

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 15 October 2021.

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

**ALSO IN ATTENDANCE:** Councillor R Arundale, G Henderson, J Jones and C Van Bedaf

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

**APOLOGIES FOR ABSENCE:** Councillors D Branson and L Garvey

21/16 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

21/17 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 10 SEPTEMBER 2021**

The minutes of the meeting of the Planning and Development Committee held on 10 September 2021 were submitted and approved as a correct record.

21/18 **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.

**19/0355/FUL Erection of 18 no bungalows with associated access and landscaping works at Land at Hemlington Lane, Middlesbrough for Mr K Shannon**

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 purpose of the application was to seek planning consent for the erection of 18 bungalows with associated highway works, landscaping and infrastructure on the area of land located to the east of Hemlington Lane in Middlesbrough.

The Development Control Manager advised that the proposed density of the site had been reduced from the original 22 bungalows to 18 bungalows.

The site layout included a single vehicular entrance into the site from the southern end of Hemlington Lane. The layout proposed the dwellings and highway access be provided around the central open space area. It was planned that the existing landscape strip and established trees would be retained along the southern boundary of the site, between the A174 and to the west of the site, between the existing properties along Hemlington Lane.

The proposed development planned to provide detached dormer bungalows that were considered to be a high-quality design and which would reflect the existing mixture of house types within the vicinity. The site layout had been designed to provide properties focussed around a central open space with other landscape strips to the rear of existing properties and around the site entrance.

The site was designated green wedge within the Local Plan and was contrary to the provisions of that policy, however, consideration was given to the sites planning history. Members were advised that in 1993, an application to use the land for residential development was refused by the Planning and Development Committee, but was later allowed at appeal by the Planning Inspectorate. In 2000 and 2015, outline permission had been granted for

residential development by the Planning and Development Committee. The outline applications had provided no specific detail of the number of dwellings and no conditions had been attached to the approval, setting out the number of dwellings

Whilst all of the previous permissions had lapsed, the matter of the site being in the green wedge had previously been considered and it was envisaged that, due to the position of the site, its development would not unduly affect the wider purpose of the designated green wedge.

Following consultation, a total of 11 objections had been received from residents at 7 properties and an objection had also been received from a Ward Councillor. The objections and concerns were based on a number of matters, including the density of the development, the quality of the development, impact on the character and appearance of the area, loss of green space, impact on ecology and wildlife, traffic issues such as congestion and highway safety, noise and traffic impacts during construction works and flood related issues on the highway. There were no statutory objections to the proposal in terms of the sustainability of the site or the ability to meet necessary flood, ecology, highways and noise mitigation.

The principle of residential development had previously been established through the three previous planning approvals for the site. Although, the consent for the most recent 2015 outline scheme had lapsed, the policies that had been applied to that application still remained relevant policies now. Furthermore, there had been no changes in planning policy since the 2015 approval had been granted.

Members were advised that, although the proposal would result in the loss of an area of the green wedge, the physical separation of the application site from the remainder of the green wedge allocation meant it differed from other allocated green wedge areas. The application site was segregated from the wider surrounding green wedge areas due to the position of the adjacent highway network. It was therefore considered that the physical separation of the site from the wider green wedge allocation, and the lack of current linkage to the wider areas of green space, planned to prevent its loss from having a detrimental impact on the overall wider integrity of the green wedge area or compromise existing green links.

It was planned that the proposed development would be accessed from Hemlington Lane with the internal road layout being provided to adoptable standards.

Members were shown several images, illustrating the site location, the proposed site layout and the proposed housetypes.

In summary, the analysis of the development had determined that the proposals were for a sustainable development, which planned to assist in economic growth in the town. The proposed layout and dwellings were of a high-quality design and planned to provide a pleasant and sustainable environment, offering a good mix of dwelling types. Landscaped areas within the site looked to enhance ecological potential.

The application site was allocated as green wedge within the adopted Local Plan. Although the dwellings conflicted with Policy E2, the segregation of the site from the wider green wedge meant on balance the conflict with policy E2 did not outweigh the social, economic and environmental sustainable benefits of the development.

Externally and internally, the proposed development would meet both the 21 metre and 14 metre separation distances.

The officer recommendation was for approval, subject to conditions and a S106 agreement for off-site provisions.

The Transport Development Engineer referenced objections that had been raised in respect of the proposed access from Hemlington Lane and the request for the creation of an additional spur from the mini-roundabout into the site, similar to the Sandy Flatts Lane Cul-de-sac access. It was commented that the introduction of an additional fifth leg to the roundabout would have been impractical, given its size. With the roundabout being on part of the strategic network, the creation of any additional access or junctions needed to be avoided to ensure there were no highway safety implications. Members were advised that there was an existing access onto the strategic network that already existed in the form of Hemlington Lane, which

presented a low level of vehicle manoeuvring and good visibility splay. The proposed access met all the technical requirements of the Tees Valley Design Guide and there was no lawful reason to consider an alternative access.

It was commented that, in the interests of highway safety, submission of a Traffic Regulation Order (TRO) would aim to reduce the speed limit from 40 mph to 30 mph.

When analysing the impact of a proposal on the highway network, vehicle trips in respect of each residential dwelling had been taken into account. The scheme was estimated to generate approximately 14 two-way vehicle movements, which was not significant and would not warrant refusal of the application.

Highway works planned to include the provision of a Toucan crossing point and designated right hand lane on Ladgate Lane, and a proposed footpath along Hemlington Lane to link the development to Ladgate Lane. The highway works were considered to be an improvement to the existing highway arrangements and would be funded by the Applicant and secured through legal agreements and associated contributions.

A Member raised a query in respect of footpaths and cycle links. In response, the Transport Development Engineer advised that the proposal planned to provide a new footpath link along Hemlington Lane and a crossing on Ladgate Lane to improve footpath and cycle links to the site and existing properties along Hemlington Lane.

A Member queried whether the designated right hand turn for Hemlington Lane was required. In response, the Transport Development Engineer advised that, in the first instance, there was a need to allow the junction to operate as planned. However, once in operation, if problems were encountered in terms of traffic/congestion/road safety, restrictions could be implemented and would need to be dealt with outside of the planning process.

A Member raised a query in respect of reducing the speed limit to 30 mph. The Transport Development Engineer advised that there would be a targeted period of monitoring and enforcement.

A discussion ensued and Members expressed concern that the submitted application proposed to remove the majority of the existing trees within the site. It was also commented that the dense woodland would have mitigated potential noise levels from the highway. It was advised that given the proximity to Ladgate Lane, a 2.2 metre high acoustic boundary fence was required along the northern and north-eastern boundary to ensure there would be no noise impacts to future residents. Members were advised that the acoustic boundary fence would be secured by a suitably worded condition.

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

In summary, the Agent advised that:

- the submitted application before Members had been a result of 2.5 years of work;
- the design was contextual and sensitive to the site;
- the dwellings were of a high-quality design and the scheme would provide a central green open space area, with the majority of the dwellings fronting the open space;
- the proposed layout contained bungalows only and was of a low density;
- the detached dormer bungalows would be of the highest quality;
- outline permissions had been approved previously for the site;
- the proposal translated restraints to drive design;
- the separation distances between the existing residential properties and the proposed dwellings were in excess of the privacy distances required;
- a dense mature hedgerow would be provided along the northern boundary of the site;
- the proposed development would be accessed from Hemlington Lane;
- there had been detailed highway approval of the scheme and the proposal would secure improvements to the existing highway arrangements;
- the proposal retained the green character of the site by providing landscaping, trees, hedges and shrubs within the site;
- the proposals provided a sustainable development, which would assist in the economic growth in the town;

- the S106 agreement would secure monies to provide for the provision of an off-site highways impact mitigation (toucan crossing, footpath along Hemlington Lane, carriageway works), an off-site affordable housing contribution of £425,000 and off-site mitigation for the loss of trees i.e. £2500 for the purchase and replanting of 2,500 trees; and
- every single aspect of the scheme had been carefully considered.

An Objector was elected to address the committee, in objection to the application.

In summary, the Objector advised that:

- all residents of Hemlington Lane strongly object to the proposed scheme;
- the removal of woodland was ecologically unnecessary;
- the proposed purchase and replanting of the trees would take a significant amount of time to provide the same ecological benefits as the woodland;
- there were bats and a large variety of birds, including four priority species, nesting at the site;
- a bat survey had not been undertaken;
- the 2015 application had proposed a smaller development of 10 to 12 bungalows on the site;
- future residents would be required to take refuse and recycling bins to the nearest highway, causing safety concerns;
- in the interests of road safety, additional vehicles on the highway network would increase traffic and congestion;
- 600 houses had already been built in the area;
- only safe and direct access would be from a spur off the mini-roundabout; and
- Middlesbrough's Mayor Andy Preston had secured £500,000 of funding from the Forestry Commission to plant new trees in the town, yet, the proposed scheme was seeking to remove mature trees and woodland.

A Ward Councillor was elected to address the committee.

In summary, the Ward Councillor advised that:

- the application should be refused as it fails to address the implications for residents of Hemlington Lane and the loss of wildlife/biodiversity;
- if the site had to be developed, a smaller number of properties should be proposed to prevent the loss of woodland;
- the proposed access was not acceptable and needed to be revisited;
- the scheme planned to destroy a substantial amount of woodland; and
- if the scheme was approved, woodland would be sacrificed without justification.

A discussion ensued and Members expressed significant concerns that the proposed development would involve destroying/clearing a large area of woodland, which would negatively impact on wildlife and biodiversity. To deliver a greener and healthier environment, the Council had demonstrated a clear commitment to promoting biodiversity net gain. A Member commented that the proposed scheme conflicted with what the Mayor and the Council were trying to achieve and would not deliver measurable improvements for biodiversity.

Members also expressed concern in respect of the high density of the development and the proposed pedestrian and vehicular access.

The Development Control Manager advised that the findings of the ecological assessment, the subsequent badger sett survey, the inclusion of the additional tree planting and landscaping within the site and the S106 financial contribution for additional tree planting meant the proposed development was not considered to have a significant impact on ecology. It was also added that the s106 agreement would also secure financial contributions to fund highway improvement works and provide affordable housing provision.

Members were advised that if approval was granted, an additional condition was proposed to ensure the acoustic fencing was installed and validated as successful.

Members continued to express concern, particularly in respect of the negative impact the proposal would have on wildlife/ecology/biodiversity and on residential amenity.

**ORDERED** that the application be **Refused** for the following reasons:

***Loss of Trees, Biodiversity and Ecology***

*In the opinion of the Local Planning Authority, the proposed development would result in the loss of a substantial amount of tree cover and associated biodiversity and ecology, contrary to the National Planning Policy Framework 2021 (para.174d), Local Plan Policy DC1(e), CS4(j), and the Council's Green Strategy, which require impact on biodiversity and ecology to be minimised, for biodiversity assets, wildlife species and green infrastructure to be protected, and to sustainably manage and develop green spaces.*

***Impact on Amenity of Surrounding residents***

*In the opinion of the Local Planning Authority, as a result of the extent of development being proposed and the associated movement of vehicles to and from the development, the proposals would have an unacceptable adverse impact on the amenities associated with surrounding properties through the change in character of Hemlington Lane as a particularly small grouping of properties within a cul-de-sac away from other residential properties, thereby being contrary to Local Plan Policy DC1(c).*

**21/0109/FUL Erection of detached domestic garage building to rear at 3 Marton Moor Road, Middlesbrough for Ms Brodrick**

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 application site was a mid-terraced two storey residential property located to the north side of Marton Moor Road. The application proposed to remove the existing rear boundary which was made up of brick pillars with roller shutter door and construct a detached, pitched roof garage.

The property sat within a terrace of six on the north side of Marton Moor Road. To the rear of the property was a back lane with a church on the opposing side. The properties had no vehicular access to the front, which was taken off the back lane to the rear accessed via Rockwood Road.

No.3 (the application property) was the only property within the terrace group without a garage to the rear.

Members heard that the scheme had been amended since its initial submission, which had included a higher roof and an additional floor with 2 windows within the 1st floor. The revised scheme reduced the height of the proposed building to single storey.

The proposed garage building would be detached and abut the rear lane as per the other garages serving this group of terraced properties. The garage was shown having a pitched roof and although that was contrasting with the other garages in the immediate vicinity, it accorded with the principles of the Middlesbrough Design Guide which in general did not support flat roofed additions.

Seven objections had been received from three properties, which mainly related to the scale of the building, its close proximity to the adjacent properties, the resultant loss of light and the general overbearing impact.

Members raised queries in respect of the size and positioning of the proposed building. In response, the Development Control Manager advised that the dimensions of the proposed garage were 5.46m by 5.5m and a maximum height (from ground level) of approx. 4.17m and eaves height of 2.3m. The scale, design and materials proposed were appropriate to the site location and there would be no demonstrable adverse impact on adjacent residential amenity.

It was considered that the proposal would not cause notable harm to the amenities of the neighbours or the appearance of the dwelling or the surrounding area and was of a design which was in keeping with the host property. The officer recommendation was for approval.

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

In summary, the Agent advised that:

- the proposed garage was of a good design;
- in light of officer comments, the initial scheme had been reduced to ensure the scale would not unduly affect adjacent properties or the character of the area;
- the scheme complied with planning policy and legislation; and
- there were no grounds to justify refusal of the application.

A discussion ensued and Members commented that the scale and design were appropriate for the site location and there were no material planning considerations that would warrant refusal of the application.

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

**21/0480/VAR Variation of condition no. 5 of planning approval 20/0045/COU to remove the condition which requires external windows in the north west elevation to remain closed between the hours of 9am to 9pm at Former Ormesby Methodist Church, High Street, Middlesbrough TS7 9PA for Mrs 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 Development Control Manager advised that planning permission was sought to remove condition No.5 attached to planning approval 21/0045/COU, which granted permission for the use of the former church to be a dance studio. Condition 5 related to windows on the northwest elevation, which were required to be closed to prevent undue disturbance to surrounding residential amenity in lieu of any evidence demonstrating it would not cause harm.

The main consideration of the application was whether or not there was sufficient evidence to demonstrate the opening of the windows could occur, whilst the dance school was operational, without having an undue impact on nearby neighbours in terms of noise and disturbance.

Consideration had been given to a technical report submitted with the application and noise monitoring carried out by the Council's Environmental Health Department. It had been concluded that the opening of windows could occur without having a significant increase in noise levels or impact in terms of noise and disturbance on local residents. In view of those findings, it was recommended that approval be granted to remove Condition 5.

A Member queried whether noise levels, at the site, could be monitored for an initial period of three months. The Head of Planning made reference to Condition 3 - noise mitigation on request. Members were advised that if complaints were received from neighbouring properties, in respect of the noise levels, the Applicant would be required to submit a scheme of mitigation to the Local Authority. In the event that an agreed scheme was not implemented, within 4 months of the initial request, all amplified sound at the premises would cease until an agreed scheme was implemented. If noise levels were deemed unacceptable by local residents, Condition 3 would be triggered, enabling the Council to monitor the levels beyond an initial period.

Evidence submitted with the application demonstrated that there was no significant difference in noise levels at the site with windows open. The findings of the noise report were verified by the Council's Environmental Health Department, the removal of the condition would not unduly impact the amenity of local residents.

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

21/19      **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**

21/20      **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

The Head of Planning advised that, for future meetings of the Planning and Development Committee, site visits would be reinstated. In line with COVID-19 regulations, Members were asked to wear a face covering, observe social distancing and keep contact with Applicants/Agents/Objectors to a minimum.

**NOTED**