

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 9 April 2021.

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

**ALSO IN ATTENDANCE:** K Deen, B Hubbard and M Saunders

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

**APOLOGIES FOR ABSENCE:** Councillors J Rostron and J Thompson

20/43 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor J Hobson	Non-Pecuniary	Agenda Item 6, Item 2, Ward Councillor
Councilor G Wilson	Non-Pecuniary	Agenda Item 6, Item 5

20/44 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 5 MARCH 2021**

The minutes of the meeting of the Planning and Development Committee held on 5 March 2021 were submitted and approved as a correct record.

20/45 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 8 MARCH 2021**

The minutes of the meeting of the Planning and Development Committee held on 8 March 2021 were submitted and approved as a correct record.

20/46 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

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

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

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

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

**20/0045/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 (UPDATE)**

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 at the last meeting of the Planning and Development Committee, Members had agreed to defer the application 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. Following the request from the committee, the information requested had been obtained from the Applicant.

The Development Control Manager provided a brief outline of what had been discussed at the previous meeting.

Members were informed that the dance school would run on Mondays, Wednesdays and Fridays and there would be approximately 25-29 children attending classes between 4.00 p.m. and 5.45 p.m. Then an older cohort of children/young people (10 to 16 years of age) would be attending classes between 6.15 p.m. and 8.30 p.m. in addition, on Saturdays, approximately 25 to 30 children and young people would be attending classes between 9 a.m. and 1.00 p.m.

It had been indicated by the Applicant that parents and carers dropped off and picked up their children but did not stay at the establishment. It was also advised that timings had been staggered to address traffic congestion.

In terms of competitions, those took place once a month from February to June and September to December. The competitions took place from 9.00 a.m. until 8.30 p.m. with approximately 25 to 30 children and young people taking part. The Applicant had also advised that coaches and mini buses did not access the site, as the competitions were local events.

Members were advised that the car park would be clearly marked and would include pick up/drop off zones.

The Development Control Manager advised that the recommendation was to approve the application with conditions, alongside the inclusion of an additional condition requiring parking spaces to be clearly marked on the site in order to allow maximum use of the car park.

Two Ward Councillors were elected to address the committee.

In summary, the Ward Councillors commented that they welcomed the application, however, given the parking issues associated with Pritchett Road and the junction of Pritchett Road/Ladgate Lane, it was requested that road markings be introduced to prevent parking across driveways and improve access at the junction. In response, the Highways Development Engineer advised that to undertake that work, a Traffic Regulation Order would need to be submitted to the Highways Team. The Development Control Manager advised that the request could be included as a suitably worded condition.

A representative of the Applicant was elected to address the committee, in support of the application.

In summary, the representative advised that measures had been introduced to reduce the impact of parking issues. Parents/carers had been provided with guidance and advice on drop offs/pick-ups and parking to reduce the impact on nearby residents. It was also commented that class sizes had been reduced and staggered drop offs and pick-ups had been introduced. The benefits that the dance studio would deliver to the local community were also outlined.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report and subject to the inclusion of an additional condition, outlined below:

**Additional condition: Traffic Regulation Order**

**Within two months of the date of this approval, details of necessary Traffic Regulation Orders to install double yellow lines at the junction of Pritchett Road/Ladgate Lane and white H bar markings across driveways to residential properties shall have been submitted to and agreed in writing with the Local Planning Authority along with details of implementation. The scheme shall be completed in accordance with the approved details within three months of the proposed use commencing on site.**

**Reason: To prevent undue impacts to the freeflow of traffic and blocking of driveways taking into account the sites close proximity to a primary road and near to residential drives and having regard for Policy CS4 of the Local Plan and section 9 of the NPPF..**

**21/0058/FUL Erection of single storey community facility, comprising of a multi-use hall and 2 multi-purpose rooms with associated car park and external works at Site of Old Southlands Centre, Ormesby Road, Middlesbrough for Environment and Commercial Services**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the

National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that the purpose of the application was to seek planning permission for the erection of a single storey community facility, with associated works, on the site of the former Southlands Centre.

The application site formed part of the grounds of the former Southlands Centre, being situated at the southern end of the site. To the south, the site was bounded by residential properties on Endeston Road and Hartland Grove. The north, west and east boundaries of the site were bounded by other parts of the former Southlands Centre.

Planning permission was sought for the construction of a new community centre facility comprising a single storey building to be used as a multi-function hall and multi-purpose rooms with associated car park and other works. It was noted that the proposed development formed part of a phased development (funding permitting), with the submitted application being the first phase.

The Development Control Manager made reference to a misprint in paragraph 17 of the submitted report (see bold text). Members heard that the proposed vehicular access to the development would be via the southern entrance (through the residential housing estates), which had previously been closed off when the Southlands Centre was in operation, as all vehicular access/egress to the site was previously via the roundabout further north along Ormesby Road. Re-opening that vehicular access point from the south would inevitably increase vehicular movements through the established residential area and would affect residential amenity. The increase of traffic was **not** likely to be so significant as to notably change the character of the area or noise levels already associated with traffic in the area and thereby, would not have a notable undue impact on the living conditions of occupiers.

Members were asked to note that consultation with surrounding neighbours was still underway and did not expire until the 16 April 2021. The reason it had been requested that Members considered the application, prior to the consultation period ending, was due to there being no meetings of the Planning and Development Committee scheduled for May. The gap between meetings was therefore in excess of 8 weeks, which created issues in respect of the scheduling of works, should the scheme be approved.

Members were advised that following the publication of the agenda, several comments had been submitted in respect of the proposal. Those comments were outlined to the committee:

- The Planning Policy Team had no planning policy concerns and the application accorded with the development plan.
- Environment Health had requested that conditions be imposed in respect of restricting amplified music, limiting hours of operation and conducting assessments for noise and ground remediation.
- Waste Policy Team had requested level access for waste collection and for the turning of refuse vehicles.
- A resident of Endeston Road had expressed concern with the proposed vehicular access to the development, given the congestion issues that were already encountered. It was also requested that the access should be taken off Ormesby Road, which had been the arrangement previously.
- Sport England had raised an objection to the proposal, due to the loss of playing pitches. The Development Control Manager advised that further dialogue with Sport England was required, giving regard for the Southlands site replacing lost pitches that had resulted from the granting of planning permission for the Marton Avenue application. Members were advised that if they were minded to approve the application, and Sports England did not retract their objection, the issue would be referred to the Secretary of State for consideration and a decision.

The application was recommended for approval with conditions, subject to final consideration of all matters raised as part of the consultation process being delegated to the Head of Planning for final decision, in consultation with the Chair and Vice-Chair of the Planning and Development Committee.

A discussion ensued and Members expressed the following concerns:

- the consultation period on the proposal had not been concluded;
- the proposed vehicular access would increase vehicular movements through the

- established residential area and would affect residential amenity; and
- the loss of playing pitches and the potential impact on local residents.

Members queried why the access off Ormesby Road was not being utilised.

Two Ward Councillors were elected to address the committee.

In summary, the Ward Councillors:

- thanked all those involved in the development of the proposal, including officers, elected members and the local community;
- commented that the access/egress to the site needed to be reconsidered;
- requested that access/egress to the site via the southern entrance (through the residential housing estates) should only provide access to emergency vehicles;
- advised that local residents had expressed concerns with the vehicular access point from the south through the established residential area and the impact on safety;
- requested removal of shrubs along Finchale Avenue to improve landscaping and surveillance; and
- queried the location of the entrance to the development and enquired whether the entrance could face the previous access point to the site, located on Ormesby Road.

Several Members commented that they were in agreement with the issues raised by the Ward Councillors and the concerns in respect of access/egress to the site via the southern entrance. Members commented that further information was required regarding the orientation of the building, the access arrangements and the comments received in response to the consultation.

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

**To allow the consultation phase to complete and to allow further discussion of the proposal relative to its access, position and layout.**

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

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 provided a brief outline of what had been discussed at the previous meeting.

The reason the application had been originally deferred was to ascertain additional information in relation to parking, traffic and turning associated with the proposal and with the other property served off the private drive.

It was considered that the additional information adequately demonstrated that there was sufficient space for parking and turning of vehicles associated with the proposed accommodation, subject to it being provided and laid out. Furthermore, it would not affect the existing operation of the Bed and Breakfast or properties in the wider area.

Highways concerns had been raised by various local residents. The site plan submitted in support of the application, indicated that guests arriving to the site would enter via the private track road south of Brass Castle Lane and that six parking spaces would be made available for guests adjacent the train carriage, three either side of the road. Although it was anticipated there would only be two spaces required at any one time. Assuming guests would use the carriage as a base and would go out on day trips, the guests would exit and enter once or twice per day. Access and parking arrangements, in association with the carriage accommodation, were adequate and would have minimal impact on other residents in the area.

The Development Control Manager advised that access/egress and parking concerns largely referred to the existing Bed and Breakfast use at the main building, rather than at the proposal

site. Although the proposal was a similar use it would operate separately and would occupy a fairly secluded position to the north of the main building, away from existing residents.

Several images were displayed, showing the access via the private track road and the parking spaces that would be available for use.

Officer recommendation was to approve the application, subject to conditions relating to the removal of the carriage, drainage, waste storage, vehicle parking and the carriage base.

A discussion ensued and Members commented that the development would prejudice the character and landscape of the local area and impact on the amenity of nearby residents. Members expressed concern in relation to the location of the carriage and its proximity to the Brass Castle Lane.

Members questioned whether the proposed carriage could be located elsewhere within the site, away from its junction with Brass Castle Lane. The Development Control Manager advised that the Applicant did not own the agricultural land adjoining the proposed development site and as such the location of the carriage may be restricted.

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

#### **Impact on the character of the area**

**In the opinion of the Local Planning Authority, the proposed railway carriage would serve to be an alien feature within the designated 'Special Landscape Area' detracting from the special scenic character and quality of the landscape and not reflecting the local scale and character of buildings in the area, and being visible from outside the immediate site, thereby being contrary to saved Local Plan Policy E21 (Special Landscape Areas). Furthermore, the proposed development in changing the character of the area would serve to have an adverse effect on the general amenities of occupiers of the approved residential property to the north of the site.**

#### **20/0742/FUL Change of use from car wash (sui generis) to retail unit Class E(a) at 436 Linthorpe Road Middlesbrough for Mr K Gafoor**

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.

Planning permission was sought to change the use of the previous car wash to a retail unit with associated parking.

The Applicant had submitted a sequential assessment to support the application, which had adequately demonstrated the site as being appropriate for the use and that retail premises could be located on the site without having a detrimental impact on the vitality and viability of the nearby local centre.

The site had been formerly used as a vehicle exhaust and tyre fitting garage and more recently as a car wash. Vehicular and pedestrian access was to the front of the site, from Linthorpe Road, with delivery access to the rear. The site was bounded to the north by a vacant plot, to the east by a highway with industrial uses beyond. A restaurant with residential properties above, a motor repair shop abut the site to the south and a public house was located to the west with commercial properties beyond. Access to the first floor flats, fronting onto Stonehouse Street, was taken from within the site.

The Development Control Manager advised that the proposal would remove access and parking for the four residential units at 4-12 Stonehouse Street and that there was an ongoing land ownership dispute relating to the site. Land ownership was not specifically a planning matter but what was important was that approval of one scheme did not undermine another on material planning grounds. Planning approval could be granted, but not necessarily implemented, if other legal restrictions prevented it from being lawful.

In respect of the parking and access provision for the nearby flats, an application for retrospective planning approval for a first floor extension to the flats and relocation of the

access stairway had been submitted in 2018. The submitted plans included six parking spaces to the rear of the flats that were shown to be within the site boundary. The appropriate certificates had been completed with that submission indicating that the whole of the site was within the applicant's ownership. The application had been subsequently approved. The area where the parking spaces were located was now shown within the site boundary for the current application and the Applicant had completed the certificate indicating ownership of the site. It was understood that the current applicant did own the land and that the land dispute related to specific rights of use of land. Notwithstanding that, it was not possible for planning to resolve or provide an assessment over rights of use as that was a legal matter to be determined by the courts.

In that instance, there was a dispute over the area of vehicle parking which formed part of the previous approval for the flats at Stonehouse Street. If the outcome of the dispute determined that the land in question was not within the ownership of the Applicant for the proposal, then, that would result in a shortfall of five parking spaces associated with the supermarket use. The parking standards set out in the Teesside Design Guide were a maximum level and consideration had therefore been given to the potential impact of a short fall of five spaces on the surrounding highway network. The Council's Highway Officer had indicated that, due to its proximity to the Town Centre and sustainable forms of transport, there was an expectation that some customers would arrive by bus, walk or arrive on cycles. As such, the shortfall of five spaces would not have such a significant material impact on the free flow and safe movement of vehicles on the adjacent highways.

Consideration had been given to the issues raised by local residents and those issues had been addressed in the submitted report. It was considered that the proposal would not result in a significant increase in terms of noise and disturbance to local residents. Traffic generation information, provided with the application, had been considered and demonstrated that the proposal would not have an undue impact on the highway network.

The proposed change of use was considered to be in accordance with both local and national planning policies and the officer recommendation was to approve, subject to conditions. It was also advised that the inclusion of an additional condition would stipulate the submission of plans to show the layout of parking and pedestrian routes, to ensure reasonable pedestrian access.

In response to queries raised by Members in respect of parking provision, the Transport Development Engineer advised that the level of parking associated with the site was in accordance with the maximum requirements set out in the Teesside Highway Design Guide. In terms of maximum requirements, as a retail unit, it was commented that the development should provide no more than 26 parking spaces. The maximum standard of 26 parking spaces were shown in the plans and 5 car parking spaces were in dispute. Therefore, if 5 spaces were not provided, that would reduce the number of spaces to 21. It was commented that 21 spaces would still provide an adequate level of parking, given the location of the site.

A discussion ensued regarding parking provision. Several Members commented that, as additional parking provision could be accessible in the locality and there was an expectation that some customers would walk to the retail unit or arrive by bus, they would agreeable to approving the application if 21 spaces were provided. It was also hoped that providing that approval would assist in resolving the ongoing legal dispute.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report and subject to the inclusion of an additional condition, outlined below:

#### **Car and Cycle Parking Laid Out**

**Notwithstanding the approved plans, details of the parking layout and footpath arrangement within the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the building. The layout as approved by this condition shall be laid out on site prior to the use hereby approved being open to the public and shall thereafter be retained in perpetuity unless otherwise agreed in writing by the Local Authority.**

**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.

**20/0760/FUL Erection of pergola with glass panels to side over outdoor seating area to front at 249 Acklam Road, Middlesbrough for Mr Shaun Crake**

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 application site was a drinking establishment located in the Acklam Local Centre. Planning permission was sought for the erection of a partial glass balustrade and pergola type roof around and over the existing raised drinking area to the front of the property.

The application site was a two storey end of terrace property located in a row of commercial properties within the Acklam Road Local Centre.

Planning permission for use as a café/bar (A3/A4) had been granted in April 2019 and the use was in operation. The application site occupied the ground floor of a two storey property with a separate residential flat above. The property originally had an open area to the front with retaining wall to the side, which served as parking for the shop that previously operated from the site. The forecourt had subsequently been built up to make it level to provide an outdoor seating area for the current use, that part of the development had been approved retrospectively in February 2020.

Planning permission was now sought to partially enclose the raised seating area with a three quarter height glass balustrade and a polycarbonate roof with timber supports.

Following the usual consultation process, three objections had been received. The comments related to issues such as loss of privacy, noise and disturbance and parking issues. It was commented that many of the objections raised referred to the permissions that had previously been granted. It was commented however, that as the proposal would provide an enclosed seating area, the levels of noise and disturbance could occur for longer periods of time.

The proposal had been assessed against local policy and guidance and was considered to be an acceptable form of development that would not have any notable effect on the character of the area, would serve to contain an outdoor seating area and, given its design and relationship to surrounding properties, would not have any significant impact on the amenity of occupiers of nearby properties above the existing situation.

The Development Control Manager advised that the proposal was recommended for approval.

A Member raised a query in respect of the access to the residential flat above. In response, the Development Control Manager advised that concerns had been raised by officers and the positioning of the proposed balustrade had been amended from its initial submission to leave the access path to the flat outside of the balustrade area, which would now serve to provide a direct and demarcated access to the flat.

A discussion ensued and Members commented that the proposal would improve the appearance of the establishment and reduce the levels of noise and disturbance by utilising screening.

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

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**APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

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

**NOTED**

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

The Development Control Manager provided Members with information on the outcome of an appeal, which had recently been submitted by Persimmon Homes.

**Appeal Ref: APP/W0734/W/20/3262389 - Land immediately south of Nunthorpe Gardens / North of A1043, Nunthorpe, Middlesbrough (Known as Nunthorpe Grange)**

**Appeal Dismissed**

The development proposed was the erection of 97no residential dwellings with associated access, landscaping and infrastructure.

The main issue was whether the appeal proposal would achieve a well-designed place, with particular regard to its relationship to the character of the surrounding area and car parking arrangements.

As a result of the density of the scheme, the Inspector had commented that the proposal would subsequently fail to respond positively to existing local character and identity.

**NOTED**