
APPLICATION DETAILS

Application No:	21/0619/FUL
Location:	87-89 Acklam Road, Middlesbrough
Proposal:	Change of use of first floor office to create 2no. self contained flats and additions and changes to roof to include 1no roof light
Applicant:	Mr Sharief
Agent:	Mr Hasnatt Saeed
Ward:	Linthorpe
Recommendation:	Approve with conditions

SUMMARY

Planning permission is sought for the change of use of the first floor of the building from a storage/office use to two self-contained one bedroomed flats. The ground floor of the building will remain as a pharmacy. Access to one of the flats will be provided from the existing separate front entrance to the building with access to the second flat provided from the rear of the building.

The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the privacy and amenity of the neighbouring properties and the occupants of the development and the impact on highway safety.

Eight objections have been received. In summary the objections relate to the loss of privacy, no parking provision being provided for the flats, impact on the levels of on street parking along Balfour Terrace that is currently at capacity and blocking of existing driveway accesses.

Whilst the objections raised are acknowledged, it is considered that the principle of the development accords with local plan policies for this local centre. The proposed residential use is considered not to be harmful to the vitality and viability of the local centre and the additional residential tenants will potentially assist in ensuring the future viability of the local centre.

The proposed external alterations will not materially alter the external appearance of the building and will provide some improvement to the rear elevation of the building and are not considered to have any significant impact on the privacy and amenity of nearby residents.

The application site is considered to be in a sustainable location and within close proximity to alternative sustainable transport links with the proposal providing three car parking spaces and cycle storage provision to the rear of the building that will ensure there will be no highway safety issues.

The proposed change of use is in accordance with both local and national planning policies and the officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is 87-89 Acklam Road and is located within the Acklam Road/Cambridge Road designated local centre. The site was formerly two semi-detached properties which have been historically extended to form a single pharmacy unit on the ground floor with storage and vacant office space on the first floor. To the rear of the building is an area

The building frontage faces towards Acklam Road and the Acklam Green Centre with residential properties located to the rear at Balfour Terrace and Cambridge Road. An area of enclosed hard standing is provided to the rear of the building which is accessed from Balfour Terrace.

The proposal will include external alterations that include the installation of a roof light and sun light on the rear elevation, installation of a window on the rear side elevation of 89 Acklam Road and the removal of the existing external sloping roof enclosed staircase located above the existing single storey rear extension. Provision of secure bin storage and cycle storage will be provided within the existing rear yard area.

Since the original plans were submitted, the proposal has been amended to remove the dormer window on the rear elevation, brick up of the existing first floor window on the rear elevation and provision of the cycle/bin storage and parking bays within the rear yard.

The applicant has submitted a Design and Access Statement in support of the application.

PLANNING HISTORY

Previous planning history for the site includes :-

M/ADV/1088/09/P – 3 No non-illuminated fascia signs and 1 no non-illuminated projecting sign, approved September 2009

M/FP/0693/95/P – Change of use of first floor offices to hairdressing salon, approved March 1995

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).

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:

H11- Housing Strategy

CS4 – Sustainable Development

CS5 - Design

DC1- General Development

REG29 – Local Centres

UDSPD- Urban Design Supplementary Planning Document

Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses

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

Consultation letters have been sent out on the proposal and there have been 8 objections received.

The objection comments are summarised below..

Privacy

1. Impact on privacy as within 15 feet of the properties to the rear on Balfour Terrace.

Highways

2. Parking issues for residents on Balfour Terrace if the area to the rear of the property becomes a parking area for the occupants.
3. Existing parking issues for residents on Balfour Terrace being unable to park in front of their houses and this would lead to more issues with people parking across existing driveway accesses.
4. Understand no parking provision provided for the flat occupants and this will increase the parking issues on Balfour Terrace.

The objection comments were received from the following addresses.

1. 11 Balfour Terrace, Middlesbrough
2. 30 Balfour Terrace, Middlesbrough
3. 33 Balfour Terrace, Middlesbrough
4. 34 Balfour Terrace, Middlesbrough
5. 35 Balfour Terrace, Middlesbrough
6. 36 Balfour Terrace, Middlesbrough
7. 38 Balfour Terrace, Middlesbrough
8. 122 Cambridge Road. Middlesbrough

Public Responses

Number of original neighbour consultations	16
Total numbers of comments received	8
Total number of objections	8
Total number of support	0
Total number of representations	0

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

MBC Waste Policy

Residents will be required to make their bins available for collection, and return them to the yard for collections.

Cleveland Police Architectural Liaison Officer

The applicant is welcome to discuss the application in terms of secure by design principles at Stephen.Cranston2@cleveland.pnn.police.uk

MBC Highways

Given the buildings default use, which could continue without the need for further planning consent, the proposals will not have a material impact on the operation of the highway network. As a result, we do not have any objections.

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, the impact on the privacy and amenity of the neighbouring premises and the occupants of the development and the impact on highway safety.

Principle of the Development

2. Housing Local Plan Policy H11 (Housing Strategy) seeks to deliver a balanced and sustainable housing stock to meet current and future needs. The proposal will provide two additional two bedroomed flats, which will contribute to providing a further residential housing option within the Linthorpe area.
3. Core Strategy Policy CS13 (A Strategy for the Town, District, local and Neighbourhood Centres) seeks to safeguard the retail function of local centres by resisting any development that detracts from the vitality and viability of the local centre.
4. Policy REG 29 (Local Centres) establishes that other uses apart from retail will be considered acceptable providing they are complimentary and will not detract from the vitality and viability of the local centre or have a detrimental impact on the character and amenity of the surrounding area.
5. The proposed change of use relates to the upper floors of the building with no alteration to the existing commercial pharmacy use on the ground floor and as such is not to have a detrimental impact on the retail character of the local centre. Part of the upper floor of the building is currently vacant and the reoccupation of the building with residential accommodation on the upper floors will potentially add additional footfall to the centre and would contribute to assisting in ensuring the centres long term vitality and viability.
6. Core Strategy Policy CS4 (Sustainable Development) requires all new development to contribute to sustainable development principles. The proposed development would make use of and reuse the existing vacant office space above 87 Acklam Road and the current storage area above 89 Acklam Road. The application site is located within a sustainable location that is well served by public transport and is within a local centre.
7. The proposed change of use of the first floor of the building to residential accommodation is considered to accord with the guidance set out in Housing Local Plan Policy H11, Regeneration Development Plan Policy REG29 and Core Strategy Policies CS4 and CS13.

Character and Appearance

8. Core Strategy Policies CS5 (Design) and DC1 (General Development) set out that all new development should be of a high quality in terms of layout and should contribute to the character of the area.
9. The application site was originally two traditional semi-detached properties and these have been extended and altered to provide a single retail unit frontage on the ground floor with office and storage space on the upper floor. The frontage of the properties have retained the original bay window detailing on the first floor with the rear elevations s having been extended with single storey and two storey flat roof extensions and two enclosed stairwells.
10. There will be no external alterations made to the front elevation of the building. The alterations to the rear elevation include a rear roof light to be located within the lower section of the roof that links 87 and 89 Acklam Road, sunlight to the rear of 89 Acklam Road and an additional window on the side elevation of the existing first floor off-shoot at 89 Acklam Road.
11. The scale and design of the proposed roof light, side window and the sun light are considered to fit in with the original design of both building and will not impact on the original character and appearance of the street scene.
12. The revised plans have removed the rear dormer window, following concerns raised by officers on the scale and design of the dormer window. The proposal will remove an existing enclosed sloping roof first floor stairwell extension located above the single storey flat roof extension to the rear. The removal of one of the existing external stairwells will assist in reducing the existing mass and scale of the historic rear extensions and is considered to be a positive improvement to the character of the building.
13. Within the rear yard area, the proposal will include secure cycle and bin store facilities for the commercial and residential units with the design of the storage facilities being secured by condition.
14. Overall the proposal is considered to be a high quality development which will not have a detrimental impact on the character and appearance of the street scene and is considered to be in accordance Core Strategy Policies CS5 and DC1.

Privacy and Amenity

15. The National Planning Policy Framework comments in paragraph 130 that decisions should ensure that developments '*create places that are safe, inclusive and accessible and which will promote the health and well-being, with a high standard of amenity for existing and future users*'.
16. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion,
17. The Councils adopted Interim Policy on the Conversion and Sub-division of Buildings for Residential Use sets out the required space standards for residential accommodation, which is in line with Nationally Described Space Standard requirements.

18. Each flat will have their own separate access, with the access for flat one being from the front elevation and the access for flat 2 being from the rear of the building. The proposal is for two self-contained one bedroomed flats with each flat providing a kitchen, lounge, bathroom alongside the bedroom space. Both flats provide over the 61 square metres floor space required for a two bedroomed flat. Each of the proposed bedroom floor spaces and ceiling heights accord with the Nationally Described Space Standards and the Council's Interim Policy guidance.
19. The living rooms and bedrooms of both flats will have a window for natural light with a sun-light being proposed for the internal kitchen of flat 2 to provide some natural light.
20. Given the proposed flats will be located above an existing commercial unit and within a Local Centre to ensure the amenity of the occupants of both flats a condition will be placed on the application requiring a noise assessment be submitted along with any required mitigation, prior to the occupation of the flats.
21. Revised plans provide a secure bin store and cycle store facility for both flats within the existing hard standing area to the rear of the building. Access to the rear yard area is available from both flats. The Council's Waste Officer has raised no objections to the proposal, subject to the occupants being responsible for arranging for the bins to be made available for collection and returned after collection.
22. Objection comments have been raised regarding the loss of privacy to the residential property at 35 Balfour Terrace, given the proximity and position of the proposed windows.
23. The revised plans have removed the proposed rear dormer window on the rear elevation. The dormer window has been replaced with a rear roof light on the lower pitched roof section which links both semi-detached properties.
24. Consideration has been given to the privacy of the occupants of 35 Balfour Terrace with the installation of the proposed roof light. The roof light will be positioned approximately 11 metres from the rear garden of 35 Balfour Terrace and will be a bedroom window, which is not classed as a habitable room window.
25. The proposed roof light will not be visible from the main dwelling and side sunroom at 35 Balfour Terrace due to the screening provided by the existing enclosed first floor staircase to the rear of the application site. To the rear of the detached garage at 35 Balfour Terrace is a small section of garden where the roof light may be visible. However, the majority of the rear garden area will remain private and not overlooked and given the window is for a bedroom and not a habitable room the impact in terms of loss of privacy is not considered to be significant.
26. In addition, the revised plans have removed the existing window on the first floor rear off-shoot at 89 Acklam Road that faces directly towards the rear elevation and garden area of 35 Balfour Terrace.
27. The proposed rear roof light will be located a minimum of 34 metres to the neighbours situated at 38 Balfour Terrace, which accords with the 21 metre privacy distances set out in the Council's Urban Design Supplementary Planning Document.
28. The additional window proposed on the side elevation of the first floor off-shoot of 89 Acklam Road will face towards the blank elevation wall of 87 Acklam Road and not directly towards any residential properties or garden areas.

29. The proposal is considered not to have a detrimental impact on the privacy or the amenity of the neighbouring residential properties and is considered to provide adequate levels of amenity for the future occupants of the flats. The proposal is considered to be in accordance with Core Strategy Policy DC1, Interim Policy on Conversion and Sub-Division of Buildings for Residential Use and the Urban Design Supplementary Planning Document.

Highways

30. Core Strategy Policy CS4 (g) (Sustainable Development) sets out that new development should be located where services and facilities are accessible by foot, bicycle or by public transport to encourage forms of sustainable transport and reduce the reliance on cars.
31. Core Strategy Policy DC1 (d) (General Development) requires all new development to ensure that there will be a limited impact on the capacity of existing and proposed transportation infrastructure both during and after completion, with no impact on highway safety.
32. The application site is located within a local centre which has time restricted parking bays located on both sides of Acklam Road. The application site has an enclosed area of hard standing to the rear with the revised plans showing the proposal will provide three car parking bays within the rear yard area alongside secure cycle store provision.
33. The Design and Access Statement submitted in support of the application sets out the owner will be looking for tenants who are keen to utilise public transport methods.
34. Objection comments have been received regarding current on-street parking issues along Balfour Terrace and the fact the proposal by not providing parking provision for the tenants of the flat will generate further on-street parking issues and block existing driveway accesses.
35. The application site has an area of hard standing located to the rear of the property. Revised plans have been submitted to provide three car parking spaces within the rear hardstanding area. The Design and Access Statement submitted in support of the application sets out the owner will be looking for tenants who are keen to utilise public transport methods.
36. The application site has an existing area of hard standing to the rear of the building, which is currently utilised by the existing pharmacy. The fall-back position is that the upper floors of the building can be utilised by two separate offices without any additional parking provision being provided for the staff or visitors. As a result, the two proposed residential flats are considered not to create an intensification of the use of the building or the demand for parking in the area.
37. The Council's Highway officers have commented that given the buildings default use the proposals will not have a material impact on the operation of the highway network. As a result they have no objections to the proposal.
38. The revised plans show three designed parking spaces within the rear yard and additional cycle storage which given the sustainable location of the application site and close proximity to bus stops means the proposal is considered to have no significant impact in terms of highway safety and accords with the guidance set out in Core Strategy Policies CS4(g) and DC1 (d).

Conclusion

39. The proposal has been assessed against national and local policy guidelines and is considered to be a high quality development that will not have any significant impact on the character and appearance of the area. The proposed flats are considered to provide adequate residential amenity for the future occupants and will not have any significant impact on the privacy and amenity of the existing residential properties.

RECOMMENDATIONS AND CONDITIONS

Approve with conditions

1. Time Limit

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

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be in accordance with the following approved plans

- a. Site location plan drawing dated 19th August 2021
- b. Block plan drawing dated 19th August 2021
- c. Existing Ground floor layout drawing ACK-01-20 dated 19th August 2021
- d. Existing First floor and roof layout drawing ACK-02-20 dated 19th August 2021
- e. Existing elevation drawing ACK-03-20 dated 19th August 2021
- f. Proposed ground floor layout ACK-04-20 dated 23rd December 2021
- g. Proposed first floor and roof plan layout drawing ACK-05-20 rev c dated 28TH January 2022
- h. Proposed elevation drawings ACK-06-20 dated 23rd December 2021

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

3. Design of the cycle and bin store facilities.

The development hereby approved shall not be occupied/brought into use until covered and secure cycle parking facilities and bin storage facilities, have been provided in accordance with drawing(s) to be submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Thereafter the cycle parking facilities shall be retained in perpetuity for the sole purpose of parking cycles.

Reason: To promote use of cycles reducing traffic congestion and in the interests of the amenities of residents to ensure a satisfactory form of development having regard for policies DC1, CS4 and CS5 of the Local Plan and sections 9 and 12 of the NPPF.

4. Adjacent/ Nearby Commercial Premises Noise Assessment

Prior to the commencement of development a noise assessment from a noise consultant detailing the level of attenuation that is created by the existing structure of the building and a scheme detailing the noise levels that residents are likely to be

exposed to from the neighbouring/nearby commercial premises together with a scheme designed to protect these dwellings from any noise transference must be submitted to and approved in writing by the Local Planning Authority. The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial business is in use. The report should also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development from noise shall be completed prior to any of the residential/student accommodation hereby approved being occupied. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

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

INFORMATIVES

Informatives

1. Building materials on highway

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

2. 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

3. Secure By Design

The applicant is welcome to discuss the application in terms of secure by design principles at Stephen.Cranston2@cleveland.pnn.police.uk

Case Officer: Debbie Moody

Committee Date: 11th February 2021

