

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Thursday 11 July 2024.

**PRESENT:** Councillors J Rostron (Chair), I Blades (Vice-Chair), D Branson, D Coupe, M McClintock, J McTigue, I Morrish, J Ryles, J Thompson and G Wilson

**ALSO IN ATTENDANCE:** Councillor T Livingstone and Councillor J McConnell. S Ashton, A Briscoe, H Hogben, L Wood.

**OFFICERS:** S Bonner, P Clarke, A Glossop, R Harwood, S Pearman and S Thompson

**APOLOGIES FOR ABSENCE:** None.

24/7 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair advised all attendees of the fire evacuation procedure.

24/8 **DECLARATIONS OF INTEREST**

Name of Councillor	Type of Interest	Item/ Nature of Interest
Councillor David Coupe	Non-Pecuniary	Agenda Item 1 Ward Councillor
Councillor Morgan M McClintock	Non-Pecuniary	Agenda 1 Former Governor for North Star Housing Agenda Item 4, Item 5 Ward Councillor

24/9 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 6 JUNE 2024**

The minutes of the meeting of the Planning and Development Committee held on 6 June 2024 were submitted and approved as a correct record.

24/10 **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. 4.13.2 – ORDER OF BUSINESS**

In accordance with Council Procedure Rule No. 4.57, the Committee agreed to vary the order of business.

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

**24/0179/COU 22 Dixons Bank, Middlesbrough, TS7 8NT. Change of use from residential dwelling (C3) to care facility (C2).**

The Development Control Manager submitted a report regarding an application that sought planning permission for the change of use of the property from a residential dwellinghouse (C3) to residential care facility (C2). Consent was being sought for the caring of up to five children between the ages of 9 and 17 at the property.

The principal reason for the change of use of the property was the requirement to move from its existing premises at Rigwood House in Saltburn.

Following the consultation period, a number of objections were received expressing concerns about the proposals and their expected operations, which were detailed in the report. The main issues raised were on the grounds of staff parking and general traffic movements at the

site and along the side road, as well as concerns about potential associated nuisance implications associated with the use/residents.

Noting the number of expected staff and users at any one time and the parking spaces within the curtilage of the application site, Members were advised that, in officer's views, the number of vehicles anticipated with the proposals can be accommodated at the site. Any surplus parking outside of the site was likely to be infrequent and could be accommodated near the property. As such parking issues were not likely to adversely affect the amenities of nearby residents.

The activities associated with the proposed residential care facility use were considered to be compatible and appropriate within a residential estate in a suburban context. Many issues raised relating to anti-social behaviour had no evidence to demonstrate that this would be the outcome of the use and such matters could also be associated with the occupation of any residential dwelling.

The application site was a two-storey detached residential dwellinghouse situated on the eastern side of Dixons Bank, Marton. The local area was a well-established residential area, which comprised predominantly of two-storey semi-detached properties arranged at a medium density.

Members were advised that, 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. The report detailed the planning policy position in relation to the application.

The Development Control Manager advised the Committee that the application be approved subject to conditions.

A representative from Highfield North East was in attendance to speak in support of the application.

The Committee was advised:

- There would likely only be up to five cars on site at any given time and the activity of the home would not be significantly different to a typical large family home.
- A family would likely have three or four cars which would depart and arrive on a similar ration to the Care Home staff, namely morning and an evening.
- In the event more parking was required, additional parking was available a short distance from the property at Marton Shops and the Southern Cross public house.
- The Highways department had not raised any objections to the application on grounds of parking. In terms of concerns raised about road safety, risk assessments would be undertaken for all children exposed to those risks.

A spokesperson on behalf of local residents was in attendance to speak in objection to the application. The following objections were included:

- The material issue of land use was a public consideration and there was a need to promote healthy and safe communities.
- The Council had a responsibility for the safeguarding of children and that children with social and emotional difficulties deserved a safe and secure place to live.
- The Care Standards Act 2000 required the registration of Children's Homes with a material consideration being homes should not be close to environment hazards, such as busy roads.
- The application placed the Care Home next to one of Middlesbrough's busiest roads.
- A child in an aligned home had several missing from home instances, and in this case, there was a chance a child might try to cross Dixon's Bank.
- Dixon's Bank was also a main route for James Cook University Hospital and as such there was an increased level of emergency vehicle activity passing the property.
- A Freedom of Information Request showed an accident had taken place on Dixon's Bank involving a child enroute to primary school.
- There was inadequate consultation with Highways, nor had a site visit been undertaken.

The Ward Councillor for Marton East spoke in objection to the application and made the following points:

- Ward Cllrs were not opposed to having a children's home in the area, but the proposed property was the wrong property.
- The balcony on the front of the property which could be a risk to children living there. A neighbour had a son with additional needs and the opening of the home would affect his quality of life.

Members debated the application.

In response to an issue raised by an objector regarding the PSED a member sought clarification from officers as to whether the committee could take into account the effect of the application on a neighbouring child who had a disability, asking whether it was a material planning consideration. The Development Control Manager confirmed that material planning considerations vary depending on the situation and this is why there is no definitive list of material planning considerations. Further advising that this consideration would be given due weight if there was evidence to establish that the application would have a negative/harmful effect on Mr Martin's child's quality of life. The Development Control Manager used an example of a hypothetical situation whereby if an airfield was proposed to be constructed adjacent to a property, then clearly noise from this would have a negative effect on the child and as such would be given due weight to reflect this. However, in this instance it is being assumed that the proposed use would result in an increase of anti-social behaviour with no evidence to support this and therefore it had not been established that the application would have a negative effect on the child in question, stating that reliance on children in a children's home causing anti-social behaviour could not be relied on to happen and was therefore not appropriate to take into account, particularly where the property already exists as a residential property where children can reside already. The member raising the question was asked by the Development Control Manager what the specific action or harm to the child would be and no clarity or request for further clarification from officers was made. These points were reiterated later within the discussion by the Development Control Manager.

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

**23/0527/MAJ Land at Strait Lane, Stainton, Middlesbrough. Erection of 22no. dwellings, provision of access, landscaping and ancillary works.**

*\*\*Councillor D Coupe recused himself from proceedings owing to his role as Ward Councillor\*\**

*\*\*Councillor Joan McTigue withdrew from the meeting\*\**

The Head of Planning submitted a report that sought permission for the erection of 22 dwellings with associated highways, landscaping and infrastructure, on the Rose Cottage housing development site in Stainton.

Following a consultation exercise, objections were received from residents of 23 properties, and Stainton and Thornton Parish Council. The site was allocated for housing in the Local Plan, therefore the principle of residential dwellings on this site was established. The scheme had been amended since its initial submission to address a host of design and layout related matters. It was considered that the proposed development would provide a good mix of dwelling types which were of a good quality design and use of materials with adequate landscaping in the form of private gardens and with a suitable layout overall.

It was considered that the proposed development would not result in a significant detrimental impact on the amenities associated with adjacent properties / uses and would adequately provide for the amenity and privacy of future occupiers of the development. No technical objections have been received in relation to highways matters and flood risk. The development meets the requirements of the relevant national planning guidance detailed within the NPPF and Local Plan policies, specifically H1, H11, H12, H27, H31, CS4, CS5, DC1. The recommendation was for approval of the application subject to conditions and a S106 agreement.

The site was located to the northeast of Strait Lane approximately 60m from the junction with Low Lane. The site comprises 0.6 hectares of open green space and an existing access point

from Strait Lane. Existing residential dwellings are located immediately adjacent to the site on the southeast and northeast boundaries. A care home is located on land to the northwest. To the southwest Strait Lane separates the site from more residential dwellings. Permission is sought for the erection of 22 dwellings and associated works. The dwellings proposed consist of:

- 11 two bed dwellings
- 8 three bed dwellings
- 3 four bed dwellings

The proposed dwellings comprised 9 pairs of semi-detached dwellings including 6 bungalows, one detached dwelling and a terrace of 3 dwellings. The associated works proposed included the construction of highways, landscaping and drainage works. Documents submitted in support of the application included:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Flood Risk Assessment
- Ecology Assessment
- Air Quality Assessment
- Noise Assessment
- Statement of Community Involvement

Members were advised that, 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. The report detailed the planning policy position in relation to the application.

The Head of Planning advised the Committee that the application be approved subject to Section 106 Agreement and the conditions detailed in the report.

At this point in the meeting a representative of ELG Planning was invited to speak in support of the application. Their presentation included the following points:

- All 22 dwelling would be affordable housing and would be delivered by North Star Housing Association.
- Throughout the application process no objections had been received from any statutory consultees.
- All dwellings met the required standards and would exceed minimum performance standards.
- In terms of ecology; surveys have been carried out showing there was little impact to wildlife on the site but bird box installation and tree planting would take place.
- The applicant had worked with Mont Pellier care home, which had resulted in the bungalows on the plans being relocated.

At this point in the meeting Cllr Coupe was invited to present his case as Ward Cllr. Cllr Coupe's presentation included the following points:

- Cllr Coupe was not opposed to the chosen site but had some concerns.
- Strait Lane was a 20-mph zone, with Low Lane being a 40-mph zone. There was also the possibility that construction vehicles would cause congestion in the immediate vicinity.
- There were no amenities in the area.
- Main issues were traffic and congestion with Strait Lane acting as a pinch point.
- If the development went ahead, it would be important that any Section 106 money would benefit Stainton and Thornton.

Members debated the application.

**ORDERED** that the application be approved subject to Section 106 Agreement and the conditions detailed in the report and reported by officers.

**24/0032/FUL 51 Tollesby Road, Middlesbrough, TS5 7PT External alterations to garage**

**and erection of boundary treatment (outbuilding - permitted development).**

The Development Control Manager submitted an application which sought approval for external alterations to the property's garage and erection of boundary treatment. Members were advised the application site was a semi-detached, 2 storey residential dwelling which was located on the corner of Tollesby Road and Glenfield Drive. The property had its front elevation facing onto Tollesby Road, and being a corner plot, had a side elevation facing onto Glenfield Drive.

Prior to recent works being undertaken a privacy fence formed most of the properties curtilage onto Glenfield Drive and Tollesby Road. Following consideration of an enforcement case, the council became aware of unauthorised works to the property.

As officers considered the works as undertaken could not be supported on planning grounds, an enforcement notice was served requiring the works to be undone. In discussion with the property owner, they had confirmed their interest in retaining the development and submitted this application to regularise the unauthorised works on site which included; external alterations associated with the conversion of the attached garage, erection of boundary treatment around the front and side of the property and a single storey extension to the side of the property. Officers raised concerns over the way in which the works had been carried out in respect of the new windows and wall within the former garage door opening, with the nature of the extension due to its flat roof and rendered finish and regarding the dominance and contrasting appearance of the boundary wall.

The owner was also advised to cease works and that any continued works would be at their own risk. Following these concerns being raised by officers revised plans had been submitted which now showed revisions to the wall, garage door detail and which indicated the extension will be severed from the main dwelling to make it an outbuilding, which would make that aspect permitted development. The amendments to the boundary treatments included improved materials and reduction in height which will help break up its appearance and reduce its dominance sufficiently to prevent it appearing excessive in height and intrusive or overbearing within the streetscene.

Members were advised that an extension to the property (termed the garden room) was no longer attached to the main house and as such was classed as permitted development. Members were also advised that if the garden room was reconnected to the property enforcement action was possible, but such action had to be reasonable and expedient.

Members were advised that, 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. The report detailed the planning policy position in relation to the application.

The Development Control Manager advised the committee the application should be approved with the conditions detailed in the report. If the application were to be approved the council could undertake necessary enforcement action should the remedial works not progress immediately to sever the extension from the property and install the approved details.

At this point in the meeting Ms A Briscoe was invited to speak in objection to the application. Ms Briscoe's presentation included the following:

- The situation had been a long-running issue with little response from the Council other than that issued by former Councillor Shiela Dean in 2022.
- The situation had caused significant distress and Ms Briscoe sought assurance that the development would be safe.
- the garden house was still attached to the house via the roof.
- Other inspections had taken place, particularly of the roof space, which had been deemed unsafe in terms of fire safety.

Cllr Livingstone was invited to speak as ward Councillor. Cllr Livingstone's presentation included the following:

- Safety concerns included discarded concrete blocking drains with residents having no control over an unsafe area.
- If planning permission were granted this unsafe situation would continue.
- The building works were having a significant impact on the character of the local area.

Members debated the application. During the debate it was clarified that remedial works to resolve existing problems could only reasonably happen quickly if the application was granted. If the application was refused it would likely delay any further work, and may be subject of an appeal which could delay any further works by several months and pressing on with existing enforcement action whilst there is a live appeal is not good practice. It was also confirmed that if remedial works were undertaken in lieu of an approved scheme, they would need to be compliant with permitted development allowances and this would then prevent the Local Planning Authority having controls over certain aspects and may result in a worse scheme being achieved.

The Development Control Manager recommended an additional be imposed which required materials to be agreed with officers prior to works being undertaken on site.

**ORDERED** that the application be approved based on the recommendation in the report and subject to a materials condition.

**24/0056/MAJ Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW 39 no. dwellings (including 11 no. additional dwellings and 28 replan).**

*\*\*Councillor M McClintock recused himself from proceedings owing to his role as Ward Councillor\*\**

The Principal Planning Officer submitted a report that sought approval for the erection of 39 dwellings on the Grey Towers housing development site. The site currently had consent for 28 dwellings. This permission sought to add an additional 11 dwellings increasing the number of dwellings to 39. The wider site currently had permission for 452 dwellings, this application would increase the number of dwellings on the wider site to 463.

Following a consultation exercise, objections were received from residents from 5 properties. No technical objections were received from consultees.

The site was allocated for housing in the Local Plan and there was currently permission for 28 dwellings on the site, therefore the principle of residential dwellings on this site was acceptable. It was considered that the proposed development would provide a good mix of dwelling types which were of a high-quality design and materials, in an attractive landscaped setting with an appropriate layout that would complement the approved development. The development would not result in a significant detrimental impact on the amenities of existing local residents. The previous application for the site provided localised and strategic mitigation against the impact of the wider development on the local highway network. The traffic generated by a further 11 dwellings would be negligible and could not be demonstrated to have a material impact on the operation of the network.

The development met the requirements of the relevant national planning policies detailed within the NPPF, policies CA1, D1, D3 and G1 of the Nunthorpe Design Statement and Local Plan policies, H1, H10, H11, H12, H31, CS1, CS4, CS5 and DC1.

The application site was part of the wider Grey Towers development which was currently under construction. The application site at the western edge of the wider site. To the north were existing dwellings within the Grey Towers site, and then the Ford Close Riding Centre, housing development site on Brass Castle Lane. To the west was an existing tree belt which separated the site from the Bridlewoods housing development on Brass Castle Lane. To the south was a sustainable drainage feature and existing houses within the wider Grey Towers site.

To the east was an area of planting to create a new woodland belt which separated the application site from more dwellings within the wider site. The site currently had consent for 28 dwellings.

The 39 dwellings proposed consisted of:

- a) 6no. three bed dwellings;
- b) 31no. four bed dwellings; and,
- c) 2no. five bed dwellings.

The proposed house types included one pair of semi-detached properties with the rest being detached. The majority of the dwellings were two storeys. Three of the dwellings were 2.5 storeys with rooms located in the roof space. The associated works proposed included the construction of highways, landscaping and drainage works.

The Principal Planning Officer advised the application should be approved subject to conditions and a S106 agreement.

At this point in the meeting Mr A Walker was invited to speak in objection to the application. The presentation included the following:

- The Council's Planning Policy allowed for a maximum of 295 dwellings.
- There had been numerous applications which had increased the size of the site.
- As such the application was contrary to existing planning policy.

At this point Cllr McClintock was invited to speak in objection to the application. The presentation included the following:

- The Committee was being urged overlook the deviation from policy as building houses was seen as a good thing.
- There were concerns that developments of this nature had previously promised the development of community facilities, but these had not been realised.
- The Council was having to use the Town's fund to complete a small community facility.

Members debated the application.

**ORDERED** that the application be approved with the conditions detailed in the report.

**2, Helmsley Close, Middlesbrough, TS5 7LP, Two storey extension to side and single storey extensions to rear (Demolition of existing garage).**

The application was considered at the previous committee meeting held on 6th June, as members had concerns over the two-storey element to the rear and the decision of the application was deferred at that committee to allow the applicant to consider removing the first floor section to the rear, an element that members had concerns over.

Revised plans had been submitted omitting the two-storey rear section (the proposed rear extension was now single storey only). The eaves of the ground floor elements to the front and rear had also been lowered which was now more in keeping with the host property.

The proposal was being reported back to committee for consideration.

Although the changes reduced the scale of the proposals, for completeness, the residents had been reconsulted on the revised plans. No comments/objections had been received in relation to the revised plans.

Officers considered that the revised extensions are of an appropriate size and scale relative to the existing house and plot size and would be sufficiently in keeping with the host property and without any significant impact the amenities associated with neighbouring properties.

Overall, the development was considered to be in accordance with Local Plan Policies DC1 and CS5 and the requirements of the Urban Design SPD.

The application site was a two-storey detached property that was situated to the north side of the close, approximately 30m west of the junction with Fountains Drive in Acklam. The site was situated in an area which is used predominately for residential purposes.

Similar two storey houses line the street to the north and the south that were characterised by their red brick construction and upper floor cladding, gable roofs, attached flat roof garages at side that twin up with the neighbour, small porches to front and open plan frontages.

The proposal would create additional living space on the ground floor and first floor, with the first floor being reconfigured and extended to provide five bedrooms and a bathroom. The two-storey element at side was shown set back at first floor level with its eave's height (gutter line) matching that of the existing house and having a gable roof which a slightly lower ridgeline (uppermost part of the roof) to that of the host property.

The single storey rear extensions would project 3m beyond the rear building line, they will have monopitched roofs with an eave's height of 2.4m and overall height of 3.2m.

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. The report detailed the planning policy position in relation to the application.

**ORDERED** that the application be approved with the conditions detailed in the report.

**24/0164/FUL The Avenue Play Area, The Avenue, Middlesbrough, TS7 0AG Installation of play equipment.**

*\*\*Councillor M McClintock recused himself from proceedings owing to his role as Ward Councillor\*\**

The application sought approval to install additional play equipment at The Avenue Play Park in Nunthorpe. Additional equipment would include a Children's Trim Trail, consisting of 7 individual play items and step posts. Two additional lamp columns were also proposed. The position of the items was shown on The 'Technical Layout Plan' within the appendices of the report. The application was a resubmission of a previous scheme which was deferred and later withdrawn to address concerns raised by members and residents which included the location of the play equipment in proximity to the adjacent footpath and the position of the basketball hoop.

There were also complaints regarding the lack of consultation with residents prior to the planning application being submitted. The site was set between two streets (The Avenue and The Resolution) and a pedestrian footpath connected the two, with open space and the existing play equipment within it.

Taking on board resident comments and following further consultation with residents, the proposed play equipment had been positioned to the north of the site in a curved arrangement, being to the north of the footpath. Three objections had been received from residents which largely relate to anti-social behaviour (noise, nuisance, damage to equipment) and increase in traffic and parking problems. The additional equipment is set away from houses within the area and close to the existing play equipment is located, with a degree of natural surveillance as well as existing CCTV coverage along with proposed additional lighting. In view of these matters it was considered that the proposal would not have an adverse impact on the character of the area and would be a complementary addition to the existing established play park. It would also be of public benefit and provide children with a greater provision.

It was also considered that the equipment was shown in positions that would limit any impacts associated with the use of the equipment on residential amenity and highway safety nor would it be detrimental to users of the main footpath link.

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. The report detailed the planning policy position in relation to the application.



The Head of Planning advised the committee the application should be approved subject to the conditions detailed in the report.

At this point in the meeting Cllr McClintock and Mr A Walker were invited to speak in support of the application. The presentation included the following:

- Nunthorpe Parish Council were in favour of the scheme and the additional play equipment would complement the existing facilities.
- CCTV and improved lighting would address the concerns raised in the previous applications.
- The scheme, overall, was much improved on the previous application.

**ORDERED** that the application be approved subject to the conditions detailed in the report.

24/11 **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**

24/12 **PLANNING APPEALS**

The Head of Planning advised the committee that an appeal had been lodged by Lidl following committee's decision to refuse that application. A Planning Inspectorate Hearing was scheduled for 24 September 2024.

24/13 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.