
APPLICATION DETAILS

Application No:	18/0675/COU
Location:	Land At Rear Of 35 - 39 Saltersgill Avenue Middlesbrough TS4 3LD
Proposal:	Retrospective change of use to builder's yard for material storage (B8) and re-siting of 1no storage container
Applicant:	Mr M Finnegan
Agent:	Mr Norman Poulter
Ward:	Longlands/Beechwood
Recommendation:	Approve with Conditions

SUMMARY

The application seeks retrospective planning approval for the change of use of land to a builder's yard for the purpose of material storage.

Following consultation, two objections were received from a local ward councillors and former councillor.

Although the site is not a complementary use to the local centre or the nearby residential properties, it is complementary to the existing builder's yard which exists immediately adjacent. It is considered that the use of this extended area will not notably detract from the vitality and viability of the local centre and can be adequately controlled to prevent undue harm to the character and appearance of the area and the amenities of the adjacent residential properties. The proposal is considered to be a suitable development which accords adequately with Local Plan Policies REG29, CS13, CS4, CS5 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application relates to an area of land which is situated between the rear of 35a-39 Saltersgill Avenue and the rear of 38-46 Holmwood Avenue. The application was initially submitted seeking retrospective planning approval to use the area of land as a builders yard, however, the site was not operating as such and was amended part way through the application to be described as a yard for material storage associated with the adjacent builder's yard, along with the siting of one container.

PLANNING HISTORY

M/FP/1190/12/P Permanent retention of use of site as builder's merchant/property management yard and the permanent siting of 3no containers
Approve with Conditions - 30th January 2013

M/FP/0420/12/P Use of land for siting of 1no container for domestic storage purposes
Approve with Conditions -23rd July 2012

M/FP/1007/11/P Use of site as builder's merchant/property management yard, and the permanent siting of 3no containers
Approve with Conditions - 5th December 2011

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).

In addition the Council has produced its Middlesbrough Local Plan Publication Draft 2018. Whilst not yet adopted is a material consideration in the assessment of planning applications.

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:

CS13 - Town Centre's etc. Strategy
REG29 - Local Centre's
CS4 - Sustainable Development
CS5 - Design
DC1 - General Development

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

MBC Environmental Health

Recommendation for restrictions on operation hours and requirement for a noise survey.

Planning Policy – No objection

The proposal is supported by Core Strategy policy CS7 Economic Strategy which encourages employment proposals that assist in delivering economic prosperity and developing Middlesbrough's role as part of the heart of a vibrant and prosperous Tees Valley city region.

In respect of the proposal being located within a Local Centre, under policy CS13 the emphasis is on safeguarding the retail character and function of centres by resisting developments that detract from their vitality and viability.

Under policy REG29 Local Centres, other complementary uses (including A2 and A3 and community uses) will be permitted provided that they do not: (i) detract from the vitality and viability of the local centre; and, (ii) have a detrimental impact on the character and amenity of the surrounding area.

Waste Services - No objection

Cllr T Higgins & former Cllr C Rooney

The site has been used for storage purposes for some time with more than the allowed amount of storage containers and space specified in the original application. The site is very untidy despite numerous complaints. Residents have complained that spray painting is carried out on the site despite this not being a specified use in any planning application. The site is a residential area and has never been anything less than an eyesore and is badly managed resembling a scrapyards more than a builder's storage facility.

Whilst neighbouring properties were consulted on the proposal no representations have been made.

Public Responses

Number of original neighbour consultations	26
Total numbers of comments received	2
Total number of objections	2
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. The application site relates to an area which is unallocated on the Councils Local Plan. The site is situated behind and in between 35a - 39 Saltersgill Avenue (partly behind the properties associated with the local centre) and to the rear of 38-46 Holmwood Avenue, which are residential properties.
2. The application seeks retrospective planning approval to change the use of the land to a yard for material storage (B8) associated with an existing and approved builder's yard and for the siting of a storage container. It is understood that the application site was once the servicing yard associated with the local centre.
3. The land directly north of the application site was granted temporary planning approval in 2011 for use as a builders merchants/property management yard and permanent retention was sought and granted in 2013. The site subject of this application gains access through the existing builders yard. It is understood that the application site has, for a number of years, been used as an extension to the existing builder's yard for the purpose of material storage, albeit being unauthorised.

Principle of the proposed use

4. The proposal is supported by Core Strategy Policy CS7 - Economic Strategy which encourages employment proposals that assist in delivering economic prosperity and developing Middlesbrough's role as part of the heart of a vibrant and prosperous Tees Valley city region.
5. In respect of the proposal being located on the edge of a Local Centre covered by Local Plan Policy CS13 emphasis is placed on safeguarding the retail character and function of centres by resisting developments that detract from their vitality and viability. Further to this, Policy REG29 supports other complementary uses to retailing provided that they do not detract from the vitality and viability of the local centre and will not have a detrimental impact on the character and amenity of the surrounding area.

6. Whilst the site does not form part of the local centre, the use of a builders storage yard is not considered to be complementary to the existing retail uses centre nor the surrounding residential properties. However, the storage yard will be used in association with the existing approved builder's yard and is therefore complementary to this existing approved use.

Impacts on character / appearance of the area

7. Core Strategy Policy DC1(b) requires all proposals to take into account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale and design.
8. The site is accessed from the existing builder's yard via a set of double gates to the side/rear of no.31 Saltersgill Avenue and is enclosed by a 2.4m high palisade fence. The use will sit separately and will operate from an area of land to the rear of the active local centre frontage and will therefore have little visible impact on the local centre beyond that of the existing approved builder's yard.
9. It was considered by officers that the proposed use could potentially have a detrimental impact on the character and amenity of the surrounding area, given the nature of the operation although through the application process, it is recognised that this part of the overall site is being used for storage of materials only and doesn't necessarily result in any significant increase in prominence of the use or activity on the site. Officers consider it to be important that any use in this location be controlled in terms of its precise use and its operating hours in order to prevent any significant impacts of comings and goings from the site. Recognition is also taken that were this to still be a service yard for the shops, then delivery vehicles, and other movements would take place at different times of the day. It is officer's opinion that this proposed use would be similar to that of an active service yard serving several commercial premises.
10. The Council's Environmental Health team have raised no concerns regarding the operation of the site and whilst a neighbour consultation was carried out no representations were made by any of the adjacent residents.
11. Local Plan Policy CS5 requires high quality design in terms of layout, form and contribution to the character and appearance of the area. In this case no external changes are proposed and given its position, the site will be largely screened from view so the streetscene will appear largely unchanged ensuring no impact on the character and appearance of the area. The yard area is however visible from first floor windows of surrounding properties although given the presence of the existing builders yard, which is already visible, it is considered that this proposal is not significantly worse.

Impacts on residential and other amenity

12. Local Plan Policy DC1(c) requires consideration to be given to the effect of a proposal upon surrounding environment and amenities of occupiers of nearby properties. In this instance, the majority of noise and disturbance associated with the use would be in the form of workers accessing the area and moving materials around / loading / unloading.
13. The scale of the development is relatively small, spanning the width of approximately four residential properties along Holmwood Avenue. Whilst the site abuts the properties above the retail premises and those along Holmwood Avenue, due to its limited scale it is considered that there would be relatively limited movements within the site which would serve to disturb adjacent residents beyond that which might be associated with a service delivery yard or similar which would normally operate in such a location. Notwithstanding this, open use of the site could have a greater

impact and consideration is therefore given as to whether any controlling conditions could reasonably be imposed to limit the extent of impacts on nearby residents.

14. The councils Environmental Team have recommended a noise survey be undertaken and a condition be imposed relating to operating hours. Given the application was initially submitted for the site to be used as a builders yard and has been amended to be for storage purposes only, it is considered that a noise survey is not required. However, control over the nature of the use and its operating hours are considered to be appropriate controls. To further limit the potential impact of the use on visual amenity associated with the residential properties, it is recommended that the overall height of storage of materials is controlled which will prevent stored items from towering over domestic gardens. These conditions are recommended accordingly.
15. The Council's Environmental Health team are not aware of any complaints associated with the extended operation. The current operation of the site has only recently been brought to the Local Planning Authorities attention, resulting in the submission of the application.

Other Matters

16. Policy CS4 states that the application must contribute to achieving sustainable development across a wide range of definitions. The application is in this instance is in line with this principle in that it makes an efficient use of land and is associated with the expansion of an existing approved use.
17. It is not expected that the proposed use will generate a significant increase in the amount of traffic or cars parking at the site and therefore not expected to result in any implications on the highway.

Conclusion

18. In conclusion the nature and scale of the use is acceptable in this location. It will not detract from the vitality or viability of the local centre and will not have a detrimental impact on the character and amenity of the surrounding area or on the amenities on the adjacent neighbouring occupiers.
19. On balance it is deemed a satisfactory form of development in accordance with relevant policy guidance and there are no material considerations that indicate that the application should be refused. Officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. **Approved plans**
The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:
 - a) Location Plan, received; 15th October 2018
 - b) Proposed Site Plan, received; 15th October 2018
 - c) Proposed floor plan, drawing no. 2018/10/1X received 15th October 2018

This approval only relates to the details on the above plans and specifications, it does not relate to any other works.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

2. **Hours of Use**

The use hereby approved shall only be operational, with staff undertaking operations, between the hours of 09:00 and 17:00 hours Monday to Saturday and there shall be no activity on the site outside of these hours or at any time on Sundays.

Reason: in order to control the impacts of the use on residential amenity in accordance with Local Plan Policy DC1.

3. **Storage Height**

No items shall be stored or stacked at the site above 2.2m in height above ground level.

Reason: To protect the amenities of the adjacent neighbouring properties and to protect the character and appearance of the area in accordance with Local Plan Policy DC1.

4. **Use Limitation**

The site will be used for storage purposes only and solely used in connection with the adjacent builder's yard and no other use.

Reason: To protect the amenities of the adjacent neighbouring properties and to protect the character and appearance of the area in accordance with Local Plan Policy DC1.

REASON FOR APPROVAL

This application is satisfactory in that the proposed use accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy REG29, CS13, DC1, CS4, CS5 of the Council's Local Development Framework).

In particular, the proposed use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The proposed use will not be detrimental to any adjoining or surrounding properties. The traffic generated and noise associated with the use will not be of a level likely to result in an unacceptable impact on nearby premises.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused.

Case Officer: Joanne Lloyd

Committee Date: 7th June 2019

