



Middlesbrough Development Corporation Planning Board Meeting

Date: Friday, 24 May at 09:00

Venue: Mandela Room, Middlesbrough Town Hall, Albert Road, Middlesbrough, TS1 2QJ

Membership:

Mayor Ben Houchen (Tees Valley Mayor)
Mayor Chris Cooke (Middlesbrough Mayor)
Councillor Mieka Smiles (Independent Member)
Idrees Rashid (Independent Member)
Steve Turner (Independent Member)

Associate Membership:

Julie Gilhespie (Group Chief Executive TVCA)
Clive Heaphy (Chief Executive, Middlesbrough Council)

Independent Advisor:

Mark Webster (Chief Constable, Cleveland Police)

AGENDA

1. Apologies for Absence

To receive any apologies for absence

2. Declarations of Interest

To receive any declarations of interest

3. Minutes of Previous Meeting

To approve as a correct record the minutes of the Planning Board meeting on 29 November 2023.

4. Appointment of Vice-Chair

To consider and agree the appointment of a Vice-Chair.

5. Planning Applications

To receive a planning application for decision.

6. Summary of Delegated Decisions

To receive an up-to-date list of delegated decisions.

7. Appeals

There are no planning appeals to consider

8. Enforcement

There are no planning enforcement notices to consider.

9. Date and Time of Next Meeting

Wednesday, 26 June 2024 at 12 noon



**MIDDLESBROUGH DEVELOPMENT CORPORATION
PLANNING BOARD**

Wednesday, 29 November 2023 at 1.00pm

Mandela Room, Middlesbrough Town Hall, Albert Road, Middlesbrough, TS1 2QJ

<u>Members</u>		<u>Officers in Attendance</u>	
Mayor Ben Houchen (Chair)	Tees Valley Mayor	Gary Macdonald	Group Director of Finance and Resources
Mayor Chris Cooke	Middlesbrough Mayor (Elected Member of Middlesbrough Council)	Emma Simson	Interim Chief Legal Officer and Monitoring Officer
Steve Turner	Independent Member	Sarah Brackenborough	Head of Operations
Paul Booth	Independent Member	Victoria Pescod	In House Lawyer
Mark Webster	Independent Advisor		
<u>Associate Members</u>			
Julie Gilhespie	Associate Member	<u>Others in Attendance</u>	
Clive Heaphy	Associate Member	Josh Woollard	Lichfields UK
		<u>Apologies</u>	
		Mieka Smiles	Independent Member



1.	<p>APOLOGIES FOR ABSENCE</p> <p>The Chair welcomed all in attendance to the Middlesbrough Development Corporation (MDC) Planning Board meeting.</p> <p>Apologies for absence were submitted as detailed above.</p>
2.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>
3.	<p>GOVERNANCE AND APPOINTMENTS</p> <p>The Acting Chief Legal Officer and Monitoring Officer submitted a report which presented for approval Planning Board Terms of Reference, setting out the basis on which planning decisions should be made. The report also provided guidance to those wishing to speak at Planning Board Meetings and sought approval of the proposed way in which to deal with complaints in relation to planning matters.</p> <p>RESOLVED – That the Middlesbrough Development Corporation Planning Board:</p> <ul style="list-style-type: none"> (i) Approves the Planning Terms of Reference for insertion into the Middlesbrough Development Corporation Constitution; (ii) Notes the guidance for Members of the Middlesbrough Development Corporation Planning Board, Officers and members of the public; (iii) Notes and adopts the draft Speaking Note for Planning Board Meetings, which sets out the procedure for speaking at Planning Board Meetings; and (iv) Approves the proposal to adopt the Middlesbrough Development Corporation Complaints Procedure for complaints regarding planning matters.

4.

PLANNING APPLICATIONS

23/5033/FUL Extension to provide passenger lift and associated alterations including openings and access, accessible toilets provision, refurbishment of rooms and replacement floor coverings and other works.

The application relates to Central Library in Centre Square within Middlesbrough Town Centre. The library building is Grade II listed and sits within the town centre boundary within the central/civil sector as identified on the Councils Proposals Map. Other buildings surrounding the library include MIMA, Town Hall, other Council Offices and Magistrates Court. There are also residential properties in the wider area. The application seeks planning approval for a passenger lift to the rear and alterations internally to improve accessibility.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires local authorities to determine whether the development plan and policies CS4 (design and heritage), CS5 (high standard of design), and DC1 (vision appearance of development in relation to surrounding area) of the Development Plan are considered relevant. The design includes high quality natural materials, would not be considered detrimental to the visual amenity of the area. The separation distances between the proposal and any adjacent properties exceed recommended standards. There are no highway implications. It is recommended that planning permission is granted subject to conditions.

The consultation team at Middlesbrough council has been consulted and have no objections.

Mark Webster (MW) asked whether the design code is present within the design. Josh Woollard (JW) replied that the secure by design code is represented. Steve Turner (ST) asked why we're looking at this in two separate things. JW said that there's an application for planning permission and an application for listed building consent.

Ben Houchen (BH) asked whether there are any negatives to consider when approving this application. JW replied no, existing openings are being used and other features of the proposed design are in keeping with the existing building. BH asked why the report was not determined within the original determination date, and whether there was a process reason for this. JW replied that the application was received on 26th June 2023, and was then transferred to MBC to submit and an extension of time was required to allow for the MDC Board meeting to take place.

RESOLVED that the Board approved **23/5033/FUL**

23/5034/FUL Extension to rear to provide passenger lift.

The application relates to Central Library in Centre Square within Middlesbrough Town Centre. The library building is Grade II listed and sits within the town centre boundary within the central/civil sector as identified on the Councils Proposals Map. Other buildings surrounding the library include MIMA, Town Hall, other Council Offices and Magistrates Court. There are also residential properties in the wider area. The application seeks planning approval for an extension to the rear of the building to provide a passenger lift to improve accessibility.

The consultation team at Middlesbrough council has been consulted and have no objections.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires local authorities to determine whether the development plan and policies CS4 (design and heritage), CS5 (high standard of design), and DC1 (vision appearance of development in relation to surrounding area) of the Development Plan are considered relevant. The design includes high quality natural materials, would not be considered detrimental to the visual amenity of the area. The separation distances between the proposal and any adjacent properties exceed recommended standards. There are no highway implications. It is recommended that planning permission is granted subject to conditions.

Members discussed the removal of a timber cabinet. JW advised that prior to the removal of the timber cabinet, a recording report of the historical item will be carried out including details of historical research and photographic evidence.

RESOLVED that the Board approved **23/5034/FUL**

5. DELEGATED DECISIONS

The Head of Planning submitted a report which presented an update on recent planning applications that had been determined under delegated authority.

RESOLVED – That the Board notes the recent planning applications listed in the report that had been determined under delegated authority.

6.	APPEALS There were no planning appeals to report.
7.	ENFORCEMENT There were no planning enforcement matters to report.
8.	DATE OF NEXT MEETING Wednesday, 24 January 2024
The meeting concluded at 1.35pm	



AGENDA ITEM 4

REPORT TO THE MIDDLESBROUGH DEVELOPMENT
CORPORATION PLANNING BOARD

24 MAY 2024

REPORT OF THE CHIEF LEGAL OFFICER AND MONITORING OFFICER

APPOINTMENT OF VICE-CHAIR

SUMMARY

The Middlesbrough Development Corporation (MDC) Planning Board was setup to enable transparent, efficient and effective discharge of the MDCs functions to determine planning applications and to respond to consultation on applications on which the Corporation is a consultee.

Decisions are taken in accordance with the MDC Planning Board terms of reference, which are attached as an appendix to this report (**appendix one refers**).

The report invites the MDC Planning Board to approve the appointment of a Vice-Chair.

It also invites MDC Planning Board to approve a change to the quorum, which currently is four members of the Board, including the Chair.

RECOMMENDATIONS

It is recommended that the Middlesbrough Development Corporation Planning Board:

- i. Approves the appointment of a Vice-Chair.
- ii. Approves an amendment to the quorum so that it reads 'four members of the Board, including the Chair or Vice-Chair'.
- iii. That the terms of reference are amended in accordance with the changes listed above under i. and ii.

DETAIL

1. In accordance with the terms of reference there is currently no provision for a Vice-Chair of the MDC Planning Board.
2. Currently, the quorum requirements for MDC Planning Board are 'Four members of the Board, including the Chair'.
3. The MDC Planning Board is unable to make any decisions if the Chair of the Board is unable to attend as the meeting would not be quorate.
4. This report aims to address issues associated with the current arrangements and ensure greater flexibility by recommending the approval of a Vice-Chair and for the Vice-Chair to be included as part of the quorum.

FINANCIAL IMPLICATIONS

5. There are no financial implications.

LEGAL IMPLICATIONS

6. If approved, then the terms of reference for MDC Planning Board will need to be updated.

RISK ASSESSMENT

7. There are risks associated with maintaining the current requirements as the Chair is required to attend every meeting of the MDC Planning Board.

CONSULTATION AND COMMUNICATION

8. The report is a matter for the MDC Planning Board to consider and agree and no additional consultation and communication has been undertaken.

EQUALITY AND DIVERSITY

9. This report does not impact on groups of people with protected characteristics

Name of Contact Officer: Guy Close
Post Title: Governance and Scrutiny Manager
Email Address: guy.close@teesvalley-ca.gov.uk

Middlesbrough Development Corporation

Planning Board Terms of Reference

- Status:** Taking decisions within its terms of reference.
- Part VA of the Local Government Act 1972, which deals with access to meetings and documents, applies to this committee.
- Membership:** The Board for the purposes of taking planning decisions shall be the same as the wider Development Corporation Board and is as set out in the Middlesbrough Development Corporation's Constitution.
- Term of Membership:** A Planning Board Member's Term of Office shall be co-terminus with their term of Office on the Middlesbrough Development Corporation Board.
- Resignation:** A Planning Board Member may resign by giving notice of their intention to do so, to the Chair. Resignation of a Member's Membership of the Planning Board will also terminate the Member's Membership in respect of the Middlesbrough Development Corporation Board.
- Substitutes:** Substitutes are required as they are for the wider Development Corporation Board, as set out in the Middlesbrough Development Corporation Constitution.
- Chairperson:** The Committee Chairperson shall be appointed from time to time by the Development Corporation Planning Board.
- In attendance:** Chief Finance Officer (at his/her discretion) Development Corporation Head of Planning.
- Secretary:** To be nominated by the Chief Executive Officer
- Quorum:** 4 members of the Committee, including the Chair.
- Frequency of meetings**
1. The Committee will meet as determined by the Committee Chair, in light of the need for advice and decisions.
 2. Meetings of the Committee shall be convened by the Chief Executive or the Head of Planning at the request of its Chair.
- Decision Making:** The Planning Board shall seek consensus on all matters, but where consensus cannot be achieved decisions shall be made by majority vote. Each member of the Board shall have one vote. Where a vote is tied, the Chair shall have the casting vote.



Report to the Development Corporation Board

The Development Corporation Planning Board will provide a 6 monthly update on planning matters to the Development Corporation Board.

Purpose of the Planning Board

To enable transparent, efficient and effective discharge of the Middlesbrough Development Corporation's functions to determine planning applications and to respond to consultation on applications on which the Corporation is a consultee.

Terms of Reference and Delegated Authority

The Planning Board will take decisions in accordance with the Planning Scheme of Delegation, which also sets out matters that are delegated to the Head of Planning.

The Chief Executive Officer, Chief Finance Officer, and Head of Planning shall be entitled to attend all meetings of the Planning Board, subject to any limitations in the Planning Code of Practice.

Amendments

Any of these procedures and Terms of Reference may be altered or amended from time to time by resolution of the Board. Notice shall be given of the proposed alteration(s) in a paper for the meeting of the Board at which they are to be discussed.

Version Control:

Document Title	Date Approved by Board	Replaces Version	In force from:
Middlesbrough Development Corporation Planning Board Terms of Reference		First Version	

Application Number:	23/5085/COU
Registration Date:	7 th February 2024
Applicant:	Middlesbrough Council
Agent:	N/A
Case Officer:	Justine Matchett
Site Address:	Units LSU2 and LSU3, Cleveland Centre, TS1 2NR
Proposal:	Change of use from Retail to Council Service (Live Well Centre delivering drug and alcohol rehabilitation services)
Recommendation:	Approve subject to conditions
Reason for bringing before MDC Board:	Scheme of Delegation requires all applications submitted by Middlesbrough Council to be determined by the Board.

Relevant History

M/FP/0436/06/P – New shop front to retail unit (LSU3) – Approved 26th April 2006

M/ADV/0437/06/P – 1 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign (LSU3) - Approved 26th April 2006

Site Description & Proposal

The Cleveland Centre is located in the heart of Middlesbrough Town Centre. The application site lies within 45 metres of the Grade II* listed Town Hall and 65 metres of the Grade II Monument to Sir Samuel Sadler.

The site can be accessed on foot from Albert Road, Grange Road, Corporation Road and Linthorpe Road. As a result of its central location, the site is easily accessible by local bus and rail services. The roof top car park, accessed via Corporation Road, is open 24 hours per day, 7 days per week. It has over 500 parking spaces including dedicated parking bays for disabled parking and Parent & Baby bays.

The application proposes the use of two vacant retail units (previously occupied by Vision Express and George) to provide replacement premises for the Middlesbrough Council Live Well Centre which is currently operating from the Dundas Centre. The Live Well Centre provides a range of services geared towards engaging with the public to improve the overall health provision for Middlesbrough. The co-location of services and shared governance arrangements means the centre provides opportunities for

improved collaboration of services across a number of areas. The centre currently houses local service providers from the public sector to the Voluntary Community Sector (VCS) who collaboratively provide a diverse portfolio of support from one easily-accessible venue. The support offered at the centre through Council services and service providers includes mental health; addiction recovery services; sexual health services; nutrition and physical exercise services including exercise referral and pre-rehabilitation programmes; conditions management; health screening; employment, education, and training; and welfare rights support, as well as housing the South Tees smoking cessation service and working with the Council's Social Care department creating an exploitation hub to support young person's provision whilst also working closely with Middlesbrough Community Learning providing space for Adult Education training courses. In an attempt to integrate a 'Health on the High Street' model, the Council has shifted the model towards integral relationships with various NHS clinic and community services including community midwifery, pulmonary rehab, new-born hearing screening, Tuberculosis and infectious disease clinics and diabetes remission service.

The lease at the Dundas Centre is due to expire in December 2024, the unit is no longer fit for purpose, and the Council's Executive have taken the decision to relocate the provision in to this newly fitted out unit within the Cleveland Centre. The proposed new unit would be within close proximity to a Doctors Surgery, a Pharmacy and Boots Pharmacy creating a complimentary concentration of health provision within the Cleveland Centre.

In terms of physical alternations to the units, the majority of the work would be internal to create a purpose-built environment to accommodate the wide ranges of services and activities to be hosted at the centre. No elevations have been provided to support the application but the floor plans show that within the Mall, only one of the existing entrances will be retained and this will be used to provide access to the Virgin Health Services. The other entrance will be blocked off. On the Albert Road frontage a new entrance will be formed immediately adjacent to the existing entrance to the Cleveland Centre to form the Live Well entrance. The existing double doors to the Albert Road frontage will be blocked off. Full details of these external alterations can be secured through a planning condition.

Consultee Representations

Middlesbrough Council Highways (11th March 2024)

With regards to the above planning application, I can confirm that Middlesbrough Highways have no objections to the proposed development.

Middlesbrough Council Planning Policy (21st March 2024)

National Planning Policy Framework -Section 38 of the Planning and Compulsory Purchase Act requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in December 2023 and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their degree of consistency with the revised Framework, with greater weight given to policies the closer they are to those in the Framework (para. 225).

Middlesbrough Local Plan - The following policies of the Middlesbrough Local Plan are relevant to this planning application:

Housing Local Plan (2014)

- H1 Spatial Strategy

Core Strategy DPD (2008)

- CS4 Sustainable development
- CS5 Design
- CS13 A strategy for the Town, District, Local and Neighbourhood Centres
- DC1 General Development

Regeneration DPD (2009)

- REG20 Principal Use Sectors
- REG21 Primary Shopping Frontage

Background

The application is for the relocation of the Live Well Centre from the Dundas Centre to the Cleveland Centre. The site is located within the Retail Sector of the Middlesbrough Town Centre boundary and is designated Primary Shopping Frontage. Therefore, the above policies apply.

Housing Local Plan Policy H1 recognises the Town Centre as the principal retail centre of the Tees Valley. Policy CS13 determines, in order to continue to fulfil its sub-regional role, that the majority of retail, leisure and office development will be directed to Middlesbrough Town Centre, promoting the town centre as sub-regional destination both in the day time and the evening; reinforcing Middlesbrough's role at the heart of the Tees Valley city region.

Policy CS4 determines all development will be required to contribute to achieving sustainable development by being making the most use of efficient land, with priority given to development on previously developed land; being located so that services and facilities are accessible on foot, bicycle or by public transport, with reliance on the private car reduced or minimised; and locating developments that will attract large numbers of people in those location which are accessible by sustainable forms of transport, contributing most to achieving social inclusion. The proximity of the proposal to existing transport facilities, namely the Bus Station and Railway Station, provide for sustainable methods of transport. The proposal would also see the reuse of two vacant units within the Cleveland Centre.

Policy REG20 identifies the Retail Sector as a primarily retail area (A1, A2, A3). Policy REG21 determines within the area identified as primary shopping frontage, use class A1 retail uses as appropriate. Other uses within Class A2 and A3, and other complementary uses may be accepted provided they do not harm the function and character of the shopping area, nor impact upon the vitality and viability of the town centre. Additionally, Policy REG21 identifies the proportion of non-A1 uses within the primary shopping frontage should not exceed 15%, with concentrations of non-A1 uses avoided within particular blocks.

Policy DC1, requires all development to take account of, or satisfy as a minimum, the effect upon the surrounding environment and amenities of occupiers of nearby properties both during and after completion, with limited impact upon the capacity of existing and proposed transportation infrastructure during and after completion.

Conclusion

National Planning Practice Guidance 'Town centres and retail' explains that a wide range of uses can, if suitably located, help to support the vitality of town centre. Most recent figures (June 2023) for Middlesbrough's primary shopping frontage designation show a percentage of 16.5% non-A1 uses, slightly above the 15% threshold, therefore this non retail use in this location could be deemed contrary

to Policy Reg21. However, given recent changes in the dynamics of both shopping and leisure patterns, and in order to promote the long term vitality and viability of the town centre, it is considered a more flexible approach should be taken in respect of the primary shopping frontage policy. An approach that, in accordance with the NPPF 'Ensuring the vitality of town centres', allows the town centre to grow and diversify in a way that can respond to rapid change in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive character.

It is therefore considered that, the use of the Live Well Centre would be complementary and is therefore in principle, acceptable; although not an A1 retail use it is considered the development will create employment opportunities, increase footfall and support the long term vitality and viability of The Cleveland Centre and the wider town centre.

Middlesbrough Council Public Protection (25th March 2024)

I refer to your recent consultation regarding the above named application. I can confirm that Public Protection has no objections to this application and no conditions to recommend.

Middlesbrough Council Waste Policy (8th March 2024)

No comments to make.

Cleveland Police (28th March 2024)

With regards to your recent planning application 23/5085/COU for Additional Health Services, Cleveland Centre. MBro. Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED). I would like to make you aware that Cleveland Police operate the "Secured By Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Commercial 2023 Guide at www.securedbydesign.com.

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

The National Planning Policy Framework 2023, paragraph 130(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.

Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on www.securedbydesign.com.

I recommend that those persons accessing the drug and alcohol services were directed into the practice from Albert Rd entrance as opposed to intentionally directing them through the Cleveland Centre itself.

I recommend all doors and ground floor windows to be to LPS 1175 A1 rating. (Or Equivalent)

Curtain walling should be installed as per guidance in the SBD Commercial 2023 Guide which is also found on the website.

Doors accessing different areas of the unit should be access controlled for use by staff into private areas.

Any door entry/access control system should form part of the testing scope of the door-set as a whole to ensure appropriate certified compliance.

This compartmentalisation of the building is important where deemed necessary.

Suitable Dusk/Dawn lighting around the ground floor level, particularly by door-sets is recommended.

CCTV provision in general circulation areas is recommended.

Representations

Neighbour notifications and publicity of the application were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

Letters to neighbours were sent out on 8th March 2024.

Three site notices were placed in the vicinity of the site on 8th March 2024.

No representations have been received.

Policy Context

Middlesbrough Core Strategy (adopted 2008)

- CS4 Sustainable development
- CS5 Design
- CS13 A strategy for the Town, District, Local and Neighbourhood Centres
- DC1 General Development

Housing Local Plan (adopted 2014)

- H1 Spatial Strategy

Middlesbrough Regeneration Development Plan Document (DPD) (adopted 2009)

- REG20 Principal Use Sectors
- REG21 Primary Shopping Frontage

Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)

Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)

Supercharging development in Middlesbrough (2003)

- Key principle 7- Repurpose retail space to create a more mixed-use, diverse town centre with the services people need

National Planning Policy Framework (NPPF)

- Chapter 7- Ensuring the vitality of town centres
- Chapter 12 -Achieving well-designed and beautiful places

Planning Considerations

Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless materials considerations indicate otherwise.

Middlesbrough's statutory development plan consists of the Housing Local Plan (2014), Core Strategy (adopted 2008), Regeneration Development Plan Document (DPD) (adopted 2009), Tees Valley Joint Minerals and Waste Core Strategy DPD (2011) and Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011).

The NPPF is a material planning consideration as is Supercharging Middlesbrough, the Masterplan adopted by the Board in 2023.

The key planning considerations in this case are:

- Principle of Development;
- Amenity Issues; and
- Access and Highways.

Principle of Development

Housing Local Plan Policy H1 recognises the Town Centre as the principal retail centre of the Tees Valley. Policy CS13 notes that that the majority of retail, leisure and office development will be directed to Middlesbrough Town Centre, promoting the town centre as a sub-regional destination both in the day time and the evening; reinforcing Middlesbrough's role at the heart of the Tees Valley city region.

Policy REG20 identifies the application site as lying within the primary retail area. The frontage within the internal mall is identified as Primary Shopping Frontage and the frontage to Albert Road defined as Secondary Shopping Frontage. Policy REG21 determines that within the area identified as primary shopping frontage, use class A1 retail uses will be appropriate. Other uses within Class A2 and A3 (now all within Class E), and other complementary uses may be accepted provided they do not harm the function and character of the shopping area, nor impact upon the vitality and viability of the town centre.

Policy REG21 identifies that the proportion of non-A1 uses (shops) within the primary shopping frontage should not exceed 15%, with concentrations of non-A1 uses avoided within particular blocks. Most recent figures (June 2023) provided by the Council for Middlesbrough's primary shopping frontage designation show a percentage of 16.5% non-A1 uses, slightly above the 15% threshold.

The NPPF states that, in determining planning applications, due weight should be given to local planning policies in accordance with their degree of consistency with the revised Framework, with greater weight given to policies the closer they are to those in the Framework. The local plan policies pre-date the 2020 changes to the Use Classes Order which replaced use classes A1, A3, A3, B1, D1 and D2 with a new Class E (Commercial, Business and Service use). Given this and recent changes in the dynamics of both shopping and leisure patterns and in order to promote the long term vitality and

viability of the town centre, the Council is in agreement that a more flexible approach should be taken in respect of the primary shopping frontage policy.

The Middlesbrough Masterplan notes that Middlesbrough has an abundance of vacant retail stock, declining visitor footfall and lacks destinations in the town centre. The masterplan seeks to redress this imbalance through the reuse of underutilised retail space to create attractive mixed-use spaces. This is intended to reflect and capitalise on Middlesbrough's distinctive strengths, creating a safe, welcoming centre that provides opportunities for all. This is consistent with guidance in the NPPF which is clear that a wide range of uses can, if suitably located, help to support the vitality of town centres. It is therefore considered that the Live Well Centre would be an appropriate complementary use which would create employment opportunities, increase footfall and support the long-term vitality and viability of The Cleveland Centre and the wider town centre. The proposal would also see the reuse of two vacant units in a prominent location within the Cleveland Centre. In this respect, the siting of the Live Well Centre in this location is in principle acceptable despite the element of conflict with Policy REG21.

Amenity Issues

Policy DC1 requires all development to take account of, or satisfy as a minimum, the effect upon the surrounding environment and amenities of occupiers of nearby properties both during and after completion, with limited impact upon the capacity of existing and proposed transportation infrastructure during and after completion. Policy CS5 requires all development proposals to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. Policy CS4 highlights the need to ensure everyone has access to the health, education, jobs, shops, leisure and other community and cultural facilities that they need in their daily lives.

The Council has operated a Live Well Centre in Middlesbrough for some time and this use has not generated any adverse amenity issues. There is no reason to think that its relocation to this new site should raise any additional concerns and there have been no objections to the proposal.

Very limited external alterations are needed to the building to accommodate the proposed use. Details of these can be secured through a planning condition to ensure they will not prejudice the appearance of the area, nor the setting of any nearby designated heritage assets. Consequently, the application accords fully with the requirements of Policies DC1 and CS5 and with chapter 12 of the NPPF.

Access and Highways

Policy CS4 requires all development to contribute to achieving sustainable development by making the most use of efficient land, with priority given to development on previously developed land; being located so that services and facilities are accessible on foot, bicycle or by public transport, with reliance on the private car reduced or minimised; and locating developments that will attract large numbers of people in those location which are accessible by sustainable forms of transport, contributing most to achieving social inclusion.

The application accords with Policy CS4 being located within Middlesbrough Town Centre and is highly accessible by sustainable means. It has good pedestrian links, and access to public transport, including the bus and rail stations. Car parking is available within the existing Cleveland Centre car park. There are no objections from Middlesbrough Council Highways and it is considered that the proposal is acceptable in terms of access and highways.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conclusion

It is considered that relocation of this valuable Council service to the Cleveland Centre will provide greater opportunities for the people of Middlesbrough to engage with the health provisions within the facility and improve the towns overall health in line with local, regional and national policies.

The proposed use is complementary to the existing uses within the town centre and will not have a detrimental impact on the vitality and viability of the town centre, nor detrimentally affect any nearby occupants. There have been no objections and the proposal will not prejudice the appearance of the area nor adversely affect the setting of nearby listed buildings. The proposal is therefore considered to be an acceptable use for the site and there are no material considerations which would indicate that the development should be refused.

Taking into account the above, it is considered that the proposal is acceptable, in accordance with policies CS4, CS5, DC1 and CS13 of the Core Strategy, policy H1 of the Housing Local Plan and policy REG20 of the Regeneration DPD. The proposed development also complies with the objectives of the Middlesbrough Masterplan and chapters 7 and 12 of the NPPF.

Recommendation

That planning permission be granted, subject to the following conditions:

1 Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Approved Plans

The development hereby shall be carried out in complete accordance with the plans and specifications detailed below unless otherwise agreed in writing with the Development Corporation.

- Drawing A06(T1) Proposed Floor Plan Ground Floor
- Drawing A07(T1) Proposed Floor Plans First Floor

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

3 External Alterations

Prior to the commencement of any external alterations, details of the proposed external works shall be submitted to and approved in writing by the Development Corporation. Thereafter the development hereby approved shall be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of high-quality design and the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and chapter 12 of the NPPF.

Informatives

1 CONDITIONS AND INFORMATIVES

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time. Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

2 MONITORING OF DEVELOPMENT

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The Middlesbrough Development Corporation endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the local area. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Middlesbrough Development Corporation, Teesside Airport Business Suite, Teesside International Airport, Darlington, DL2 1NJ or by telephone on 07507 883262 or by email MDCplanning@teesvalley-ca.gov.uk.

3 POSITIVE & PROACTIVE STATEMENT

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Middlesbrough Development Corporation has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

4 HIGHWAYS CONSENT/ APPROPRIATE LICENCES

The permission hereby granted should not be construed as authority to place signage, skips, scaffolding, hoarding or building materials within the public highway nor allow cranes/ structures to oversail the public highway. Highways consent and the appropriate licence(s) are required prior to these activities. Further information can be found at ; <https://www.middlesbrough.gov.uk/parking-roads-and-footpaths/roads-and-highways/highway-licences> or contact the Highway Authority (tel: 01642 728153).

Case Officer Signed: Justine Matchett

Date: 12/04/2024

Agreed: YES/NO

Senior Officer Signed:.....

Date:...../...../20.....

Site Location



REPORT TO THE MIDDLESBROUGH DEVELOPMENT
CORPORATION PLANNING BOARD

24th May 2024

REPORT OF HEAD OF PLANNING

DELEGATED DECISIONS SUMMARY

RECOMMENDATIONS

It is recommended that the Middlesbrough Development Corporation Board note that the following planning applications have been determined under delegated authority.

Delegated Planning Decisions since Board Meeting on 14th March 2024

Application Number	Address	Summary of Development	Delegated Decision
23/5079/FUL	Centre North East, Albert Road	Replacement glazing and re-decoration of existing building, re-cladding of Unit 3 frontage and construction of glazed entrances to Albert Road and Corporation Road	Approved 22nd March 2024
23/5082/FUL	34-36 Borough Road	Conversion of existing retail and residential units to form 10no. Studio flats (sui generis) and 2no. retail units (Class E) with associated alterations to front, rear and side elevations including installation of 2no. dormer windows.	Refused 21 st March 2024
23/5083/ADV	Natwest, 106 Linthorpe Road	Replacement of 2No existing ATM collars with new Natwest branding	Approved 21st March 2024
23/5087/FUL	17 Captain Cook Square	Installation of roller shutters	Approved 4th April 2024

23/5088/ADV	Double 11. Boho X, Lower Gosford Street	Exterior signage for company name and logo on south elevation (individually illuminated lettering and logo)	Approved 28th March 2024
23/5077/DIS	Stack	Discharge of conditions 5, 10, 11, 12, 14, 15, 16 and 17 of planning permission 22/0795/FUL	Approved 19 th April 2024
23/5089/FUL	Footpath to the side of Dovecot, Linthorpe Road, TS1 5DD	Removal of existing BT Phone box and installation of replacement BT Street Hub (Retrospective)	Approved 22 nd April 2024
24/0002/NMA	Middlesbrough College Engineering Facility, Dock Street, TS2 1AD	Non material amendment to 22/0052/FUL relating to: Confirmation of external signage attached to the building (indicative on approved drawings), Revisions to external surfacing and landscaping, including pedestrian steps and ramp access, Proposed electrical transformer building replaced with fence enclosure.	Approved 21 st March 2024
24/0007/ADV	Footpath to the side of Dovecot, Linthorpe Road, TS1 5DD	Display of double sided advertisement on BT Street Hub (Retrospective)	Approved 2 nd May 2024

Current Applications

Application Number	Address	Summary of Development	Status
23/5067/FUL	Deltic House, 11-13 Zetland Road	Change of use from offices, beauty salon, nightclub to hotel with internal alterations and minor changes to rear elevation	Validated 19 th December 2023 Under consideration
23/5068/LBC	Deltic House, 11-13 Zetland Road	Change of use from offices, beauty salon, nightclub to hotel with internal alterations	Validated 19 th December 2023

		and minor changes to rear elevation	Under consideration
23/5086/ADV	17 Captain Cook Square	6 No. illuminated fascia signs	Validated 13 th February 2024 Under consideration
23/5085/COU	Units LSU2 and LSU3 Cleveland Centre	Change of use from Retail to Council Service (Live Well centre delivering drug and alcohol rehabilitation services)	Recommended for approval at Board on 24 th May 2024
24/0001/DIS	Middlesbrough College Engineering Facility, Dock Street, TS2 1AD	Discharge of Conditions 8, 10 & 13 of Planning Permission 22/0052/FUL (Erection of 2.5 storey engineering facility with associated landscaping)	Validated 22 nd February 2024 Under consideration
24/0003/COU	56-62 Borough Road, Middlesbrough, TS1 2JH	Conversion of offices into 23no. Residential Studios (Also Commercial unit to the ground floor)	Validated 3 rd April 2024 Under consideration
24/0008/DIS	Middlesbrough College, Dock Street, TS2 1AD	Discharge of conditions 4 (tree planting and soft landscaping details) in relation to planning permission 22/0052/FUL for erection of 2.5 storey engineering facility with associated landscaping	Validated 13 th March 2024 Under consideration
24/0009/COU	48 Albert Road, Middlesbrough TS1 1QD	Change of use to hot food takeaway, replacement shop front to front elevation and installation of extraction equipment on rear elevation	Validated 30 th April 2024 Under consideration
24/0010/VAR	Land north of Lower East Street, Middlesbrough, TS2 1PF	Variation of conditions 3, 7, 13, 14, 19, 20, 21, 25 and 29 on 21/1160/OUT (Outline application for demolition and redevelopment of site for new secondary school (of up to c.8,000 sqm) with associated access, parking, external spaces and sports facilities)	Validated 22 nd March 2024 Under consideration
24/0013/FUL	Cooplands, 43B, South	Alterations to the existing shop windows facing	Validated 25 th March 2024

	Mall, Hill Street Shopping Centre, TS1 1TA	Newport Road to form a secondary entrance to the store	Under consideration
24/0018/FUL	63 Dundas Street, TS1 1LN	Division of former Clinkards Shop into two retail spaces and conversion of first and second floor areas into 5no NDSS compliant apartments	Validated 9 th May Under consideration
24/0019/ADV	17-19 Linthorpe Road, TS1 1RG	External installation of 1no. new illuminated hanging sign and 1no. new non-illuminated fascia sign in Santander's new standard script font. Fascia sign illuminated by existing light trough above.	Validated 9 th April 2024 Under consideration
24/0027/VAR	Land south of Union Street, Gresham	Variation of Conditions 2, 3, 4, 5, 10, 11, 14, 16, 18, 19, 20, 21, 22, 24 of application 20/0289/FUL (Erection of 145 residential dwellings with associated access, parking, landscaping and amenity space)	Validated 3 rd May 2024 Under consideration

Enforcement Register

Address	Unauthorised Works	Requirements
Bloom, 1 Albert Road	External lighting, artificial foliage and signage	14th December 2023 – letter sent requesting submission of retrospective planning and listed building consent applications for external lighting and foliage and advertisement consent application for signage. Acknowledged by owner 13th April 2024 and now in discussions to secure submission of application.
12-14 Borough Road	Development not in accordance with planning permission	14 th February 2024 Enforcement Notice served requiring breaches to be rectified. Appeal lodged and awaiting start date from Planning Inspectorate.

FINANCIAL IMPLICATIONS

1. There are no financial considerations associated with these planning applications.

LEGAL IMPLICATIONS

2. There are no legal considerations associated with these planning applications.

RISK ASSESSMENT

3. There are no risks associated with these planning applications.

CONSULTATION & COMMUNICATION

4. No consultation was considered necessary for this report.

EQUALITY & DIVERSITY

5. There are no equality issues associated with these planning applications.

Name of Contact Officer: Helen Kemp
Post Title: Director of Business Services & Head of Planning
Telephone Number: 01325 72600
Email Address: helen.kemp@teesvalley-ca.gov.uk