

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 22 July 2022.

**PRESENT:** Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, B Cooper, C Dodds, J McTigue, M Nugent, J Rostron, J Thompson and G Wilson

**ALSO IN ATTENDANCE:** S Bloomfield, M Bowe, S Chambers, Councillor C Cooke, Councillor T Furness, D Lambert and K Lockwood

**OFFICERS:** P Clarke, C Cunningham, A Glossop, G Moore and S Thompson

22/1 **DECLARATIONS OF INTEREST**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor B Cooper	Non-Pecuniary	Agenda Item 5, Item 1 - Land Adjacent to Ayresome Gardens, Ward Councillor
Councillor J Hobson	Non-Pecuniary	Agenda Item 5, Item 3 - 25 Harrow Road, relative lives in close proximity to the application site
Councillor J Rostron	Non-Pecuniary	Agenda Item 5, Item 4 - 16 Queens Road, Ward Councillor
Councillor J Thompson	Non-Pecuniary	Agenda Item 5, Item 1 - Land Adjacent to Ayresome Gardens, acquaintance of Applicant

22/2 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 11 MARCH 2022**

The minutes of the meeting of the Planning and Development Committee held on 11 March 2022 were submitted and approved as a correct record.

22/3 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

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

**20/0374/FUL Erection of part-three, part-four storey residential building comprising 72no. beds for student accommodation (sui generis) at Land adjacent to Ayresome Gardens, Middlesbrough, TS1 4QN for Mr S Chambers**

The above application had been identified as requiring a site visit by members of the Planning and Development Committee. Accordingly, a site visit had been held on the morning prior to the meeting.

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Head of Planning advised that the application had been submitted for consideration to the Planning and Development Committee, on two previous occasions, and was subsequently deferred. Members were therefore advised that it was important that a decision was made in respect of the application. The committee was also advised that Councillor Cooper, in his capacity as Ward Councillor, had previously submitted an objection in respect of the application, which he had now subsequently withdrawn.

The Council's Solicitor explained that the committee had previously deferred the application to seek further information on the access to the site, the trees and the car parking. It was clarified that Ayresome Gardens was public open space, meaning that the public could cross it

for recreational purposes (e.g. walking, cycling, running etc.). If the building was constructed, the public could use Ayresome Gardens to access it. If approval was granted, planning permission did not provide an unequivocal right to utilise Ayresome Gardens for the purpose of constructing the building, for instance parking construction vehicles and storing building materials. Ultimately, the use of the land to construct the building could result in the public right of way being obstructed or diverted.

The Development Control Manager advised that the application was first taken to the committee meeting in December 2021, and then subsequently in March 2022 and confirmed the reason for deferral.

The scheme, since its initial submission, had 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 had also taken place in relation to access to the site and removal of trees within the adjacent Ayresome Gardens.

The application site had been granted planning permission for a similar use in 2016. Through planning permission, consent had been 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 had not been constructed, pre-commencement conditions had been discharged and groundworks commenced, meaning the 2016 permission had a technical commencement and was extant, and could be built out any time. The main differences between the approved development and the current application were considered to be the four-storey element of the proposal and some aspects of the general design/layout of the scheme.

The application site was 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.

If Members were minded to approve the application, in order to ensure access to construct the building, a legal agreement (a Section 106 agreement) would need to be entered into between the Council and the Applicant. It was also advised that adequate commencement conditions would also need to be applied to prevent the proposed building being constructed without access.

Members were shown several images displaying the location of the site, its boundaries and indicative artist impressions of the proposed building. Images demonstrating comparisons between the proposed development and the extant scheme were also displayed.

The officer recommendation was to refuse for the following reasons:

1. 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. Members were advised that the proposed four-storey height was considered to be at odds with the immediate surrounds, which were all of a lower height. The separation distances proposed were considered to be too short given the scale of the development, which would result in significant harm to the living conditions of existing residents on Crescent Road.
2. The lack of adequate parking and servicing arrangements would lead to a displacement of such activities onto the adjacent public highway. Subsequently, a revised scheme had been provided showing four parallel parking spaces within the boundary of the application site. The provision of four bays was 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. However, it was outlined that, since 2016, the Linthorpe Road Cycleway Scheme was now being implemented, meaning that all parking bays along Linthorpe Road were to be removed. The surrounding public highway was considered to be highly constrained in terms of width and parking demands and the impact of those activities onto the public highway would interfere with the free flow of traffic along Crescent Road. It would also obstruct the highway and would be detrimental to highway safety. General issues of refuse collections and servicing had also been analysed as resulting in likely harmful

- impacts on the surrounding highway network. Cycle stores were spread out (including on the upper floors), which would likely limit their use within the zero parking scheme.
3. 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.

The Development Control Manager explained the considerations about each reason for refusal and advised that the vehicle parking arrangements were now the same as those subject of the previously approved scheme. Although it was highlighted that the removal of on street parking associated with Linthorpe Road, following the implementation of the Linthorpe Road Cycle Scheme, was a difference of circumstances since the approval of the initial application in 2016.

Members were advised that discussions had also taken place in relation to the access to the site and removal of trees within the adjacent Ayresome Gardens. 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 that, a Section 106 agreement would need to be entered into between the Council and the Applicant. The Development Control Manager advised that, should committee be minded to approve the scheme, the Applicant had agreed to enter into a S106 agreement.

The Applicant was elected to address the committee, in support of the application.

In summary, the Applicant advised:

- The development was of a high-quality design.
- The previous extant permission did not have a Heritage and Conservation Statement, the current proposal did, which evidenced the building's contribution to the character and appearance of the area.
- The proposal planned to provide 57 cycle stores, which was in excess of the 36 that were required.
- The bin area had been redesigned and now had capacity for ten Eurostyle bins and a full waste disposal management plan had been provided.
- In respect of the parking spaces, a traffic management company had been employed to provide a management plan for phased drop-offs and pick-ups. Essentially, students would book a time slot to enable them to access a space.
- Ayresome Gardens was a permanent open space, which could never be fenced off.
- The Council's Lawyer had confirmed that Ayresome Gardens was public open space.
- As requested, trees adjacent to the northern boundary would be removed and 108 trees would be planted.
- Every property that backed on to the proposed site (residents and businesses) had seen the new design of the building and had submitted letters of support.

In response, the Council's Solicitor confirmed that Ayresome Gardens was public open space, however, as previously mentioned, to ensure access to construct the building, a legal agreement would be required.

The Head of Planning advised that although a Heritage and Conservation Statement had been produced on behalf of the Applicant, in support of the scheme, it was not to say that the statement had been endorsed by officers.

Ward Councillors were elected to address the committee, in support of the application.

In summary, the Ward Councillors commented:

- There was a need for the site, located in Newport Ward, to be improved for the local community.
- The area had been an absolute disgrace over recent years and an eyesore.
- The proposed scheme was an excellent planning proposal, which would massively improve the area.
- The Applicant had:
  - reduced number of bed spaces from 74 down to 72, which reflected the extant

- permission;
  - submitted an improved design, which was compliant with feedback/recommendations from previous meetings;
  - submitted a scheme that had been designed to mirror the Temple apartments, located next door;
  - re-designed the parking to match the original plans;
  - provided a management plan for drop off and pick up points;
  - increased the number of bins and produced a full waste disposal management plan;
  - contacted the Council's legal department to ensure the site could be accessed via Ayresome Gardens and that had been confirmed; and
  - agreed to remove trees and fund replanting for over 100 trees.
- The Applicant had submitted a revised scheme that was completely compliant with the Council's recommendations and suggestions and in keeping with the area improvement plan.
  - Other sites in the locality had identical vehicular access to the rear, along the alleyway.
  - In respect of the front access, via Ayresome Gardens, Ayresome Primary School utilised that access.
  - The proposed scheme aimed to change the purpose of Newport, enabling it to become a student friendly ward by providing good quality student accommodation.
  - From analysing national data, the students residing in the proposed building alone would spend over £300,000 per year boosting the local economy.
  - The area was currently derelict and incidents of anti-social behaviour had been reported.
  - The proposed scheme would improve the safety of the area.

Committee Members expressed concern in respect of inadequate access, given the single carriageway and limited carriageway width.

A Member raised a query in respect of the access that would be provided to the building via Ayresome Gardens.

The Ward Councillor commented that Ayresome Primary School had a student population of 757 pupils, who all accessed the school via Ayresome Gardens. Therefore, the impact of the proposed development would be minimal.

The Head of Planning advised that if approval was granted by the committee, the introduction of a path to access the building would be part of that approval. However, to undertake the works for the path, the Applicant would still require legal permission from the Council as the land owner. The planning permission and permission to introduce a path were entirely separate from one another. The Development Control Manager advised that the issue could be reasonably dealt with by applying a condition to the application, which prevented works being undertaken until legal permission had been granted by the land owner.

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

**21/0674/FUL Alteration/extension to existing fence line at South Lodge, Acklam Road, Middlesbrough, TS5 7HD for Mr M Cuzmics**

The above application had been identified as requiring a site visit by members of the Planning and Development Committee. Accordingly, a site visit had been held on the morning prior to the meeting.

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that the purpose of the application was to seek planning approval to alter the existing fence line at the side of the property, enclosing part of the Applicant's own land but reducing part of an area of hardstanding used for parking by residents.

The application site was South Lodge, a detached property which was located off Acklam

Road. The property was located to the north of Acklam Road, its three neighbours (two storey terraced cottages) sat to the east of the site and were separated by the existing private access road that served the properties.

Formal objections had been received from the three users of the lane, stressing their concerns and how parking was already limited and how the proposal would intensify the matter.

Residents had also raised concerns regarding a hairdressing business that was being ran from part of the Applicant's garage, without planning approval. However, the Development Control Manager advised that planning approval was not always required to work or run a business from home provided the operation was small scale, any impacts were minimal and that the property would be still used mainly as a private residence.

The application planned to replace the existing fence to the side of the property, which sat adjacent to the private access road. As part of those works, the Applicant was also proposing to alter the existing fence line by stepping it out 4.4m x 3.7m so that it aligned with the wall of the Applicant's triple garage (as indicated on the submitted plan included at Appendix B).

Members were advised that the Title Plan for the property had been sought from Land Registry, confirming the correct boundary. The land was within the Applicant's red line boundary.

The proposal had been assessed and it was the officers' view that the proposal would not have any notable detrimental impact on the character of the area or the amenity of nearby neighbours.

A Member queried the ownership of the access road. In response, the Development Control Manager advised that the access road was privately owned, as such any parking issues would be a civil matter. It was added that should there be any future parking issues caused by customers of a business operating from the property, which did not have the benefit of planning permission, then the Council's Planning Enforcement Team would need to determine whether operating the hairdressing business from the site required planning permission.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report.

**22/0272/COU Change of use from C3 Dwelling to C2 (Children's Home) at 25, Harrow Road, Middlesbrough, TS5 5NT for Mr Mannion**

The above application had been identified as requiring a site visit by members of the Planning and Development Committee. Accordingly, a site visit had been held on the morning prior to the meeting.

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that planning permission was sought for the change of use of 25 Harrow Road from a dwellinghouse (C3 use) to a children's home (C2 use). The application was for a residential use in a residential area.

The proposed children's home planned to provide accommodation for a maximum of three children between the ages of 8 and 18 years and there would be 24 hour adult support provided on a shift basis.

It was advised that the day-to-day staff cover within the building would comprise:

- a manager and deputy manager on site between 9am and 5pm Monday to Friday;
- a 3 further members of staff on duty each day with 2 of those staff members staying for 24 hour long shifts starting at 10am one day and finishing 10.30am the following day; and
- a third member of staff would be on duty between 5pm and 10pm once the manager and the deputy manager left.

Members heard that staff changeover would take place between 10am and 10.30am and at that point there would be a maximum of 4 staff members and 2 managers on the site for a 30 minute period.

The application site was a four bedroomed detached property located within a predominately residential area of Linthorpe. The majority of the front and rear garden area was hard standing.

The committee was advised that the proposal would not result in any external changes to the property. The internal layout was shown as providing a living room, dining room, kitchen, study, staff bedroom and shower room on the ground floor and three bedrooms, separate bathroom and staff bedroom/office and en-suite on the first floor.

Members heard that the levels of incutillage parking provision within the site itself would mean no additional on-street parking or potential highway safety issues.

Following the consultation process there had been 7 letters of objection received. The objections related to highway and parking issues, noise and disturbance, business use in a residential area and impact on character, privacy and amenity, anti-social behaviour, devaluation of properties, lack of consultation and the fact the decision had already been made.

The Development Control Manager advised that anti-social behaviour was not a material planning consideration, as it was the actions of an individual. What was important to consider, however, was whether the scale of the proposed children's home would make it out of keeping with the character of the local area. In that instance, three children residing at the property was considered to not be particularly uncommon. The scale of the occupation of the property would not give rise to undue impacts on the surrounding area. Therefore, the officer recommendation was to approve the application, subject to conditions.

A discussion ensued and Members were in agreement that the proposed change of use would not have a significant impact on the amenity of the neighbouring properties and would not result in a significant impact on highway safety.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report.

**22/0306/COU Change of use from 3no. flats to 5 bed HMO at 16 Queens Road, Middlesbrough, TS5 6EE for Mr E Duardo and Ms K Lockwood**

The above application had been identified as requiring a site visit by members of the Planning and Development Committee. Accordingly, a site visit had been held on the morning prior to the meeting.

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The application sought planning approval to convert the property from 3 flats to a 5 bed house in multiple occupation (HMO). No external changes were proposed.

Existing plans indicated that the last use of the property was three flats. Whilst planning approval was never sought for the conversion to 3 flats, from a single dwelling, Council Tax records indicated that the property had been used as flats since 2006. As that change of use was made more than 10 years ago, albeit unauthorised, that was considered to be the established use.

The application site was a two storey, end terraced property, situated to the southern side of Queens Road in Linthorpe, in what was a predominately residential area. The property had a small frontage with access down the side, with a small yard at the rear. Members heard that the proposal would comprise five bedrooms each with their own en-suite, two to the ground floor and three on the first floor. A shared kitchen/diner and utility room at the rear and shared lounge to the front which would be available for use by all the residents occupying the property. The property also had outdoor amenity space at the rear. There was a communal

route from the front doorway to the back of the house.

The proposal had initially shown the communal lounge at the front of the property as an additional bedroom. However, the Council's Interim Policy on Conversion and Sub-Division of Buildings for Residential Use stated that it was not best practice to have rooms at ground floor level, close to the highway. Following advice from officers, the Applicant amended the proposed scheme and reduced the number of bedrooms from 6 to 5.

It was considered that the proposed use would be consistent with the residential uses of Queens Road, and the wider area, and it would not be detrimental to any adjoining or surrounding properties. The property was in a sustainable location, close to amenities. The development also included adequate cycle and bin store provisions. A suitably worded condition would ensure that secure cycle parking facilities were provided.

The Transport Development Engineer explained that the flats were currently relatively small, so you were possibly looking at three individuals in total (one in each flat) and the HMO would result in 5 individuals occupying the property. Therefore, there would be an intensification of use at that property, resulting in an increased demand for on-street parking. Present demand for the limited available on-street parking in the vicinity of the site was high with unmanaged parking already seen. It was considered that the additional demand for parking that would be generated by the development could not be accommodated within the public highway, without being detrimental to highway safety, free flow of traffic or residential amenity.

The Development Control Manager advised that although an objection had been received from the Highways Authority, from a planning perspective the recommendation was to approve the application, subject to standard conditions.

In response to a Member's query, the Head of Planning advised that internal works could be undertaken without the need for planning consent. No planning laws had been breached. The application referred to the use of the property, therefore, consent would only be required when individuals were occupying the property.

A discussion ensued and Members expressed concerns in respect of the current high demand for limited on-street parking and commented that the proposal would exacerbate problems already in existence.

The Applicant was elected to address the committee in support of the application.

In summary, the Applicant acknowledged that there was a demand for on-street parking. The current use of the property was three flats (an average of 2.2 people per flat as detailed in the officer's report) and the 5 bed HMO proposal was for 5 people and as such would have a lesser number of people residing there (potentially) at any one time. It was added that:

- the proposal was a single occupancy 5 bedroom HMO;
- cycle storage was provided at the rear of the property to encourage cycle usage;
- there were strong public transport links, local shops were a 5 minute walk away and the university a 17 minute walk;

The Applicant advised that in respect of tenant selection, in-depth reference checks and a tenancy agreement would ensure there was zero tolerance to anti-social behaviour. Once signed, if conditions were breached, a section 8 eviction notice would be issued.

The Applicant advised that, locally, there was a need for high-quality, low cost HMOs that were well managed.

An Objector was elected to address the committee in objection to the application.

Supporting documentation was tabled at the meeting.

In summary, the Objector explained:

- If approval was granted, occupancy levels would rise.
- The views and feedback received from the Highways Authority had been dismissed.
- You cannot enforce occupancy levels with a tenancy agreement.

- There would be an increase in demand for parking from occupants, visitors and delivery services.
- The increase in demand for parking after 6pm had already resulted in cars being parked illegally.
- HMOs were already located nearby on Roman Road and Devonshire Road and tenants had been known for anti-social behaviour, littering and parking illegally.
- There had been 42 neighbour objections received, along with 3 objections from elected members.
- At 16 Queens Road there had been an absent landlord, chaotic tenants and the quality of life for residents on Queens Road had been severely affected.
- The unauthorised development was now being used to justify permission for a HMO, with inaccurate comparisons.
- The local community planned to undertake work to ensure that article 4 restrictions were applied to the Linthorpe area, as HMOs were already having a detrimental impact on the quality of life for residents.

The Head of Planning advised that occupancy levels referenced by the Applicant of 2.2 referred to nutrient neutrality. The Council had commissioned consultants to research population figures and occupancy rates and until that work was completed, the average figure of 2.2 per property had to be applied. For a HMO, it was intended that one person would occupy each bedroom. Therefore, the three flats had a potential of occupying 6.6 residents and the HMO was 5. Therefore, in terms of nutrient neutrality, the proposed development would have a lesser impact.

A Ward Councillor was elected to address the committee, in objection to the application.

In summary, the Ward Councillor explained:

- Given the fly-tipping and littering that was associated with the HMO nearby, 1 refuse bin and 1 recycling bin for the whole property was not sufficient.
- The demand for parking was already significant and the proposal would further exacerbate existing parking problems.
- HMOs normally had short tenancy agreements and that had the potential to add to the loss of community from an already transient rental population in the area.
- Granting approval for the proposal would set a precedent for further such applications, which would have a detrimental impact on the area.
- Andy McDonald MP and Mayor Andy Preston had both submitted objections to the application.

A Member commented that an application had never been submitted to the committee to request approval to convert the property into flats. It was added that similar objections would have undoubtedly been received if the correct procedure had been followed.

A Member advised that Queens Road offered family accommodation, with 4 schools in close proximity. Therefore, the short-term, transient renters associated with HMOs would potentially have a detrimental impact on the character of the area, causing a strain on local services (including the refuse collection service) and an increase in demand for on-street parking.

A Member commented that there was a need for HMOs. However, given the present demand for on-street parking on Queens Road, the proposal could have a detrimental impact on highway safety and residential amenity by creating an additional demand for parking.

A Member commented that the proposal was contrary to the National Planning Policy Framework and Core Strategy Policy DC1 (General Development). It was also commented that the proposal would negatively impact on the character of the area and residential amenity.

**ORDERED** that the application be **Refused** for the reasons outlined below:

***In the opinion of the Local Planning Authority the proposal would result in increased demand for parking in an area where there was no off street parking provisions and where on street demand was already high thereby resulting in an adverse effect on the freeflow of traffic in the area and an adverse impact on the character of the area,***



***contrary to Local Plan Policy DC1 & CS5 (c & f) and the NPPF (para's 104e, 105, 111 & 112c).***

22/4

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

#### **Notifications and Reporting**

The Head of Planning explained that work was being undertaken to produce lists of delegated decisions for future meetings of the Planning and Development Committee.

The Head of Planning advised that a new planning portal had been implemented and technical issues had been encountered with notifications and reporting. It was explained that the weekly list of planning applications, which was previously emailed to all Councillors, was currently unavailable in the format previously provided. A solution to reintroduce a weekly emails was currently being explored. In the meantime, Members were still able to access the weekly lists via the portal and Members would continue to receive notification of applications once interested parties were consulted.

**NOTED**