
APPLICATION DETAILS

Application No:	20/0374/FUL
Location:	Land adjacent to Ayresome Gardens, Middlesbrough, TS1 4QN
Proposal:	Erection of part-three, part-four storey residential building comprising 72no. beds for student accommodation (sui generis)
Applicant:	Mr S Chambers
Agent:	Mario Minchella Architects
Ward:	Newport
Recommendation:	Refuse

SUMMARY

The application was first taken to Planning Committee on the 17th December 2021 with a recommendation to refuse. Planning committee deferred the decision to allow for additional information to be provided. The application was put back before planning committee earlier this year and the application was again deferred. The officer recommendation has typically remained the same throughout the process although some changes have been made to the scheme which reflect the applicant's intention to address concerns discussed in the previous committee meetings. The scheme, since its initial submission has been amended by, providing a reconfiguration to the parking / drop off bays to the rear of the premises, provision of details in relation to cycle storage, amended refuse store details and most recently, the reduction in the number of bed spaces from 74 down to 72. Discussion has also taken place in relation to access to the site and removal of trees within the adjacent Ayresome Park.

Planning permission is sought for the development of a part-three, part-four storey building comprising 72 individual bedrooms for student accommodation (sui generis use class). The site is a narrow parcel of rectangular land, situated between the public park known as Ayresome Gardens and dwellings along Crescent Road, and is not allocated for any particular purpose on the Council's adopted Proposals Map.

The application site benefits from an extant planning permission for student accommodation of 72 beds (M/FP/0347/16/P). Sufficient groundworks were undertaken to constitute a commencement on site which means this previously approved development can be constructed at anytime and is a potential fall back position in relation to this current proposal. Consequently, the principle of student accommodation and a 2.5-storey building height on this site are considered to be established. The main differences between the approved

development and the current application are considered to be the four-storey element of the proposal and some aspects of the general design/layout of the scheme.

The report considers the main differences and concludes that the additional height of the proposed building (the fourth storey) would adversely impact the character and appearance of the surrounding conservation area and be harmful to the living conditions of the nearby residential occupiers of properties along Crescent Road. In addition, the proposed site arrangement has limited provision for off-road parking and servicing, so activities associated with the proposed use are likely to impact upon the adopted highway to the detriment of all highway users.

The proposed development is considered contrary to local and national planning policy and the Officer recommendation is therefore to refuse.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a narrow strip of derelict land located between the recreational area known as Ayresome Gardens and the rear gardens of 2.5-storey residential properties along Crescent Road and Ayresome Street. Directly to the east of the site is the former Sunday School building, which is attached to the northern side of the associated former Park Methodist Church which is a Listed Building. To the west of the application site is Nos. 38-42 Crescent Road, which operates as Middlesbrough Tool Centre.

The vacant application site represents an urban brownfield site with former uses and occupancy being garages and workshops. The site is located within the Albert Park and Linthorpe Road Conservation Area, with historic buildings of architectural merit in close proximity.

The proposed development is for a part 3-storey, part 4-storey building to provide student accommodation, providing 72 beds in total. Given the confines of the site, the proposed building takes an elongated, linear form, with the student bedrooms positioned on the north side of the building and the general circulation space (including corridor and storage areas) running along the south side.

The ground, first and second floor levels have a similar layout. The first and second floors are almost identical, each accommodating individual student bedrooms, a communal lounge, a laundry area and a cycle store. The ground floor is similar, albeit with a reduced number of bedrooms and provision of an entrance lobby, two cycle stores, the communal waste store and plant room. The uppermost, third floor accommodates bedrooms and a communal room, laundry and cycle store.

The principal elevations of the building will be constructed using red heritage brickwork, with sheet profile metal forming a mansard detail above. Beyond the mansard roof, single ply roof membrane would be proposed behind a parapet wall.

Four on-site vehicle parking spaces are proposed as part of the development, which would enable drop-offs and pick-ups arrangements.

PLANNING HISTORY

M/FP/0347/16/P

Erection of 1no part 3 storey/part 2 storey residential accommodation containing 6no 12 bed units with associated access, parking with 2no alley gates
Approved Conditionally 16th May 2016

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:

H1 – Spatial Strategy
 H11 – Housing Strategy
 CS4 – Sustainable Development
 CS5 – Design
 CS6 – Developer Contributions
 CS18 – Demand Management
 CS19 – Road Safety
 REG37 – Bus Network ‘Super Core’ and ‘Core’ Routes
 DC1 – General Development
 UDSPD – Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

The application has been subject to the standard notification of neighbouring properties, which included a letter drop to 59 different addresses. Site notices were also displayed at the application site and an advertisement placed in the local press.

Following the statutory consultation phase, one representation was received from local ward councillor, Barrie Cooper.

- Access to the site would either be into the alley or directly into Ayresome Gardens neither seem suitable.
- Access by Emergency Service Vehicles also seems unsuitable.

Councillor Cooper spoke in favour of the proposed development at the initial planning committee although has not formally removed the comments above provided initially.

Responses from Internal Technical Consultees:

Planning Policy – The principle of residential development on this site accords with the Development Plan policies.

Highways – Recommend refusal due to the lack of on-site parking and servicing arrangements which will lead to the displacement of such activities on the public highway.

Conservation – Recommend refusal as a result of the likely harmful impact of the proposed development on the significance of the Conservation Area and the settings of nearby Listed Buildings.

Waste Policy – Provision will need to be had to store refuse and recycling for the number of bedrooms sought.

Environmental Health – No objections subject to condition relating to noise assessment to ensure living areas are not adversely affected by external noise.

Responses from External/Statutory Consultees

Northumbrian Water – No objections subject to condition requiring a detailed scheme for the disposal of foul and surface water.

Northern Gas Networks – No objections but works may affect apparatus.

Northern Powergrid – No comments received.

Cleveland Police Secured By Design - The developer should contact SBD to discuss ways to design out crime. Informative provided.

Public Responses

Number of original neighbour consultations	59
Total numbers of comments received	1 (Cllr Cooper)
Total number of objections	0
Total number of support	0
Total number of representations	1

The applicant has submitted letters of support which is somewhat unconventional as these would typically be submitted by the person writing the letter directly to the Local Planning Authority. These communications are;

- 7 Pro-forma letters of support from people in the immediate locality and 5 individual letters from rental management companies and the business adjacent to the premises.
- The support within the letters is based on the removal of anti-social behaviour in the area and the improvement to the site overall.

PLANNING CONSIDERATION AND ASSESSMENT

Local Policy Consideration

1. On the Council's adopted Proposals Map, the application site is located on unallocated land within the Albert Park and Linthorpe Road Conservation Area.
2. Policy H1 requires that windfall developments are located within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development as contained in Local Plan Policy CS4. Policy H11 identifies North Middlesbrough and Inner Middlesbrough for city style living and high density development such as apartments. Whilst the proposals are not for apartments, the layout and density of the student accommodation is not too dissimilar. Although the site is not within the designated town centre, it is in close proximity to the centre, and within a relatively dense urban areas.
3. Policy CS4 requires all development to contribute to achieving sustainable development. Amongst other things, this includes making the most efficient use of land through the redevelopment of previously-developed land, being located so that services and

facilities are accessible on foot, bicycle or public transport, incorporate energy saving technologies, and delivering development of a high quality design that improves the quality of the townscape.

4. Being located just outside of the designated Town Centre, the proposed development is considered to be in a sustainable location, providing ready access to the bus and train stations, which are within recognised walking distances. Being constructed on the site of former commercial uses, the student accommodation development is considered to be making efficient use of previously-developed land. Policy CS4 also encourages the incorporation of on-site renewable energy facilities or providing 10% renewables within major development. In the event of approval, a condition can be imposed to provide 10% renewables or a fabric first approach.
5. Members should be aware that the application site was granted planning permission for a similar use in 2016. Through planning permission M/FP/0347/16/P, consent was granted for the construction of a part-two/part-three storey building, with a brick/block with render external appearance, accommodating 72 student beds. Although the development has not been constructed, pre-commencement conditions have been discharged and groundworks commenced meaning the 2016 permission has had a technical commencement and is extant, and can be built out any time. Mindful of which, it is considered that the principle of a development for student accommodation on this site has been established given this lawful fall-back position.
6. With the principle of the use established, the key material matters as part of the current scheme are considered to be the increased building height, the design and layout of the building, the external appearance and its associated potential impacts on the surrounding conservation area and the setting of heritage assets, and the potential impacts on the operation of the local highway network.

Principle of Additional Building Height

7. The proposed building would be part-three/part-four storeys in height, which is noticeably higher than the previously approved and commenced scheme. Consideration needs to be given as to whether the proposed additional height, with its associated scale and mass, would integrate well with the local context, which includes potential impacts on the local townscape and the settings of heritage assets within the conservation area.
8. For buildings providing flatted development or higher density uses, the Council's adopted Urban Design SPD suggests how these may be integrated into the local area. Amongst other guidance, it states that *'designs should relate to an area, and should reflect the context of the development site. The grouping, size and proportion of openings, changes in materials, the form of the roof, detail to the main entrance and articulation of the plan to provide relief to the elevation can all help to add interest and variation to the appearance of a development.'*
9. The SPD also advises that *'a maximum 2.5 storeys is the general acceptable scale throughout Middlesbrough. There are however, some situations where development in excess of 2.5 storeys would be more appropriate, e.g. prominent locations where it is desirable to make an architectural statement. In these cases proposals for buildings over this height will require further detailed supporting information.'*
10. Policy DC1(b) states 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 a high quality'*. Policy CS5(c) requires high quality development *'ensuring that it is well integrated with the immediate and wider context'*.

11. Buildings of a two and three-storey height surround the site. Immediately to the south (Ayresome Street and Crescent Road) are 2.5-storey high residential buildings; adjacent to the west is a two-storey commercial building (Middlesbrough Tool Centre); and situated to the east are two and three-storey residential and institutional buildings (apartments and nursery uses).
12. Whilst the immediate vicinity is surrounded by 2.5-storey high buildings, within 150 metres to the east and west of the site, there are buildings of more significant sizes – four-storey equivalent or greater – including Ayresome Primary School, the One Life Centre and an apartment block on the corner of Park Road North and Linthorpe Road. However, these buildings are either within larger grounds where there are likely to be fewer adverse impacts on surrounding sites, or they occupy a landmark/gateway location and exhibit a focal presence. Therefore, these larger buildings are considered to in general accordance with the SPD respectively, and make a positive contribution in their own right to the local urban area without unduly affecting the nearby built environment.
13. In terms of the application site, it is the Officer view that it does not have a particularly prominent location nor is situated at a gateway site. Whilst it has a wide frontage onto the southern boundary of Ayresome Gardens, the application site is deemed not to be a gateway or prominent location, but is considered to be somewhat cramped, with the buildings to the south, east and west being in relatively close proximity.
14. Whilst the proposed three-storey element would be considered to complement the scale of buildings in the area, the proposed four-storey height is considered to be at odds with the immediate surrounds, which are all of a lower height. The additional storey would be deemed contrary to the local context of the area, and conflicts with the requirements of Policies DC1 and CS5, and the adopted Design Guide SPD.

Impacts on Conservation and Heritage Assets

15. Policy CS5 requires all development to demonstrate high quality of design in terms of layout, form and contribution to the character and appearance of the area. Specifically, part (h) of the Policy requires *'the preservation or enhancement of the character or appearance of conservation areas'* and part (i) requires *'safeguarding buildings identified as being of special historic or architectural interest'*. Policy DC1 requires *'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'*.
16. The site lies within Albert Park and Linthorpe Road Conservation Area. The significance of the conservation area lies primarily in the Victorian public park, which was developed from the 1860s, and the surrounding development, some 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 of towers and domes that can be seen from great distances.
17. Ayresome Gardens, which is to the north of the application site, is a former cemetery, being founded in 1854 to cope with the sudden expansion of the town. Ayresome Cemetery was Middlesbrough's first purpose-built graveyard and one of its biggest. The cemetery was decommissioned in 1962 and the site was cleared of the last remaining headstones in the early 1980s.
18. The Conservation Area Appraisal states that the overriding character of Ayresome Gardens is *derived from the open space fronting onto Linthorpe Road and the views of nearby buildings such as the Grade II Listed Forbes Buildings, and the historic Ayresome School to the rear of the gardens. Mature trees also make an important contribution to the character of the area.*

19. To the east of the application site is the Grade II Listed Park Methodist Church, which dates from 1903 and is characterised by its red brick appearance with painted terracotta dressings, Welsh slate roofs and copper-domed northwest tower. It is considered a dominant and elegant Edwardian building, with its tower being one of many that help define the character of this part of the Conservation Area.
20. Immediately southeast of the site and recorded on Middlesbrough's Historic Environment Record (HER) is Park Methodist Church Sunday School, adjacent to the Methodist Church. It is a two-storey, red brick, Edwardian ecclesiastical and educational building that, by virtue of its form and materials, makes a positive contribution to the significance of the Conservation Area.
21. Section 194 of the NPPF states that *local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.* A Heritage and Conservation Statement has been submitted as part of the application, which has been considered by Officers.
22. In terms of determining applications, section 197 of the NPPF advises that *local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets... and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.* LPAs are also advised to take account of *the desirability of new development making a positive contribution to local character and distinctiveness.*
23. When considering the impact of a proposed development on the significance of a designated heritage asset, Section 199 of the NPPF states that *great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Section 200 of the NPPF continues by stating that *any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.* According to Section 202, *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
24. The previous section of this report considered the proposed four-storey building height to be at odds with the general surrounding townscape. In terms of the potential impacts of the height on the local heritage assets, there are strong concerns that the proposed four storeys risk dominating the area, with particular consideration to the adjacent Sunday School building. Although the proposed development is considered not to dominate the nearby church tower, it is considerably more bulky than the tower and risks dominating vistas to and from Ayresome Gardens.
25. The proposed development is considered to be a modern design with plain appearance, and not particularly distinctive to the local area. It incorporates a mansard roof which presumably seeks to give the building the impression a reduced height whilst including a fourth level. The proposed increase in height should not be harmful to the nearby Listed Buildings, which are considered to remain dominant. Notwithstanding this, the bulky design of the proposals would be deemed to dominate the traditional terrace houses to the south of the site, which are situated in close proximity.

26. The external materials proposed in the original scheme were grey brickwork for the ground floor and white render for the upper floors. Given the local conservation area status as well as the proximity to nearby Listed Buildings, the applicant was advised that such finishing materials were deemed unacceptable for the setting and that materials similar to those nearby (predominantly red brickwork) should be considered as an alternative.
27. The materials in the revised scheme are itemised on the submitted drawings, with red heritage brickwork being proposed for the main elevations. Such materials are considered a significant improvement on those originally sought and appropriate for the setting. It is considered that the mansard roof and its associated covering should be improved in this conservation area setting with the potential use of traditional pitched slate, and the fenestration should be aluminium rather than upvc. Whilst there may be isolated examples of contemporary materials on larger buildings within the conservation area, these are considered exceptional cases rather than characteristic of the local architectural forms. It has been put to the developer that all proposed materials should be complementary to the surrounding conservation area and heritage assets, although a full set of materials that are deemed to be acceptable has not come forward.
28. Mindful of the additional height and materials proposed, it is considered unlikely that the proposed building will make a positive contribution to the conservation area that local and national policy requires. Whilst the proposed development is judged to result in less than substantial harm to the conservation area, paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. The Heritage Statement advises that the proposal will 'screen offensive vistas' from the terraced houses behind the site, but this is not considered by Officers to be a public benefit as their impact is not harmful to the conservation area as Victorian terraced houses.
29. It is acknowledged that the proposals could eliminate the local area of a vacant and neglected site on the boundary of the open space of Ayresome Gardens. However, it is noted that an approved development from 2016 exists which would achieve the same, and the site is relatively small and could be positively screened by landscaping were this deemed to be beneficial. As such, little weight can be given to the potential public benefits of the proposal, and therefore it is the Officer view that these would not outweigh the harm that would be caused. Even with public benefits, a better and more appropriately designed building would achieve the same public benefits whilst high quality development would sustain or enhance the significance or character and appearance of the conservation area.
30. Given the above and in the absence of any significant public benefit, it is considered that the proposals would fail to complement the heritage assets within the Albert Park and Linthorpe Road Conservation Area. This would fail to satisfy the requirements of paragraphs 194, 197, 199, 200 and 202 of the NPPF and local policies DC1, CS4 and CS5, which seek to ensure that the historic heritage of the area and the townscape is protected, conservation areas are preserved or enhanced, and the safeguarding of buildings identified as being of special historic or architectural interest.

Impacts on Trees in Ayresome Gardens

31. The footprint of the proposed building would be close to the northern boundary with Ayresome Gardens, where a number of trees are situated along the boundary. The distance between the principal elevation and the trees is approximately two metres. The trees include four mature species and many saplings that have recently been planted.
32. Although the trees could be retained alongside the development, it is likely that the construction works would have lasting harmful impacts on their structural integrity and

the general health and conditions of the trees. Additionally, any trees sought for retention are likely to have significant impacts on the general living conditions of certain rooms. Given the proximity of the trees, it is likely that many room windows would be severely obscured by the canopies of the trees, and therefore require constant maintenance.

33. If Members were minded to approve the application, Officers would recommend that all the trees adjacent to the northern boundary be removed and replacements planted in an appropriate location, which may be away from the locality. To secure this, a legal agreement – a Section 106 agreement – would need to be entered into between the Council and the developer.

Impacts on Surrounding Neighbouring Occupiers

34. With the additional height of the proposed scheme compared to the previously approved scheme, consideration needs to be given as to whether the proposed development would result in a significant detrimental impact on the residential amenities of any nearby properties. In this case, the most impacted properties are considered to be those to the rear (Nos. 2-36 Crescent Road), which are situated to the south of the proposed development. Policy DC1 requires *'the effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal'*.
35. A starting point to understand reasonable and recommended separation distances would be the adopted Urban Design SPD, which identifies a minimum distance of 21 metres between principal room windows that face each other where buildings exceed single storey height. The SPD does not contain direct guidance in relation to situations where residential properties face each other at an angle or differ in height, both of which are the case here although the same principles apply of preventing short distance views between windows. It must also be pointed out that the windows on the rear elevation of the proposed building serve corridors and circulation spaces, not individual rooms.
36. The arrangement of the residential properties along Crescent Road relative to the proposed building means that there would not be a direct facing relationship with all properties. Whilst Nos. 2-16 Crescent Road would be directly facing, Nos. 18-36 Crescent Road are at an angle and positioned closer to the proposed building. The point at which these neighbouring properties are angled from the proposed building is roughly where the building steps down from four to three storeys.
37. Between the proposed building and the two-storey rear offshoots of Nos. 18-36, the approximate separation distance varies from 9 to 18 metres. To the main body of the residential properties, this separation distance increases to between 13 and 25 metres. Whilst the majority of these distances fall considerably short of the privacy distances recommended in the SPD, which potentially harms the amenities of existing residents, it is accepted that a similar scale of development has been granted and remains extant on this site and these were based on considerations at the time relative to the arrangement of buildings relative to the application proposal.
38. Between the proposed building and the directly-facing two-storey offshoots of Nos. 2-16, the approximate separation distance is greater, varying between 18 and 21 metres. To the main body of these residential properties, this separation distance increases to between 25 metres and 30 metres. Although the minimum distance standards of the SPD would be adhered to at this part of the proposal, it is the view of Officers that the large scale of the proposed four-storey building is such that it would still introduce a dominating and oppressive structure close to the rear boundary of these residential properties. This proposed arrangement is considered to have a sufficient harmful impact to impair the amenities of occupiers, which is as a result of the overpowering feeling of enclosure created by the proposed four-storeys.

39. As noted above, the southern elevation of the proposed building contains a number of windows that serve circulation space and corridors at upper floor level, in some cases falling short of the minimum 21 metre separation distance. Whilst these proposed windows would not serve bedrooms or other principal rooms, it is considered that they would still result in the perception of overlooking upon the rear elevations and garden spaces of a number of nearby dwellings. This would be because of the proposed windows being located in close quarters to the rear boundaries of these properties. The proposed arrangement is deemed to be materially harmful to the living conditions of the occupiers of these dwellings.
40. The sheer size and scale of the proposed building relative to nearby dwellings together with its proximity to them also means that it would unduly affect the outlook from these properties. Whilst it is accepted that the site was historically home to commercial buildings and has an extant planning consent for a 2.5-storey building, which may have affected outlooks, these would not be of the height of the proposed building and therefore of a reduced dominance.
41. Given the location of the application site in this highly urbanised setting where larger buildings are found at greater densities, the recommended separation distances of the SPD could be relaxed to some extent. In this case, however, the separation distances proposed are considered to be too short given the scale of the development, which would result in significant harm to the living conditions of existing residents and contrary to the aims of Policy DC1(c).

Likely Amenity Levels for Future Occupiers

42. As well as the impacts on existing residents, consideration shall also be given to whether the design and layout of the development would result in satisfactory levels of amenity and facilities for future occupants.
43. The development proposes 72 bedrooms in total with associated facilities and amenities dispersed throughout the floors. All bedrooms have the same footprint and layout, being approximately 20 square metres (including en suite areas). As a minimum of 13 square metres should be provided in each bedroom containing kitchen facilities (to accord with the recommended standards contained within the Council's '*Guidance on Accommodation Standards for HMO*'), there are no significant concerns with the floorspaces provided to accommodate the necessary ancillary facilities to provide safe spaces to live, cook, eat, sit, relax and to sleep. A 'model room layout' has been provided, which shows furnishings and fittings in a typical room and demonstrates practical usability. Overall, it is considered that the room sizes are acceptable and it has been shown that adequate space can be provided to accommodate furniture associated with a student use, and there is sufficient space to manoeuvre around the room.
44. These bedrooms are complemented by the associated amenities, which includes four communal lounges, four laundry/store rooms and five cycle stores. The total amount of floorspace of the communal lounges and laundry/store areas is approximately 160 square metres and 24 square metres respectively, giving a total space of ancillary facilities and amenities as 184 square metres. As well as demonstrating floorspace workability in the bedrooms, the communal spaces on each floor are considered capable of providing larger kitchen and seating areas outside of individual rooms.
45. On balance, it is considered that the size of the rooms and the associated communal spaces on each floor are satisfactory for the proposed student accommodation and will provide good amenity levels for future residents.
46. Cycle stores are shown as being provided on each floor, with Officers being informed that the stores will accommodate a total of 57 cycles. This would equate to 24 being provided at ground floor level and 11 on each of the upper three floors. From an Officer

perspective, it is considered that this represents a shortfall, as provision should be made for 72 cycle spaces (one per each room provided).

47. Notwithstanding this stated provision, it is considered that the individual cycle spaces are incorrectly measured out on the submitted plans. An individual cycle parking space should measure 0.5 metres x 1.8 metres to meet the standards of the Design Guide, whereas the cycle spaces on the floor plans measure approximately 0.8 metres by 1.0 metre. As a consequence, it is the Officer view that the cycle stores are not able to provide the number of spaces claimed. Moreover, and considered more importantly, it is the Officer view that the functionality of the cycle stores is the crucial issue. The proposed arrangements would require many future occupiers to transport cycles to the upper floors via one, regular sized lift. This is considered not to be a practical solution in design terms and the cycle store arrangements remain unacceptable.
48. The ground floor has waste store provision, although the submitted drawings only indicate space for ten Eurobin style bins when it is recommended for a development of this size to have provision for 14 bins (seven for refuse and seven for recycling). Given this shortfall, and the fact the local authority refuse collectors would not undertake collections more regularly, it is understood that any approved development would employ private contractors to collect refuse and recycling.

Highways Implications

49. The site is considered to be highly sustainable being located in close proximity to the main University Campus and is within nationally recognised walking distance of the town centre, bus stops and bus and train stations. Mindful of such a location, Local Plan Policy CS18 seeks that development proposals improve the choice of transport options, including promotion of opportunities for cycling and walking.
50. Crescent Road is approximately 8.4 metres wide, however, adjacent residential properties fronting the road do not have off-street parking and as such on-street parking occurs on both sides of the road. This on-street parking reduces the width of Crescent Road to widths that will struggle to maintain two-way traffic flow, particularly to enable larger vehicles such as refuse vehicles/delivery vehicles to pass opposing traffic. In addition, adjacent to the proposed development site is Ayresome Primary School and other local businesses which bring vehicles into the area and increase demand for on-street car parking.
51. The high competing demand for the limited on-street parking available leads to vehicles being left in unsuitable locations, such as adjacent to junctions or access points. The introduction of further waiting restrictions could be introduced, but this would simply increase the pressure for the limited available parking remaining. It is considered that this would be to the detriment of existing residents already struggling for parking and is likely to displace car parking into other adjacent areas.
52. Officers initially raised concerns over the lack of parking bays within the site, which would primarily allow ease of students being dropped off and picked up at the start and end of terms. At previous meetings of the Planning Committee, Members shared these concerns leading to the deferral of the application. Subsequently, a revised scheme has been provided showing four parallel parking spaces within the boundary of the application site, which are 6 metres in length and 2.5 metres in width and meet the required highways parking spacing standards. In order to achieve these four parking spaces within the boundary of the application site, the footprint of the building has been modified at its eastern end with the laundry room and stairwell being adjusted. The provision of four bays is comparable to that of the extant 2016 permission and, combined with a management plan for phased drop-offs and pick-ups, should enable students to reasonably move belongings without adversely affecting the free movement of traffic along Crescent Road.

53. As these parking bays are intended for drop-offs and pick-ups only, there are no dedicated car parking spaces associated with the development, with the proposals seeking to emphasise sustainable transport measures. Whilst the scheme is proposed to be car free, the measures to prevent students from bringing vehicles to the site are considered significantly underprovided. A one-for-one provision of cycle parking may have given some comfort to Officers that alternative transport measures have been adequately provided. The apparent under-provision of cycle parking has already been discussed earlier in the report and considered unacceptable.
54. In terms of servicing, access to the front of the development is limited to pedestrian access only and is over private land, which is not public highway. Although the land is a park and owned by the authority, this park could be fenced in the future (for security reasons as an example). Rear access is available from Crescent Road via a rear alley, which is around 3 metres in width. Alleygates have been installed due to historic issues relating to fly tipping, crime and anti-social behaviour. The development could be viewed as helping to remove these issues through improved surveillance in the area, although future management would need to manage access on foot.
55. At the December meeting of the Planning Committee, Officers brought the issue of the alley gates to the attention of Members. It would seem that alley gates have been installed within the alleyway without the prior consent or required legal mechanisms of the authority. Whilst this may not be a Planning matter, there are no legal rights to undertake this work, as it affects the Council's assets. This has been brought to the applicant's attention.
56. Officers initially expressed concerns for the waste storage provision, as sufficient information was not provided on the arrangements for the storage and collection of waste from the proposals. The revised drawings show two proposed waste stores with capacity for ten Eurostyle bins. In addition, roller shutter-style doors have been introduced on the rear elevation to enable bins to be taken out into the alleyway for collection. It is the intention for refuse collections to be undertaken by a private contractor up to two times a week.
57. Given the narrow width of the lane, it is considered unsuitable for a refuse vehicle to enter the site or for crews to work practically at the vehicle. The 90-degree bend at the eastern end of the alleyway also means it is unlikely that a refuse vehicle could leave in a forward gear. No vehicular tracking has been submitted that would inform the local authority that the necessary vehicles could make safe access and egress. It is likely that waste bins would have to be put out onto Crescent Road for collection or for the refuse collection vehicle to reverse into the alleyway.
58. Mindful of the above, the building management would be responsible for ensuring the refuse and recycling receptacles are made available for collection from the nearest adopted highway and then removed from the highway after collection. However, it is noted that the refuse store for the development is located approximately 75 metres from the public highway, which would be greatly in excess of the acceptable measurement of 20 metres from the public highway.
59. The consequences of the above are that servicing is likely to take place on Crescent Road with servicing traffic waiting at the entrance to the alley. In turn, refuse bins would need to be brought to the refuse vehicle in anticipation of its arrival resulting in these bins being stood (potentially for extended periods of time) on the public highway. Such activities would, again, take place within the context of a highly constrained highway environment where there are high competing demands for limited car parking, limited carriageway width and adjacent to a school. As such, these arrangements would lead

to obstruction of the highway, be detrimental to the free flow of traffic and present a highway safety issue, particularly for vulnerable highway users such as pedestrians (including parents and young children walking to school). This is contrary to the NPPF (paragraphs 110 and 112) and Core Strategy Policy DC1 (General Development)'

Nutrients Neutrality Assessment

60. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (SPA) (and Ramsar Site) 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 that 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 has the ability to exacerbate this impact. Natural England has advised that only development featuring overnight accommodation (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 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 to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the Planning Authority need to determine applications whilst taking into account all relevant material planning considerations.
61. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area, which is considered '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.
62. In-scope development generally includes, but is not limited to, new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). 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.
63. Mindful of the extant and commenced permission – which is for a similar scale of residential accommodation and could be completed at any time – the current application is considered to be in scope but has no additional impact to the extant scheme.

Conclusion

64. The extant planning permission for student accommodation at the site, is for a part-two, part-three storey building for 72 bedrooms. Pre-commencement conditions were discharged and groundworks commenced, although no construction work followed. The development hereby proposed seeks to increase the height and layout of the previously approved scheme and essentially intensify the proposed use.
65. The principle of student accommodation at the site is acceptable mindful of the extant planning permission as well as the site being within a residential area on an unallocated site. In addition, it is considered that the residential amenity levels for future students within the development would be largely acceptable, with the floorspace for the bedrooms and communal spaces sizes meeting technical standards.

66. Whilst the principle of development and future living conditions are accepted, it has been reported that the proposed four-storey height would be at odds with the immediate surrounds and contrary to the local context. The four-storeys with the associated bulky scale are deemed to dominate the traditional terrace houses immediately to the south as well as the adjacent Sunday School building. The development has also been assessed as risking dominating vistas to and from Ayresome Gardens.
67. The submitted drawings inform Officers that the main elevations would constitute a red heritage brick, although a full set of materials that are deemed to be suitable for the setting have not been provided. In which case, it is concluded that the proposed development would not make a positive contribution to the conservation area as required by both local and national planning policy. The development is considered to lack any significant public benefit and fails to complement the heritage assets.
68. The proximity of the development to the terraced properties to the south would, as a minimum, result in the perception of overlooking upon the rear elevations and garden spaces of a number of dwellings. The arrangement is deemed to be materially harmful to the living conditions of the nearby residential occupiers.
69. Although the development is proposed as being car-free, the measures to prevent students from bringing vehicles to the site are considered to be under-provided. General issues of refuse collections and servicing have also been analysed as resulting in likely harmful impacts on the surrounding highway network, whilst cycle stores are spread out including on the upper floors, likely to limit their use within this zero parking scheme.
70. The development is therefore considered to be in conflict with local policies DC1 (b) and (c), CS4(k), CS5(a) and (h), as well as the requirements of the National Planning Policy Framework, and the Officer recommendation is for refusal.

RECOMMENDATIONS AND CONDITIONS

Refuse for the reasons below.

Reason for Refusal 1

In the opinion of the Local Planning Authority, the proposed development would be significantly harmful to the living conditions of the residential occupiers of the terraced houses to the south along Crescent Road. This is owing to the proximity of the proposed development, the four-storey height in particular, to the rear elevations and gardens of the dwellings along Crescent Road. This would be contrary to the aims of local policy DC1(c).

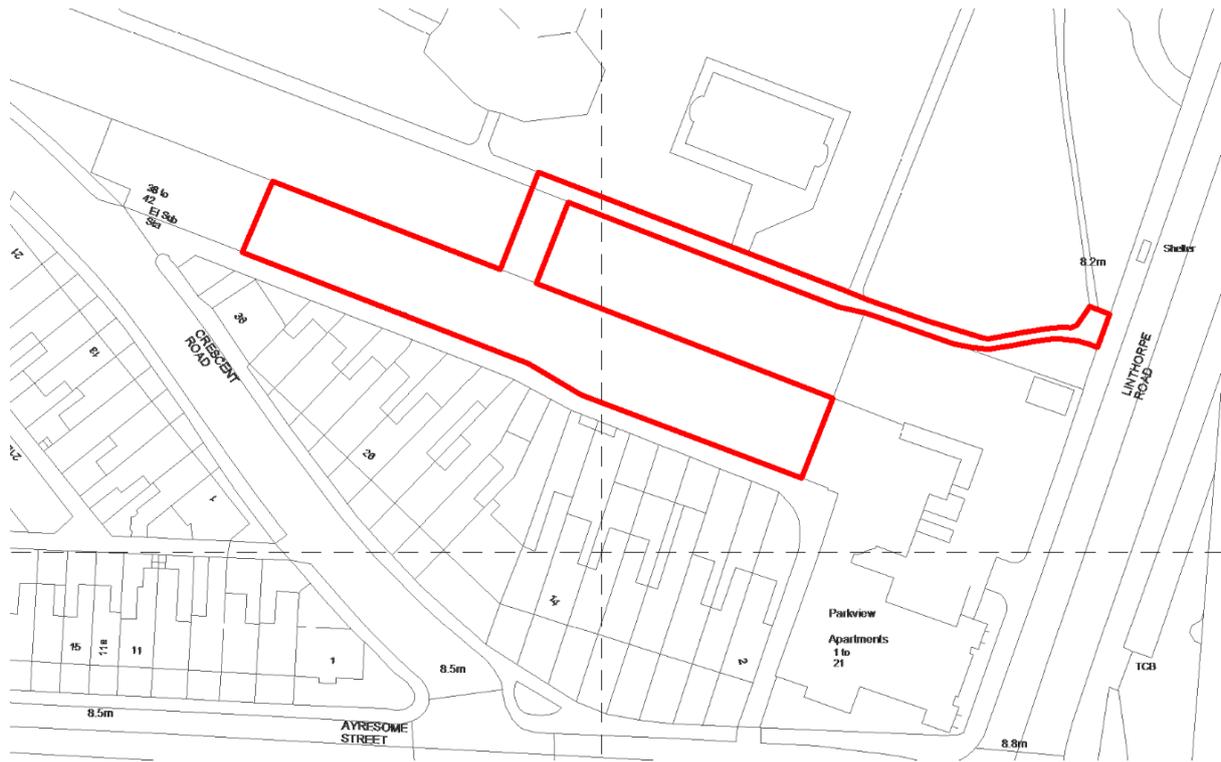
Reason for Refusal 2

In the opinion of the Local Planning Authority, the lack of adequate parking and servicing arrangements will lead to a displacement of such activities onto the adjacent public highway. The surrounding public highway is considered to be highly constrained in terms of width and parking demands and the impact of these activities onto the public highway will interfere with the free flow of traffic along Crescent Road, obstruction of the highway and will be detrimental to highway safety. This is contrary to the NPPF (Paragraphs 110 and 112) and Core Strategy Policy DC1 (General Development).

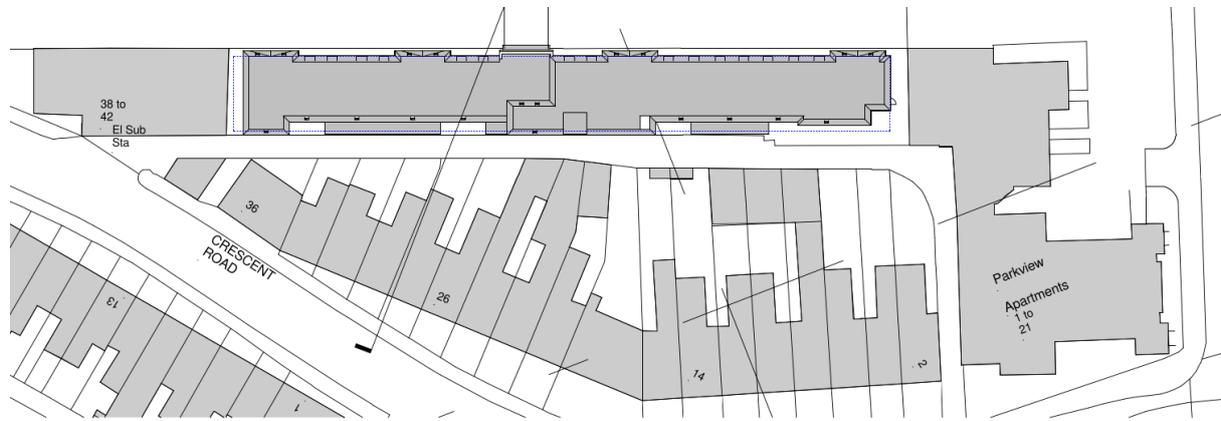
Reason for Refusal 3

In the opinion of the Local Planning Authority, the proposed development by virtue of its size, design and appearance would adversely affect the character and appearance of the Albert Park and Linthorpe Road Conservation Area, with particular reference to but not exclusively, in relation to the traditional terraced properties immediate south of the site. In the absence of any significant public benefit, it is considered that the proposals would not complement any nearby heritage assets within Conservation Area and would fail to satisfy the requirements of paragraphs 194, 197, 199, 200 and 202 of the NPPF and local policies DC1, CS4 and CS5.

Appendix A: Location Plan



Appendix B: Proposed Site Plan



Appendix C: Proposed Front and Rear Elevations

① Proposed Front Elevation (Ayrsonne Gardens)



② Proposed Rear Elevation (Back Crescent Lane)

