

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Thursday 12 October 2023.

**PRESENT:** Councillors J Rostron (Chair), I Blades (Vice-Chair), D Coupe, J Ewan, M McClintock, I Morrish, M Nugent, J Platt, J Ryles and G Wilson

**ALSO IN ATTENDANCE:** A Walker, Edera, Sandbach and walker

**OFFICERS:** C Cunningham, A Glossop, R Harwood, S Thompson, S Blood and L Churchill

**APOLOGIES FOR ABSENCE:** None

23/10 **DECLARATIONS OF INTEREST**

Name of Councillor	Type of Interest	Item/ Nature of interest
Councillor M McClintock	Non-Pecuniary	Agenda Item 5, item 2 , Land South of Grey Towers Farm. Ward Councillor.
Councillor G Wilson	Non-Pecuniary	Agenda Item 5, item 3. Public space north of Caldicotes Primary. Ward Councillor.
Councillor I Morrish	Non-Pecuniary	Agenda item 5, item 5. 8 Faemside Mews, Middlesbrough, TS8 9UR. Ward Councillor.

23/11 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 21 JULY 2023**

The minutes of the meeting of the Planning and Development Committee held on 21 July 2023 were submitted and approved as a correct record.

23/12 **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.

**22/0259/FUL Erection of 1no. detached dwelling at 20, Fountains Drive, Middlesbrough , TS5 7LJ for Mr J Bradley**

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 presented the application and advised that the purpose of the application was to seek planning approval for the erection of a three bedroomed two-storey dwelling on the section of residential garden located

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immediately to the north of 20 Fountains Drive in Acklam. The vehicle access for the property was shown as being provided directly from Sledmere Drive.

Full details of the planning application and the plan status were outlined in the report. The Development Control Manager advised that the application site has been granted permission previously for a detached 2 storey property (2012) and a separate application for a dormer bungalow on the site (2015). The site lies within the limits of development and within a residential area.

The revised design and reduced scale of the proposed dwelling from the previous submitted scheme in 2021 are considered to achieve a property which is in keeping with the scale, design and character of the existing semi-detached two-storey properties along Fountains Drive.

Members were shown the site in question and proposed plans for the dwelling.

It was explained to members that there was an issue of nutrient neutrality relating to the site. This relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA.

Whilst it was understood that this would include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. With all planning applications, each has to be considered on its own merits and would need to apply to Natural England for credits.

The Committee were advised that following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator and the details were sent to the agent to advise them of the total annual nitrogen load the development must mitigate against.

The agent was asked to confirm what mitigation they proposed however no information was forthcoming. Given the time period which has lapsed since the submission of the application and the lack of mitigation, officers consider it reasonable to determine the application as it currently stands. The applicant has the ability to re-apply should Nutrient Neutrality mitigation be achieved.

The officers opinion was therefore to recommend refusal on ground of nutrient neutrality.

One supporter was in attendance to speak on the application. In summary the following points were made:

- The revised design had taken on board planning inspectors comments and is a reduced dwelling to the from the previous submitted scheme in 2021.
- The design was felt to be keeping in scale, design and character of the existing semi detached two-storey properties in Fountains Drive.
- In terms of nutrient neutrality, contact had been made to Natural England and mitigation credits had been applied for.

There had been 41 objections received following neighbour consultation and the site notice.

The Ward councillor was elected to address the committee. In summary the following points were made:

- Concerns that if the build goes ahead It would cause numerous problems, making the junction of Fountains Drive and Sledmere drive a blind bend.
- The blind bend would result in accidents not only from with traffic but also from school children coming and going to school.
- There are a lot of corner properties in that area with large plots. If this application was approved it would set a precedent for other property owners to sell some of their garden to a property developer to build more houses.
- The property would look out of place
- There would be loss of view
- There is as covenant on the site to preserve the overall outlook/ aspect of the area.

A member queried the covenant. The Development Control Manager outlined that any covenants on the property are legal obligations for the owner of the property and not a material planning consideration which can be assessed as part of the application.

A Member also queried whether the decision would be deferred until a decision from Natural England had been made in relation to the nutrients neutrality and gaining mitigation credits, however it was advised that this was not a fast process and with no certainty that credits would be gained.

A discussion ensued and, in summary, Members felt that in light of the following the application should be refused.

**ORDERED** that the application be **REFUSED** due to the reasons set out below.

#### **Nutrient Neutrality**

The proposal would result in an increase in population and a consequential increase in waste water and nutrients (specifically nitrogen) entering into the drainage system which would, in turn, add to existing nutrient burdens within the River Tees. Unmitigated, this proposal would have an adverse impact on the Teesmouth and Cleveland Coast Special Protection Area, which would be contrary to Local Plan Policies CS4 (j) and DC1 (a) and the NPPF and would fail to meet the legal requirements of the Conservation of Species and Habitat Regulations 2017.

#### **Material affect on the area**

In the opinion of the Local Planning Authority, the proposed development of the open corner which is a characteristic of the estate, would have a material adverse impact on the open character of the area contrary to the requirements of Local Plan Policies CS5 (c and f) and DC1 (b and c).

#### **22/0270/MAJ- Erection of 8no. dwelling at Land South of Grey Towers Farm for Foody Farms (Ingleby ) Ltd.**

*\*\* In order to address the Members as a Ward Councillor, Councillor McClintock recused himself from the Committee for consideration of the item\*\**

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 Permission was being sought for the

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erection of 8 dwellings with associated access and landscaping on land to the west of Grey Towers Farm.

It was considered that the proposed development would provide dwelling types which are of a high quality design, in an attractive mews / agricultural building layout with positive landscape setting. The density, design, housetypes and layout are sympathetic to the historic use of part of the site that was within the grounds of Grey Towers Farm and the proposed development is considered would successfully transition from housing within the conservation area and historic farm setting to meet the neighbouring new build development.

Following a consultation exercise which included a press notice, site notice and letters to residents. Comments were received from 13 properties. Of those, 2 were in support of the application and 11 were in objection.

The Development Control Manager advised that there were no technical objections to the development, the development is considered to be acceptable in terms of flood risk, highway safety and capacity, and nutrient neutrality.

The development provides a high quality development with large executive homes in an attractive landscaped setting which will result in an attractive streetscene with good levels of natural surveillance in accordance with the principles of secured by design and is sympathetic to the local character and history of the surrounding area.

The development will not have a significant impact on existing properties and provides high levels of amenity for future residents. The landscaping and ecological and biodiversity enhancements on the site and adjacent land will result in an attractive landscaped setting.

The officer's opinion was therefore to recommend approve with conditions.

The Agent and Property Owner of Grey Towers Farm were in attendance and asked to address the committee in support of the application.

In summary, the supporters advised the following:

- The development would bring high quality, Executive homes to areas.
- The design is bespoke to the areas.
- Currently the land is derelict and is a security issue with fly tipping and anti-social behaviour.
- The proposed dwellings are in keeping with what was previously on site following the footprints of the farm buildings.

An objection, Chair of the Parish Council was asked to address the Committee.

In summary the Objector advised that:

- No more houses were required
- The proposed dwellings would increase traffic and congestion
- There would be increased pressure on schools, doctors and lack of local amenities.
- Access to public transport is limited
- Impact on wildlife
- Impact right of way

A statement of objection had been received by a Ward Councillor and was read out by the Development Control Manager and was as follows:

*I would like to object to this planning application.*

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*It's a second or third iteration from the developers and I still have serious concerns about it - as do many of my fellow residents.*

*Firstly - it is located within a Conservation Area. This should take precedent when considering any application of this nature.*

*Grey Towers Village was sold to residents as a place where they could enjoy open green areas and wildlife which can be seen in the original masterplan. This application flies in the face of that, cramming in a further eight houses into a relatively small space.*

*In the original masterplan there was a cap of 295 dwellings - this has been significantly breached and there are now 452 houses on the site.*

*A well-used public right of way is being re-routed and made to look like an alleyway.*

*I walk through this area often and it is home to much wildlife such as rabbits and hedgehogs.*

*As Nunthorpe Parish Council states barn and tawny owls, buzzards, heron, geese and swans are also regularly observed hunting across the area from the nearby Fishponds Plantation and surrounding area. Roe deer also roam nearby.*

*I appeal to my fellow councillors to reject this application today.*

*Thank you.*

The other Ward councillor was elected to address the committee. In summary the following points were made:

- No more houses were required
- Building for building sake
- It will affect the wildlife
- Some of the application is outside of the limits of development in the Local Plan and in the Nunthorpe Conservation area.

A Committee member queried why there was further need for development and if there were, building bungalows would be more beneficial to the aging population.

Further comment was made in relation to the bridleway and public rights of way. Consideration has been these aspects had been taken into account and there was an expectation that any proposed hedging planted along the public rights of way must be maintained to ensure the useable width was retained.

Member of the Committee further queried the site of the proposed works, as felt it was not necessary due to 28% of the application site being outside of the limits of development on the Local Plan and is part of the Nunthorpe conservation area.

A discussion ensued and, in summary, Members felt that due to part of the site being outside of the limits of the Local plan and overdevelopment of the site (see below) the application should be refused.

**ORDERED** that the application be **REFUSED** for the reasons outlined below.

#### **Overdevelopment of the site**

In the opinion of the Local Planning Authority, the proposed development is considered to represent an overdevelopment of the site, adversely impacting on the PROW, the general character of the area and the Nunthorpe and Poole Conservation Area, contrary to the requirements of Local Plan Policies CS5 (c, f and h) and DC1 (b

and c).

*\*\*At this point in the meeting, Councillor McClintock re-joined the Committee\*\**

**22/0729/COU- Creation of play area, erection of perimeter fence and installation of new surfacing and play equipment, Public space north of Caldicotes Primary for Mr C Coverdale**

*\*\* In order to address the Members as a Ward Councillor, Councillor Wilson recused himself from the Committee for consideration of the item\*\**

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 presented the application which sought planning permission for the creation of a children's play area on the land to the North of Caldicotes Academy, and to the west of an existing multi games area.

Following the consultation period, a strong objection was raised by Cleveland Police on the grounds of the proposed location of the play area and the safety of children at the site. The proposal was considered to be:

- In a location that would have the potential to generate crime, increase the fear of crime and attract anti-social behaviour.
- Lack of natural surveillance from nearby properties. The play area is positioned to the rear of dwellings which is likely to increase the potential for crime.
- There is poor lighting serving the site and approaches to the site.

The Development Control Manager advised that officers from the Council had sought to work with the applicant and had asked them to consider other potential locations for the play area as well as meeting on site to discuss the nature of the Police objection.

No alterations or re-location was forthcoming and with no alterations or revisions to the proposals, officers consider that significant weight should be given to the objection from Cleveland Police. The primary purpose of the play area would be to provide a facility for children and families to utilise and enjoy, but it is considered that this must be in a location which provides reasonable safety through being overlooked or similar.

The officer recommendation was to refuse.

The Ward councillor was elected to address the committee. In summary the following points were made:

- The play area would create a space for children and families to enjoy,
- The equipment installed would be of material which would withstand fire,
- There was no other suitable space in the surrounding areas for a play park.
- Residents has given verbal support to the play park,
- The ward councillor was working with the council to ensure the lighting and CCTV cameras were utilised so that the space could be used.

A discussion ensued and, in summary, Members felt that it would be inappropriate to approve the application on the strong objections from Cleveland Police.

**ORDERED** that the application be **REFUSED** for the reasons outlined below.

### **Unsuitably located**

In the opinion of the Local Planning Authority, the proposed play area development, owing to the site-specific location, will create a community facility that would not be safe to use. The lack of natural surveillance over the play area and the excessive permeability to the site from the north is considered to result in a development that is in a secluded location and increases the fear of crime. This is contrary to the NPPF (paragraphs 92 and 130) and Core Strategy Policy CS5.

*\*\*At this point in the meeting, Councillor Wilson re-joined the Committee\*\**

### **23/0166/FUL - Installation of play equipment at the Avenue Play Park, Nunthorpe, Middlesbrough, TS7 0AG for Mr C Coverdale**

**ORDERED - Item withdrawn**

### **23/0272/FUL, Erection of outbuilding to rear at 8 Farmside Mews, Marton, Middlesbrough, TS8 9UR, for Daniel Raistrick**

*\*\* In order to address the Members as a Ward Councillor, Councillor Morrish recused himself from the Committee for consideration of the item\*\**

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 presented the revised application for the erection of outbuilding at the rear of 8 Farmside Mews, Marton.

The committee were advised that the application was initially to seek retrospective planning approval for an outbuilding at the property and following objections raised from residents revised plans have now been submitted relocating the outbuilding to the enclosed yard at the rear of the site.

Objections were raised from residents with regards to scale, design, appearance, materials location, amenity and impacts on the adjacent listed buildings.

The outbuildings relocation to the rear of the site will have less impact on the setting of the listed building and no impact on the neighbouring Grade II Listed former farmhouse and cottage nor would it be visible from any public vantage points or streetscene.

The outbuilding is a modest secondary addition located in the least visually intrusive position on site ensuring any impacts are minimal. The outbuilding was now considered to accord with the guidance set out in Core Strategy Policy CS4, CS5 and DC1 and principles of the Urban Design Guide and Marton West Neighbourhood plan.

The officer recommendation was to approve conditionally.

For the purpose of the report, the objections received throughout the application process were outlined as follows:

- The building is not in character with its surroundings and is visually obtrusive in its current location.
- Unique character of the Bonnygrove Farm Grade II properties in Marton

should be maintained in its current historical format for posterity and the residents of Marton and Middlesbrough

- The garden building can be clearly seen from the road on Turnberry Way
- The building does not comply with Marton West Neighbourhood Plan
- Building proximity from boundary of adjacent Listed Buildings
- Materials dissimilar construction to the adjacent grade 2 buildings and surrounding properties
- Height of building is excessive
- Restricts daylight to adjacent grade 2 listed property Bonnygrove Farmhouse notably in kitchen, utility room, hall and also rear garden

The revised location received the following objections:

- No mention is made in the application for the removal of the concrete foundations and electrical services in the front garden
- No mention within the revised documents of changing the building colour or the material used for the roofing.

The Ward councillor was elected to address the committee. In summary the following points were made:

- All previous objections were to be withdrawn, on account that the location has been changed for the outbuilding.
- The ward councillor expressed concern about the concrete plinth remaining in situ.

In response to the ward councillors' concerns, the officers advised that the concrete plinth would be removed within 3 months from the date of approval. This was to ensure satisfactory form of development and for the avoidance of doubt.

**ORDERED-** That the application be **APPROVED** for the reasons outlined below.

#### **REASON FOR APPROVAL**

This application is satisfactory in that the outbuilding to rear; accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the outbuilding to rear accords with the local policy requirements (Policies CS4, CS5 & DC1 of the Council's Local Development Framework).

In particular the outbuilding is designed so that its appearance is complementary to the existing dwellinghouse and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The outbuilding will not prejudice the character and appearance of the area or the setting of the adjacent listed buildings and will not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

The application was therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

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

No Items.