

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 6 November 2020.

**PRESENT:** Councillors J Hobson (Chair), D J Branson, D P Coupe, C Dodds, L Garvey, M Nugent, J Platt, J Rostron, J Thompson and G Wilson

**ALSO IN ATTENDANCE:** A Bircham, D Carlisle, C Henderson, Councillor C Hobson, R Towers and A Walker

**OFFICERS:** P Clarke, A Glossop, E Loughran, C Lunn, D Johnson and G Moore

**DECLARATIONS OF INTERESTS**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor D Coupe	Non-Pecuniary	Agenda Item 5, Item 2 - Ward Councillor
Councillor J Hobson	Non-Pecuniary	Agenda Item 5, Items 3 and 4 - Ward Councillor

1 **WELCOME AND INTRODUCTION**2 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 2 OCTOBER 2020**

The minutes of the previous meeting of the Planning and Development Committee, held on 2 October 2020, were submitted and approved as a correct record.

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.

**SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS**

**ORDERED** that, in accordance with Council Procedure Rule No 5, the committee agreed to vary the order of business.

**ORDERED** that the following applications be determined as shown:

**20/0528/FUL Single storey extension to side and rear (with partial conversion of the roofspace), and dormer windows to front (demolition of existing garage) at 7 Claremont Drive, Middlesbrough, TS7 8ND for Mr and Mrs Rae**

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 application was seeking planning permission for single storey extensions to the side and rear of the dwelling house (with partial conversion of the roof space), and dormer windows to the front.

Members heard that the application site was a single storey, detached dwelling on the north side of Claremont Drive. The surrounding area was characterised by single storey dwellings set within generous plots at a low density.

The proposed scheme represented a re-submission of an application that had previously been approved (20/0293/FUL), which granted permission for a very similar development. The only differing elements sought for consent under the current application were the gabled roof design to the side extension and the front dormer window within it. The single storey extension to the rear and front dormer window on the left side of the property, as well as the principle of

a single storey extension on the proposed footprint, had already been considered and approved under the earlier application. The previously approved scheme had not received any objections, therefore, it had been determined under the officer delegation scheme. However, the revised scheme had received three objections, therefore there was a requirement for the Planning and Development Committee to consider the application.

It was advised that the proposed extension to the side of the property would be 4.8 metres in width and 8.1 metres in depth. It was added that the proposed roof would be gabled, with the ridge and eaves levels matching the host dwelling.

In terms of the extension to the rear, that would be 3.0 metre in length, 4.5 metres in width and would incorporate a steep roof to enable the part conversion of the roof space.

The two dormer windows to front would be the same size, measuring 2.2 metres across, 1.1 metres in height to their eaves and each featuring a pitched roof design.

The application had been subject to the standard notification of neighbouring properties and three objections had been received. The details of the objections had been included in the submitted report, for Members' consideration. The objections related to the scale, design and impact of the scheme.

Essentially, the application sought to alter the roof design of the side extension, as previously approved, from a hip to a gable and to introduce a dormer window in the front roof plane of the extension. Although forming part of the current application, the rear extension and dormer window on the left hand side of the front elevation already benefitted from planning permission, which had been granted as part of the previous application.

The Development Control Manager advised that it was considered that the alterations sought by the current application would not harm the residential amenities of the immediate neighbouring property nor the character and appearance of the local area. The impacts of the gabled roof design were not harmful to any primary room window and complemented the existing roof styles of the surrounding area.

The officer recommendation was to approve the application, subject to conditions.

In response to a Member's query, the Development Control Manager advised that although the majority of properties in the area were bungalows, a few had extended into the loft space and had hip roof designs.

An Objector was elected to address the committee.

In summary, the Objector commented:

- That the proposed development was out of character, in terms of its appearance, compared with existing developments within the area.
- There had been no objection to the initial application that proposed a hipped roof design, however, a gable roof would impact on the neighbouring property by being visually intrusive, overbearing, and causing loss of light.
- The estate was built so that each bungalow had a flat garage roof next to the neighbouring property, which had a first-floor window. That maintained the amenity and privacy of adjoining properties and provided the impression of space between dwellings.
- That paragraph 10 of the submitted report stated that the previously approved application included a hipped roof over the extension to the side, which was not a typical design feature within the estate, however, 3 and 5 Claremont Drive both had hipped roofs. The report also stated that the hipped roof design had been initially proposed to lessen the potential impact on the neighbouring property.
- The proposed plans did not respect the local context or street pattern and would be out of character for the area, to the detriment of the local amenity.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor stated that the application was contrary to the Marton West Neighbourhood Plan, commenting that:

- Point 73 of the plan stated that dormer bungalows should be kept to a minimum to ensure that they did not over dominate or overtake the roof space. Three dormer windows was excessive and it would make the bungalow into a house.
- Point 75 of the plan stated that all extensions or modifications to existing premises would continue to reflect the original building style and materials
- Point 76 of the plan stated that additions to premises would reflect the style of the original building and not significantly change form, bulk or general design or harm its landscape character.
- Policy MW5 required alterations and extensions to residential property to reflect the scale, detailing and materials of the parent building. Specifically, the policy stated that proposals should not detract from the character of the property or neighbouring properties, not cause significant harm to the amenities of nearby properties through overlooking or overshadowing.
- Policy MW6 required new development to reflect and enhance the character of the area in terms of scale, massing, proportion, form and materials, be similar in scale and proportion to existing buildings, and not have an overbearing or detrimental impact on existing properties.

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

In summary, the Agent advised:

- The application represented a re-submission of an application that had been approved previously, with no objections. The only differing elements were the gabled roof design to the side extension and the front dormer window within it.
- The gabled roof design was an improvement to the originally approved scheme, as it was more in keeping with the host property and other properties located on Claremont Drive.
- The impacts of the gabled roof design were not harmful to any primary room window and would complement the existing roof styles of the surrounding area.
- The dormers were only small, pitched roof dormers which were considered to be in line with guidance and policy and would not be harmful to the streetscene.
- The proposals incorporated a good standard of design, harmonised well with the host property and as such would make a positive addition to the streetscene.
- There would be no significant adverse impacts on any neighbouring premises.

In response to a Member's query regarding the impact of the gabled roof design, the Agent explained that the window on the gable end of the neighbouring property was not a primary window. It was also added that the window existed because the property had been extended into the roofspace.

In response to a Member's query, the Development Control Manager advised that as the property would be extended into the roofspace, the dwelling would typically be defined as a dormer bungalow. In terms of location, it was also clarified that the gable roof design would bring the property closer in line with the neighbouring property.

A Member queried whether there were other properties located on Claremont Drive that had a side extension with a gable roof design. The Development Control Manager advised that a small number of properties had a side extension, and examples known included a hip and a set back gable, with the first half being a flat and then a pitched gable roof towards the rear half of the property. It was added that there were no side extensions with full gable ends in the immediate vicinity.

A discussion ensued and Members commented on the detrimental impact the scale and design of the proposal would have on the character of the property, the surrounding area and the residential amenities of the adjacent property. Concerns were also expressed that the proposed scheme would be contrary to Marton West Neighbourhood Plan.

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

### **Scale and Appearance**

*In the opinion of the Local Planning Authority the proposed development is out of character with the surrounding built form as it would result in the closing of a characteristic gap between properties at first floor level which is largely unaltered elsewhere in the street scene and which is considered to be a particularly positive characteristic of the street scene and wider estate. The closing of the gap and extent of extension to the roof will result in a property which notably dominates the other modest bungalows within the street. The proposed development would therefore be contrary to the Marton West Neighbourhood Plan Policy MW5 which requires extensions to reflect the scale of the parent building, not detract from the character of the property or its neighbours, set back extensions to avoid lineation and which requires dormers to be set below the ridge line and not overtake the roofscape. The proposal is also considered to be contrary to Local Plan Policy DC1(b) in relation to its appearance and scale.*

### **Overbearing on Amenity**

*In the opinion of the Local Planning Authority, the proposed extension would be excessively close to a bedroom window within the side gable of the adjacent property and would, as a result, negatively affect the amenities of that property due to it having an overbearing impact, contrary to Local Plan Policy DC1(c) and MW5(b).*

### **20/0385/FUL Conversion of care home to 3no detached dwellings and erection of 2no detached dwellings at West Moor View, Dixons Bank, Middlesbrough TS7 8PA for Mr and Mrs Daniels**

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 site was the former West Moor View nursing home and grounds which included West Moor House (a non-designated heritage asset) and its former extensions. Planning permission was sought for the conversion of the existing building (former house and extensions) into three separate dwellings and the construction of two new dwellings with associated parking and landscaping.

The site was located on the west side of Dixons Bank, south of the junction with Stainton Way. There was a mix of modern and traditional housing in the near vicinity with properties being typically detached with relatively generous plots.

West Moor House, located on the site, had been extended in the 1980's and operated until recently as a nursing home. There was driveway with parking and a large sunken garden to the front of the property. There were four protected trees at the site with significant landscaping to the north east, south east and south west boundaries of the property.

The scheme proposed to create five dwellings on the site. It was advised that the existing nursing home would be split into 3 dwellings by removing the link corridor between the original property and the extension and by demolishing the central link section of the extended part of the property. West Moor House would yet again become a single dwelling and the extension would become two detached dwellings. In addition, two new, two and a half storey dwellings were proposed in the garden area to the front of the existing building. Original plans submitted with the application indicated that the protected trees within the site would be removed as part of the scheme. That element of the proposal had now been changed and the protected trees were to remain.

The development would be accessed from the existing access from Dixons Bank. The existing junction was to be used, it was set back from the highway and footpath where good visibility could be achieved.

There were no changes to the existing buildings that were to be converted that would result in overshadowing or overbearing view. In respect of privacy distances, there was no change over the current situation in respect of the relationship of windows to nearby properties.

The design of the two new dwellings was modern in appearance with a reference to the existing dwellings on site, with double storey bay windows and the proportion of other windows. The proposed dwellings were of a similar proportion in terms of foot print to the two dwellings that were the extension to the nursing home.

In respect of the impact of the proposed new properties, there was a minimum distance of at least 24m between the existing building to the front and 34m to properties to the rear on St Cuthberts Drive. In view of that distance, it was considered that there would be no significant impact on the amenity of nearby residents in terms of overbearing appearance, overshadowing or loss of privacy.

In terms of heritage, the application property, which was formerly known as West Moor House was a non-designated heritage asset. There were no designated heritage assets within the site and in the immediate surrounding area. However, West Moor View care home (former West Moor House), as a traditional building of status on the Historic Environment Record (HER), could be considered a 'non-designated' heritage asset. However, it carried less weight than if it were designated heritage, such as a Listed Building.

Paragraph 197 of the National Planning Policy Framework (NPPF) stated that:

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

It had been determined that the proposal should sustain the significance of West Moor House, as a non-designated heritage asset, as it would return it to its original use.

Following the consultation exercise, 27 letters of objection had been received. Concerns were raised regarding the principle of the development, the need for housing, capacity of the local infrastructure and loss of trees and green space. The full list of objectors and issues raised were set out at Appendix 1 of the submitted report.

The proposal planned to retain the protected trees and much of the existing landscaping around the boundary of the site, which provided a range of habitats for urban wildlife. The scheme would result in the loss of an expanse of lawn area but that would not have a significant effect on bio diversity assets or on the landscape character of the area.

In respect of highway safety, concerns had been raised regarding measures to improve safety at the access. The existing junction was to be used, it was set back from the highway and footpath where good visibility could be achieved. The proposed scheme, when compared to the existing use as a care home, would result in a net reduction in the number of vehicle movements associated with the site.

The proposal was considered to be acceptable in principle being in a residential area and the works to convert the existing buildings would not detract from the appearance of the host buildings. The new dwellings had been designed so that their appearance was complementary to the existing buildings on the site and so that they would not have a detrimental impact on the amenity of any nearby resident. The design and layout of the proposal was in keeping with the character of the area. It was also advised that the proposal would not result in the loss of protected trees and would retain the significance of the non-designated heritage asset. The area of green space that would be lost was not considered to be of significant public benefit and its loss did not justify refusal of planning permission. The development would not have undue impacts on the amenity of nearby residents, future occupiers or the safe operation of the highway.

The application was therefore considered to be an acceptable form of development, fully in

accordance with the relevant policy guidance and there were no material considerations which would indicate that the development should be refused. The officer recommendation was to approve the application, subject to conditions.

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

In summary, the Agent advised:

- The initial scheme had proposed the removal of protected trees within the site. In light of the number of objections received from local residents who were opposed to the removal of the trees, and following the advice of planning officers, the scheme was amended to ensure protected trees within the site would be retained.
- Additional tree and shrub planting would take place.
- Careful consideration had been given to the number of properties that the scheme would propose. The density of the proposed development was appropriate to the location and was lower density than some of the surrounding housing estates in the locality.
- In terms of highway safety, when the site had been used as care home, approximately 50 members of staff worked there. There were three staff changes daily, there were daily visitors to the site and deliveries of supplies and medication. The site had been operating as a care home for over 30 years and there had never been any accidents or highway safety issues reported in the past. The proposal would undoubtedly decrease the number of vehicular movements associated with the site.
- As the site was a private site, the loss of green lawn would not impact on the public. In addition, the loss of lawn would not have a detrimental impact on the habitats for wildlife.
- The development was of high quality and was in keeping with the character of the area in terms of its design and layout and by re-configuring the non-designated heritage asset back into an individual dwelling, it would retain its significance.

An Objector was elected to address the committee.

In summary, the Objector advised:

- The division of the site into five unequal plots harmed the original heritage building.
- The proposed properties did not have garages, as sufficient land had not been allocated to them in the design brief.
- If the site was divided into three proportionate plots, there relevant magnitude would be more balanced.
- A shared drive was not adequate for five properties, given the size of the site, and was contrary to the Marton West Neighbourhood Plan.
- The Marton West Neighbourhood Plan stated that the loss of green space that made a positive contribution to the area should be resisted.
- There was already a surplus of executive homes in south Middlesbrough.
- In terms of highway safety, three dwellings would have less of an impact than five dwellings on the access and egress onto the three lane section of Dixons Bank, which carried up to approximately 25,000 cars per day.
- There was an issue with waste collection and a large number of bins being located at the end of the single private driveway.
- The residents of West Moor requested that the application be refused and that a revised scheme be submitted for no more than three dwellings, which would involve the conversion of the existing building.
- In terms of the 5 year housing supply contained in the 2018/19 monitoring report, Middlesbrough was required to build 300 homes per year, Middlesbrough was exceeding that figure.
- Middlesbrough Council's Statement of Community Involvement stated that for planning to be seen as positive, all sections of the community needed to have confidence that the process was legitimate, operated in a timely manner and produced outcomes that were in the public interest. The process should be easy to follow and should be delivered in a fair, transparent and efficient manner.
- The proposed scheme clearly impacted on the heritage status of West Moor House, in

particular the harm and detrimental impact that would be caused by the development of two new builds on the site.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor stated that:

- Middlesbrough now had in-excess of a 5 year supply of housing.
- There was no objection to the original property being divided into three dwellings and retaining the green lawn and landscaping, however, the two new builds proposed would have a detrimental impact on the neighbouring properties.
- With the additional lane on Dixons Bank, access and egress would be problematic.
- The impact of refuse and recycling bins being located on the public highway would have an impact on pedestrians.

In response to the comments raised, the Development Control Manager advised that in terms of highway safety, the site had planning approval to operate as a care home (although that use was not currently in operation). Members were advised that if the site was to operate as a care home once again, in comparison to the proposed scheme of five dwellings, it would cause increased traffic generation due to staff, visitors and deliveries regularly accessing the site. It was added that the proposed scheme would result in a net reduction in the number of vehicle movements and would not have undue impacts on the safe operation of the highway.

In terms of the Marton West Neighbourhood Plan, the Development Control Manager advised that the green space associated in the site was not referenced in the plan.

With regards to waste collection, the Development Control Manager advised that a bin stand located at the entrance to the site had been proposed. The occupiers would be required to place their refuse and recycling bins on the nearest public highway (Dixons Bank) and return the receptacles back within the property after collection, which was the same arrangement as for the majority of properties fronting onto highways as collections could only be made from the roadside of a public highway. In addition, Waste Services already currently operated on key routes throughout the town, such as Marton Road and Acklam Road.

The Head of Planning confirmed that the Local Authority did have in excess of a 5 year supply of housing. However, if the scheme was acceptable in planning terms, then the 5 year housing supply was not a relevant consideration. Allowances were always made for windfall sites, those were sites in urban areas whereby housing development had not been identified but the principle of development was acceptable.

In response to a Member's query, the Development Control Manager advised that the scheme proposed the conversion of care home to 3no detached dwellings and erection of 2no detached dwellings. If Members were in agreement with the conversion of the care home, but wished to refuse the erection of the two new builds, then there would be a requirement to refuse the application in its entirety. The Applicant would then have the ability to appeal the decision or submit a revised scheme.

A discussion ensued and Members commented on the principle of the development, the impact on the amenity of nearby neighbours, highway safety, the heritage asset and loss of green space.

Concerns were raised in respect of the future of the site, if the application was refused.

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

**20/0376/FUL Erection of two storey dwelling with detached double garage (demolition of existing bungalow) at 8 Hemlington Road, Middlesbrough for Mr Watson**

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 erection of a two storey dwelling and detached double garage at 8 Hemlington Road, which would include the demolition of the existing bungalow. It was added that the vehicle access to the dwelling would be provided from the existing access, which was directly off Hemlington Road.

The site was located on a corner plot at the junction of Hemlington Road and Glebe Gardens and was within the Stainton and Thornton Conservation area.

Within the immediate vicinity of the application site was a mixture of house types and designs. There were modern detached properties located to the west and south within Glebe Gardens. To the east were individual cottage designed terraced properties set back from the main road with small front garden areas. Those terraced properties had varying front elevation widths and roof heights with a relatively uniform front building line. In contrast, opposite the site were two large semi-detached properties.

The applicant was seeking the erection of a single two-storey four bedroomed dwelling and detached double garage at the site. In light of officer comments and the objections received, the proposal had been amended in design since its initial submission. The revised design and reduced scale of both the dwelling and the garage were considered to achieve a property which was in keeping with the existing scale, design and character of the properties in that section of Hemlington Road and the Stainton and Thornton Conservation Area.

Since the original submission, the following changes had been made to the proposal:-

- the dwelling had been moved forward within the plot by 0.3 metres;
- the two-storey off shoot projection had been reduced by 1 metre;
- the walk on terrace had been removed and a Juliet balcony provided;
- the pitched roof projection on the front elevation had been removed and the ridgeline roof height had been stepped with a half dormer window;
- there were no windows on the east side elevation, except a bathroom window;
- the ground floor levels had been lowered by 0.5 metres; and
- the garage roof design had been amended to a pitched roof.

Following the neighbour consultation and the site/press notices there had been 6 individual letters of objection received and a letter of concern. The objections and concern were summarised in the submitted report and referred to the scale of the development and its impact on the streetscene, the conservation area, amenity and highway safety.

The main considerations for the proposed scheme were the principle of the development, the impact on the character and appearance of the streetscene and the Stainton and Thornton Conservation area, the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.

The separation distances, location of the dwelling and the position of the windows/doors relative to other properties were considered to ensure the privacy and the amenity of the neighbouring properties would not be significantly affected. The use of the existing vehicle access and proposed parking provision planned to ensure there would be no additional impact in terms of highway safety. Officer recommendation was to approve subject to conditions.

An Objector was elected to address the committee.

In summary, the Objector advised:

- the revised proposal would not reduce the impact of the scheme on the neighbouring property;
- if the scheme were to be approved, the 8 metre wall would result in the loss of light to rear garden area, entrance to the rear and sitting room area of the neighbouring property;

- the proximity of the dwelling to the boundary of the neighbouring property was a cause for concern;
- the two-storey property would be overbearing and would block natural light to the neighbouring property; and
- the proposed scheme had resulted in increased levels of anxiety and stress for the occupiers of the neighbouring property.

A Member expressed concern in respect of the objections raised, in particular the highway safety implications. The Development Control Manager advised that there was already an existing access and property on the site and the layout of the plot showed that vehicles had the ability to drive in and out of the site forwards as there was a small turning area at the front of the site. Therefore, with the existing vehicle access, the proposed scheme would have no additional impact on highway safety. It was also added that a garage and long driveway would also be provided as part of the scheme.

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

**20/0205/FUL Part change of use from church and community centre (D1) to a public house (A4) at Former St Cuthberts Youth and Community Centre, Newport Road, Middlesbrough TS5 4BY for Parker Barras**

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 permission to use part of an existing community centre as a drinking establishment (A4) and the introduction of a beer garden to the rear of the site. It was commented that there would be no significant alterations to the external appearance of the premises.

The application site formed part of a former church and community hall which was situated at the western end of Newport Road.

The application was subject to the standard notification of neighbouring properties, which included 34 different addresses. After the statutory consultation period, three objections had been received.

In summary, the comments referred to the potential increase in anti-social behaviour, noise and disturbance, parking problems and also insufficient street lighting.

The key issues that required consideration were the principle of a town centre use being situated outside any designated centre and the potential detrimental impacts of the use and its associated operations on the nearby residential properties.

A sequential assessment had been undertaken in an attempt to provide justification for the proposed use in the edge-of-centre location. The proposed scheme had failed the sequential test, however, it was considered that the scale of the use would not be harmful to the vitality and viability of Middlesbrough Town Centre or any other recognised local centre. It was also considered that the proposed use would, in that particular location, assist in serving the Newport community more sustainably than existing provisions further afield could achieve.

Although the site was within 300 metres of the far north western edge of Middlesbrough Town Centre's defined boundary, and pedestrian routes were in existence, Newport was somewhat severed from the rest of Middlesbrough and the Town Centre as a result of the A66 and the Newport Interchange roundabout.

It was understood that Newport previously had some conveniences/uses which would have normally been associated with a local centre, however, there was no existing public house currently serving that local area. It was considered that the proposed scheme would provide a degree of sustainability for those living in Newport and assisted in providing a cluster of

community provisions within the locality.

With the proposed location being in close proximity to residential properties, objections had been received based on the likely noise and associated disturbance from the use on local amenity. Conditions had been recommended restricting hours of opening and times of refuse collection, as well as the undertaking of a noise risk assessment to mitigate for any increased noise levels.

The proposed development was close to residential properties and the garden of one neighbouring property would be located next to the proposed beer garden, however, the public house would be set away from the residential properties. It was considered that the noise associated with the change of use would not be of a level likely to result in an unacceptable impact on nearby premises. However, the building did need to be adequately sound proofed to prevent noise transfer and that was secured by a condition. A condition would also ensure that the use of the beer garden was limited and would not be in use after 8.00 p.m.

As the building currently had a community use, the onsite parking would remain and was adequate for the proposed use.

On balance, it was the officer view that the proposed change of use of part of the existing community centre to a drinking establishment was acceptable, and it was the officer recommendation to approve the application, subject to conditions.

In response to Members' queries, the Development Control Manager advised that the beer garden could be accessed via the car park located within the site and the boundary of the beer garden would be bordering residential curtilage (the neighbouring property's garden).

A discussion ensued and Members expressed concern in respect of the detrimental impacts of the use and its associated operations on the nearby residential properties and the increased levels of noise and disturbance.

A Member also commented that the proposed location (close to the A66) could be dangerous for those who had consumed alcohol.

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

**Noise and Disturbance**

*In the opinion of the Local Planning Authority, the proposed change of use of the premises and associated curtilage would result in undue noise and disturbance for surrounding residents as a result of the operation of the use, including the general comings and goings of people and congregation of people within this area, contrary to Local Plan Policy DC1(c).*

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**APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

**NOTED**