

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Monday 8 March 2021.

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

**PRESENT BY INVITATION:** Councillors J McTigue

**ALSO IN ATTENDANCE:** M Massey

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

20/41 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor J Hobson	Non-Pecuniary	Agenda Item 4, Item 3, Ward Councillor

20/42 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

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

**20/0045/COU Change of use from Methodist Church (D1) to dance studio/community events centre (D2) at Ormesby Methodist Church, High Street, Middlesbrough for Mrs N Woodgate**

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

The Head of Planning advised that planning permission was sought to convert the vacant Ormesby Methodist Church to use as a dance studio and for community functions.

The application site was located in a residential area in Ormesby, Middlesbrough. It occupied a corner plot at the junction of Ladgate Lane with Pritchett Road.

As a main town centre use outside of a defined centre, a dance studio in the edge of centre location could have an adverse impact upon the vitality and viability of defined centres. In accordance with requirements of the National Planning Policy Framework, a sequential test had been submitted to assess the availability of more suitable premises within (or closer) to the nearby local centre. It concluded that there were no other viable sites available, that the application site was the preferred option in a sustainable location and the scheme represented an appropriate alternative use of Ormesby Methodist Church. It was considered that the use would not have a detrimental impact on the vitality and viability of the nearby local centre.

Members heard that no material alterations to the exterior of the building were proposed. It was commented that although the building was formerly used as a church, where traditionally the pattern of arrivals and departures may have been more concentrated at weekends, under its current use class (F2) the building could also be used for other less conventional types of worship or other uses such as a school, training centre etc. without the need for further planning permission. That could result in the pattern of attendance extending across the week and into the evenings. It was considered that the proposed use, as a dance school, would not result in a dissimilar pattern of operation to its current use. Therefore, it would not have any significant detrimental impact on the character of the area beyond the existing ability in how the building could be used, as a building visited and attended by the public for group activity.

Consideration had been given to the issues raised by local residents, however, it was considered that that the proposal would not result in a significant increase in terms of noise and disturbance to local residents or an increase in traffic or parking demand over and above the previous use.

A noise impact assessment had been submitted in support of the application, it concluded that, providing amplification of music was limited to a maximum of 85dB LAeq (15min). Therefore, the proposed activity associated with the dance studio would be considerably less than the pre-existing traffic noise in the area. The Council's Environmental Health Officer considered the noise report and requested further measurements to demonstrate that the suggested noise level would not have an adverse impact on nearby residents.

It was considered that the use of the building as a church (or other use in the current use class) had the potential to generate as much or possibly more noise than the proposed use being considered under the application.

The current use was also unlimited in terms of its hours of operation and so could potentially create noise and disturbance outside of what would be considered acceptable hours. The application provided an opportunity to limit the hours of operation and noise levels at the site, which would give greater control over potential disturbance. Taking that into consideration, it would be difficult to justify a refusal of planning permission in terms noise and disturbance arising from the proposed use, particularly where that was relating to the use of amplified music as the level of music being played could be easily reduced. A suitable condition limiting the hours of use, and noise levels at the site, had been recommended.

Concerns had been raised regarding privacy to a side facing kitchen window at No. 4 Chapel Close that faced towards the parking area. There was a fence along the shared boundary that would provide some screening, although due to the differing land levels that was reduced to a certain degree. The situation was, however, no different than it was with the current use. As such, it was considered that any increase in loss of privacy due to use of the car park would not be significantly different from that existing. Therefore, it would be difficult to justify refusal of planning permission on the basis of loss of privacy.

Concerns had been raised regarding the movement of traffic and parking on Pritchett Road. In assessing the level of traffic movements and likely demand for on street parking, account had to be taken of the existing situation. Use as a place of worship could result in a high level of worshippers arriving at the site at the same time. With the proposed use, it was likely that classes would take place at varying times thereby spreading the arrival and departure of vehicles across the times of operation. It was considered that the proposal would have a lesser impact than the existing use.

The Council's Highway Engineer had advised that the proposal should comply with the parking standards set out in the Tees Valley Highway Design Guide, which required that 1 parking space per 10m<sup>2</sup> of public space was provided. The Applicant had indicated a total of 175m<sup>2</sup> of public space within the building (dance studios plus café area), which would require 18 spaces to be provided. The proposed site plan indicated parking for 14 vehicles, which fell short of the required standard. However, as there was an existing building and use at the site, consideration also needed to be taken of the current situation. The parking standard for places of worship was for 1 space per six seats, there was no information provided for the capacity of the church but based on the size of the floor area of the main hall alone, the parking requirement for the existing church would be at least 25 spaces, which was greater than that needed for the proposed use. In view of the parking requirement for the proposed use being less than that of the existing use, it would be difficult to justify refusal of planning permission based on lack of parking as it would, in theoretical terms, be an improved situation.

The proposal had been assessed against local policy and guidance. It was considered that, due to its location close to the local centre, the proposed use was acceptable in principle and that the reuse of a vacant building that was close to local facilities represented a sustainable form of development. The proposal would not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway. All other issues raised had been considered but did not justify refusal of planning permission.

Members were advised that, as a result of the usual consultation process, objections from three local residents had been received. Those objections referred to:

- parking;
- loss of privacy due to proximity of parking to window;
- noise;
- access for emergency vehicles;
- highway safety;
- request for yellow lines; and
- property already in use as a dance studio.

A suitably worded condition had been proposed limiting the hours of use at the site, which restricted operation outside the hours of 0900hr to 21.00hrs. A condition had also been proposed to avoid undue noise and disturbance in the interests of the amenity of nearby residents.

In response to a Member's query regarding the number of parking spaces, the Head of Planning advised that the proposed site plan indicated parking for 14 vehicles. A tarmac area was provided, which did not have any car park markings, but would accommodate 14 vehicles.

Members requested clarification regarding the community use and the events that would be held at the site, if approval was granted.

A discussion ensued and several Members expressed concerns in respect of:

- the lack of parking provision provided at the site;
- the community use proposed, given the number of vehicles that could potentially need to access parking provision in the locality.

The Head of Planning advised that further discussions could be held with the Applicant, to reconsider matters, in an attempt to improve parking provision.

The Development Control Manager advised that the proposed use did fall short of the required standard. However, as there was an existing building and use at the site, consideration also needed to be taken of the current situation. It was also added that, given the comments made by Members, it had become apparent that parking problems were already in existence with the current use. A key consideration for Members was, would the change of use result in a situation that was notably worse. It was advised that if Members were minded to defer the application, there may be the opportunity to discuss parking solutions with the Applicant and achieve improved arrangements.

Members commented that the parking provision was inadequate and the number of community events held at the site, could be a cause for concern. It was anticipated that if regular events were held then the lack of car parking provision would undoubtedly impact on the amenity of nearby residents.

Members were in agreement that further information on the community use element of the proposal would be welcomed, specifically relating to the type and frequency of events likely to be held. Members also requested that the Applicant reconsidered parking provision on the site, in an attempt to improve arrangements.

**ORDERED** that the application be **Deferred** for the reasons set out below:

To obtain further information about the proposed use in terms of class sizes and traffic arrangements and to allow the applicant to consider providing additional parking at the site.

**20/0546/FUL Erection of 296 dwellings with associated landscaping and parking at Land at Grove Hill, Middlesbrough for Thirteen Group**

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 Principal Planning Officer advised that the purpose of the application was to seek consent for the erection of 296 residential dwellings and associated works.

The application site comprised 9.86ha of brownfield land. The site was split into three sections, one was located either side of Pinewood Avenue. The second was located to the south of Marton Burn Road between the junctions with The Vale and Deepdale Avenue. The third was located between The Vale, Ashfield Avenue and Keith Road. The site was previously housing, which had been removed as part of the wider Grove Hill regeneration scheme.

Following a consultation exercise, two comments had been received from residents but no resident objections were received.

Policies H19 identified Grove Hill for the development of approximately 610 new dwellings. The proposed 296 dwellings, plus 201 dwellings delivered to date, would result in 497 dwellings.

The scheme consisted of:

- 87 no. two bed bungalows;
- 1 no. three bed bungalow;
- 8 no. four bed dormer bungalows;
- 48 no. two bed houses - two storey;
- 130 no. three bed houses - two storey; and
- 22 no. four bed houses - three storey.

The proposed dwellings included 276 semi-detached properties, 6 terraced properties and 14 detached properties.

The development was for 100% affordable housing with the majority of the proposed dwellings for affordable rent and 16 were shared ownership.

Lengthy conversations had taken place with Cleveland Police, in respect of Secured by Design. One of the key points raised was permeability and vehicle access. Currently there were 6 vehicle entrance points to the main site, the scheme proposed to reduce the number of entrance points to two from Ashfield Avenue. Other access points were for private or shared drives and did not provide access through the site. Boundary treatments and methods, such as high kerbs, would also be introduced to prevent and discourage vehicle access to the open spaces. The proposed dwellings were orientated to provide natural surveillance of open spaces and pedestrian routes.

The proposed development would result in approximately 50 existing trees being removed from the site. The majority of those trees were classified as low quality and low value. The proposed landscaping scheme included the planting of trees throughout the site, with more than double the number removed being planted. The additional planting would mitigate the removal of the existing trees to enable the development. The landscaping scheme planned to create a green and pleasant environment with green links through the site to the adjacent open space on The Vale.

The proposed dwellings were contemporary in their design and the house types provided a varied mix of dwellings.

In terms of highways, the Transport Development Engineer advised if approval was granted for the scheme, the following works would be undertaken:

- the realignment of the The Vale and associated works in order to create a 4 arm signal controlled junction with Toucan crossing facilities;
- relocation of the existing bus stops on The Vale consisting of kerb works, widened footway and re-provision of bus stop facilities including shelter, high bus boarder kerbs, bus stop flag and signing/lining associated with the bus stop;
- provision of a 3.6m wide shared pedestrian cycle route along the South side of Keith Road between no.103 Keith Road and the existing Toucan crossing on Keith Road adjacent to St Chad`s Church.

The site had been designed in a sustainable manner and included highway works, such as the provision of a shared pedestrian/cycle route to the North side of Keith Avenue, linking existing crossing points and the development into the strategic North/South Route 65 of the National Cycle Network.

Within an 800m walk of the site were a large number of day to day facilities including schools and shops, with bus stops served by frequent services immediately adjacent to the site boundary.

There was a history of accidents at the Keith Road/The Vale/Hollyhurst Avenue junction. Interrogation of the accident history demonstrated patterns in both the type of accidents and highway users. The addition of further development traffic and new residents on foot and cycle could exacerbate that situation. As a result, officers had worked with the Applicant and it was proposed to modify the existing alignment of The Vale to create a 4 arm signal controlled junction.

The provision of managed areas of on-street parking were proposed as part of the scheme to minimise the risk of indiscriminate parking. The proposed parking provision, both in curtilage and on street parking, had been assessed and was considered to be acceptable for the development.

The Principal Planning Officer advised that the recommendation was to approve, with conditions, subject to a s106 agreement.

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

In summary, the Agent advised that:

- the design proposals had be redefined to ensure the scheme was a sensitive and high-quality development;
- the 297 dwellings aimed to provide a mix of two, three and four bed family houses and bungalows;
- the proposal aimed to provide a thriving and sustainable development, which was fully integrated with Grove Hill;
- the design aimed to utilise the current features and assets of the site to help create a landscaped environment that extends from the existing green space into the cycle route along The Vale;
- semi-private green spaces would be provided for the new community to share, giving the opportunity for new neighbours to interact with one another;
- the development was aimed at all ages and all household types and aimed to create a wide range of opportunities for social interaction and sustainable travel;
- strong frontages and street scenes would be provided throughout the site;
- a new landscaped area would be developed utilising existing mature trees to create a sequence of spaces that linked into the wider area;
- security had been raised as an important issue and in light of meetings with the Council's internal consultee on crime prevention, careful consideration had been given to the public/private space throughout the development and how different boundary treatments could be used to secure the communal private spaces within the housing blocks and bungalow properties;
- secure access to spaces would be via a gate with a key code;
- Thirteen Group and the design team were aware of the security issues in the wider area, therefore, great effort had been made to ensure that the public spaces were well overlooked and there would be good levels of natural surveillance throughout the development;
- the layout, lighting, accessibility, natural surveillance, boundary treatments, open spaces and landscaping had all been fully considered to address the security concerns associated with the site;
- the site was in flood zone 1, meaning it was at low risk of flooding.
- the development was for 100% affordable housing with the majority of the proposed dwellings for affordable rent and 16 were shared ownership.
- the scheme was a sustainable development, which planned to assist in economic growth in the town and would deliver many socio-economic benefits;
- the development would support the creation of new jobs, create additional expenditure within the local economy and boost the supply of affordable housing;
- the estimated construction spend was £39 million and that planned to support approximately 328 FTE construction jobs over the 5 year building phase; and
- the scheme would deliver £1.5+ million of direct gross value added over the build period.

A Member raised a query in respect of cycle lanes and the lack of internal routes. The Agent explained that the issue would be discussed with Transport Development Engineer to determine a way forward.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor was fully supportive of the proposed scheme and delighted that the development planned to re-use a brownfield site. It was also commented that there had been an increased need for social housing in area, over recent years, and the highway mitigation measures proposed were welcomed. A request was made for mature trees be planted to replace those that were scheduled for removal. It was also advised that the trees would need to be protected, as vandalism had occurred previously and trees had been damaged.

In response to the issues raised by the Ward Councillor, the Agent explained that development would deliver 100% affordable housing with the majority of the proposed dwellings for affordable rent and 16 would be shared ownership. The gardens would not be open plan, they would have hedges and railings. The Agent also commented that trees would be well protected and as large as they could possibly be.

A discussion ensued and Members commented on the positive elements of the scheme, such as:

- the need to develop the brownfield site;
- the proposal of a large number of bungalows;
- the development improving the economic, social and environmental conditions of the area; and
- the measures put forward to design out opportunities for crime and disorder and improve road safety.

Members raised concerns in respect of motorbikes and quadbikes gaining access to the site and it was suggested that boulders be placed around the site to prevent access. The Agent advised that measures to prevent access would be considered.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report, subject to a s106 agreement.

**20/0692/FUL Permanent siting of restored railway carriage for use as guest accommodation at Ryehill House, East Brass Castle Lane, Middlesbrough, TS8 9ED for Mrs Susan Holmes**

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

The Development Control Manager advised that the purpose of the application was to seek planning approval for the permanent siting of a restored railway carriageway for use as self-catering guest accommodation.

Ryehill House was a two-storey property accessed off a private driveway on the south side of Brass Castle Lane. The application site was one of a small number of properties in the local area, which was principally characterised by open countryside and copses of trees and other landscaping. Recent development of the Bridlewoods scheme of 5 houses would, when complete, somewhat alter the character to the north of the site.

The purpose of the application was to seek planning consent for the permanent siting of a restored railway carriage for use as guest accommodation, in association with the main building.

The application site was located close to the southern edge of the borough, beyond the limit to development and within defined special landscape area. Any proposed development beyond those boundaries needed to be considered against policies in the Local Plan and in the interests of protecting the open countryside.

Policy E21 determined special attention would be given to the protection and conservation of the scenic quality and character of the landscape in the areas designated as Special Landscape Areas. With development only permitted where:

- it would not detract from the special scenic character and quality of the landscape;
- it was of a high standard of design;
- it was carefully located to reflect the traditional scale and character of buildings and landscape in the area;
- the use of material was sympathetic to the locality; and
- it did not have a detrimental impact on features important to the landscape, such as trees and hedges.

It was considered that the development was a small scale proposal, which would have only a low impact on the special landscape and scenic character of the area.

Following consultation, seven objections had been received in relation to the proposal. The objectors raised issues such as the visual impact of the development on the character of the area, traffic, refuse and drainage.

In terms of addressing the impact of the development on parking, refuse and drainage, several suitably worded conditions had been proposed to address those concerns. It was also advised that an additional condition stipulated that should the carriage be removed from the site, then any structures associated with drainage, waste receptacles, vehicle parking and the carriage base would need to be removed.

Overall, the principle of the use and siting of the train carriage was considered to be acceptable and the officer recommendation was to approve the application, subject to conditions.

A discussion ensued and Members:

- commented that the development would prejudice the character of the local area;
- raised concerns in respect of the visibility of the carriage and queried whether screening could be enhanced;
- commented that the carriage would need to be tested for asbestos; and
- queried whether the proposal would exacerbate the parking and traffic issues already in existence.

The Development Control Manager advised that Members could request for a detailed landscaping scheme to be submitted for approval, so that trees that hold their leaves were planted as part of the scheme. The intention was for the carriage to sit on rails, which would be secured by a condition. It was commented that many of the issues raised in respect of traffic and road use were private matters. The carriage would be located at the entrance to the private drive and there was sufficient space for cars to park off the existing carriageway to turn and exit via Brass Castle Lane. As a result there should not be a requirement for vehicles to access other roads in the location.

Members queried why the proposed location of the carriage was so close to Brass Castle Lane, given the land available. It was also commented that the private land owned by Ryehill House should be utilised to provide an access road, instead of traffic passing Ryehill Cottage and Ryehill Farm Cottage. It was commented that alternative arrangements should be provided for accessing and egressing the carriage.

The Development Control Manager advised that Members may wish to defer the application, to allow the Applicant to consider the issues raised in respect of access and traffic.

**ORDERED** that the application be **Deferred** for the reasons set out below:

To ascertain additional information in relation to parking, traffic and turning associated with this proposal and with the other property served off the private drive.