
APPLICATION DETAILS

Application No:	24/0055/COU
Location:	15, Albert Terrace, Middlesbrough, TS1 3PA
Proposal:	Change of use of from dwellinghouse (C3) to 7 Bed HMO (Sui Generis) including external alterations to the detached garage
Applicant:	Mr Jamie Davison
Agent:	Mr Russell Taylor
Ward:	Central
Recommendation:	Approve with conditions

SUMMARY

This application is for the conversion an end of terraced property at 15 Albert Terrace into a 7 bedroomed House in Multiple Occupation (HMO). The application site is located within a predominantly residential street and is within the Albert Park and Linthorpe Road Conservation Area. The dwelling fronts Albert Terrace with an access alleyway to the rear and residential properties along Park Road North sited beyond.

External changes to the building include :-

- Replacement of the single roof light on the front elevation with three individual conservation roof lights
- Installation of obscure glazing panel on the front ground floor bay window
- Installation of two conservation roof lights on the main rear elevation roof and two conservation rooflights on the single storey rear off-shoot
- Bricking up of existing high-level window on the single storey ground floor off shoot

The application is supported by a Heritage Statement.

Revised plans have been submitted which have reduced the number of bedrooms from the 9 originally proposed to 7 and have removed the conversion of the detached outbuilding. Following a consultation exercise there have been no comments received following the neighbour consultation and press notice. There have been objections received from local ward Councillors Linda Lewis, Zafar Uddin, Matthew Storey and Lewis Young.

The objections relate primarily to the number of rooms resulting in lack of good quality and attractive living accommodation, lack of requirement for this housing stock due to existing number of HMOs/Bedsits in the Central ward area, parking increase in an oversaturated area and despite town centre location occupants do have cars and highway safety issues.

The proposed external changes include conservation roof lights on the front and rear, obscure glazing within the ground floor bay window and the bricking up of a side elevation window.

The external changes are considered minimal alterations and will not materially alter the character and appearance of the building or the Albert Park and Linthorpe Road Conservation area.

Each of the internal bedroom spaces proposed accord with the Nationally Described Space Standards and the Council's adopted Interim Policy on the Conversion and Sub-Division of buildings for Residential uses. Alongside the communal kitchen and living/dining room the existing garden will provide communal outdoor space with secure bin and cycle storage.

The additional roof lights are considered to have no impact on the privacy of the neighbouring properties with the proposed design providing adequate levels of privacy for future occupants.

The removal of the building from the residential parking scheme will prevent occupants for applying for parking permits and remove any additional parking pressures resulting from the proposed change of use of the building. The developer has agreed to fund the required works to amend the Traffic Regulation Order which would be implemented by the Local Authority.

The proposed change of use is considered to be in accordance with Policies H1, H11, DC1, CS4, CS5, C18, C19, REG9 and the Interim Policy on the Conversion and Sub-Division of buildings for Residential uses and the Urban Design Supplementary Planning Document and is recommended for approval subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located within a predominantly residential area with the properties along Albert Terrace being a mixture of terraced and semi-detached properties. The properties are set back from the highway with small front garden areas enclosed with low boundary walls and hedges.

The terraced properties are characterised by the double front bay windows detailing with the properties on the southern side of Albert Terrace providing timber porch detailing above the entrance doors and the properties on the northern side having pitched roof dormers. The properties on the southern side of Albert Terrace have large gardens with several properties including a detached two-storey outbuildings in the rear gardens.

The proposal is for the conversion of the existing residential dwelling into a 7 bedroomed HMO. Alongside the internal alterations the proposed change of use will provide the following external changes:-

- Replacement of the single roof light on the front elevation with three separate conservation roof lights
- Installation of obscure glazing panel on the ground floor bay window
- Installation of two conservation roof lights on the main rear elevation roof and two conservation rooflights on the single storey rear off-shoot
- Bricking up of existing high-level window on the single storey ground floor off shoot

The application is supported by a heritage statement.

PLANNING HISTORY

There have been no recent planning applications for the property.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,

- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

H1 - Spatial Strategy
H11 - Housing Strategy
DC1 - General Development
CS5 - Design
CS4 - Sustainable Development
CS18 - Demand Management
CS19 - Road Safety
REG09 - Abingdon,
UDSPD - Urban Design SPD
ICP - Interim Conversion Policy,

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

CONSULTATION AND PUBLICITY RESPONSES

There have been no comments received following the neighbour consultation.

Public Responses

Number of original neighbour consultations	10
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Conservation officer – MBC

Context:

No. 15 Albert Terrace is an end-terraced dwelling on Albert Terrace, which is a short street of terraced houses that runs west to east between Linthorpe Road and Park Lane. Part of Middlesbrough's extended urban core, surrounding uses are both residential and commercial.

Heritage Assets:

The site lies within Albert Park & Linthorpe Road Conservation Area. This Conservation Area's significance lies primarily in the Victorian public park, developed from the 1860s, and the immediately surrounding development, much of which fronts onto the park. The area is made up of high quality green open spaces, mature trees, superior Victorian, Edwardian and 1930s housing, traditional shops, and landmark buildings, which have a number have towers and domes that can be seen from great distances.

Up until the 1850s this part of Linthorpe Road was rural, consisting of large fields, interspersed with the occasional house. Albert Terrace is characterised by Large two and three storey terraced houses with two storey bays, elegant brick door surrounds and timber canopies. Some of the properties are semi-detached, and most retain the dwarf brick boundary walls and gate piers. Many architectural features have been lost, and some properties have been rendered, but what survives is high quality. Historic maps evidence no. 15 Albert Terrace was built between 1896 and 1915 along with some of its neighbours, slightly later than other neighbours. Part of the late Victorian growth of the town, the building makes a positive contribution to the significance of the Conservation Area, particularly because its frontage is less altered than many of its neighbours.

There are two other designated Heritage Assets within 150 metres of the application site. Grade II Listed Forbes Building, a former bakery, and offices now in commercial uses and Albert Park Historic Park & Garden, a Victorian public park that is the focus of the Conservation Area. However, because of the existing development that lies between the application site and both these Heritage Assets, there is not considered to be any impact from this proposal on them.

Impact Assessment:

This application proposes to create a House in Multiple Occupation with 7 bedrooms, a change of use from the original dwelling use. External alterations are proposed to facilitate this change of use that will impact the significance of the Conservation Area, which is a material planning consideration:

- 5 no. new rooflights are proposed in addition to the 2 no. existing; rooflights are generally a sensitive way to provide additional light when non-habitable spaces and buildings become habitable and they have less visual impact than dormer windows. Seven rooflights is considered to be excessive on a building of this size and it is advised that the number is reduced to four or less in total (meaning two new).
- 1 no. detached cycle store is proposed in the rear garden between the dwelling and the outbuilding. This will be identifiable as a modern addition to support sustainable travel, which is positive, and can be accommodated in this location without harm to the Conservation Area.

Considering existing windows to the front elevation at least appear to be original and are not proposed to be replaced, I advise an informative is placed on any approval to remind the applicant that as an HMO, planning permission is required to replace windows and timber-framed sliding sash windows, which have been evidenced to sustain or enhance this Conservation Area, will be sought.

Overall, as a result of the minimal external changes proposed, this should have a negligible impact on the significance of Albert Park & Linthorpe Road Conservation Area

Conclusion:

This application complies with policies CS4 and CS5 of the Middlesbrough Core Strategy and with historic environment paragraphs in the 2023 National Planning Policy Framework.

Highways - MBC

Development proposals seek the change of use of a 4/5 bedroom individual property to a 7 bed HMO. The external garage which could currently provide some car parking is being removed as part of the proposals to create another useable space for residents. No car parking is proposed and as such the proposals have the potential to increase the demand for on-street

parking in the area owing to the potential increase in people residing there. In order to address these concerns and protect existing residents the applicant has confirmed that they will provide funding of £2.7k which will be used to remove the property from the existing residents parking scheme. This means that residents of the proposed development will be unable to apply for permits for the scheme and as such will not create additional pressure on the demand for parking within the scheme. Whilst the funding is being provided by the developer to facilitate this measure the work involves the amendment to a Traffic Regulation Order and as such will be implemented by the Authority.

The site can be considered to be in a highly sustainable location with the town centre and associated facilities within a short walk. Public transport and pedestrian/cycle infrastructure is in place and enables non car travel and no/low car ownership to be a realistic and viable option for residents.

An enclosed cycle store is being provided within the rear yard area and can accommodate 8 cycles.

In summary, the site is in a sustainable location with cycle parking proposed and measures have been put in place to prevent on-street parking being detrimental to highway safety, the free flow of traffic or residential amenity and as such no objections are raised subject to conditions relating to the cycle parking and the traffic regulation order.

Environmental Protection Team – MBC (In summary)

No comments to make on this application in relation to environmental impacts.

In relation to private sector housing, the building (and/or any flats accommodating 5 or more unrelated persons, located within it) is likely once occupied to need a House in Multiple Occupation licence. A number of specific requirements relating to such properties will be applicable in due course. Attached therefore is a link to the web site guide to amenity provision and space standards that will form the basis of licensing requirements. You are recommended to have regard to this document. Fire safety provisions will be examined as part of any subsequent application for Building Regulation approval but such provisions will also be considered at the licensing stage.

<https://www.middlesbrough.gov.uk/planning-and-housing/housing-options-and-advice/houses-multiple-occupation-hmos>

Waste Policy – MBC

No comments

Councillor Lewis Young

My objections remain as follows:

- the increase of parking pressures on Albert Terrace, already quite bad, which could arise due to the increase of single dwellings.
- Number of rooms, which I feel would be too many in the space to provide good quality, and attractive, living accommodation for prospective inhabitants. I fully understand that mix of housing stock is good, but Central ward and the neighbouring area is awash with HMOs, bedsits, and other similar accommodation. I do not believe it needs more of this stock.

Councillor Linda Lewis (In summary)

I would still like to object, as I've mentioned before, there are too many vehicles parking on this road.

HMOs will make life more difficult for residents. We could potentially have another 7 resident vehicles parking or even more.

This terrace is oversaturated with parked vehicles, which upsets the equilibrium of the area, amongst other effects. I fear that if future occupants have vehicles then the area will become intolerable and dangerous.

Usually, developers say that occupants aren't expected to have a vehicle, as in the town centre, well this does happen a lot and actually the occupants do have cars.

Councillor Zafar Uddin

I would like to confirm that I fully support my ward colleagues Cllr Storey and Cllr Lewis's statement and like to add my objection for the reasons stated in the statement.

Councillor Matthew Storey

I fully support Cllr Lewis' statement and would like to add my objection to the application.

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene and the Albert Park and Linthorpe Conservation Area, impact on amenity and highway safety.

Principle of the Development

2. The relevant policies with the Council's Local Development Plan Core Strategy regarding this application are policies:- H1 (Spatial Strategy), H11 (Housing Strategy), CS4 (Sustainable Development), CS5 (Design), CS13 – A strategy for the town, district, local and neighbourhood centres), REG9 Abingdon, DC1 (General Development) CS18 (Demand Management), and CS19 (Road Safety).
3. Policy H1 identifies strategic sites for housing development and advises that outside of those locations proposals will need to be located within the urban area and satisfy the requirements of sustainable development.
4. Policy CS4 requires all new development to contribute to achieving sustainable development. This includes the prioritisation of previously developed land and locating development where services and facilities are accessible by foot, bicycle or by public transport.
5. Policy REG9 sets out specific interventions within the Abingdon regeneration area and advises that development proposals that would prejudice the implementation of these will not be supported.
6. The application site is previously developed land and is within a sustainable location within close walking distance of the Town Centre/services and public transport and pedestrian and cycle links. As such, the proposal is considered to accord with the sustainable development principles set out within Housing Local Plan Policy H1 and Core Strategy Policy CS4.
7. The property is currently a 4-5 bedroomed residential property and the proposed change of use would convert the building into a 7 bedroomed HMO use. The proposal will provide an increase in the residential accommodation within the area and

contribute to the provision of a mix of residential accommodation available. In this aspect, the principle of development is considered to accord with the guidance set out within Core Strategy Policies H1 and is not considered to prejudice the regeneration plans set out within policy REG9.

8. In view of the above, the principle of the proposed use is considered to accord with relevant policies within the Development Plan and consideration needs to be given to whether the proposal would result in satisfactory privacy and amenity for future occupiers of the property and neighbouring properties as required by Policy DC1 and the Interim Policy on Conversion and Sub-Division of Buildings for Residential Use.

Amenity

Local and National Policy

9. Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
10. Paragraph 135 of the National Planning Policy Framework (NPPF) sets out that consideration should be given to development providing a '**...high standard of amenity for existing and future users**'.
11. The Council's Urban Design Supplementary Planning Document (UDSPD) Section 5 sets out specific guidance in terms of the potential impact of new residential development on the privacy and amenity of the neighbouring properties. The individual paragraphs reference extensions, however the basic principles set out within this criteria do apply to new housing development, given the heading of this section of the SPD.
12. The UDSPD guidance provides guidance within paragraph 4.9 on privacy distances for new developments. The guidance sets out that a minimum of 21 metres unobstructed distance between principal room windows that face each other for buildings exceeding single storey. With Primary windows defined as a main window of a room used for considerable periods of relaxation including living and dining rooms and sometimes kitchens but not bedrooms.
13. The Council's adopted Interim Policy on the Conversion and Sub-division of Buildings for Residential Use identifies key criteria requirements which include the building being capable of providing the number of units or use proposed to an acceptable standard of accommodation providing adequate levels of privacy and amenity for existing and future residents and meeting the Governments Housing Standards. The Interim Policy also establishes that developments should not unduly affect the amenity of the nearby properties as a result of the proposal and that developments should provide adequate provision for and access to parking (cycle and vehicles) refuse storage and collection and amenity space where deemed necessary.

Amenity assessment of neighbouring properties

14. There have been no comments received from the neighbouring properties. The proposal will include the replacement of the single roof light on the front elevation with three roof lights, the installation of two roof lights on the main rear elevation and two conservation rooflights on the single storey rear off-shoot. Each of the proposed roof lights will serve bedrooms spaces which are classed as non-habitable rooms within

the Urban Design Supplementary Planning Document (UDSPD). Although bedrooms are not classed as habitable rooms in the UDSPD the three roof lights on the front elevation will be positioned a minimum distance of 20 metres from the properties opposite. This separation distance is slightly less than the 21-metre privacy guidance within the UDSPD. However, this separation distance is an existing established separation distance between the main existing habitable room windows of the properties along Albert Terrace and therefore the three front roof lights are considered to have no significant impact in terms of loss of privacy or amenity. The proposed roof lights on the rear elevation of the building accord with the 21 metres privacy separation distance to the windows of the properties to the rear along Park Road North

15. The external works include the bricking up of the existing high-level window on the side elevation of the existing single storey rear off-shoot, which is considered to improve the privacy and amenity of the neighbours at 13 Albert Terrace.
16. Overall, the additional roof lights on the front and rear elevations of the building are considered to have no significant or detrimental impact on the privacy and amenity of the neighbouring properties. In this respect, the proposal is considered to accord with Core Strategy Policy DC1 (c), UDSPD and paragraph 135 of the NPPF.

Amenity assessment of future occupants

17. Objection comments have been received from the Ward Councillor that the number of bedrooms will not provide good quality living accommodation for prospective inhabitants.
18. Based on officer concerns over the arrangement and limited amenity provisions initially proposed within the 9 bed HMO, the initial submission has been reduced to provide a 7 bed roomed HMO. The existing building currently houses 4-5 bedrooms. The floor space for each of the proposed bedrooms accord with the Nationally Described Space Standards and the Council's adopted Interim Policy on the Conversion and Sub-division of Buildings for Residential Use and in addition each bedroom has an ensuite
19. In addition, the proposal will provide a separate communal kitchen and living room/dining area and an acceptable level of useable outdoor amenity space within the rear garden for the number of occupants.
20. The proposed floor plans show a bedroom on the ground floor to the front of the property with a large bay window providing a view into the front garden, which is of limited depth. The front garden provides a degree of separation from the pavement for the bedroom window, however, there is a path leading to the front door and along the side of the property and these would mean other residents using the paths reduce the privacy associated with the ground floor bedroom window. In order to retain a higher level of privacy a condition is proposed which would require part of the window to be obscurely glazed, specifically, the window panel of the bay window closest to the main entrance door.
21. To reduce potential noise transfer between the different floors for the occupants, the internal layout has been designed where possible to ensure the majority of the bedrooms are located above each other with only 1 of the 7 bedrooms (bedroom 5) being located above the communal kitchen and living room area. This assists in noise transference between rooms to ensure there is no undue harm in terms of amenity.

22. The revised plans provide a secure cycle and bin store provision within the rear garden. A designated and enclosed bin store area will be provided to the front of the existing detached outbuilding within the rear garden for at least three bins. The Council's waste officer raising no objections to the proposal.
23. The Environmental Protection officer have no objections to the proposal but have advised the applicant will need to comply with the requirements for a separate HMO licence. Given the proposal will replace an existing residential dwelling with a residential HMO use and will provide a continuation of the residential use of the building, there is considered to be no undue adverse noise impact to the neighbouring residential properties.
24. Overall, the internal design ensures the space standards and the levels of privacy and amenity afforded to the intended occupants within the development accords with the guidance set out within Core Strategy policy DC1 (c), the Council's adopted Interim Policy on Conversions of Properties, 'Nationally Described Space Standards' and the guidance contained within the NPPF Paragraph 135.

Character and appearance of the street scene and the Albert Park and Linthorpe Conservation Area

Local and National Policy Guidance

25. The Council's Core Strategy Policy CS5 (c) comments that all development proposals should '**....secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.**'
26. Policy CS5 (f) comments that all new development should enhance both the built and natural environment.
27. Policy DC1 (b) comments that '**....the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality.**'
28. The Middlesbrough Urban Design SPD (UDSPD), adopted January 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
29. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit affects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy.
30. The Council adopted the Interim Policy on the conversion and sub-division of properties in December 2019. The policy identifies key criteria requirements which include the building being located in an area with a mix of dwelling types with the proposal not leading to an unacceptable change in the character.

31. The National Planning Policy Framework (NPPF) December 2023 establishes that good design is a key to achieving sustainable development. The NPPF Chapter 12 'Achieving well designed places' comments that Local Authorities should provide design guides in accordance with the principles set out in the National Design Guide and National Design Guide Model to enable new development to reflect the local character and to provide design preferences.
32. Paragraph 135 of the NPPF sets out that planning decisions should ensure developments '**...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development**' and are '**....visually attractive as a result of good architecture, layout and appropriate and effective landscaping.**'
33. Specifically, within paragraph 135 of the NPPF reference is made to new development being '**.... sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.**'
34. The NPPF paragraph 139 sets out that development which is '**....not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents**'. With '**...significant weight given to development which reflects local design policies and government guidance on design, taking into account any local design guides and supplementary documents such as design guides and codes**'.

Character and appearance assessment

35. The properties along this section of Albert Terrace are predominantly terraced and semi-detached residential properties. The properties are set back from the highway with small front gardens and large rear gardens. The terraced properties have ground and first floor bay windows with some properties having turret detailing above the bay windows on the south side of Albert Terrace with the properties to the north having single dormer windows.
36. The Albert Park and Linthorpe Road Conservation Area Appraisal and Management Plan notes the terraced properties along Albert Terrace as being built between 1876 and 1915 and reference the fact that whilst some of the architectural features within the buildings has been lost those which remain are considered high-quality
37. The application site is an end of terraced property set back from the highway with a small front garden enclosed with a dwarf boundary wall and established hedge. The building has retained the original ground and first floor bay windows, entrance porch with timber roof canopy detail and chimney.
38. The proposed change of use will provide minimal external changes to the building with the installation of three roof lights on the front elevation, two roof lights on the main rear elevation and on the single storey off-shoot and additional obscure glazing panels. The initial plans showed alterations to the detached outbuilding (garage) but these alterations have been removed as part of the revised scheme.

39. The proposed roof lights on the front and rear elevations will be visible from the wider street scene along both Albert Terrace and Park Road North. There are roof lights apparent within the existing street scene and on the front elevation of the application property. The conservation design of the roof lights will ensure the proposed roof lights will have no significant detrimental impact on the overall character of the building or the wider conservation area.
40. The proposed obscure glazing panels will be within a single pane of the bay window and within the ground floor rear elevation window. The limited area of obscure glazing and the fact the glazing will have a similar appearance to a blind within the window means the visual impact on the appearance of the building is not considered to be significant.
41. The conservation officer has noted the five conservation roof lights proposed and advised that the number of proposed roof lights be reduced to two to assist in limiting any potential impact on the appearance of the building. However, the conservation officer concludes that based on the plans provided showing the five roof lights the overall the proposal would result in a negligible impact on the significance of the Albert Park and Linthorpe Conservation area. The conservation officer has advised that as a HMO use permission would then be required for the replacement of the timber windows and this should be added as an informative.
42. The application site is within 150 metres of two designated heritage assets being the Grade II listed Forbes Building and Albert Park Historic Park and Gardens. Due to the existing development which sits between both heritage assets the proposal is not considered to have any impact on the setting of the heritage assets.
43. The design, location and number of proposed roof lights are considered not to result in a detrimental impact on the character and appearance of the original property, street scene or the Albert Park and Linthorpe Conservation area and accords with the guidance set out within Core Strategy policies CS5(c, f & h) and DC1 (b), the UDSPD and paragraph 135 of the NPPF.

Highways

44. Policies CS17, CS19 and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. Policies CS18 and CS19 encourage development proposals to incorporate measures that improve the choice of sustainable transport options available to people and schemes that promote their use.
45. The Ward Councillors have objected to the additional pressure for on street parking because of the change of use in an area where there are high levels of parking which will result in dangerous conditions, despite the application site being near the town centre.
46. The site is within a sustainable location given the close proximity to the town centre and cycle and walking routes and is well served by public transport which will enable non-car travel and enable either low car ownership or no car ownership for the intended use. Despite the sustainable location, the change of use from a single dwelling to a 7 bed roomed HMO use with additional residents could potentially result in additional demand leading to oversubscription of the existing parking bays.

47. To address any potential increase in on-street parking the developer has agreed to fund an amendment to the Traffic Regulations Order required to remove the property from the residents parking scheme. This means future residents will be unable to apply for parking permits and as a result will not create any additional pressure on the demand for parking. The amendment to the Traffic Regulation Order will be funded by developer with the works implemented by the Council. The funding for the amendment to the Traffic Regulation Order will be secured by condition.
48. The revised site layout plans provide a secure/locked and covered cycle store within the rear garden which can accommodate 8 cycles. The proposed cycle store is considered to provide a good provision for the occupants in terms of enabling the occupants to use alternative sustainable transport options. The highway officers have commented that a condition is required to ensure the specific details of the design of the cycle store are submitted for approval with the cycle store being in place prior to the occupation of the proposed scheme.
49. The Highway officers have raised no objections to the scheme subject to conditions requiring the amendment to the Traffic Regulation Order and the provision of the cycle store prior to occupation of the scheme.
50. The sustainable location of the site along with the amendment to the Traffic Regulation Order and the cycle store provision being secured by condition means the proposal is considered to result in no detrimental impact in terms of highway safety or the free flow of traffic or residential amenity.

Nutrient Neutrality

51. Nutrient neutrality 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. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development 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. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
52. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the

application decision unless there is a clear justification on material planning grounds to do otherwise.

53. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
54. 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.
55. The applicant has been successful in securing the provision credits for the proposal and submitted the provisional signed credit certificate from Natural England. Following completion of a revised Habitat Regulation Assessment it is considered the proposal has achieved the required nutrient neutrality mitigation and can be recommend for approval, subject to a condition that the final nutrient neutrality certificate is provide within 2 months of the decision date.

Conclusion

56. In view of the above the proposal is therefore deemed a satisfactory form of development fully in accordance with relevant policy guidance there are no material considerations that indicate that the application should be refused.

RECOMMENDATIONS AND CONDITIONS

Minded to approve with conditions subject to the Nutrient Neutrality Certificate compliance being obtained within 2 months of the date of the decision notice.

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Site location plan drawing dated 12th February 2024
- b) Existing floor plan drawing 2342-001 dated 12th February 2024
- c) Existing elevation plan drawing 2342- P002 dated 12th February 2024
- d) Existing Outbuilding elevation drawing 2342 – 003 A dated 9th April 2024
- e) Existing and proposed block plan drawing 2342-P004 D dated 14th August 2024
- f) Proposed floor plan drawing 2342 – P001 E dated 14th August 2024

- g) Proposed elevation drawing 2342-P002 E dated 14th August 2024
- h) Proposed outbuilding elevation drawing 2342- P003 E dated 14th August 2024
- i) Proposed cycle store drawing 2342- P006 dated 9th April 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Cycle Parking Laid Out

The development hereby approved shall not be commenced until details of covered and secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. No part of the development hereby approved shall be occupied until the areas shown on the approved plans for cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes

Reason; To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

4. Traffic Regulation Order

Prior to the commencement of development hereby approved the details of necessary Traffic Regulation Orders to remove the existing property from the residents parking scheme and as such preventing these residents from applying for permits must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed Traffic Regulation Orders has been initiated.

Reason: The development is in a location that is easily accessible by public transport, near a range of amenities including shops and leisure facilities, and within a controlled parking zone having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

5. Nutrient Mitigation Scheme

Prior to the occupation of the development hereby approved a copy of the signed Final Credit Certificate from Natural England, must be submitted to and approved in writing by the Local Planning Authority. If the final credit certificate cannot be obtained for any reason full details and specifications of an alternative Nutrient Neutrality Mitigation Scheme, including any long-term maintenance and monitoring details must be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) prior to any commencement of works on site. Thereafter the development shall be carried out in accordance with the approved Nutrient Neutrality Mitigation Scheme.

Reason: To ensure the appropriate mitigation of nutrients to protect the Teesmouth and Cleveland Coast Special Protection Area in accordance with the requirements of Regulation 63 of the Habitats Regulations

INFORMATIVES

- **Discharge of Condition Fee**

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be

aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

- Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation

- Replacement windows

Any replacement of the timber frames or timber-framed sliding sash windows would require planning permission given the HMO use of the building.

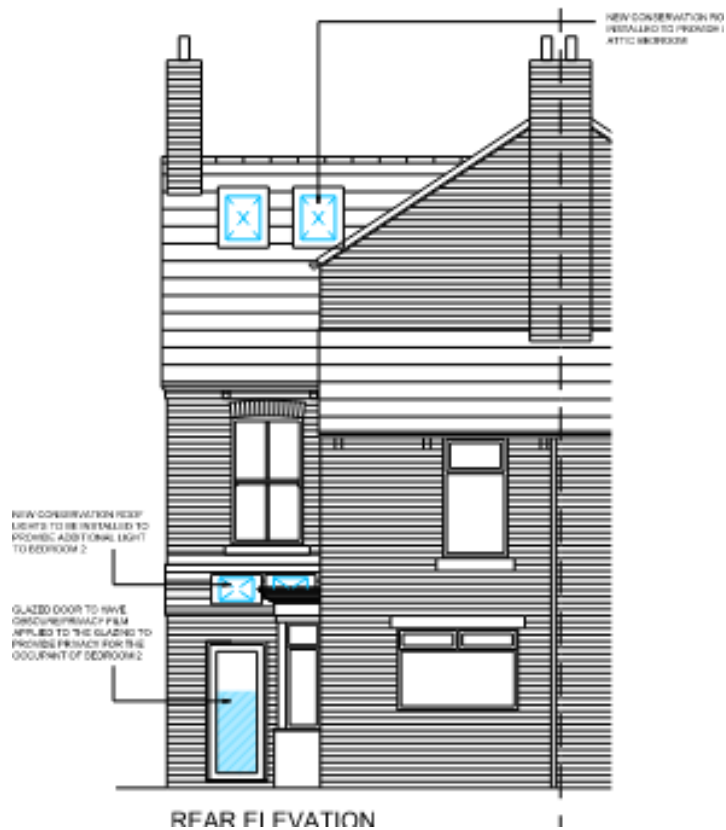
Case Officer: Debbie Moody

Committee Date: 7th November 2024

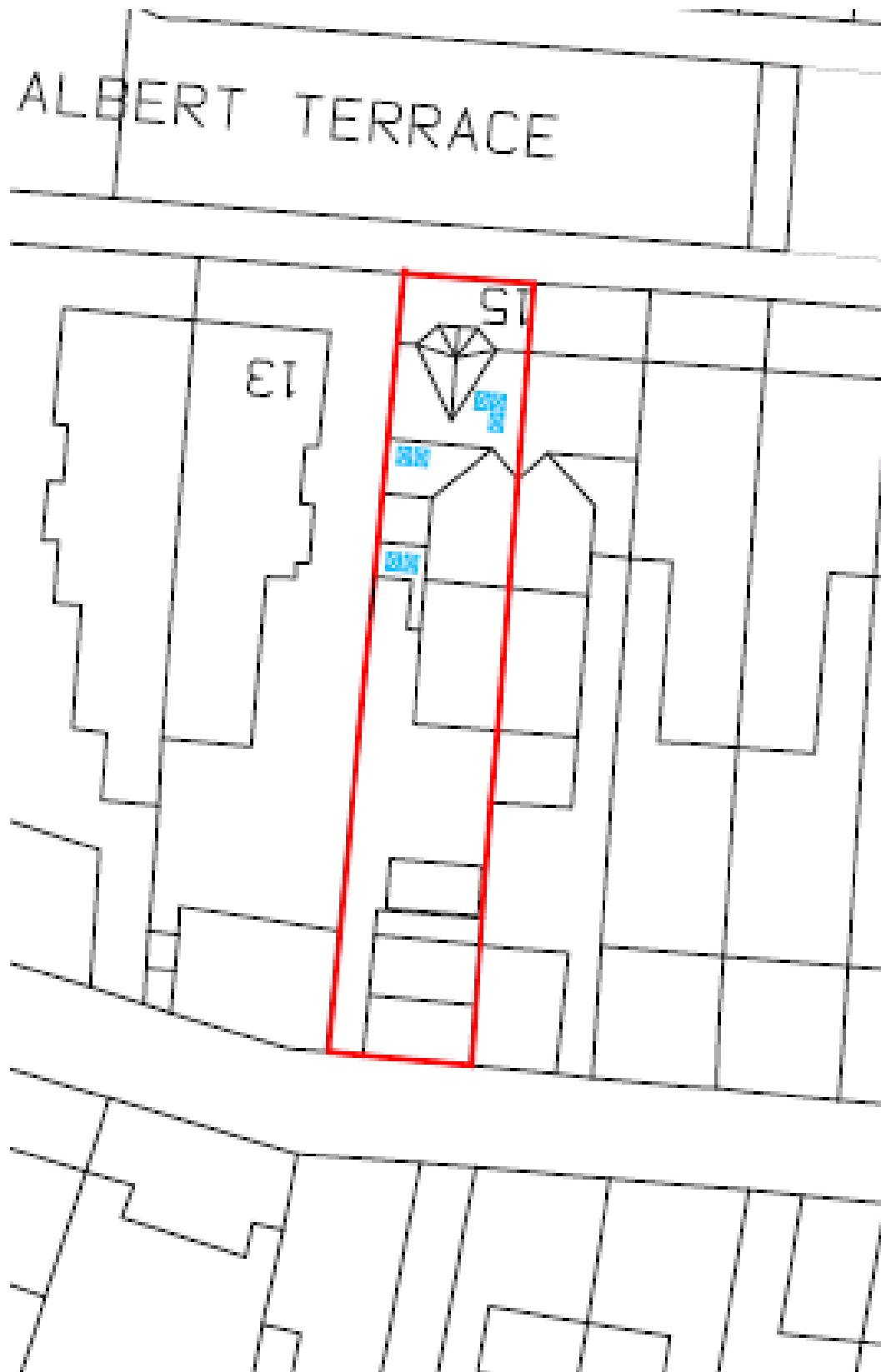
Appendix 1 - Site Location Plan



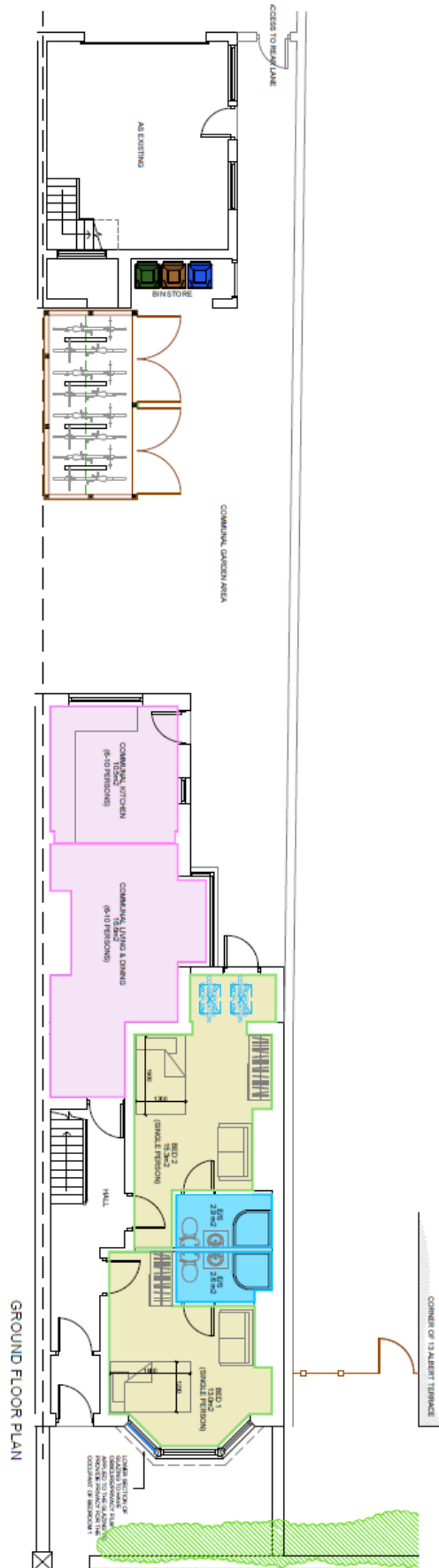
Appendix 2 – Proposed elevations



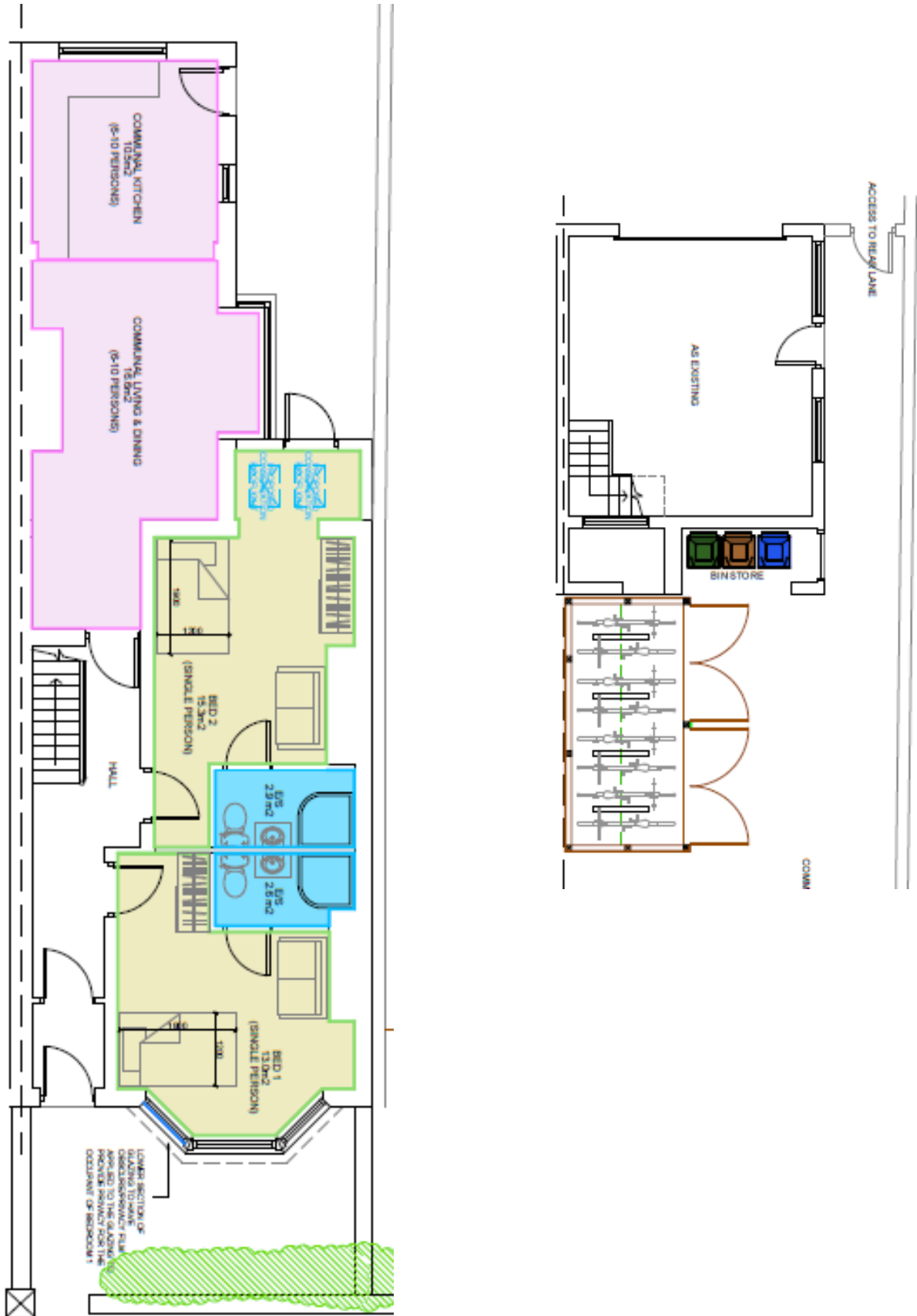
Appendix 2 – Proposed Block plan



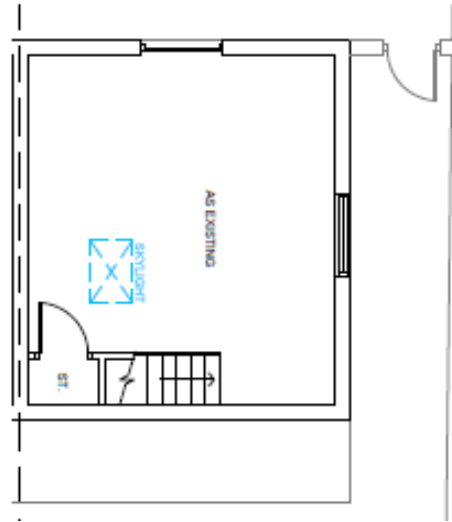
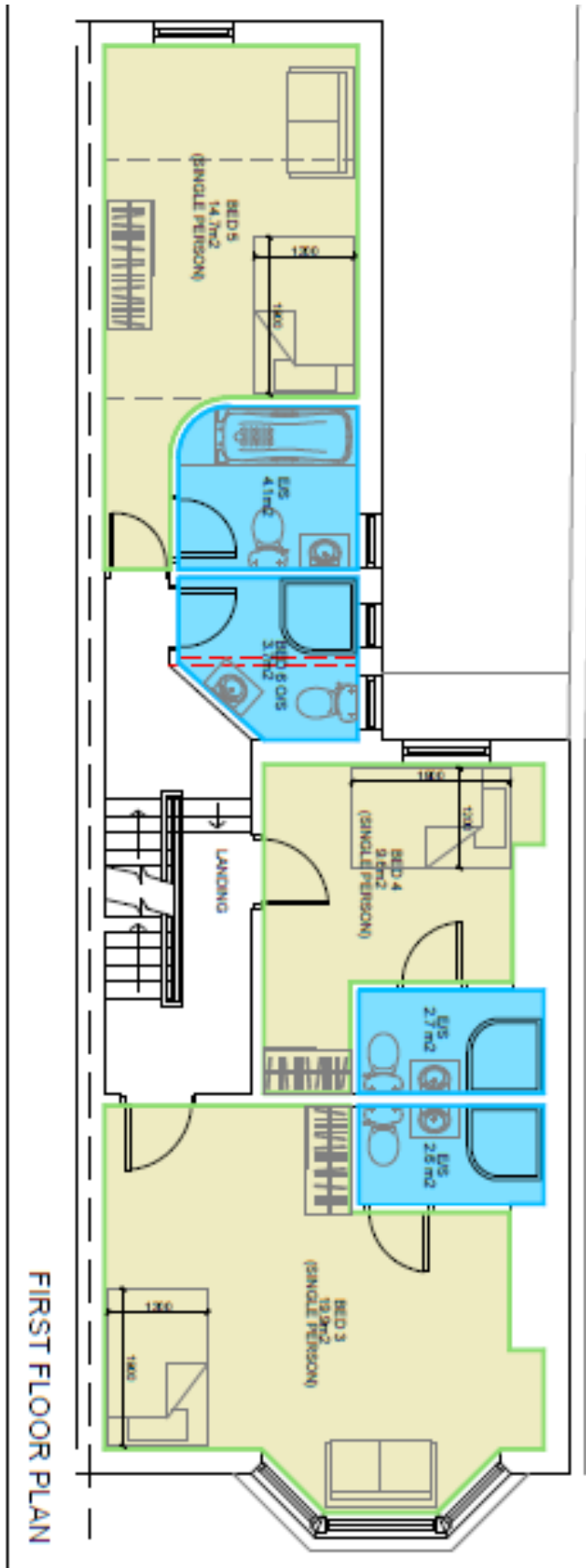
Appendix 2- Proposed site plan



Appendix 2- Proposed Ground Floor Plan and bin/cycle store



Appendix 2 – Proposed First floor plans and first floor of detached outbuilding



Appendix 2- Proposed third floor and outbuilding roof

