

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on 26 July 2019.

**PRESENT:** Councillors J Hobson (Chair), D J Branson, D P Coupe, L Garvey, J McTigue, M Nugent, J Platt, J Rostron, G Wilson and L Lewis (As Substitute)

**PRESENT AS OBSERVERS:** J Cain and J Youngs

**OFFICERS:** P Clarke, E Loughran, G Moore, S Pearman and S Thompson

**APOLOGIES FOR ABSENCE** Councillor J Thompson.

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest made by Members at this point in the meeting.

**1 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 5 JULY 2019**

The minutes of the Planning and Development Committee meeting, held on 5 July 2019, were taken as read and approved as a correct record.

**2 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.

**18/0477/OUT Outline planning application for up to 72 residential dwellings at Prissick Base, Ladgate Lane/Marton Avenue, Middlesbrough for MBC Regeneration**

The Head of Planning advised that the above application had been identified as requiring a site visit by Members of the Planning and Development Committee. Accordingly, a site visit had been held on the morning prior to the meeting.

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 (NPPF) and the Local Development Framework.

An addendum report was tabled at the meeting, which advised the committee that a number of conditions had been missed from the list contained in the submitted report. The conditions related to the replacement sports provision and network rail. The addendum report contained the full list of the necessary conditions, for Members' consideration.

The Head of Planning advised the committee that the application sought outline consent for the erection of up to 72 residential dwellings with all matters reserved. As a result the submitted report only related to the principle of the development on the site and did not assess the details that related to access, appearance, scale and layout. The Head of Planning advised that those reserved matters would be considered by separate applications.

The application site measured 2.9ha and was part of the Prissick site, which had undergone development to form the Middlesbrough Sports Village and various housing developments. The application site was located to the northwest of Marton Avenue but was accessed from Alan Peacock Way.

The site was in a mixed use area, to the north, south and west were areas of open space and leisure uses associated with the sports village. The Middlesbrough to Whitby railway line ran along the eastern boundary and separated the site from an area of open space and housing. To the southeast were residential dwellings on Marton Avenue, to the southwest was an area of open space separating the site from more residential dwellings.

The committee was advised that the principle issues to be considered in respect of the application centred upon the appropriateness and sustainability of the site and the impact on the highway network.

Indicative plans within the Design and Access Statement split the site into two sections, Site A to the north and west was accessed from Alan Peacock Way. Site B was located to the south of the application site, to the north of Marton Avenue. It identified a number of plots for sale with access from Marton Avenue. Site A measured 2.26ha and was identified for up to 60 dwellings, site B measured 0.64ha and was identified for up to 12 individually designed bespoke dwellings.

The application site comprised 2.9ha of which 2.19ha was allocated for housing in the adopted Local Plan. The western part of the site was 0.71ha and was designated as leisure use and green wedge.

The committee was advised that, in order to ensure that Middlesbrough's development needs were met in a sustainable manner, a full review of the Local Plan was planned. In view of the adopted policy for the site being out of date and the emerging policy being drafted, consideration had to be taken of national guidance within the NPPF.

Although the development was a departure from policy H20 of the adopted Local Plan, as it was a larger site than the allocated site, it was considered to be in accordance with other relevant national and local planning policy guidance.

In terms of highways, the application had been considered in relation to the access, sustainability, traffic generation and the impact on the local highway network in relation to safety and capacity.

The area of land that was green wedge consisted of 0.71ha. It was currently open space grassland that was part of the wider Prissick complex and therefore had a leisure use. Development on that area of the land, to the west of the wider site, planned to allow the majority of the access to the development to be taken from Alan Peacock Way. Without it, access would have been required from Marton Avenue, significantly increasing the impact of the development on the residents of Marton Avenue, or a significant number of trees would have required removal at the north of the site to provide access. It was considered that the loss of a small area of open space that consisted primarily of mowed grassland, with little ecological value, was more desirable than the loss of trees or increased impact on Marton Avenue residents.

The Transport Development Engineer explained that the Local Plan was formally adopted in 2014 following public consultation and examination by the Planning Inspectorate. As part of that exercise the cumulative highway impact of housing developments across the Local Authority's area was considered using a strategic traffic model. The proposed site at Marton Avenue was one of the allocated housing sites and the strategic modelling assessed all uses proposed for that area including (amongst others) the development of the Sports Village, James Cook University Hospital staff car park, and the development now known as Scholars Rise.

Access for 64 residential units were proposed to be served from Alan Peacock Way. A priority T junction was planned to enable access to that element of the scheme. The sightlines and geometry of the proposed junction and of Alan Peacock Way met the relevant guidance and was suitable to serve the level of development proposed. An extension of Marton Avenue was planned to serve the remaining 8 residential units. It was likely that a turning head would be included in the development proposals but that detail would be provided as part of any future planning application for the internal layout.

Members were advised that the development was located in close proximity to James Cook University Hospital and as such was at risk of uncontrolled parking from staff and patients, given it was known to take place elsewhere in the vicinity. Therefore, the Local Authority was expected to provide a financial contribution from the capital receipt to facilitate the

implementation of a Residents Parking Scheme.

The proposed site was in a highly sustainable location that allowed for non-car travel to be a viable alternative. In response to a Member's query regarding cycle routes, the Transport Development Engineer advised that a pedestrian/cycle route that linked the new crossing point on Alan Peacock Way to the existing footway was planned, which ran in a Northerly direction to James Cook Rail Station.

Members expressed concerns regarding the amount of traffic that would be generated by the development on roads that were already experiencing high levels of traffic, such as Marton Road and Ladgate Lane. The Transport Development Engineer advised that, based upon a survey of the adjacent Scholars Rise development, which was considered to represent a comparable site - the proposals were anticipated to generate in the region of 50 two-way movements during the peak periods. Such a level of traffic generation represented less than 1 vehicle per minute. Furthermore, that impact was anticipated to be spread between the two access points; Alan Peacock Way - circa 45 vehicle movements during the peak periods; and Marton Avenue - circa 5 vehicle movements during the peak periods.

The anticipated level of traffic generated by the proposals had been included within an updated Aimsun strategic highway model. The model had indicated that the traffic levels associated with the proposal were acceptable within the context of the NPPF.

The Head of Planning explained that, as previously stipulated, the application site comprised 2.9ha of which 2.19ha was allocated for housing in the adopted Local Plan, the remaining 0.71ha was located outside the allocated site on land that was currently a playing field. As such, Sport England had initially objected to the application due to the loss of the playing field. As a result, and in discussion with Sport England, the applicant had located an area of land within the town to provide a replacement playing field. The replacement site was located at the former Southlands Centre site, it was planned that the site would be redeveloped following the demolition of the building. The land at the Southlands Centre exceeded the requirements for replacement provision, in terms of the size, and would be of equal quality to the existing playing field at the application site. It was planned that the playing field would be established and available for use prior to the commencement of development on the application site. In view of that, Sport England had confirmed that it no longer objected to the application, subject to a condition to secure the replacement sports provision (prior to the commencement of work on the site).

In terms of landscaping, the committee heard that there were very few trees within the site with only a few scattered ornamental shrubs. In response to a Member's query, the Head of Planning advised that, where possible, trees would be retained.

The application site ensured that there was still a significant level of open space to the south and west of the site within the green wedge. That provided a buffer between the development and the nearby residential developments, ensuring the separate development sites did not merge and result in the complete loss of green wedge.

Concerns were raised by Members in respect of potential anti-social behaviour associated with open spaces. The Head of Planning advised that the layout of the site would form part of a reserved matters application and the Local Authority would be involved in the approval of any landscaping scheme. It was also added that Cleveland Police had recommended that the Applicant actively sought to develop to accredited Secured by Design standards. The Secured by Design Officer was available to advise on designing out opportunities for crime and disorder.

With regard to ecology, the committee heard that the trees in the woodland belt to the north had the potential for bat roosts, however, there were no trees or buildings within the site that could have been used by roosting bats. No protected species or grassland/foilage had been found at the site. Inevitably with the new development, it had the potential to impact on commuting and bats that forage around the periphery of the site through the installation of streetlights however, that impact was considered to be minor/moderate in the ecological assessment. The committee was advised that on balance the impact did not warrant the

refusal of the application and it was considered that the development would not have an unacceptable impact on ecology.

Following a consultation exercise, one objection was received from a resident and a letter of representation was received from a community group.

The one objection received, detailed issues regarding an increase in traffic, inadequate access, loss of green space, increase risk of flooding and availability of other brownfield sites in the town.

The Marton Avenue Residents Association's representation detailed requests regarding the following:

- a reduction of speed limit on Ladgate Lane to 30mph
- a speed camera and traffic calming measures
- construction traffic to use the Prissick site, preventing noise pollution and damage to Marton Avenue
- resurfacing works to Marton Avenue
- residents parking scheme to prevent parking during events, and
- houses to be in keeping with properties on the Avenue.

There had been no objections from statutory consultees.

In response to the issues raised regarding speed limits and traffic calming measures, the Head of Planning advised that requests could be made to the Highway Authority separately to the planning process. It was commented that with regards to the concerns raised by a resident surrounding speeding traffic on the section of Ladgate Lane (in the vicinity of its junction with Marton Avenue), the Local Authority's Highways Team had advised that the site would be targeted for enforcement by the Cleveland Safety Camera Partnership during August. The results of that activity planned to determine whether regular enforcement action was justified at the location.

It was advised that although the larger portion of the site was planned to be constructed from Alan Peacock Way, construction traffic was a short-term impact of a development and should adhere to normal requirements for traffic using adopted highways. As such, those aspects were considered to not be a material planning consideration.

In terms of road repair, if required, the developer would be instructed to carry out remedial works to the Local Authority's standards and specifications.

Concerns were raised by Members regarding the loss of green wedge, as the review of the Middlesbrough Local Plan (the Publication Draft) had recently been withdrawn at the Council meeting on Wednesday 24 July 2019. A Member queried whether consideration of the application should have been deferred until the review had been completed. The Head of Planning advised that with the withdrawal of the Publication Draft Local Plan, the publication of the revised Local Plan was now not expected until Autumn/Winter 2020, therefore, there was a need to consider the application in relation to relevant local and national planning policies. In particular, the proposal met the national planning policy framework and guidance regarding housing, sustainable development and efficient use of land. Therefore, the principle of a development for up to 72 dwellings, on the site, was acceptable.

A discussion ensued regarding the appropriateness and sustainability of the site and the impact on the highway network.

**ORDERED** that the application be **Approved on Condition** (see full list of necessary conditions detailed in the addendum report) for the reasons set out in the report.

3

### **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).

In respect of granting planning permission, a Member queried whether it was possible to include a condition that ensured that all unused building materials were removed from site following the completion of works. The Head of Planning advised that the removal of unused materials was not an issue that the Planning Department could tackle alone. However, it was explained that if an issue was reported to officers it would be investigated and, if applicable, enforcement action would be taken.

**NOTED**

4

**PLANNING APPEAL**

**Appeal Ref: APP/W0734/D/19/3224667 - 32, Lodore Grove, Middlesbrough TS5 8PB - Appeal Dismissed**

The development proposed was single storey rear and side extension.

The main issue was the effect of the development on the living conditions of the occupiers of No 3 Whitton Close (No 3) with particular regard to privacy and outlook.

In respect of the appeal, the Head of Planning provided Members with details of the issues raised by the Planning Inspectorate.

**NOTED**