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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>19/0663/FUL</b>
<b>Location:</b>	<b>Site of Denmark Street Car Park, 32 Wilson Street, Middlesbrough TS1 1RP</b>
<b>Proposal:</b>	<b>Construction of three-storey Art College building, with associated car park and landscaping works</b>
<b>Applicant:</b>	<b>Mr Martin Raby</b>
<b>Company Name:</b>	<b>The Northern School of Art</b>
<b>Agent:</b>	<b>Mr Rhys Dunn</b>
<b>Company Name:</b>	<b>Seven Architecture</b>
<b>Ward:</b>	<b>Central</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Planning permission is sought for the erection of a three-storey building on the site of the Denmark Street Car Park, to the rear of Sainsbury's off Newport Road. The proposed building is intended to be occupied by the Northern School of Arts.

The proposed scheme includes provision of a new access into the site, car parking, landscaping, public realm, the building as well as enclosed outdoor space. The principle of the education establishment and a building of this scale is in accordance with policy in terms of its general location, the sustainable credentials of the site, and that it will add footfall into the town centre, which will support the vitality and viability of the town centre.

The building is considered to be a well designed, bespoke development with high quality materials to its facades which will uplift this part of the town and will sit well within the street scene. Further to this, the applicant and agent have worked with officers throughout the scheme to provide a high quality area to the front of the site which will provide good access to and from the building as well as for other users of the highway network.

Matters raised throughout the consultation stages have been addressed and the application is recommended for approval subject to conditions.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is the existing Denmark Street Car Park, which is positioned on the corner of Newport Road and Hartington Road. The application site wraps around the southern and western elevations of the adjacent Sainsbury's supermarket.

The application seeks planning permission for a new three-storey educational building of 5,200sqm, which will accommodate the Northern School of Art. It is understood that the new building will provide accommodation for up to 725 students.

The building would follow a north-south axis along the existing car park. Pedestrian/student access to the building would be from the Newport Road frontage.

In addition to the building, consent is sought for associated landscaping works and car parking. Vehicular access into the site would be retained from the access point to the east (shared with servicing arrangements for Sainsbury's supermarket); the existing access point close to Hartington Road would be removed.

Along the southern and western boundaries of the site, cycleways and footpaths are proposed providing links between the town centre and Cannon Park.

The external appearance of the building would be finished with glazed ceramic terracotta.

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## **PLANNING HISTORY**

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There is no relevant planning history.

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## **PLANNING POLICY**

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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).

### 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:

H1	- Spatial Strategy
CS17	- Transport Strategy
MWC1	- Minerals Strategy
MWC4	- Safeguarding Minerals
MWP1	- Waste Audits
CS4	- Sustainable Development
CS5	- Design
CS6	- Developer Contributions
CS13	- A Strategy for the Town Centres etc.
CS16	- Education
CS18	- Demand Management
CS19	- Road Safety
DC1	- General Development
REG20	- Principal Use Sectors
UDSPD	- Urban Design SPD

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>

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## CONSULTATION AND PUBLICITY RESPONSES

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The application has been the subject of the standard notification of neighbouring properties by letter drop, which includes 98 different addresses. Site notices were also displayed at locations around the application site. Following the consultation period, no comments, objections or other representations were received.

### Responses from Internal Technical Consultees

#### MBC Highway Planning –

The site is considered to be a highly sustainable town centre location. Subject to suitably-worded conditions for a method of works statement, details of off-site highway works, servicing within the site, cycle parking, and a travel plan, there are no objections.

#### MBC Environmental Health –

No objections.

#### MBC Waste Policy –

No objections in principle, although consideration of how a refuse collection vehicle (RCV) will manoeuvre within the confines of the parking area should be examined. Certain options may restrict the ability of RCVs to collect the receptacles.

#### MBC Planning Policy –

No objections. The use of land for educational purposes is deemed to be acceptable in principle and in line with local policy.

### Responses from External/Statutory Consultees

Northumbrian Water – No objections subject to a condition regarding drainage.

Northern Gas Networks – No objections, although the works may affect equipment.

### **Public Responses**

Number of original neighbour consultations	98
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The application under consideration seeks full planning permission for a new three-storey educational building and associated car parking and landscaping on the site of the existing Denmark Street car park.

### Planning Policy Context

2. The application site is identified as being within the Retail Sector of the Town Centre on the Council's adopted Proposals Map. It is also within a mineral safeguarding area for gypsum.
3. Policy H1 seeks to reinforce and strengthen the role of the Town Centre. Policy CS13 seeks to protect and enhance the vitality and viability of the Town Centre and, applicable to this application, encourage cultural development. As well as identifying the Retail Sector as the primary retail area, Policy REG20 allows other uses that are complementary to the principal function of the sector. The proposed development will bring students and staff into the Town Centre, resulting in additional footfall and potential increased vitality and viability for businesses in the locality.
4. Policy CS16 seeks to ensure that everyone has access to the facilities required to meet their educational needs. The proposed, modern college development is considered to assist in expanding further education opportunities.
5. Policy CS4 requires all development to contribute to sustainable development principles, which includes ensuring everyone has access to educational and cultural facilities by being easily accessible on foot, bicycle or by public transport. Mindful of its location, the proposed development is considered to be in a highly sustainable location, being close to the bus station (150 metres) and train station (750 metres).
6. Collectively, Policies CS17, CS18 and CS19 enable the Council to consider the implications of the proposed development on the local highways network. Policy CS17 requires development to be located where it will not have a detrimental impact upon the strategic transport network. Policy CS19 prioritises arrangements with developers for a package of measures to discourage car use and encourage sustainable transport choices. Policy CS18 requires that the amount of private car parking is restricted in accordance with the Tees Valley Design Guide and Specification. The application has been supported by a Transport Assessment that considers these matters. The highways considerations will be addressed later in the report.
7. Policy CS5 requires all development to demonstrate high quality design, which includes creating a positive identity for the town. The adopted Urban Design SPD provides further guidance on design, with particular attention to Section 3 which covers urban design principles, including design of public spaces and public art. In principle, the proposed development is considered to deliver a high quality building, which has a bespoke design in terms of its glazed terracotta external finish and appearance. This and the proposed 'art wall' would improve the general amenities of the area at an important gateway into the Town Centre.
8. Policy MWC4 seeks to protect gypsum resources from sterilisation, but allows non-mineral development where the need for development outweighs the need for the mineral resource. Gypsum is a widespread resource and the need for the proposed education facility outweighs the need for the mineral. Policy MWC1 seeks to ensure new build developments contribute to the efficient use of resources to increase the proportion of construction waste recycled. MWP1 requires a waste audit for all major development proposals. The application does not appear to provide any details on construction waste recycling or a waste audit.
9. Policy DC1 requires that the effect on pollution of the environment is limited. The Design and Access statement advises that desktop studies and site investigations have identified some evidence of ground contamination that will need to be addressed.

#### Highways Implications

10. The site is currently a surface pay and display car park with circa 137 spaces. Part of the considerations as part of the application is the loss of this parking stock and to

identify the alternate parking locations that are available within walking distance of the site. It is noted that there are a number of car parks in the local area, including the Captain Cook and Zetland multi-storey car parks, which are considered to have sufficient available capacity to accommodate the loss of the Denmark Street facility.

11. The current Northern School of Art based at Green Lane operates with 60 car parking spaces. The development proposals include the provision of 50 car spaces for staff and visitors on the proposed site. When taking into account the central and highly sustainable location of the proposed site when compared to the current location at Green Lane, the level of parking proposed is deemed to be reasonable. The local highway environment is such that unmanaged car parking and drop off/pick up is unlikely to occur.
12. Part of the Denmark Street site currently provides a feeder rank for the adjacent taxi rank on Newport Road. The proposed development will, therefore, require the relocation of this rank, which accommodates 10 taxis. A suitable location has been identified and the necessary consultation and legal work will then be undertaken to relocate the feeder rank. It is understood that the works shall be funded by the applicant and are part of a process that is separate to any planning permission.
13. In terms of the likely impacts of the proposed traffic movements, the current use of the site as an operational car park is a lawful fall-back position. The proposed use, therefore, shall be assessed against the proposed development to identify the net impact. Given the redevelopment of the site from a public car park and the reduction in numbers of car parking at the site, it is likely that the proposals will generate fewer traffic movements than its use as a public car park. No further highway assessment works are considered to be required, as the scheme will not have a material impact in terms of traffic generation.
14. As noted in the Proposed Works section of the report, the existing entry only access into the car park from Newport Road shall be removed to provide enhanced public realm on this main gateway into the town centre and improved pedestrian/cycle facilities. Vehicular access into the site shall be via the existing signalised junction which also serves the service yard for the adjacent Sainsbury's foodstore, and is therefore deemed suitable to serve the scale of development proposed.
15. The removal of the existing entry only access into the site is part of a public realm scheme which comprises the creation of a landscaped corridor, hard landscaping feature areas and the creation of a shared pedestrian/cycle route. The pedestrian/cycle facility will connect into existing infrastructure around the site including the underpass and link to Cannon Park to the west, the toucan signalised crossing to the south, and pedestrian/cycle link to the northeast that links to the Middlehaven area ensuring the site is easily accessible and integrated within surrounding development and the town centre.
16. Swept path analysis has been provided which demonstrates that the access and integral arrangements work satisfactorily and allow appropriate servicing vehicles to enter, turn and leave the site in a forward gear.
17. Given the highly sustainable town centre location of the site, this maximises non-car accessibility. Middlesbrough bus station is a short distance away and can be accessed by existing pedestrian and cycle infrastructure. A little further away is the rail station, which is within nationally recognised walking distances and provides a sustainable travel option. Cycle parking has also been proposed as part of the scheme.
18. Overall, there are no objections to the scheme from a highways perspective, subject to conditions for a method of works statement, details of off-site highway works and a

travel plan. These conditions are suggested in order to guarantee safe and free passage for existing highways users, and to ensure compliance with local and national highways and planning guidance in terms of sustainable transport.

#### Residual Matters

19. The application was supported by an environmental noise impact assessment and a drainage plan, which have been considered by the Council's Environmental Health service and Flooding Officer respectively. There have been no objections to the submitted details.
20. In its comments, Northumbrian Water raise no objection to the proposals provided the development is carried out in complete accordance with the drainage proposals submitted. Notwithstanding this, Northumbrian Water note that the drawing refers to existing surface water sewers surrounding the site, although the sewers in the vicinity are either foul or combined sewers. In which case, it has agreed that foul and surface water flows can discharge to the combined sewer. It has recommended a condition, therefore, to ensure appropriate drainage.

#### Conclusion:

21. Overall, the proposals have been appraised as representing an acceptable form of development, as the new college building is considered to be a suitable use for this town centre location, incorporates a high quality design and finishing materials, and has significant sustainable credentials. The relocation of the Northern School of Art from its present site along Green Lane is also considered to be beneficial to the vitality of the town centre. The proposals are, therefore, deemed to be in accordance with the relevant local and national Policies.
22. It is the officer recommendation to approve conditionally.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with 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.
2. Approved Plans  
The development hereby approved shall be carried out in accordance with the following plans and specifications:
  - a) Existing Site Location Plan (20372\_P106)
  - b) Proposed Ground Floor Plan (20372\_P220)
  - c) Proposed First Floor Plan (20372\_P221)
  - d) Proposed Second Floor Plan (20372\_P222)
  - e) Proposed Lower Roof Plan (20372\_P223)
  - f) Proposed Upper Roof Plan (20372\_P224)
  - g) Proposed Elevations 1 of 2 (20372\_P250)

- h) Proposed Elevations 2 of 2 (20372\_P251)
- i) Proposed Sections (20372\_P300)
- j) Proposed Site Sections (20372\_P131)
- k) Bay Elevations 1 (20372\_P260)
- l) Bay Elevations 2 (20372\_P261)
- m) Proposed Cycle Store (20372\_P270)
- n) Proposed Substation (20372\_P271)
- o) Proposed General Arrangement Site Masterplan (20732\_P115 Revision B)
- p) Proposed Illustrative Landscape Masterplan (20372\_T116 Revision B)

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

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the use of satisfactory materials.

4. Cycle Parking Laid Out

The building shall not be occupied until the areas shown on the approved plans for parking of cars and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of sustainable travel.

5. Servicing within the Site

Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

6. Off-site Highway Works, details required

No part of the development hereby approved shall be occupied until the following highway works, itemised below, have been carried out in accordance with details as indicatively shown on the Approved Plan 20732\_P115, or arrangements entered into which ensure the same.

- a) Provision of a 3.5m pedestrian/cycle route between the junctions of Hartington Road/Newport Road and Newport Road/Site Access
- b) Removal of the existing footway alongside Newport Road between the junctions of Hartington Road/Newport Road and Newport Road/Site Access and replacement with an approved landscaping scheme
- c) Provision of a 2.5m pedestrian/cycle route linking the underpass to Canon Park and the junction of Hartington Road/Newport Road which runs along the sites Western boundary

Reason: In the interests of the safe and free passage of highway users.

7. Method of Works Statement

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site



clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information:

- a) a programme of works including Traffic Management Plan
- b) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- c) where contractors will park
- d) where materials will be stored within the site
- e) measures employed to ensure no mud/detritus is dragged out over the adjacent highway
- f) a jointly undertaken dilapidation survey of the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

8. Travel Plan

The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the submitted Travel Plan, or such Travel Plan, which is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

9. Surface Water Drainage

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage GA" dated "28/10/2019". The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer upstream of manhole 9405. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

## **REASON FOR APPROVAL**

This application is satisfactory in that the proposed three-storey college building and associated works accord with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies H1, DC1, CS4, CS5, CS6, CS13, CS16, CS18, CS19 and REG20 of the Council's Local Plan).

In particular, the educational (D1) use is an appropriate use for this town centre location. The proposed use and its associated landscaping works will not be detrimental to any surrounding or nearby properties or prevent adequate and safe access to the site. The traffic generated, car parking 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.

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## INFORMATIVES

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### Informative: Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works. The promoter of these works should contact Northern Gas Networks directly on 0800 040 776 (option 5) to discuss the requirements in detail. Should diversionary works be required these will be fully chargeable.

### Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

### Highways Informatives

(S38/278)

The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption and modification of the highway. The S38/278 Agreement must be in place prior to the commencement of works on site.

(Delap)

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (01642 728156)

(Stats)

The applicant is advised that the proposed scheme is likely to affect statutory undertakers equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing

Case Officer: Peter Wilson

Committee Date: 6<sup>th</sup> March 2020

