters

- Add more value to the rest of the properties on the road

Supporter Addresses

- 24 Cornfield Road, Middlesbrough
- 25 Cornfield Road, Middlesbrough

The following comments have been received from the statutory consultees :-

MBC Conservation

Context:

No. 27 Cornfield is a late twentieth century bungalow on a corner plot. It lies in Linthorpe suburbs south of Middlesbrough centre. Surrounding uses are residential, private dwellings.

Heritage Assets:

The application site lies within Linthorpe Conservation Area. The original village of Linthorpe, from which the area derives its name, was part of the Acklam manor in the twelfth century and early Linthorpe was an agricultural area until the mid-nineteenth century. The earliest buildings remaining today are from the late 1800s and they include nos. 32, 34 & 46 The Avenue with development of the area, including The Crescent. In the 1890s the area developed further with the introduction of more houses along The Avenue and on Orchard Road. At the beginning of the twentieth century the 'Phillippsville' development took place. The significance of the Conservation Area lies in its village origins, which have grown into high quality late nineteenth and early twentieth century suburbs with areas of planned architectural consistency.

The bulk of Cornfield Road was built by 1915. The exceptions are the application site and its immediate neighbour to the north, no. 4a The Crescent, which are both 'infill development' - bungalows built in the mid to late twentieth century. The Character Appraisal & Management Plan for Linthorpe Conservation Area describes the application site thus:

No. 27 Cornfield Road is a modern bungalow, with a timber palisade fence along the boundary which has a negative impact on the Conservation Area due to its inappropriate scale and boundary treatment.

No. 27 Cornfield Avenue is a late twentieth century bungalow situated in generous grounds. The size and height of the building is much smaller than the other buildings in the area and therefore is not in keeping with the character of the Conservation Area. Also, the close boarded timber boundary fence is not consistent with traditional boundary treatment of low brick walls or hedges.

Impact Assessment:

The demolition of the existing bungalow on site is acceptable because as an out-of-character type and form of dwelling it does not make a positive contribution to the significance of the Conservation Area.

A replacement dwelling, in this residential area, with a street frontage to Cornfield Road is also acceptable in principle.

In terms of the replacement dwelling, it is a quiet and traditional design approach, not dissimilar to a new dwelling approved at no. 4 The Crescent or to existing dwellings on Cornfield Road. It is larger than dwellings in the immediate area, with a similar footprint to the neighbouring semi-detached dwellings. The agent and applicant have collaborated with the Council to reduce the bulk of the dwelling and have made several design alterations as advised, guided by the context of surrounding dwellings including:

- Altering the location of the dwelling on the site and the building line.
- Reducing the width of the front elevation.
- Revisions to break up and reduce the bulk of the rear elevation.
- Improved garage design, roofline, and doors.

Overall, therefore this revised scheme should sustain the significance of the Conservation Area and should have a more positive impact than the existing bungalow. There remain a small number of outstanding details that can be conditioned:

Proposed materials are natural and broadly replicate what is found in the best of traditional development in Linthorpe, which is positive. However, the following needs to be clarified: Fenestration is described on plan as replicating the timber-framed, sash windows found on other dwellings on Cornfield Road, although it does not appear the proposed method of opening is confirmed. Please condition a window and door schedule.

Bricks on most traditional dwellings on Cornfield Road follow a clear pattern of a solid red brick on the front elevation only, with a visually softer and more varied-in-colour brick on all other elevations, which this scheme does not proposed to replicate. Please condition materials, including an informative that two types of bricks will be sought to replicate the existing pattern on the road.

- The proposed brick boundary wall to match existing to neighbouring dwellings on Cornfield Road is welcomed. Please condition front boundary treatment details including bricks, height and materials.

Conclusion

This revised scheme will sustain the significance of Linthorpe Conservation Area in accordance with policies CS4 and CS5 of the Middlesbrough Core Strategy and with historic environment paragraphs in the 2023 National Planning Policy Framework, particularly paragraph 203.

Northern Gas Networks (In summary)

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 and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Natural England (In summary)

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset

Summary of Natural England’s Advice - No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the impacts on the character and appearance of the street scene and the Linthorpe Conservation area, the impacts on the privacy and amenity of the neighbouring properties, impact on highway safety, flood risk/drainage and nutrient neutrality.

Impact on the character and appearance of the street scene and the Linthorpe Conservation area

National and Local Policies

2. The Council's Core Strategy Policy CS5 (h) comments that all development proposals should ensure the '***...preservation or enhancement of the character and appearance of conservation areas and other areas of special interest and character***'.
3. Policy CS5 (f) comments that all new development should enhance both the built and natural environment.
4. Policy DC1 comments that '***...the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality***'.
5. The Council's Urban Design Supplementary Planning Document (UDSPD) within section 2.12 references development within Conservation areas. Section 2.12 sets out that new development should not detract from the character and appearance of the Conservation Area and should seek to preserve and enhance the distinctive pattern of historic development, maintain key views and vistas, reinforce the architectural

character of the area through understanding of the existing forms, styles and features and reinforce the scale and massing of the surrounding buildings.

6. With reference to re-development, paragraph 2.13 of the UDSPD establishes that the character of conservation areas is established by the pattern of past development and proposals for re-development should normally '**...maintain the ratio of built form (footprint and volume) to plot size that is typical of the area**'.
7. The Linthorpe Conservation Area Appraisal and Management Plan adopted in April 2006 references the original village of Linthorpe as being part of Acklam Manor in the 12th Century and early Linthorpe as being an agricultural area until the mid-nineteenth century. The earliest buildings remaining today within Linthorpe are 32,34,36 The Crescent and then the ensuing development of the area, including The Crescent. In the 1890's the area developed further with the introduction of more houses along The Crescent and on Orchard Road. At the start of the twentieth century the 'Phillipsville' development took place. The overall significance of the Linthorpe Conservation area lies within its village origins which have grown into high quality late nineteenth and early twentieth century suburbs with areas of planned architectural consistency, being characterised through the properties, the greening within the area and the street scene character.
8. The National Planning Policy Framework (NPPF) establishes that good design is a key to achieving sustainable development. Paragraph 135 of the NPPF sets out that planning decisions should ensure developments '**...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development**' and are '**..visually attractive as a result of good architecture, layout and appropriate and effective landscaping**'.
9. Specifically within paragraph 135 of the NPPF reference is made to new development '**being**' '**..sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change**' '**..with a high standard of amenity for existing and future users**'.
10. The NPPF sets out in paragraph 139 that development which 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**'.
11. In relation to conservation and the enjoyment of the historic environment, paragraph 203 establishes that in determining applications consideration should be made to the '**..desirability of new development making a positive contribution to local character and distinctiveness**'. Where there is considered to be any harm or loss of significance to a heritage asset, paragraph 206 of the NPPF requires clear justification. In the event that a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the NPPF sets out any harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

Existing site context

12. The existing bungalow is a relatively modern addition to the conservation area. The height, scale and set back position of the bungalow within the site means in terms of

the character and appearance of the conservation area it is considered to have a neutral impact and there are no objections to the demolition of the bungalow.

13. Within the immediate street scene there are a mixture of period properties and modern mid-late twentieth century properties. The modern properties include the bungalow immediately located to the north at 4a The Crescent and the two-storey residential flats located to the north-west at 1-17 The Crescent.
14. Directly opposite the application site is a detached property at 24 Cornfield Road and pair of semi-detached properties at 26 and 28 Cornfield Road. These three properties were constructed between 1915-1929 with each property being set back from the main highway with low boundary walls with either railings and hedging or fence panels above. The main vehicle entrances have pillar detailing with wrought iron gates.
15. In terms of the design of the buildings the detached property at 24 Cornfield Road has a ground floor bay window feature, central entrance door, projecting front gable with ground and first floor bay window detailing with each of the windows having stained glass detailing. The lower section of 24 Cornfield Road is traditional red brickwork with the first floor being rendered. The semi-detached properties at 26 and 28 Cornfield Road have two bay windows on the ground floor located on either side of the main entrance door. Both the semi-detached properties are traditional red brickwork and include an external chimney detail on the side elevation.
16. Immediately to the east of the application site are 25 and 23 Cornfield Road a pair of semi-detached, villa style properties built between 1895-1915. The main architectural features of this pair of semi-detached properties are the ground floor bay windows and double height bay windows on the side elevations. This pair of semi-detached properties have the entrance doors located within the centre of the properties with a walk on balcony with wrought iron detailing above the main entrance. The front elevation of the semi-detached properties includes a projecting gable detail on the front with decorative timber fascia.
17. It is noted from the neighbouring properties that despite the variation in the design of the dwellings, careful and appropriate architectural detailing and high-quality materials are a significant factor in contributing to the positive character and identity within the conservation area.

Site layout/dwelling design

18. Objections comments have been received that the plot is overdevelopment, visually intrusive with an inappropriate design which is not in keeping with the neighbouring properties and that the revised plans are not significantly different to the previous refusal and have not addressed the Inspectors reasons for refusal. Concerns are raised that this will set a precedent for future development within the conservation area.
19. The application site is located within the Linthorpe conservation area and article 4 designated area. The position of the site at the junction of Cornfield Road and The Crescent means it is a prominent location and can be viewed from several wider vantage points along both Cornfield Road and The Crescent.
20. In terms of the positioning of the proposed dwelling within the plot, the front and side elevation will be located closer to The Crescent and Cornfield Road than the existing bungalow. The front elevation of the dwelling will project 5 metres forward of the

existing front building of the neighbours at 23 and 25 Cornfield Road but will still have a minimum set-back of 7.5 metres (from the nearest bay window) from the highway.

21. In terms of the position of the dwelling within the site, the Inspector within the previous dismissed appeal noted there was no requirement for the front elevation of the building to sit in-line with the existing properties at 23 and 25 Cornfield Road as these existing semi-detached properties do not form part of the defined linear building line found along the straight section of Cornfield Road. Within the street scene along Cornfield Road part of the character is provided by the separation distance between the side elevations of the properties. The position of the proposed dwelling within the site of this revised scheme has retained the separation distances to the side boundaries of the site and the adjacent properties.
22. In terms of the site layout objection comments were received regarding the loss of trees within the site and the construction of a large expanse of hard standing to the driveway area. The proposed site layout plans show no trees being removed from the site and the revised plans have reduced the area of permeable paving to front of the dwelling.
23. The corner plot is a considerable size and although objection comments have been received that the proposal is overdevelopment the footprint for the dwelling is considered appropriate for the overall plot size. The overall plot size is 1,038 square metres with the footprint of the proposed dwelling being 156 square metres and the garage being 33.75 square metres. The existing bungalow has a footprint of 147.8 square metres with a garage of 18 square metres.
24. It is noted that the width of the front elevation of the dwelling at 13 metres is significant, however is comparable to the width of the adjacent pairs of semi-detached properties located to the east on Cornfield Road and is considered to be in proportion to the size of the plot. In relation to the overall height of the proposed dwelling, the ridgeline roof height at 9.3 metres is only marginally higher than the ridgeline roof height of the adjacent semi-detached properties at 25 and 23 Cornfield Road.
25. Taking into consideration the overall plot size and the scale and height of the surrounding properties on Cornfield Road, the proposal is not considered to be overdevelopment of the plot.
26. In terms of the proposed design there have been a significant number of changes provided since the previous dismissed appeal and throughout the course of this revised application to ensure the appearance of the dwelling is acceptable when viewed from both The Crescent and Cornfield Road.
27. The front elevation design will provide double height front bay windows, central entrance door with windows above, twin front gables with individual single windows which although not replicating the existing semi-detached properties along Cornfield Road will provide similar architectural features.
28. The side elevation design which faces towards The Crescent will provide a double height bay windows and gable detail roof detail which replicates the double bay window design features of the properties along Cornfield Road. Within the roof detail towards both side elevations the proposal includes traditional chimney detailing.
29. The rear elevation of the dwelling has been designed with a two-storey off-shoot which has been set in from the main side elevation of the building with a lower ridgeline roof

height. The off-shoot will project across half the width of the main rear elevation with a single storey orangery. In considering the design of the rear elevation it will visually appear as though the two-storey off-shoot and orangery were later additions to the original building.

30. The windows throughout the building will be timber sliding sash double glazed windows with stone cill and header detailing. With the front boundary detail shown as a 0.5 metre wall with stone caps and 1.7 metre high pillars to the driveway entrance and wrought iron gates.
31. The design of the detached garage has been revised from a double garage to a single hipped roof garage with timber door detailing.
32. Whilst both the site layout and the design of the dwelling and detached garage are considered to be acceptable there are some specific architectural detailing which have not been shown on the submitted plans and to ensure the final constructed dwelling will be high-quality would be required. These specific details can be secured by conditions and are detailed below :-
 - The submitted plans show that the windows will be timber framed and timber sliding sash detailing and specific details are required in relation to the final door design including fan light detailing/proportions, specific window proportions/opening/cill details.
 - Specific details on the proposed bargeboard detailing to ensure this fits in with the existing decorative bargeboard detailing on properties along Cornfield Road
 - Brickwork/roof tile detailing for the dwelling and the detached garage as within the street scene there is a mixture of traditional red brickwork and render and the semi-detached properties to the east have traditional red brickwork to the front elevation and a softer and lighter mixed brick on the side elevations with slate roof tiles.
 - Boundary treatments for all the boundaries of the site, to include the include the height, design and materials along with details of the entrance pillars and the proposed vehicle gates as the elevation plans show only a 0.5 m high front boundary wall and hedging and the vehicle entrance pillars.
33. The Conservation officer has no objections to the revised scheme commenting that it should sustain the significance of the Conservation Area and should have a more positive impact than the existing bungalow. The Conservation officer has requested conditions are required to secure the window and door detailing, materials and boundary treatments.
34. The revised design of the proposed building and detached garage and the site layout is considered to fit in with the existing architectural design of the properties within Cornfield Road and the wider conservation area with the specific detailing to be secured by conditions. The proposal is considered to accord with Core Strategy Policies CS5 (h & f), DC1 (b), UDSPD and the NPPF Paragraphs 135 and 203.

Amenity

35. The Council's Core Strategy Policy DC1(c) which comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
36. The Council's Urban Design Supplementary Planning Document (UDSPD) establishes standard privacy distances which are considered acceptable within paragraphs 4.9 to 4.11 for facing habitable room windows. With a distance of 21 metres between facing habitable room windows where buildings are two storey and 14 metres where properties are single storey.
37. The UDSPD sets out several exceptions to the guidance. This includes elevations with no windows, those which would normally be obscurely glazed and are to remain likely as this use and windows which are above eye level i.e at least 1.8 metres.
38. Paragraph 135 of the NPPF references all new development should be a '**high standard of amenity for existing and future users.**'
39. Objection comments have been received regarding loss of privacy, noise, overbearing/dominant impact and loss of light.

4A The Crescent

40. It is noted that one of the reasons the Planning Inspectorate dismissed the previous appeal was due to the harmful effect on the living conditions of the occupants at 4A The Crescent. The Inspector made specific reference to the height and proximity of the previous proposed dwelling to the boundary providing a dominant and overbearing feature when viewed from 4A The Crescent.
41. The Inspector noted that the orientation of the proposed dwelling and the neighbours would provide a reasonable likelihood of overshadowing to the rear garden, conservatory and south facing kitchen window at 4A The Crescent with no shadow analysis or daylight and sunlight assessment provided. The Inspector noted that whilst there were windows on the ground and first floor of the proposed dwelling facing 4A The Crescent the ground floor windows would be screened by the boundary fence, with the first-floor windows being non-habitable bedroom and a walk-in wardrobe so would result in no loss of privacy for 4A The Crescent.
42. The occupants of 4A The Crescent have objected to this revised scheme on the basis that no shadow analysis or daylight and sunlight assessment has been provided to assess the impact of the development with the Design and Access Statement not providing any specific assessment of the impact a further 1.5 storey extension will have on the natural light provision to 4A The Crescent or the scale of the proposal in terms of loss of privacy and dominant impact.
43. To address the Inspectors reason for refusal in terms of overbearing impact and loss of light the position of the dwelling within the plot has been altered. The proposed dwelling has been located further north-west towards The Crescent and positioned closer to Cornfield Road to be set further away from the boundary with 4A The Crescent. Whilst the rear elevation of the dwelling will directly face the side elevation and front, side and rear garden areas of 4A The Crescent there will remain a minimum separation distance of 13.7 metres between the two-storey rear off-shoot of the proposed dwelling and the side elevation of 4A The Crescent.

44. Alongside the repositioning within the site, the design of the rear elevation facing 4A The Crescent has altered from the previous appeal decision scheme to address the potential overbearing impact. To assist in reducing the scale and mass of the rear elevation, the proposed design has removed the single storey extension along the rear elevation and instead provided a two-storey off-shoot and single storey extension.
45. It is noted that the ridgeline roof height of this proposal is 0.8 metres higher, and the width of the building is 2 metres wider than the previous appeal scheme dismissed by the Inspector. However, the reorientation within the plot itself and the redesign of the rear elevation means the changes in the height of the proposed dwelling and the width can be accommodated without resulting in an overbearing impact on the neighbours at 4A The Crescent.
46. No light impact assessment has been submitted in support of the proposal. The reorientation of the proposed dwelling within the site further from the side elevation of 4A The Crescent and the redesign of the garage to provide a hipped roof is considered to have sufficiently addressed the concerns in terms of potential loss of light to 4A The Crescent.
47. Taking into consideration the sun's orientation, the proposed building will be sited to the south-west of the neighbours dwelling and rear garden area. Whilst the height of the building may result in a slight loss of light when the sun is at its lowest in the winter months the repositioning of the building further from the boundary will ensure the loss of light during the remainder of the year to the neighbours dwelling and rear garden area is not significant
48. The rear elevation of the proposed dwelling will provide a two-storey off-shoot and orangery. The ground floor rear elevation design will provide three windows, single access door and set of French doors for the utility, kitchen and dining room. The ground floor windows will be positioned a minimum of 13.7 metres from the side elevation windows at 4A The Crescent. The side elevation of 4A The Crescent provides a blocked up living room window, kitchen/dining room window and conservatory. There is a 1.8-metre-high boundary fence between the application site and 4A The Crescent.
49. The separation distance between the proposed ground floor windows and the existing windows at 4A The Crescent falls slightly below the 14-metre privacy guidance set out within the Council's Urban Design Supplementary Planning Document. However, the Planning Inspectorate concluded in the previous appeal decision (APP/W0734/D/21/3285528) that despite the Council's concerns that the privacy separation distance for the ground floor windows was below the UDSPD guidance the Inspector concluded that there no overlooking/privacy issues due to the screening provided by the intervening boundary fence.
50. The two windows within the first floor of the two-storey off-shoot will be a bedroom and en-suite. Both windows are not classed as habitable room windows within the UDSPD and are shown as being obscurely glazed windows. The three remaining first floor windows on the main section of the dwelling are set back to provide a separation distance of approximately 18.8 metres from the side elevation of the neighbours at 4A The Crescent. These three windows are not obscurely glazed but will be for a landing, bedroom and en-suite. With these three windows not being classed as habitable room windows there is no requirement for them to be obscurely glazed to meet the privacy standards set out within the UDSPD.

51. The proposal is therefore considered to have no significant impact in terms of loss of privacy or overlooking to the neighbours main dwelling or garden area at 4A The Crescent.

26 and 28 Crescent Road

52. Directly opposite the application site to the south are two semi-detached properties at 26 and 28 Crescent Road. There will remain a minimum separation distance of 29.9 metres between the proposed habitable room windows and the neighbours at 26 and 28 Cornfield Road, which accords with the 21-metre privacy distance set out within the UDSPD.
53. Whilst the proposed dwelling will be visible from the neighbour's property at 26 and 28 Cornfield Road, the 29.9 metre separation distance will ensure there is no significant impact in terms of potential overbearing or loss of light to the occupants of 26 and 28 Cornfield Road.

25 Crescent Road

54. Towards the eastern boundary of the site is a semi-detached property at 25 Crescent Road which has a detached garage positioned along the boundary with the application site. The side elevation of 25 Cornfield Rod has two double bay windows which face towards the application site. The side elevation of the proposal dwelling facing 25 Cornfield Road will have two conservatory windows and a small window within the gable. The separation distance between the proposed windows and the neighbours bay windows at 18.2 metres is less than the UDSPD 21 metre privacy distance. However, the proposed windows will be at an oblique angle and will not therefore directly face the existing windows at 25 Crescent Road so are not considered to result in a loss of privacy to the main dwelling at 25 Crescent Road.
55. The proposed dwelling being set further forward within the plot and a minimum of 10.5 metres from the boundary with 25 Crescent Road will ensure there is no significant impact in terms of potential overbearing or loss of light to the occupants at 25 Crescent Road.

Crescent Lodge

56. To the north-west of the application site across The Crescent are residential flats at Crescent Lodge. The side elevation of the proposed dwelling will be sited approximately 42 metres from the nearest residential property and windows at Crescent Lodge. There will be a living room and bedroom bay window located on the side elevation of the proposed dwelling. The remaining separation distance between the proposed bay windows and the properties at Crescent Lodge accords with the 21-metre privacy distance set out within the UDSPD.
57. The 42-metre separation distance which will remain between the proposed dwelling and the nearest residential property at Crescent Lodge means the proposal is not considered to have any significant impact in terms of potential overbearing impact or loss of light to the occupants of Crescent Lodge.
58. In relation to objection comments received on the potential noise impact of the development, there will be some noise associated with the demolition of the bungalow and the construction of the new dwelling but these will be temporary impacts. Although the current bungalow is vacant the site has a residential use so any noise associated with the new dwelling will be comparable to the fact the site has a residential use.

59. Overall, the proposal is not considered to have any significant impact in terms on the privacy or amenity of the neighbouring properties and accords with the guidance set out within Core Strategy Policy DC1, USDPD and Paragraph 135 of the NPPF.

Highways

60. Core Strategy Policy CS17 (g) (Transport Strategy) promotes sustainable transport by promoting alternative modes of transport other than the private car.
61. Policy CS18 requires that measures are incorporated into development proposals to improve the choice of transport options, including within CS18 (e) promotion of schemes and opportunities for cycling and walking. Policy CS19 requires that development proposals do not have a detrimental impact on road safety.
62. Objection comments relate to the proposal resulting in an increase in traffic and on-street parking near to a highway junction which has recently seen several accidents.
63. The proposed scheme is for a five bedroomed detached dwelling with a single detached garage and a 20-metre-long driveway to the front and additional hard standing. The Tees Valley Design Guide & Specification - Residential and Industrial Estates Development notes that a five bedroomed property should provide three car parking spaces within the curtilage of the property.
64. The internal garage measurements meet the space requirements for a single space and the hard standing area and the 20-metre driveway provide space for an additional two cars. The parking provisions provided within the site accords with the Tees Valley Design Guide Guidance and on that basis the proposal is considered to raise no significant highway safety concerns.

Flood Risk/Drainage

65. The application site is located within Flood Zone 1 which is considered to have a low probability of flooding from rivers. The application site area is under 1 hectare so a flood risk assessment is not required for the development. The application form confirms the surface water from the development will be disposed off via the main sewer and soakaway. Northumbrian Water have been consulted on the proposal and provided no comments/concerns in terms of drainage from the proposed scheme.

Nutrient Neutrality

66. The proposal has been assessed with regard to whether it falls within the scope of development requiring nutrient neutrality mitigation. Natural England have confirmed that as the proposed scheme will replace an existing dwelling on the site it does not fall within the scope of nutrient neutrality and requires no nutrient neutrality mitigation.

Residual Issues

67. Comments have noted the number of consultation letter residents have received and the waste of time and costs for all parties. The Local Planning Authority is required to reconsult on significant changes to the proposal and there have been a number of revisions to the scheme since the original submission.

68. An objection comment has been received on the shortage of bungalows in the area and the loss of the bungalow as part of this proposal. The proposal will replace the existing dwelling house with a further residential dwelling and whilst there maybe a shortage of bungalows the proposal is providing a replacement residential dwelling on the site.
69. A support comment has been made in relation to the increase in property values in the area due to the redevelopment of the site. This is not a material planning considerations that can be considered as part of the application.

Conclusion

70. In view of the above the proposal is therefore deemed a satisfactory form of development fully in accordance with relevant policy guidance there are no material considerations that indicate that the application should be refused.
- 71.

RECOMMENDATIONS AND CONDITIONS

Approve subject to 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) Existing site plan drawing NRFPP01 REV 6 dated 19th August 2024
- b) Existing drawing 01 NRFPP03 REV 6 dated 19th August 2024
- c) Proposed ground floor plan drawing 01 NRFPP04 REV 06 dated 19th August 2024
- d) Proposed floor plans drawings 02 NRFPP05 dated 19th August 2024
- e) Proposed elevation drawings 03 NRFPP06 dated 19th August 2024
- f) Proposed site plan drawing NRFPP02 REV06 dated 19th August 2024

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

3. **Timber windows and doors to be agreed**

All external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area having regard for policies DC1, CS4 and CS5 of the Local

Plan and section 12 of the NPPF

4. **Windows - Opaque**

The first floor windows within the two-storey rear off-shoot of the dwelling hereby approved must be opaque glazed to a minimum of level 3. The opaque glazing must be implemented on installation and retained in perpetuity.

Reason: In the interests of the amenities of residents and to ensure a satisfactory form of development having regard for policy DC1 of the Local Plan

5. **Hardstanding Details**

Prior to the construction of the hardstanding at the front of the property hereby approved, details of materials to be used in the construction of the hardstanding shall be submitted to and approved in writing by the Local Planning Authority. Where non-permeable materials are proposed the submitted details must include a drainage scheme. Thereafter the works shall be carried out in accordance with the approved details and retained on site in perpetuity.

Reason: To reduce flood risk and in the interests of highway safety having regard for policies DC1 and CS4 of the Local Plan and sections 12 and 14 of the NPPF.

6. **Finished Levels**

Prior to the preparation of levels on site the finished ground floor levels of the building hereby approved in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the Local Planning Authority thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development in the interest of amenities including visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

7. **Materials - Samples**

Prior to the construction of the external elevations of the building(s) hereby approved samples of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented 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.

8. **Treatment of window/doors heads/cills/bargeboards**

Before any window or door heads and cills and bargeboards are installed, details of their design, material and construction, in the form of scale drawings and material samples/specifications, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed heads and cills and bargeboard details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area having regard for policies DC1, CS4 and CS5 of the Local

Plan and section 12 of the NPPF

9. **Boundary Treatment/Vehicle Access Gates**

Before development commences, full details and specifications of all new boundary treatments (including any alterations to existing boundary treatments) shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all wall/gate/fence materials, designs, brick sample(s), coping sample(s), brick bond(s) and finishes. The completed boundary treatments shall only be in accordance with the agreed details.

Reason: To ensure the completed boundary treatments help to preserve the character and appearance of the Conservation Area, having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF

10. **PD Rights Removed Extensions/Alterations and Outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way, including additions or alterations to the roof and windows, nor shall any ancillary buildings be erected in the curtilage of any property (other than those expressly authorised by this permission) without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

11. **PD Rights Removed Conversion of Garages**

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no garages shall be converted to habitable rooms without planning permission being obtained from the Local Planning Authority.

Reason: To retain adequate in curtilage parking provision in the interests of amenity and highway safety having regard for policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

INFORMATIVES

- **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.

- Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.

- Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.

- Contact Northern Gas

The applicant must contact Northern Gas Networks directly to discuss requirements in detail. There may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. We are advised that should diversionary works be required these will be fully chargeable.

- Name and Numbering

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

- Deliveries to Site

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

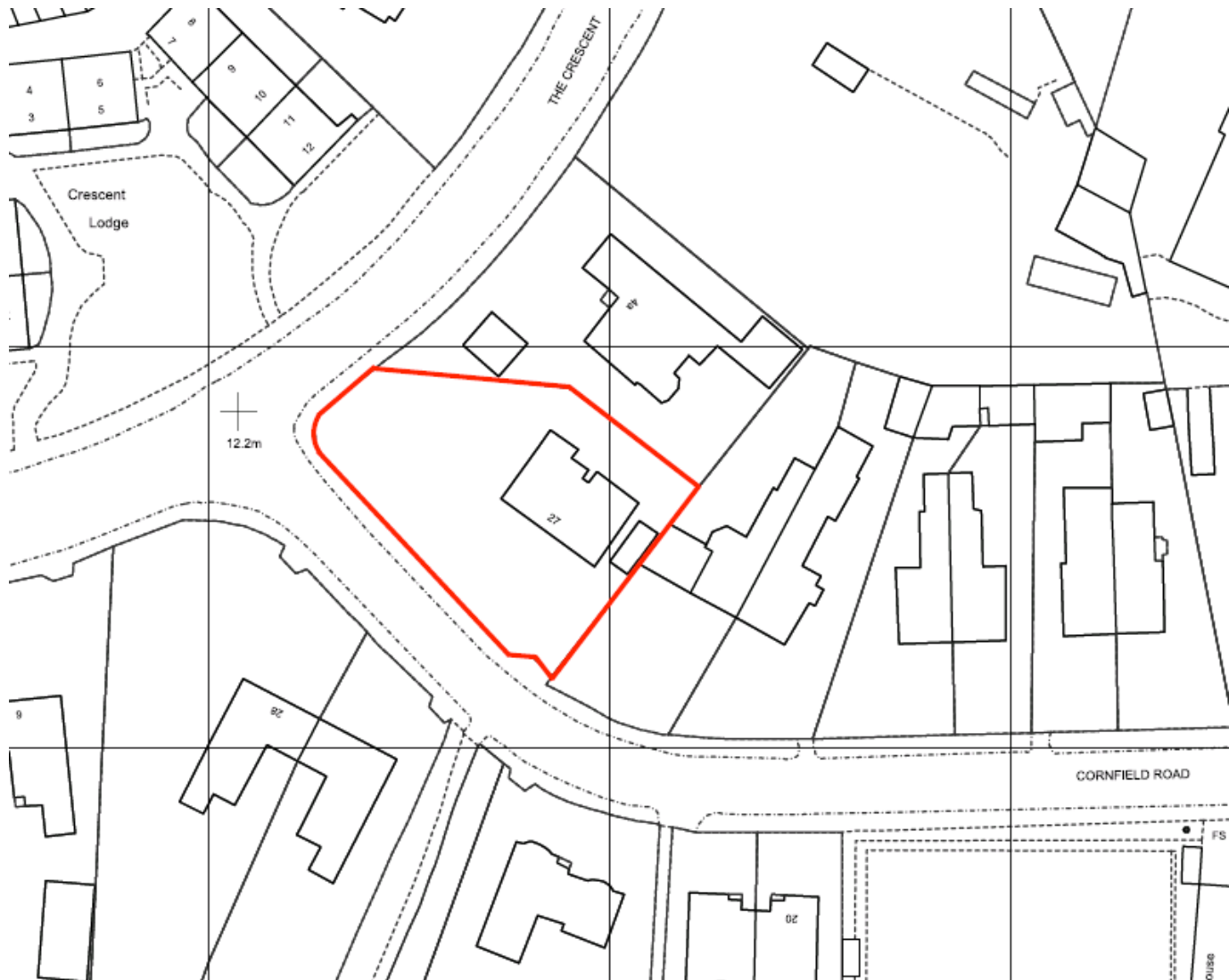
- Demolition

Demolition requires notification under Section 80 Of the Building Act 1984 prior to any work commencing on site.

Case Officer: Debbie Moody

Committee Date: 7th November 2024

Appendix 1 – Site Location Plan



Appendix 1 - Proposed Site Layout Plan



Appendix 1 – Proposed elevations



Front elevation facing Cornfield Road



Rear Elevation facing 4A The Crescent

Appendix 1 – Proposed elevations

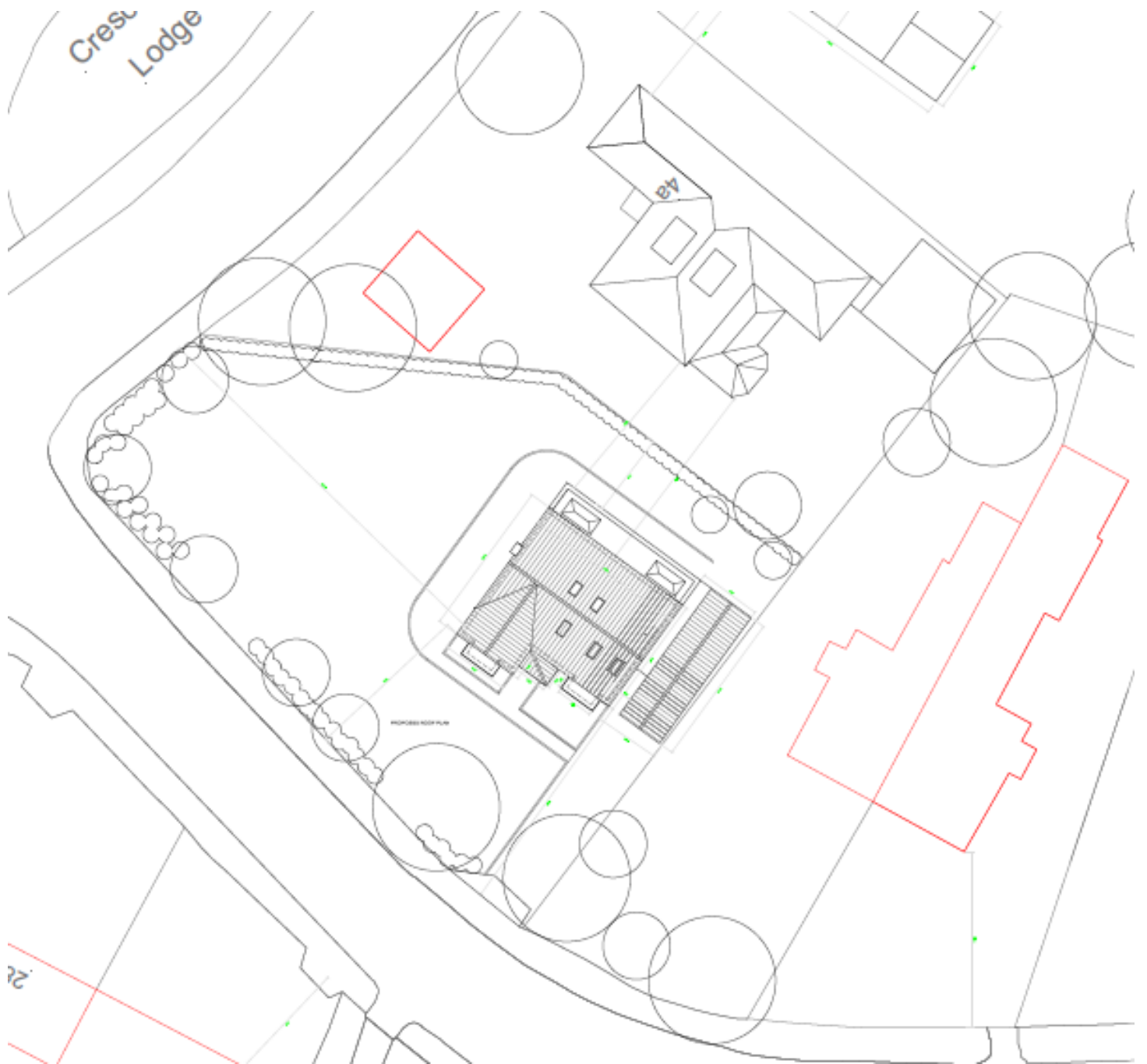


Side elevation facing 25 Cornfield Road



Side elevation facing The Crescent

Appendix 2- Previous refused site layout plan (20/0005/FUL)



Appendix 2- Previous refused elevations (20/0005/FUL)



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

Appendix 2 – Previous refused elevations (20/0005/FUL)



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

Appendix 3 – Dismissed appeal Decision (20/0005/FUL)

**Appeal Ref: APP/W0734/D/21/3285528
27 Cornfield Road, Middlesbrough TS5 5QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Rafakat against the decision of Middlesbrough Council.
 - The application Ref 20/0500/FUL, dated 27 August 2020, was refused by notice dated 16 August 2021.
 - The development proposed is described as substantial remodelling of existing property to form 2 storey house including increase in the roof height of the property to provide a first floor level including front and rear roof lights, two-storey extension to the front and new entrance porch, single-storey rear extension and attached single-storey garage to side. (Demolition of the existing single storey rear extensions and detached garage).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development that is common to the appeal form and the Council's decision notice as it reflects amendments that were made during the application process and which subsequently formed the basis on which the Council made its decision. I have determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Linthorpe Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of 4a The Crescent with regards to outlook, light, and privacy.

Reasons

Character and appearance

4. The appeal site lies within the Linthorpe Conservation Area (the LCA). In so far as it is relevant to this appeal, the LCA derives some of its significance from its predominantly residential character, with mainly well-proportioned and attractively-detailed dwellings of two stories that are set back from the road within spacious plots defined by low walls and hedges to the front.
5. The appeal site is a spacious corner plot at the junction of Cornfield Road and The Crescent. The bungalow within the site is a late twentieth century building which fronts onto Cornfield Road. It is identified in the Linthorpe Conservation

Area Appraisal and Management Plan 2006 (the CAAMP) as a negative element in the LCA on account of its inappropriate scale and timber fence along the front boundary, although I noted the bungalow is not highly conspicuous. Separate to the effect on neighbouring occupiers, it appears to be common ground between the main parties that the replacement/remodelling of the bungalow with a two-storey dwelling is acceptable in principle.

6. By using the existing bungalow as the basis for the development, the new dwelling would remain confined to the north east corner of the plot, and on a footprint that is not much greater than the existing. The ratio of built-form to plot size and the overall spacious character of the plot would therefore be suitably maintained. Whilst the dwelling would project slightly further past the front of 23/25 Cornfield Road, these properties do not form part of the defined linear building line that is found along the straight section of Cornfield Road. Consequently, the proposal would not harmfully prejudice any important building line consideration. Nor would it appear as a form of overdevelopment.
7. The proposed dwelling would present a traditionally detailed and proportioned frontage to Cornfield Road, referencing some of the design elements found on Cornfield Road and The Crescent. In this respect, there are similarities with the plans for a new dwelling that the Council approved on a site to the north of 4a The Crescent. However, the rear elevation has not been designed to the same style and proportions. In particular, the lower eaves line at the rear would create a heavy rear roofslope and an unbalanced gable profile. In addition, all of the first floor windows in the rear would contain obscure glazing, and would be incorporated into a visually jarring arrangement of half dormers. This would contrast markedly with the balance and quality of the front elevation. I appreciate that the design of the rear elevation has been influenced by an attempt to mitigate any impact on the neighbouring occupiers. However, the result is a design that, despite some positive elements, appears highly contrived and uncomfortable when considered as a whole. For this reason, the development would be harmful to the character and appearance of the LCA.
8. In reasoning the above, I have taken into account that the rear elevation would be the least visible part of the development from public vantage points, but it would nonetheless be visible down the driveway of 4a The Crescent, and more widely when the trees and vegetation along The Crescent would not be in leaf. In any event, the requirement for development proposals to preserve or enhance the character or appearance of the LCA applies irrespective of whether development is prominent, or in public view. I have also taken into account the variety in roof slopes along Cornfield Road, but I am not persuaded that the design has responded positively to the prevailing character in all respects.
9. The harm to the significance of the LCA would be classed as 'less than substantial', but that is nevertheless a matter of considerable importance and weight. In terms of countervailing public benefits, the proposal would remove a feature that has been identified as a negative element within the LCA. However, any visual benefits that its removal might bring would be negated by the harmful effects of the proposed development. As such, I find that the public benefits would not outweigh the harm.
10. To conclude on this matter, the development would not preserve or enhance the character or appearance of the LCA, and would undermine its significance. Thus, the proposal conflicts with Policies DC1 and CS5 of Middlesbrough's

Core Strategy 2008 (the CS), which among other things, require development proposals to produce an acceptable visual appearance and relationship with the surrounding area, with a high quality design, and the preservation or enhancement of the character or appearance of conservation areas. The proposal also conflicts with the Council's Urban Design Supplementary Planning Guidance (SPD) and the CAAMP in this regard. For the same reasons, it does not accord with the design and heritage protection objectives of the National Planning Policy Framework (the Framework).

Living conditions

11. The existing bungalow is positioned approximately 7 metres from the boundary with 4a The Crescent which lies to the north and forward of the appeal property. The Council specifically allege an unacceptable effect on the occupiers of 4a The Crescent in relation to a loss of privacy. However, the objections from the occupiers of 4a The Crescent also include concerns over loss of light and a dominating effect, to which I have had careful regard.
12. At my site visit I was able to enter the rear garden of 4a The Crescent, where I observed that the roof of the bungalow rises significantly above the boundary fence and spans the majority of the length of this neighbour's rear garden space at a relatively close proximity. However, due to its height and hipped roof form, it is not overly dominant. This is particularly important given that the eastern boundary of the garden is further enclosed by a tall hedge and the two-storey rear projection of 25 Cornfield Road.
13. The proposal would see the bungalow transformed into a two-storey, gable-ended dwelling, including an additional floor of accommodation within the roof space. In my judgement, the combination of the height of the proposal, its gable-ended roof form, and distance from the common boundary, would mean that the proposal would introduce an overbearing and visually dominant feature in views from the conservatory and rear garden space of 4a The Crescent, as well as an undue sense of enclosure, thus diminishing the enjoyment of these spaces. The dominating and enclosing presence of the proposal would therefore detract from the quality of the living environment for occupiers of this neighbouring property. I acknowledge that a lower eaves height has been introduced to the rear roof slope in an attempt to minimise such impacts. Nonetheless, this change would not discernibly reduce the overall scale of the building when viewed from 4a The Crescent.
14. Furthermore, due to the orientation of the proposal to the south/south-west of 4a The Crescent, there is also a reasonable likelihood for increased shadowing of this neighbouring property, particularly in relation to its rear garden, conservatory, and south facing kitchen window. However, the application was not accompanied by any form of shadow analysis or a daylight and sunlight assessment. It is therefore unclear how the Council were able to determine that the impact in terms of loss of light would not be significant. In the absence of any substantive evidence on this matter, it has not been satisfactorily demonstrated that the proposal would not result in a harmful loss of light to the occupants of 4a The Crescent.
15. The proposal would include a number of windows in the rear elevation facing 4a The Crescent, which the Council advises fall short of the separation distances required by its SPD. However, the windows and French doors on the ground floor would not result in overlooking because of the intervening

boundary fence. Those at first floor level would serve bathrooms and a walk-in wardrobe. As these are not classed as habitable rooms, it would not be unreasonable to require these windows to have full height obscure glazing and restricted opening. This could be secured by an appropriately worded condition, thereby mitigating any potential for overlooking from these windows. The Council also refers to the rooflights, but these would be above the stairwell and facing towards the sky, so would not result in overlooking. Consequently, the proposal would not cause a loss of privacy to the occupiers of 4a The Crescent.

16. Overall, notwithstanding my findings on privacy, the development would harm the living conditions of the occupiers of 4a The Crescent with particular regard to outlook and light. Thus, the proposal is contrary to Policy DC1 of the CS, where it requires that the effect on the amenities of occupiers of nearby properties is minimal. It is also contrary to the Framework, where it requires development to provide a high standard of amenity for existing and future users.

Other Matters

17. The Avenue Methodist Church is a nearby grade II listed building. I have a statutory duty to consider the effect of the proposal on this designated heritage asset. However, having regard to the intervening distance, buildings and vegetation, I have no reason to find that the setting of the listed building and its significance would be adversely affected by the proposal, and I note that the Council did not identify any harm in this respect.
18. The support from the neighbouring occupiers of 25 Cornfield Road has been noted, but for the reasons given above, I have found that the development is unacceptable.

Conclusion

19. The development would not preserve or enhance the character or appearance of the LCA, and would harm the living conditions of neighbouring occupiers. As such, it would not accord with the development plan taken as a whole and there are no considerations of sufficient weight to justify making a decision otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR

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APPLICATION DETAILS

| | |
|------------------------|---|
| Application No: | 24/0055/COU |
| Location: | 15, Albert Terrace, Middlesbrough, TS1 3PA |
| Proposal: | Change of use of from dwellinghouse (C3) to 7 Bed HMO (Sui Generis) including external alterations to the detached garage |
| Applicant: | Mr Jamie Davison |
| Agent: | Mr Russell Taylor |
| Ward: | Central |
| Recommendation: | Approve with conditions |

SUMMARY

This application is for the conversion an end of terraced property at 15 Albert Terrace into a 7 bedroomed House in Multiple Occupation (HMO). The application site is located within a predominantly residential street and is within the Albert Park and Linthorpe Road Conservation Area. The dwelling fronts Albert Terrace with an access alleyway to the rear and residential properties along Park Road North sited beyond.

External changes to the building include :-

- Replacement of the single roof light on the front elevation with three individual conservation roof lights
- Installation of obscure glazing panel on the front ground floor bay window
- Installation of two conservation roof lights on the main rear elevation roof and two conservation rooflights on the single storey rear off-shoot
- Bricking up of existing high-level window on the single storey ground floor off shoot

The application is supported by a Heritage Statement.

Revised plans have been submitted which have reduced the number of bedrooms from the 9 originally proposed to 7 and have removed the conversion of the detached outbuilding. Following a consultation exercise there have been no comments received following the neighbour consultation and press notice. There have been objections received from local ward Councillors Linda Lewis, Zafar Uddin, Matthew Storey and Lewis Young.

The objections relate primarily to the number of rooms resulting in lack of good quality and attractive living accommodation, lack of requirement for this housing stock due to existing number of HMOs/Bedsits in the Central ward area, parking increase in an oversaturated area and despite town centre location occupants do have cars and highway safety issues.

The proposed external changes include conservation roof lights on the front and rear, obscure glazing within the ground floor bay window and the bricking up of a side elevation window.

The external changes are considered minimal alterations and will not materially alter the character and appearance of the building or the Albert Park and Linthorpe Road Conservation area.

Each of the internal bedroom spaces proposed accord with the Nationally Described Space Standards and the Council's adopted Interim Policy on the Conversion and Sub-Division of buildings for Residential uses. Alongside the communal kitchen and living/dining room the existing garden will provide communal outdoor space with secure bin and cycle storage. The additional roof lights are considered to have no impact on the privacy of the neighbouring properties with the proposed design providing adequate levels of privacy for future occupants.

The removal of the building from the residential parking scheme will prevent occupants for applying for parking permits and remove any additional parking pressures resulting from the proposed change of use of the building. The developer has agreed to fund the required works to amend the Traffic Regulation Order which would be implemented by the Local Authority.

The proposed change of use is considered to be in accordance with Policies H1, H11, DC1, CS4, CS5, C18, C19, REG9 and the Interim Policy on the Conversion and Sub-Division of buildings for Residential uses and the Urban Design Supplementary Planning Document and is recommended for approval subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located within a predominantly residential area with the properties along Albert Terrace being a mixture of terraced and semi-detached properties. The properties are set back from the highway with small front garden areas enclosed with low boundary walls and hedges.

The terraced properties are characterised by the double front bay windows detailing with the properties on the southern side of Albert Terrace providing timber porch detailing above the entrance doors and the properties on the northern side having pitched roof dormers. The properties on the southern side of Albert Terrace have large gardens with several properties including a detached two-storey outbuildings in the rear gardens.

The proposal is for the conversion of the existing residential dwelling into a 7 bedroomed HMO. Alongside the internal alterations the proposed change of use will provide the following external changes:-

- Replacement of the single roof light on the front elevation with three separate conservation roof lights
- Installation of obscure glazing panel on the ground floor bay window
- Installation of two conservation roof lights on the main rear elevation roof and two conservation rooflights on the single storey rear off-shoot
- Bricking up of existing high-level window on the single storey ground floor off shoot

The application is supported by a heritage statement.

PLANNING HISTORY

There have been no recent planning applications for the property.

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:

H1 - Spatial Strategy
H11 - Housing Strategy
DC1 - General Development
CS5 - Design
CS4 - Sustainable Development
CS18 - Demand Management
CS19 - Road Safety
REG09 - Abingdon,
UDSPD - Urban Design SPD
ICP - Interim Conversion Policy,

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

There have been no comments received following the neighbour consultation.

Public Responses

| | |
|--|----|
| Number of original neighbour consultations | 10 |
| Total numbers of comments received | 0 |
| Total number of objections | 0 |
| Total number of support | 0 |
| Total number of representations | 0 |

Conservation officer – MBC

Context:

No. 15 Albert Terrace is an end-terraced dwelling on Albert Terrace, which is a short street of terraced houses that runs west to east between Linthorpe Road and Park Lane. Part of Middlesbrough's extended urban core, surrounding uses are both residential and commercial.

Heritage Assets:

The site lies within Albert Park & Linthorpe Road Conservation Area. This Conservation Area's significance lies primarily in the Victorian public park, developed from the 1860s, and the immediately surrounding development, much of which fronts onto the park. The area is made up of high quality green open spaces, mature trees, superior Victorian, Edwardian and 1930s housing, traditional shops, and landmark buildings, which have a number have towers and domes that can be seen from great distances.

Up until the 1850s this part of Linthorpe Road was rural, consisting of large fields, interspersed with the occasional house. Albert Terrace is characterised by Large two and three storey terraced houses with two storey bays, elegant brick door surrounds and timber canopies. Some of the properties are semi-detached, and most retain the dwarf brick boundary walls and gate piers. Many architectural features have been lost, and some properties have been rendered, but what survives is high quality. Historic maps evidence no. 15 Albert Terrace was built between 1896 and 1915 along with some of its neighbours, slightly later than other neighbours. Part of the late Victorian growth of the town, the building makes a positive contribution to the significance of the Conservation Area, particularly because its frontage is less altered than many of its neighbours.

There are two other designated Heritage Assets within 150 metres of the application site. Grade II Listed Forbes Building, a former bakery, and offices now in commercial uses and Albert Park Historic Park & Garden, a Victorian public park that is the focus of the Conservation Area. However, because of the existing development that lies between the application site and both these Heritage Assets, there is not considered to be any impact from this proposal on them.

Impact Assessment:

This application proposes to create a House in Multiple Occupation with 7 bedrooms, a change of use from the original dwelling use. External alterations are proposed to facilitate this change of use that will impact the significance of the Conservation Area, which is a material planning consideration:

- 5 no. new rooflights are proposed in addition to the 2 no. existing; rooflights are generally a sensitive way to provide additional light when non-habitable spaces and buildings become habitable and they have less visual impact than dormer windows. Seven rooflights is considered to be excessive on a building of this size and it is advised that the number is reduced to four or less in total (meaning two new).
- 1 no. detached cycle store is proposed in the rear garden between the dwelling and the outbuilding. This will be identifiable as a modern addition to support sustainable travel, which is positive, and can be accommodated in this location without harm to the Conservation Area.

Considering existing windows to the front elevation at least appear to be original and are not proposed to be replaced, I advise an informative is placed on any approval to remind the applicant that as an HMO, planning permission is required to replace windows and timber-framed sliding sash windows, which have been evidenced to sustain or enhance this Conservation Area, will be sought.

Overall, as a result of the minimal external changes proposed, this should have a negligible impact on the significance of Albert Park & Linthorpe Road Conservation Area

Conclusion:

This application complies with policies CS4 and CS5 of the Middlesbrough Core Strategy and with historic environment paragraphs in the 2023 National Planning Policy Framework.

Highways - MBC

Development proposals seek the change of use of a 4/5 bedroom individual property to a 7 bed HMO. The external garage which could currently provide some car parking is being removed as part of the proposals to create another useable space for residents. No car parking is proposed and as such the proposals have the potential to increase the demand for on-street

parking in the area owing to the potential increase in people residing there. In order to address these concerns and protect existing residents the applicant has confirmed that they will provide funding of £2.7k which will be used to remove the property from the existing residents parking scheme. This means that residents of the proposed development will be unable to apply for permits for the scheme and as such will not create additional pressure on the demand for parking within the scheme. Whilst the funding is being provided by the developer to facilitate this measure the work involves the amendment to a Traffic Regulation Order and as such will be implemented by the Authority.

The site can be considered to be in a highly sustainable location with the town centre and associated facilities within a short walk. Public transport and pedestrian/cycle infrastructure is in place and enables non car travel and no/low car ownership to be a realistic and viable option for residents.

An enclosed cycle store is being provided within the rear yard area and can accommodate 8 cycles.

In summary, the site is in a sustainable location with cycle parking proposed and measures have been put in place to prevent on-street parking being detrimental to highway safety, the free flow of traffic or residential amenity and as such no objections are raised subject to conditions relating to the cycle parking and the traffic regulation order.

Environmental Protection Team – MBC (In summary)

No comments to make on this application in relation to environmental impacts.

In relation to private sector housing, the building (and/or any flats accommodating 5 or more unrelated persons, located within it) is likely once occupied to need a House in Multiple Occupation licence. A number of specific requirements relating to such properties will be applicable in due course. Attached therefore is a link to the web site guide to amenity provision and space standards that will form the basis of licensing requirements. You are recommended to have regard to this document. Fire safety provisions will be examined as part of any subsequent application for Building Regulation approval but such provisions will also be considered at the licensing stage.

<https://www.middlesbrough.gov.uk/planning-and-housing/housing-options-and-advice/houses-multiple-occupation-hmos>

Waste Policy – MBC

No comments

Councillor Lewis Young

My objections remain as follows:

- the increase of parking pressures on Albert Terrace, already quite bad, which could arise due to the increase of single dwellings.
- Number of rooms, which I feel would be too many in the space to provide good quality, and attractive, living accommodation for prospective inhabitants. I fully understand that mix of housing stock is good, but Central ward and the neighbouring area is awash with HMOs, bedsits, and other similar accommodation. I do not believe it needs more of this stock.

Councillor Linda Lewis (In summary)

I would still like to object, as I've mentioned before, there are too many vehicles parking on this road.

HMOs will make life more difficult for residents. We could potentially have another 7 resident vehicles parking or even more.

This terrace is oversaturated with parked vehicles, which upsets the equilibrium of the area, amongst other effects. I fear that if future occupants have vehicles then the area will become intolerable and dangerous.

Usually, developers say that occupants aren't expected to have a vehicle, as in the town centre, well this does happen a lot and actually the occupants do have cars.

Councillor Zafar Uddin

I would like to confirm that I fully support my ward colleagues Cllr Storey and Cllr Lewis's statement and like to add my objection for the reasons stated in the statement.

Councillor Matthew Storey

I fully support Cllr Lewis' statement and would like to add my objection to the application.

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene and the Albert Park and Linthorpe Conservation Area, impact on amenity and highway safety.

Principle of the Development

2. The relevant policies with the Council's Local Development Plan Core Strategy regarding this application are policies:- H1 (Spatial Strategy), H11 (Housing Strategy), CS4 (Sustainable Development), CS5 (Design), CS13 – A strategy for the town, district, local and neighbourhood centres), REG9 Abingdon, DC1 (General Development) CS18 (Demand Management), and CS19 (Road Safety).
3. Policy H1 identifies strategic sites for housing development and advises that outside of those locations proposals will need to be located within the urban area and satisfy the requirements of sustainable development.
4. Policy CS4 requires all new development to contribute to achieving sustainable development. This includes the prioritisation of previously developed land and locating development where services and facilities are accessible by foot, bicycle or by public transport.
5. Policy REG9 sets out specific interventions within the Abingdon regeneration area and advises that development proposals that would prejudice the implementation of these will not be supported.
6. The application site is previously developed land and is within a sustainable location within close walking distance of the Town Centre/services and public transport and pedestrian and cycle links. As such, the proposal is considered to accord with the sustainable development principles set out within Housing Local Plan Policy H1 and Core Strategy Policy CS4.
7. The property is currently a 4-5 bedroomed residential property and the proposed change of use would convert the building into a 7 bedroomed HMO use. The proposal will provide an increase in the residential accommodation within the area and

contribute to the provision of a mix of residential accommodation available. In this aspect, the principle of development is considered to accord with the guidance set out within Core Strategy Policies H1 and is not considered to prejudice the regeneration plans set out within policy REG9.

8. In view of the above, the principle of the proposed use is considered to accord with relevant policies within the Development Plan and consideration needs to be given to whether the proposal would result in satisfactory privacy and amenity for future occupiers of the property and neighbouring properties as required by Policy DC1 and the Interim Policy on Conversion and Sub-Division of Buildings for Residential Use.

Amenity

Local and National Policy

9. Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
10. Paragraph 135 of the National Planning Policy Framework (NPPF) sets out that consideration should be given to development providing a '**...high standard of amenity for existing and future users**'.
11. The Council's Urban Design Supplementary Planning Document (UDSPD) Section 5 sets out specific guidance in terms of the potential impact of new residential development on the privacy and amenity of the neighbouring properties. The individual paragraphs reference extensions, however the basic principles set out within this criteria do apply to new housing development, given the heading of this section of the SPD.
12. The UDSPD guidance provides guidance within paragraph 4.9 on privacy distances for new developments. The guidance sets out that a minimum of 21 metres unobstructed distance between principal room windows that face each other for buildings exceeding single storey. With Primary windows defined as a main window of a room used for considerable periods of relaxation including living and dining rooms and sometimes kitchens but not bedrooms.
13. The Council's adopted Interim Policy on the Conversion and Sub-division of Buildings for Residential Use identifies key criteria requirements which include the building being capable of providing the number of units or use proposed to an acceptable standard of accommodation providing adequate levels of privacy and amenity for existing and future residents and meeting the Governments Housing Standards. The Interim Policy also establishes that developments should not unduly affect the amenity of the nearby properties as a result of the proposal and that developments should provide adequate provision for and access to parking (cycle and vehicles) refuse storage and collection and amenity space where deemed necessary.

Amenity assessment of neighbouring properties

14. There have been no comments received from the neighbouring properties. The proposal will include the replacement of the single roof light on the front elevation with three roof lights, the installation of two roof lights on the main rear elevation and two conservation rooflights on the single storey rear off-shoot. Each of the proposed roof lights will serve bedrooms spaces which are classed as non-habitable rooms within

the Urban Design Supplementary Planning Document (UDSPD). Although bedrooms are not classed as habitable rooms in the UDSPD the three roof lights on the front elevation will be positioned a minimum distance of 20 metres from the properties opposite. This separation distance is slightly less than the 21-metre privacy guidance within the UDSPD. However, this separation distance is an existing established separation distance between the main existing habitable room windows of the properties along Albert Terrace and therefore the three front roof lights are considered to have no significant impact in terms of loss of privacy or amenity. The proposed roof lights on the rear elevation of the building accord with the 21 metres privacy separation distance to the windows of the properties to the rear along Park Road North

15. The external works include the bricking up of the existing high-level window on the side elevation of the existing single storey rear off-shoot, which is considered to improve the privacy and amenity of the neighbours at 13 Albert Terrace.
16. Overall, the additional roof lights on the front and rear elevations of the building are considered to have no significant or detrimental impact on the privacy and amenity of the neighbouring properties. In this respect, the proposal is considered to accord with Core Strategy Policy DC1 (c), UDSPD and paragraph 135 of the NPPF.

Amenity assessment of future occupants

17. Objection comments have been received from the Ward Councillor that the number of bedrooms will not provide good quality living accommodation for prospective inhabitants.
18. Based on officer concerns over the arrangement and limited amenity provisions initially proposed within the 9 bed HMO, the initial submission has been reduced to provide a 7 bed roomed HMO. The existing building currently houses 4-5 bedrooms. The floor space for each of the proposed bedrooms accord with the Nationally Described Space Standards and the Council's adopted Interim Policy on the Conversion and Sub-division of Buildings for Residential Use and in addition each bedroom has an ensuite
19. In addition, the proposal will provide a separate communal kitchen and living room/dining area and an acceptable level of useable outdoor amenity space within the rear garden for the number of occupants.
20. The proposed floor plans show a bedroom on the ground floor to the front of the property with a large bay window providing a view into the front garden, which is of limited depth. The front garden provides a degree of separation from the pavement for the bedroom window, however, there is a path leading to the front door and along the side of the property and these would mean other residents using the paths reduce the privacy associated with the ground floor bedroom window. In order to retain a higher level of privacy a condition is proposed which would require part of the window to be obscurely glazed, specifically, the window panel of the bay window closest to the main entrance door.
21. To reduce potential noise transfer between the different floors for the occupants, the internal layout has been designed where possible to ensure the majority of the bedrooms are located above each other with only 1 of the 7 bedrooms (bedroom 5) being located above the communal kitchen and living room area. This assists in noise transference between rooms to ensure there is no undue harm in terms of amenity.

22. The revised plans provide a secure cycle and bin store provision within the rear garden. A designated and enclosed bin store area will be provided to the front of the existing detached outbuilding within the rear garden for at least three bins. The Council's waste officer raising no objections to the proposal.
23. The Environmental Protection officer have no objections to the proposal but have advised the applicant will need to comply with the requirements for a separate HMO licence. Given the proposal will replace an existing residential dwelling with a residential HMO use and will provide a continuation of the residential use of the building, there is considered to be no undue adverse noise impact to the neighbouring residential properties.
24. Overall, the internal design ensures the space standards and the levels of privacy and amenity afforded to the intended occupants within the development accords with the guidance set out within Core Strategy policy DC1 (c), the Council's adopted Interim Policy on Conversions of Properties, 'Nationally Described Space Standards' and the guidance contained within the NPPF Paragraph 135.

Character and appearance of the street scene and the Albert Park and Linthorpe Conservation Area

Local and National Policy Guidance

25. The Council's Core Strategy Policy CS5 (c) comments that all development proposals should '**....secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.**'
26. Policy CS5 (f) comments that all new development should enhance both the built and natural environment.
27. Policy DC1 (b) comments that '**....the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality.**'
28. The Middlesbrough Urban Design SPD (UDSPD), adopted January 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
29. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit affects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy.
30. The Council adopted the Interim Policy on the conversion and sub-division of properties in December 2019. The policy identifies key criteria requirements which include the building being located in an area with a mix of dwelling types with the proposal not leading to an unacceptable change in the character.

31. The National Planning Policy Framework (NPPF) December 2023 establishes that good design is a key to achieving sustainable development. The NPPF Chapter 12 'Achieving well designed places' comments that Local Authorities should provide design guides in accordance with the principles set out in the National Design Guide and National Design Guide Model to enable new development to reflect the local character and to provide design preferences.
32. Paragraph 135 of the NPPF sets out that planning decisions should ensure developments '**...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development**' and are '**....visually attractive as a result of good architecture, layout and appropriate and effective landscaping.**'
33. Specifically, within paragraph 135 of the NPPF reference is made to new development being '**.... sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.**'
34. The NPPF paragraph 139 sets out that development which 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**'. With '**...significant weight given to development which reflects local design policies and government guidance on design, taking into account any local design guides and supplementary documents such as design guides and codes**'.

Character and appearance assessment

35. The properties along this section of Albert Terrace are predominantly terraced and semi-detached residential properties. The properties are set back from the highway with small front gardens and large rear gardens. The terraced properties have ground and first floor bay windows with some properties having turret detailing above the bay windows on the south side of Albert Terrace with the properties to the north having single dormer windows.
36. The Albert Park and Linthorpe Road Conservation Area Appraisal and Management Plan notes the terraced properties along Albert Terrace as being built between 1876 and 1915 and reference the fact that whilst some of the architectural features within the buildings has been lost those which remain are considered high-quality
37. The application site is an end of terraced property set back from the highway with a small front garden enclosed with a dwarf boundary wall and established hedge. The building has retained the original ground and first floor bay windows, entrance porch with timber roof canopy detail and chimney.
38. The proposed change of use will provide minimal external changes to the building with the installation of three roof lights on the front elevation, two roof lights on the main rear elevation and on the single storey off-shoot and additional obscure glazing panels. The initial plans showed alterations to the detached outbuilding (garage) but these alterations have been removed as part of the revised scheme.

39. The proposed roof lights on the front and rear elevations will be visible from the wider street scene along both Albert Terrace and Park Road North. There are roof lights apparent within the existing street scene and on the front elevation of the application property. The conservation design of the roof lights will ensure the proposed roof lights will have no significant detrimental impact on the overall character of the building or the wider conservation area.
40. The proposed obscure glazing panels will be within a single pane of the bay window and within the ground floor rear elevation window. The limited area of obscure glazing and the fact the glazing will have a similar appearance to a blind within the window means the visual impact on the appearance of the building is not considered to be significant.
41. The conservation officer has noted the five conservation roof lights proposed and advised that the number of proposed roof lights be reduced to two to assist in limiting any potential impact on the appearance of the building. However, the conservation officer concludes that based on the plans provided showing the five roof lights the overall the proposal would result in a negligible impact on the significance of the Albert Park and Linthorpe Conservation area. The conservation officer has advised that as a HMO use permission would then be required for the replacement of the timber windows and this should be added as an informative.
42. The application site is within 150 metres of two designated heritage assets being the Grade II listed Forbes Building and Albert Park Historic Park and Gardens. Due to the existing development which sits between both heritage assets the proposal is not considered to have any impact on the setting of the heritage assets.
43. The design, location and number of proposed roof lights are considered not to result in a detrimental impact on the character and appearance of the original property, street scene or the Albert Park and Linthorpe Conservation area and accords with the guidance set out within Core Strategy policies CS5(c, f & h) and DC1 (b), the UDSPD and paragraph 135 of the NPPF.

Highways

44. 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. Policies CS18 and CS19 encourage development proposals to incorporate measures that improve the choice of sustainable transport options available to people and schemes that promote their use.
45. The Ward Councillors have objected to the additional pressure for on street parking because of the change of use in an area where there are high levels of parking which will result in dangerous conditions, despite the application site being near the town centre.
46. The site is within a sustainable location given the close proximity to the town centre and cycle and walking routes and is well served by public transport which will enable non-car travel and enable either low car ownership or no car ownership for the intended use. Despite the sustainable location, the change of use from a single dwelling to a 7 bed roomed HMO use with additional residents could potentially result in additional demand leading to oversubscription of the existing parking bays.

47. To address any potential increase in on-street parking the developer has agreed to fund an amendment to the Traffic Regulations Order required to remove the property from the residents parking scheme. This means future residents will be unable to apply for parking permits and as a result will not create any additional pressure on the demand for parking. The amendment to the Traffic Regulation Order will be funded by developer with the works implemented by the Council. The funding for the amendment to the Traffic Regulation Order will be secured by condition.
48. The revised site layout plans provide a secure/locked and covered cycle store within the rear garden which can accommodate 8 cycles. The proposed cycle store is considered to provide a good provision for the occupants in terms of enabling the occupants to use alternative sustainable transport options. The highway officers have commented that a condition is required to ensure the specific details of the design of the cycle store are submitted for approval with the cycle store being in place prior to the occupation of the proposed scheme.
49. The Highway officers have raised no objections to the scheme subject to conditions requiring the amendment to the Traffic Regulation Order and the provision of the cycle store prior to occupation of the scheme.
50. The sustainable location of the site along with the amendment to the Traffic Regulation Order and the cycle store provision being secured by condition means the proposal is considered to result in no detrimental impact in terms of highway safety or the free flow of traffic or residential amenity.

Nutrient Neutrality

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

application decision unless there is a clear justification on material planning grounds to do otherwise.

53. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
54. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator and the details were sent to the agent to advise them of the total annual nitrogen load the development must mitigate against.
55. The applicant has been successful in securing the provision credits for the proposal and submitted the provisional signed credit certificate from Natural England. Following completion of a revised Habitat Regulation Assessment it is considered the proposal has achieved the required nutrient neutrality mitigation and can be recommend for approval, subject to a condition that the final nutrient neutrality certificate is provide within 2 months of the decision date.

Conclusion

56. In view of the above the proposal is therefore deemed a satisfactory form of development fully in accordance with relevant policy guidance there are no material considerations that indicate that the application should be refused.

RECOMMENDATIONS AND CONDITIONS

Minded to approve with conditions subject to the Nutrient Neutrality Certificate compliance being obtained within 2 months of the date of the decision notice.

1. Time Limit

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

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

2. Approved Plans

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

- a) Site location plan drawing dated 12th February 2024
- b) Existing floor plan drawing 2342-001 dated 12th February 2024
- c) Existing elevation plan drawing 2342- P002 dated 12th February 2024
- d) Existing Outbuilding elevation drawing 2342 – 003 A dated 9th April 2024
- e) Existing and proposed block plan drawing 2342-P004 D dated 14th August 2024
- f) Proposed floor plan drawing 2342 – P001 E dated 14th August 2024

- g) Proposed elevation drawing 2342-P002 E dated 14th August 2024
- h) Proposed outbuilding elevation drawing 2342- P003 E dated 14th August 2024
- i) Proposed cycle store drawing 2342- P006 dated 9th April 2024

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

3. Cycle Parking Laid Out

The development hereby approved shall not be commenced until details of covered and secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. No part of the development hereby approved shall be occupied until the areas shown on the approved plans for cycles 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.

4. Traffic Regulation Order

Prior to the commencement of development hereby approved the details of necessary Traffic Regulation Orders to remove the existing property from the residents parking scheme and as such preventing these residents from applying for permits must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

Reason: The development is in a location that is easily accessible by public transport, near a range of amenities including shops and leisure facilities, and within a controlled parking zone having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

5. Nutrient Mitigation Scheme

Prior to the occupation of the development hereby approved a copy of the signed Final Credit Certificate from Natural England, must be submitted to and approved in writing by the Local Planning Authority. If the final credit certificate cannot be obtained for any reason full details and specifications of an alternative Nutrient Neutrality Mitigation Scheme, including any long-term maintenance and monitoring details must be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) prior to any commencement of works on site. Thereafter the development shall be carried out in accordance with the approved Nutrient Neutrality Mitigation Scheme.

Reason: To ensure the appropriate mitigation of nutrients to protect the Teesmouth and Cleveland Coast Special Protection Area in accordance with the requirements of Regulation 63 of the Habitats Regulations

INFORMATIVES

- **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.

- Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation

- Replacement windows

Any replacement of the timber frames or timber-framed sliding sash windows would require planning permission given the HMO use of the building.

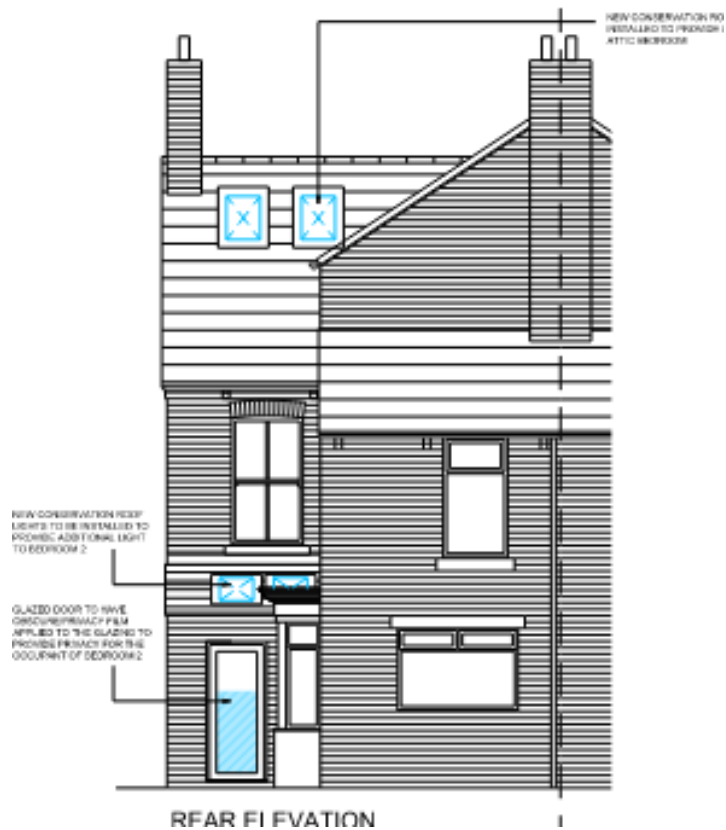
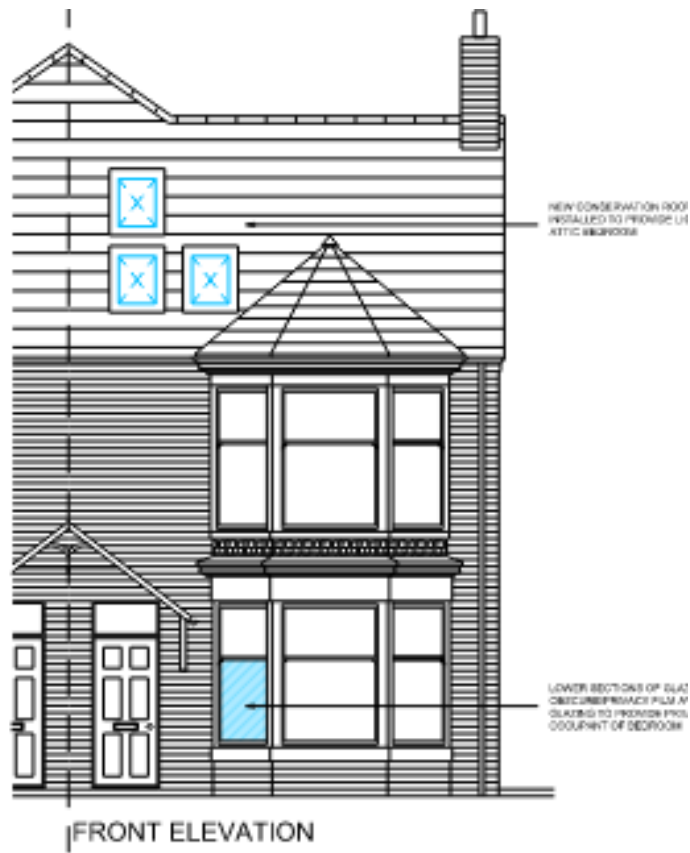
Case Officer: Debbie Moody

Committee Date: 7th November 2024

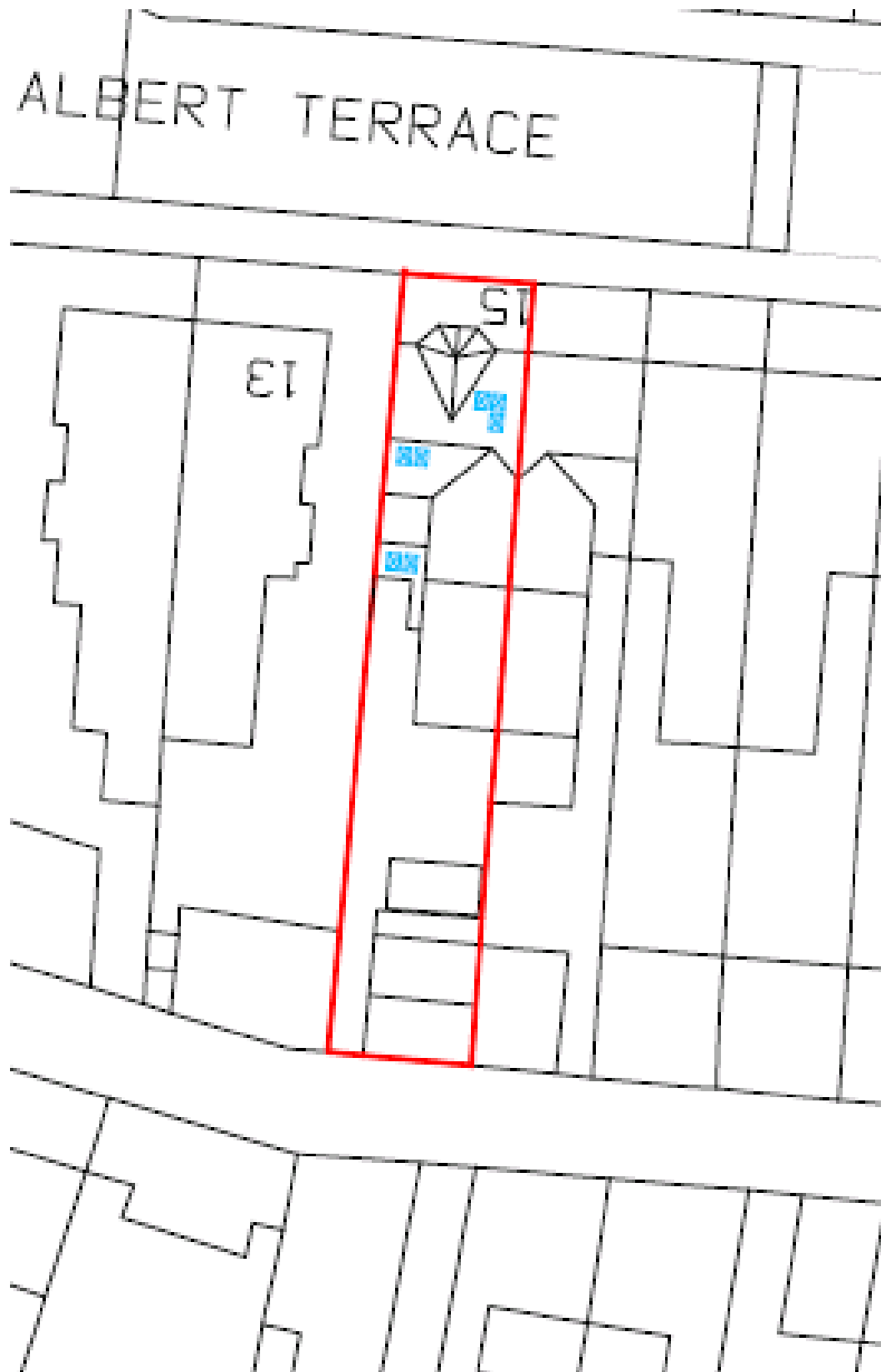
Appendix 1 - Site Location Plan



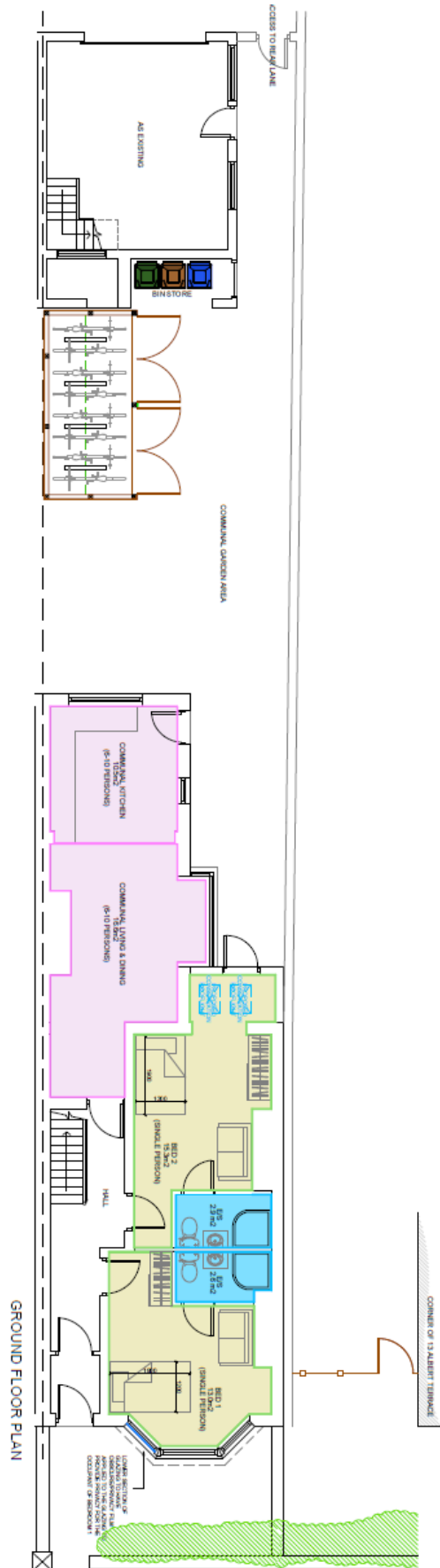
Appendix 2 – Proposed elevations



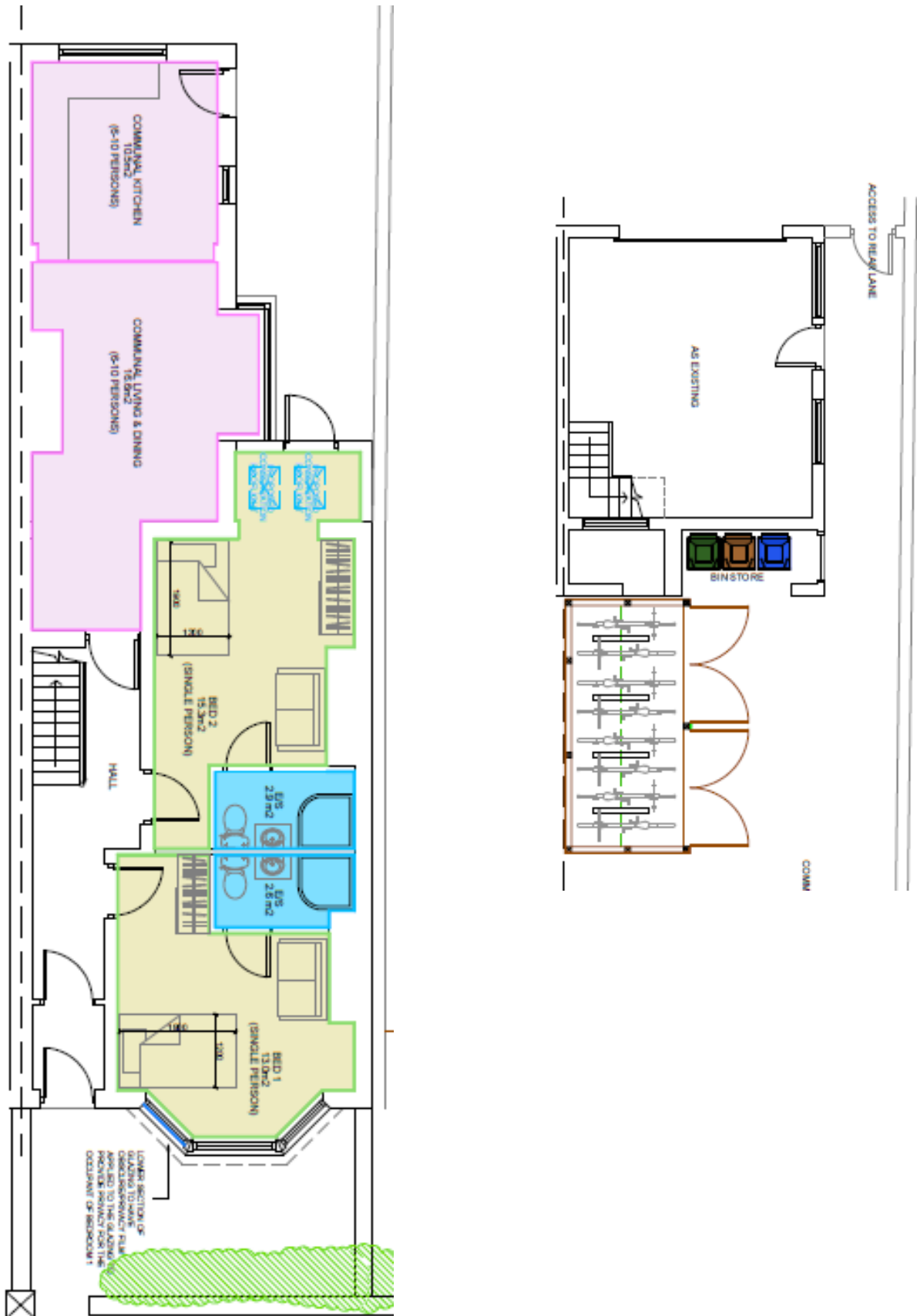
Appendix 2 – Proposed Block plan



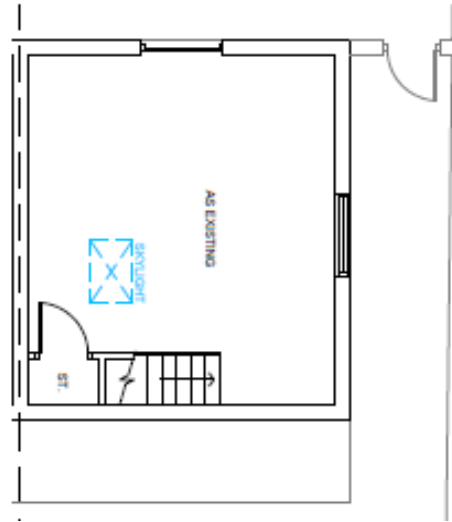
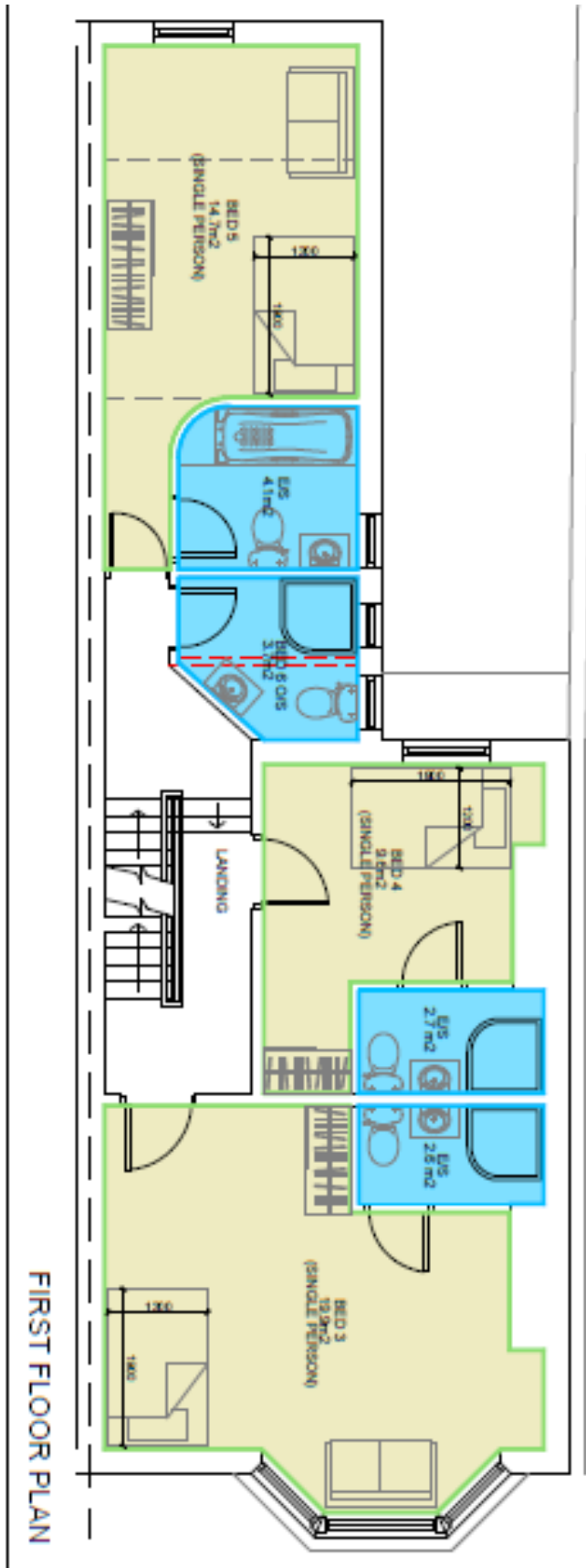
Appendix 2- Proposed site plan



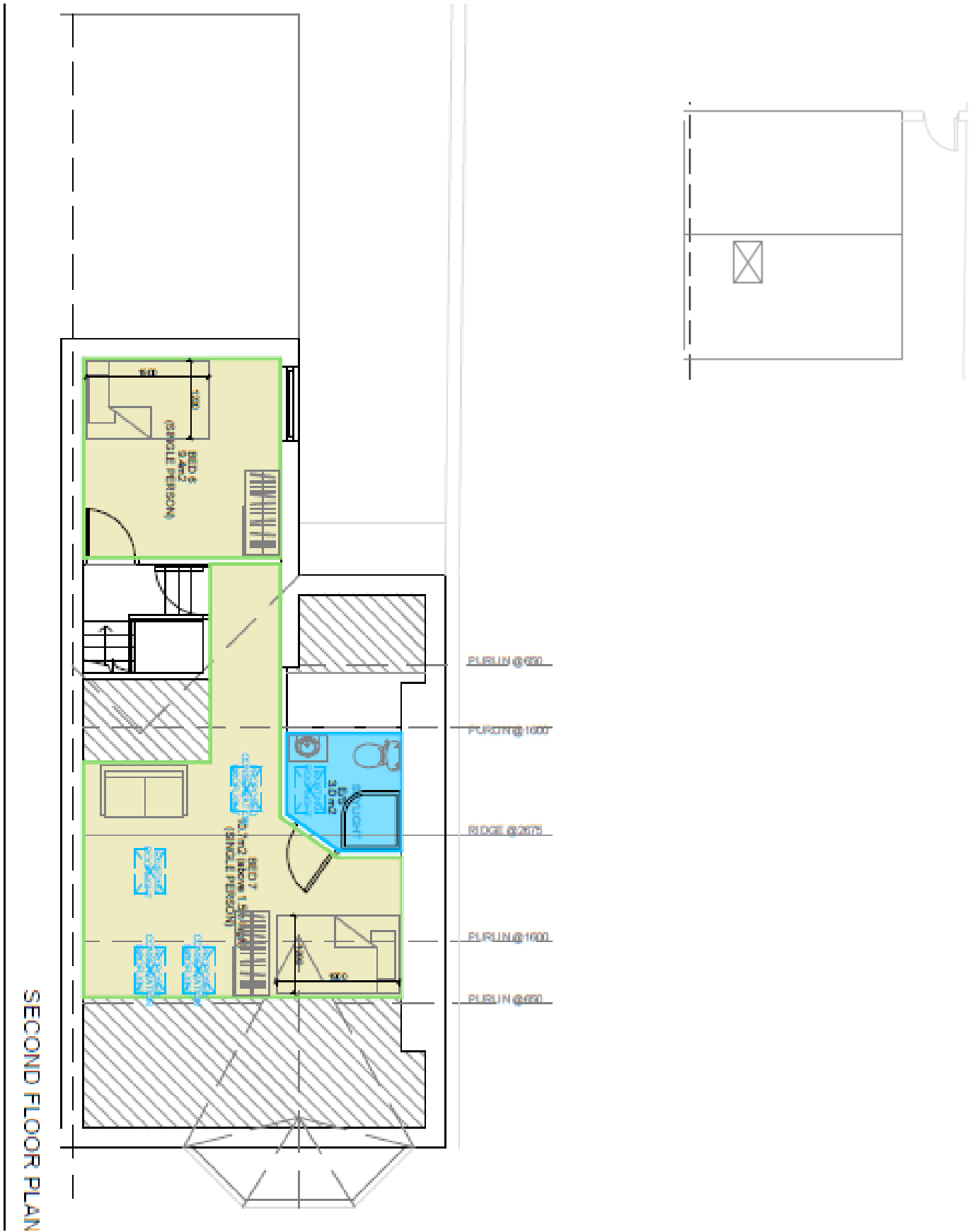
Appendix 2- Proposed Ground Floor Plan and bin/cycle store



Appendix 2 – Proposed First floor plans and first floor of detached outbuilding



Appendix 2- Proposed third floor and outbuilding roof



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APPLICATION DETAILS

| | |
|------------------------|--|
| Application No: | 24/0340/FUL |
| Location: | The Swatters Carr, 228 Linthorpe Road, Middlesbrough, TS1 3QW |
| Proposal: | Installation of outdoor seating area to side of premises to include moveable furniture and moveable planters, barriers, and alteration / introduction of openings within elevations. |
| Applicant: | JD Wetherspoon PLC |
| Agent: | Harrison Ince Architects Ltd |
| Ward: | Central |
| Recommendation: | Approve Conditionally |

SUMMARY

The application seeks planning approval to part pedestrianise Victoria Road, south of the site to create an outdoor seating area which will also include moveable planters and barriers. New openings/vertical glazing is also proposed to the side/southern elevation of the building.

Two objections have been raised from residents and a third from the ward Councillor with regards to noise, loss of car parking spaces, anti-social behaviour and issues relating to fly tipping and improper waste storage.

The location, scale and design of the external seating area is considered to be acceptable in relation to the existing property and its surroundings. The seating area will extend and complement the existing use which will add to the vitality and viability of the area and will not harm the function or the character of the town centre.

No Highway objections have been received subject to conditions. Concerns relating to noise have been noted and a noise assessment condition requested for the Environmental Health Service. However suitable mitigation would not be able to be provided. As a result of this, the use of the seating area has been restricted between the hours of 8am-10pm daily, which should allow the use to operate without causing undue harm to residents

The proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a part three storey/part two storey end terraced property that is situated to the eastern side of Linthorpe Road at the junction of Victoria Road. The site lies within the

Linthorpe Road Southern Sector of the town as identified on the Councils Local Plan. The property is currently used as a public house.

The application seeks planning approval for the part pedestrianisation of Victoria Road, directly south of the site, to create an outdoor seating area to the side of premises which will include moveable furniture, planters and barriers, and new openings within the building's elevations.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

CS4 – Sustainable Development
CS5 – Design
CS13 – Town Centre
DC1 – General Development
REG24 – Southern Sector
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

Public Responses

| | |
|--|----|
| Number of original neighbour consultations | 22 |
| Total numbers of comments received | 2 |
| Total number of objections | 2 |
| Total number of support | 0 |
| Total number of representations | 2 |

1a Victoria Road

I would like to take this opportunity to formally object to Wetherspoons proposed plans to pedestrianise a portion of Victoria Road. While I understand the potential benefits of creating

pedestrian-friendly areas, I believe the current plans will have significant negative consequences for both the community and businesses in the area. One of my primary concerns is the potential for this pedestrianisation to create hotspots for anti-social behaviour. Areas without vehicular traffic often attract loitering, particularly during the evening, which can lead to vandalism, disorderly conduct, and other forms of disruptive behaviour. This poses a risk not only to the safety and wellbeing of local residents but also to the businesses that operate in the vicinity. Another crucial issue is the massive negative impact this change will have on local businesses due to the removal of convenient parking. Many businesses along Victoria Road rely on convenient parking options for customers and deliveries. The removal of these spaces will make it more difficult for customers to access local businesses, leading to a decline in footfall and revenue. This is especially worrying for smaller, independent businesses, which may struggle to survive in the face of these changes. While the current plans may propose that these partitions are temporary and restricted to certain times, it is almost inevitable that, over time, the seating area will expand and restrictions on usage will lessen. This is likely to lead to increased noise levels, which will cause disruption to both residents and businesses. Although initial provisions may be in place to minimise disruption, history has shown that once such areas are established, they often become permanent fixtures with less control over the impacts they create. Furthermore, it is disappointing to note the lack of consultation and engagement between Wetherspoons, Middlesbrough Council and the affected businesses and residents.

7 Victoria Road

Impact on Residential and Commercial Tenants:

The proposed development is located close to residential tenants, both in nearby properties and in the commercial units opposite the intended site. Increased noise and activity will likely disturb these residents, especially those living above the commercial units.

Loss of Parking Spaces:

The development will result in a significant loss of 18 parking spaces, which will inconvenience residents and visitors alike. This reduction in parking will also negatively impact local businesses that rely on convenient access for their customers and employees.

Improper Waste Storage:

There are concerns that Wetherspoons is not currently storing refuse properly, as it is being placed on the public footpath on Wilton Street. Additionally, empty beer kegs are being stored in the back alley of Wilton Street. This creates health and safety risks for pedestrians and contributes to increased litter and sanitation problems. The back alley of Wilton Street is already a hazard due to the accumulation of commercial waste and bins. I have photographic evidence to support these claims, which are available for inspection. If this planning application is approved, it will increase foot traffic to Wetherspoons, likely resulting in even more waste being stored on public footpaths and in the back alley.

Noise Concerns

While I understand that Wetherspoons does not play music, the installation of new bifold doors and increase outside area will amplify noise from patrons talking and shouting. This will disturb the residential tenants living above the commercial units opposite the site and local residents.

Adequate Existing Outdoor Space

There is currently an existing outdoor space, which should be sufficient for Wetherspoons' needs. Expanding further seems unnecessary and could contribute to overdevelopment in the area.

Internal/External consultee responses

Councillor Zafar Uddin

I am emailing to inform you that, with regards to the above planning application as one of the ward councillors, I would like to object against the application as described in the plans. My reasons for the objection are as follows:

The proposed development will result in a loss of several parking spaces, which will cause severe difficulties, the area is already suffering from lack of parking spaces. Linthorpe Rd, Victoria Rd, Wilton Street and other surrounding streets are always full during the day and nights. The reduction in parking spaces will cause significant difficulties for the local businesses, residents/tenants who are living above several business properties on Victoria Rd, Wilton St, and it is that this will cause a great inconvenience for their visitors, customers, and employees.

This area is already suffering from Anti-Social Behaviours (ASB). There is no doubt increased loud noise, moving vehicles up and down the Roads and doors banging more than likely to cause disturbance to those residents especially who are to be waking up early in the morning for their day-to-day activities such as going to works schools, colleges, and the universities.

This area is already suffering from a high level of fly tipping, the council workforce /the area care staff are continuing to work hard, one day they get the area tidied and cleaned up, but a couple of days later it returns to the same situation, I fear that this development will generate more fly tipping in the area.

At present Victoria Rd and Linthorpe Rd junction is blocked due to installation of 'disastrous cycle lane', I am aware that at present it is in the process of consultation to be removed, once it removed which, I believe it would be, before too long. I feel that Proposed development will cause a significant difficulty in returning the Victoria Rd in its full functioning.

Environmental Health

With the potential residential accommodation across the road I would therefore request that a noise assessment is undertaken due to the potential for disturbance to these residents. The assessment should include any noise from music, noise from customers, hours of operation and the potential for disturbance to these nearest residents. I would recommend that the assessment should be in line with BS8233 and also the IOA noise from pubs and clubs.

Highways

No objections are raised subject to conditions.

Steve Cranston – Cleveland Police

With regards to your recent planning application 24/0340/FUL for Outdoor Seating Area & alterations.

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the "Secured By Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

The National Planning Policy Framework 2023, paragraph 130(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.

Another material consideration is Section 17 of The Crime and Disorder Act 1998.

In addition, I have liaised with Cleveland Police's Licensing Dept.

Waste Services

No comments

Northern Gas Networks

As our apparatus is unaffected by the proposed work, we are pleased to tell you that we do not object to the Stopping Up Order at The Swatters Carr, 228 Linthorpe Road, Middlesbrough.

PLANNING CONSIDERATION AND ASSESSMENT

Policy

Policy CS4 requires development to contribute towards achieving sustainable development, by making the most efficient use of land. Policy CS5 requires all development to demonstrate a high quality of design, in terms of layout, form and contribution to the character and appearance of the area.

Policy CS13 encourages retail, commercial, leisure and cultural development within a centre of an appropriate type and scale commensurate with its current and future function. Policy REG20 identifies the Southern sector as the town centre growth area for retail and university uses, with other uses acceptable, provided they are complementary and will not harm the principal function of the sector.

Policy REG24 states that within the Linthorpe Road South area retail, A4 and A5 uses and uses that support the university will be acceptable and that other uses will be acceptable provided they are complementary and do not harm the principal function of the sector.

Policy DC1 requires all development proposals to take account of, or satisfy as a minimum, the effect upon the surrounding environment and amenities of occupiers of nearby properties both during and after completion.

The Council Urban Design Supplementary Document advises that careful design that is sympathetic to the building and well executed in good quality materials will help create a frontage that improves not only the building, but also the town as a whole. Individual design is important, but so is harmony with its surroundings, the alterations should not dominate the street and wider area.

Scale/Design/Appearance

The proposal relates to the development of a pavement café to the side of the property facing Victoria Road. This space would link to the existing beer garden at the front of the property which faces Linthorpe Road creating an external seating area that would wrap round the building at front and side. Victoria Road would undergo partial-pedestrianisation/re-surfacing and the parking bays which line the side of the street adjacent to the public house would be reduced in number and vehicle access altered. Ground sockets would be fitted to allow for the inclusion and removal of barrier posts to avoid the use of permanent bollards as border treatment. Loose furniture and moveable planters would occupy the space of the new pavement café so no permanent furnishings would be placed on the street.

Additionally, existing windows on the side elevation to Victoria Road are to be altered/replaced with vertical glazing which will allow for more light into the public house and ensure a better connection to the street and the proposed external area. The alterations in this case are relatively minor given that the works are largely cosmetic and overall appearance of the building will not significantly change.

The location, scale and design of the external seating area is considered to be acceptable in relation to the existing property and its surroundings. The street café will extend and complement the existing use which will add to the vitality and viability of the area and will not harm the function or the character of the town centre. Whilst the site is situated on a corner, and is highly visible, the outdoor seating area would not be a feature that would be out of keeping with this type of establishment or town centre use. The use of low-level moveable barriers and planters will ensure that the area is enclosed and defined sufficiently and in a manner that will be sympathetic to the existing site and its surroundings and will not appear conspicuous or out of keeping with the commercial nature of the area. The proposal is therefore considered to be fully compliant with Planning Policies CS5 and DC1.

Impacts of amenity

Concerns have been raised regarding levels of noise and disturbance associated with the site. Whilst it is noted that there are some residential properties along Victoria Road and Wilton Street and student accommodation directly opposite the site along Linthorpe Road, the premises is located in a town centre location where some additional level of noise and activity is to be expected. Notwithstanding this, it is recognised that the proposal will allow for more patrons to be seated outside of the premises particularly during the warmer and drier months.

The existing pub is an established town centre use and located on Linthorpe Road in part where there is already a lot of night time economy, and already has an outdoor drinking area to its main frontage which has unrestricted hours of use. However, Victoria Road is a different environment being a side street set off the main road and is unlikely to experience the same levels of noise and activity as Linthorpe Road currently.

Environmental Health have requested that a noise assessment is undertaken due to the potential for disturbance to those residents, however suitable mitigation would not be able to be provided. As a result of this, the use of the seating area has been restricted between the hours of 8am-10pm daily, which should allow the use to operate without causing undue harm to residents. Unacceptable noise levels are controlled under Environmental Health legislation, and should they occur beyond the expectations of this proposal then they would need to be considered under alternative legislation.

In respect of comments regarding anti-social behaviour, these are matters of site management and cannot be addressed under planning legislation. Notwithstanding this, the proposed barriers and planters would serve to contain people more easily within the site.

Highways

The pedestrianised area will be achieved by resurfacing the relevant section of Victoria Road and removing the kerb height level difference (bringing the carriageway level up to footway level) and thus making the whole area level. Victoria Road is already blocked off from Linthorpe Road in terms of vehicles which access it from Wilton Street and this will be retained. The works result in the existing point closure at the Linthorpe Road end of Victoria Road being relocated circa 35m further along Victoria Road. Recent planning approvals and changes to the immediate area (including the University Life Sciences BIOS building) have created new areas of public realm around the University. The proposed pedestrianisation will extend these traffic free routes to connect through to Linthorpe Road thus building further on these works and providing high quality routes.

The outside seating area will be defined using a mix of robust planters, moveable planters and barriers, in surface mounted sockets which will ensure pedestrian/cycle access through the area is maintained and kept clear from people in the outdoor seating area. Placing items within the public highway will require a licence and this will be dealt with separately to the granting of any planning consent.

All of the required highway works will be undertaken through Agreement under the Highways Act 1980 (S278) to the standards and specifications of the Highway Authority.

Currently there are a number of on-street parking spaces along Victoria Road and the proposed works will reduce the number of these from 15 to 4. The current layout of car parking along Victoria Road is along both sides with no turning facilities and as such vehicles have to undertake multi point shunt manoeuvres or reverse the full length. Such manoeuvres are not ideal and present safety hazards to pedestrians and lead to damage to highway infrastructure meaning that the existing parking arrangements are not ideal.

The car parking being retained will ensure that existing businesses/premises fronting Victoria Road have ability to load/unload as necessary. Other car parking is available within the surrounding area, including on Linthorpe Road and Wilton Street and as such it is not considered that the loss of some bays will be detrimental to businesses or residents although it is accepted that people will have to operate slightly differently in this immediate environment. Amendments to existing Traffic Regulation Orders will be funded by the applicants and progressed to ensure suitable restrictions are in place. The works therefore comply with Policy DC1 (test d).

Conclusion

The proposal has been assessed against local policy and guidance and is considered to be an acceptable form of development that will not have any notable affect on the character of the area, will serve to contain an outdoor seating area and, given its design and relationship to surrounding properties, will not have any significant impact on the amenity of occupiers of nearby properties above the existing situation and above what is anticipated in such an area subject to reasonable use and reasonable management of the area.

In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

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. **Hours of Use**

The outdoor seating area shall not be used outside the hours of 9am-10pm.

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

3. **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 received 28th August 2024
- b. Proposed site plan (Beer garden/pavement café) Drawing No. AL01-A received 21st August 2024
- c. Proposed site elevations (Beer garden/pavement café) Drawing No. AX01-A received 21st August 2024
- d. Proposed pavement café detail Drawing No. AD01 received 21st August 2024

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

4. **Details of Roads, Footpaths and Open Spaces Required**

Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be carried out in accordance with the approved details.

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.

5. **Openings over the highway**

No gate/door/window shall be fitted so as to open outwards over the adjacent public highway.

Reason: In the interests of highway safety and to prevent inconvenience and obstruction to other highway users having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

6. Off-Site Highway Works

The development hereby permitted shall not be brought into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) AL01-A or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Changes of levels to Victoria Road to create an at grade pedestrianised area;
- b) Resurfacing of the full width of Victoria Road along the length of the proposed pedestrianised area in paving to be agreed;
- c) Placement of heavy duty timber planters or other agreed measures to prevent unlawful vehicular access into the extended pedestrianised area;
- d) Amendments to existing and creation of new Traffic Regulation Orders to ensure on-street parking on Victoria Road is maintained and to prevent indiscriminate parking and,
- e) All drainage, lighting, surfacing and kerb works to deliver the above.

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.

7. Traffic Regulation Order

Prior to the commencement of development hereby approved the details of necessary Traffic Regulation Orders must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

Reason: The development is in a location that is easily accessible by public transport, near a range of amenities including shops and leisure facilities, and within a controlled parking zone having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

REASON FOR APPROVAL

The application is satisfactory in that the design and appearance of the proposed external alterations and outdoor seating area accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the alterations accord with the local policy requirements (Policy CS13, REG24, CS4, CS5 & DC1 of the Council's Local Development Framework).

In particular the alterations are designed so that their appearance is complementary to the premises and will not have a detrimental impact on the appearance of the street scene or any adjoining resident or business. The proposed alterations will not prejudice highway safety either by obscuring visibility or be of a conspicuous or prominent appearance. The application is therefore considered to be acceptable, fully in accordance with the relevant policy guidance and there are no material considerations which indicate that the application should be refused.

INFORMATIVES

- **Works to Highway - S278**

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

- **Objects Within the Highway - S115**

The permission hereby granted should not be construed as authority to place objects within the public highway. Highways consent is required for the creation of pavement café areas within the public highway under Section 115E of the 1980 Highways Act. The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156).

- **Interference or Alteration of the Highway**

Interference or alteration of the highway requires a licence under the 1980 Highways Act. Connections to public sewers in the highway require a licence under 1991 New Roads and Street Works Act. The applicant should contact the Highway Authority (tel: 01642 728156) before any work commences on site, allowing a minimum of 7 days notice, or 30 days in the case of a NRASWA licence, if either or both of these licences are required.

- **Street Furniture**

Any street furniture that necessitates relocation requires early discussion to take place with the Highway Authority (tel: 01642 728156) and this work will be carried out at the cost of the applicant.

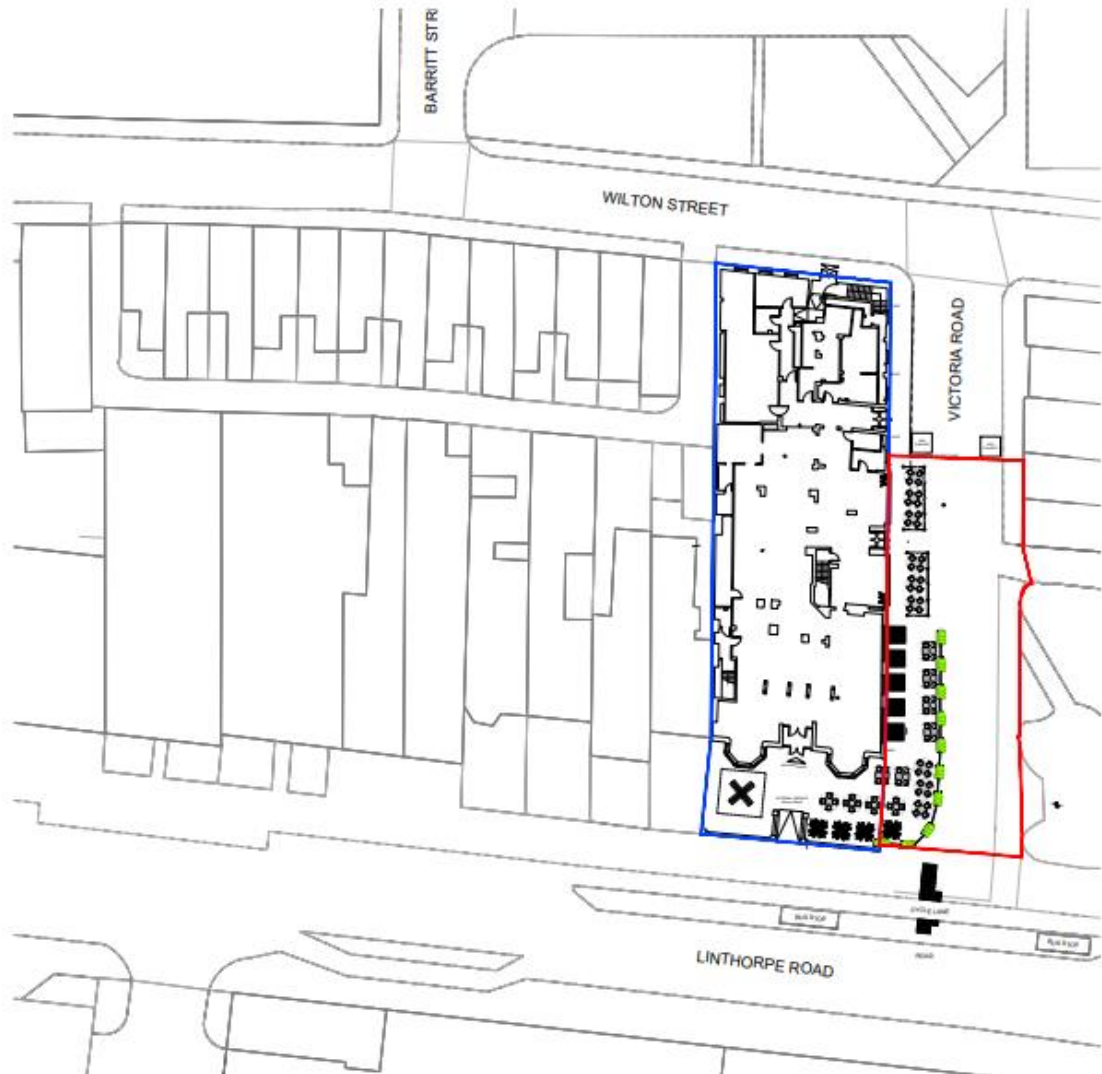
Case Officer: Joanne Lloyd

Committee Date: 7th November 2024

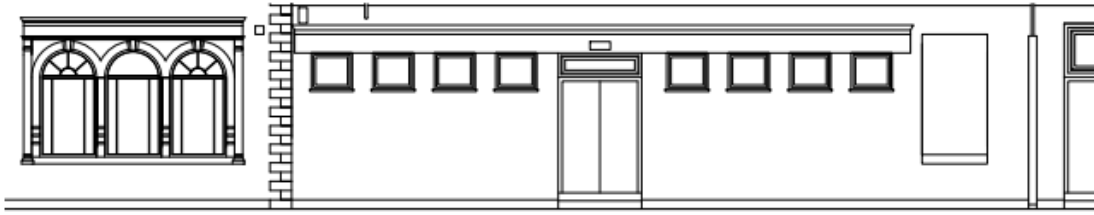
Location plan



Proposed site plan



Existing and proposed side elevations



EXISTING PAVEMENT BEER GARDEN ELEVATION

Scale 1:50



PROPOSED PAVEMENT BEER GARDEN ELEVATION

Scale 1:50

Agenda Item 6

Planning Ref Decision Date Decision

21/0652/FUL **30-Sep-2024** **Refused**
 Company / Surname **Dr H. Mohammed**
 Proposal **Erection of 3no dwellings and associated works for plots 3-5**
 Address **16, Cambridge Road, Middlesbrough, TS5 5NN**

24/0230/FUL **30-Sep-2024** **Refused**
 Company / Surname **Jonathan Phillips**
 Proposal **Single storey extension and conversion of existing garage at side and attached s**
 Address **69, Saxonfield, Middlesbrough, TS8 0SN**

24/0400/DIS **02-Oct-2024** **Full Discharge Conditions**
 Company / Surname **Jack Spensley**
 Proposal **Discharge of conditions 3 (Samples of materials) & 4 (Levels) on planing applic**
 Address **4, Bridlewoods, MIDDLESBROUGH, TS8 9GJ**

24/0313/FUL **03-Oct-2024** **Approve with Conditions**
 Company / Surname **Mr Liam Gallagher**
 Proposal **ERECTION OF SINGLE STOREY LOUNGE EXTENSION TO FRONT; MOVING WC TO OPEN HALLWAY A**
 Address **60, Woodrush, Middlesbrough, TS8 0XB**

24/0323/FUL **03-Oct-2024** **Approve with Conditions**
 Company / Surname **Mr Connor Styan Quirk**
 Proposal **Erection of boundary fence**
 Address **Thorntree Park, Spencerfield Crescent, Middlesbrough, TS3 9HR**

23/0538/DIS **07-Oct-2024** **Full Discharge Conditions**
 Company / Surname **Mr Tim Pearl**
 Proposal **Discharge of conditions**
 Address **Tees Valley Hospital, Church Lane, Middlesbrough, TS5 7DX**

24/0280/FUL **07-Oct-2024** **Approve with Conditions**
 Company / Surname **Cleveland Fire Brigade**
 Proposal **Alterations to existing openings and provision of new roller shutters, on Drill**
 Address **Middlesbrough Fire Station, 115 Park Road South, Middlesbrough, TS5 6LG**

24/0332/COU **07-Oct-2024** **Approve with Conditions**
 Company / Surname **Python Properties**
 Proposal **Change of Use of Part of 3rd Floor Gym Area to Teaching Facility**
 Address **Third Floor, 251 Linthorpe Road, MIDDLESBROUGH, TS1 4AT**

24/0270/FUL **09-Oct-2024** **Refused**
 Company / Surname **Mr Alan Feasby**
 Proposal **Erection of detached garage to rear**
 Address **27, Maltby Road, Middlesbrough, TS8 9BU**

24/0274/ADV **09-Oct-2024** **Approve with Conditions**
 Company / Surname **Craig Robinson**
 Proposal **Installation of 2no internally illuminated fascia signs**
 Address **Borough Road and Nunthorpe Medical Group, 27 Stokesley Road, Nunthorpe, Middlesbrough, TS7 0NB**

24/0282/COU **09-Oct-2024** **Approve with Conditions**
 Company / Surname **LC Sports Coaching**
 Proposal **Change of use from Use Class B8 (storage/distribution) to Use Class E(d) (sports**
 Address **10, Cannon Park Way, Middlesbrough, TS1 5JU**

24/0311/FUL **09-Oct-2024** **Approve with Conditions**
 Company / Surname **Greene King**
 Proposal **Removal of existing smoking shelter. Installation of new shelter with fencing, I**
 Address **The Grenadier**

24/0198/FUL **10-Oct-2024** **Approve with Conditions**
 Company / Surname **Keenan**
 Proposal **Proposed replacement windows**
 Address **3, Reeth Road, Middlesbrough, TS5 5JN**

24/0203/COU **10-Oct-2024** **Approve with Conditions**
 Company / Surname **Duru**
 Proposal **Change of use from commercial, business and service use (mixed E class use) to a**
 Address **109B, Marton Road, Middlesbrough, TS1 2DU**

24/0318/FUL **10-Oct-2024** **Approve with Conditions**
 Company / Surname **Mr Giles Greenwood**
 Proposal **Single storey rear extension**
 Address **31, Woodvale, Middlesbrough, TS8 0SH**

| | | |
|--------------------|---|----------------------------------|
| 24/0370/CLD | 10-Oct-2024 | Approve |
| Company / Surname | Shukat Ullah | |
| Proposal | 2no. single storey extension to rear | |
| Address | 50, Reeth Road, Middlesbrough, TS5 5JX | |
| 24/0336/FUL | 11-Oct-2024 | Approve with Conditions |
| Company / Surname | Chris Jones | |
| Proposal | Replacement roof, flashings, gutters and associated works | |
| Address | Lawson Building, 1 – 3 Innes Street, Middlesbrough, TS2 1JA. | |
| 22/0803/CLD | 16-Oct-2024 | Refused |
| Company / Surname | Samuel Forjoe | |
| Proposal | Lawful use as a HMO for students | |
| Address | 73, Worcester Street, Middlesbrough, TS1 4NS | |
| 24/0408/DIS | 16-Oct-2024 | Full Discharge Conditions |
| Company / Surname | Jennifer Duncan | |
| Proposal | Discharge of condition 6 (Sound testing - validation report) on planning applica | |
| Address | Discovery Special Academy, Sandy Flatts Lane, Middlesbrough, Middlesbrough, TS5 7YN | |
| 24/0005/FUL | 17-Oct-2024 | Refused |
| Company / Surname | Mr Mohammed Azam | |
| Proposal | Creation of 1no. retail unit at ground floor and 3 bed flat above | |
| Address | 77, Parliament Road, Middlesbrough, TS1 4JF | |
| 24/0276/FUL | 17-Oct-2024 | Approve with Conditions |
| Company / Surname | Melanie Johnson | |
| Proposal | Two Storey Side Extension and Single Storey Rear Extension | |
| Address | 32 Woodlea | |
| 24/0337/FUL | 17-Oct-2024 | Approve with Conditions |
| Company / Surname | Mr & Mrs Graeme & Helen Povey | |
| Proposal | Erection of single storey rear extension | |
| Address | 58, Harrogate Crescent, Middlesbrough, TS5 6PS | |
| 24/0349/FUL | 18-Oct-2024 | Approve with Conditions |
| Company / Surname | Ben Duncan | |
| Proposal | Single storey extension to rear | |
| Address | 8 Sessay Grange, MIDDLESBROUGH, TS7 0DH | |
| 24/0350/FUL | 18-Oct-2024 | Approve with Conditions |
| Company / Surname | Ms Jean Angus | |
| Proposal | Remove and replace broken roof tiles | |
| Address | 18 Poplars Road, Middlesbrough, TS5 6RL | |
| 24/0233/TPO | 22-Oct-2024 | No Objections |
| Company / Surname | Hughes | |
| Proposal | Crown thinning and lifting of various trees and removal of 11no. trees | |
| Address | 2, The Paddock, Middlesbrough, TS7 0PJ | |
| 24/0372/CLD | 22-Oct-2024 | Approve |
| Company / Surname | Svitzer Marine Ltd | |
| Proposal | Certificate of lawfulness for the erection of 2 storey modular building | |
| Address | Svitzer Marine Ltd, Tees Wharf, Docks Road, Middlesbrough, TS3 6AB | |
| 24/0317/FUL | 24-Oct-2024 | Approve with Conditions |
| Company / Surname | Danny Stoddart | |
| Proposal | Proposed single storey rear open plan sitting area extension including the provi | |
| Address | 11, Luce Sands, Middlesbrough, TS5 8UL | |
| 24/0346/MAJ | 24-Oct-2024 | Approve with Conditions |
| Company / Surname | Northern Powergrid | |
| Proposal | Demolition of existing building and construction of replacement storage/warehouse | |
| Address | Northern Power Grid, Cargo Fleet Lane, Middlesbrough, TS3 8DG | |
| 24/0422/PNO | 24-Oct-2024 | No Objections |
| Company / Surname | C/O Agent | |
| Proposal | Demolition of two storey office building | |
| Address | Land at Docks Road, Middlesbrough (No | |
| 24/0017/FUL | 28-Oct-2024 | Refused |
| Company / Surname | JOHNSON | |
| Proposal | PROPOSED TWO STOREY SIDE EXTENSION | |
| Address | 5, Beechfield, Middlesbrough, TS8 0TY | |
| 24/0357/FUL | 28-Oct-2024 | Approve with Conditions |
| Company / Surname | InstaVolt | |
| Proposal | Proposal for the installation of two rapid electric vehicle charging stations an | |

| | | | |
|--------------------|---|----------------------------------|-----------|
| Address | MCDONALDS, Cambridge Road, Middlesbrough, TS3 8AG | | |
| 24/0375/FUL | 28-Oct-2024 | Approve with Conditions | |
| Company / Surname | PHILLIPS | | |
| Proposal | Single storey extension to rear | | |
| Address | 167, Guisborough Road, Middlesbrough, TS7 0JQ | | |
| 24/0420/DIS | 28-Oct-2024 | Part Discharge Conditions | |
| Company / Surname | Thirteen Housing Group | | |
| Proposal | Discharge of condition 15 (Land contamination) on planning application 20/0735/FU | | |
| Address | Former Milford House, Portland House, No | | |
| Total Decisions | 33 | Total Approvals | 27 |
| | | Total Refusals | 6 |

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