

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday 14 January 2022.

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

**OFFICERS:** P Clarke, C Cunningham, A Glossop, D Johnson and C Lunn

**APOLOGIES FOR ABSENCE:** Councillor L Garvey

21/31 **DECLARATIONS OF INTEREST**

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

21/32 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 17 DECEMBER 2021**

The minutes of the Planning and Development Committee meeting, held on 17 December 2021, were submitted and approved as a correct record.

21/33 **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 and reported thereon.

**21/0703/COU Change of use retail to create bowling alley and mixed use leisure facility (sui generis) including external works at 18-19 Captain Cook Square, Middlesbrough TS1 5UB for Mr Graeme Smith**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that permission was sought for the change of use of a vacant retail premises within the Town Centre's primary shopping frontage area to a mixed use leisure destination to include a bowling alley, indoor golf, indoor electric go kart track, food retail and ancillary external works.

It was explained that the proposal represented a sustainable and positive re-use of the premises, which would attract new footfall to the town centre and thereby have a positive impact on the vitality and viability of the town centre. The proposal would result in the retention and re-occupation of a large unit within the Captain Cook Square area and provide a notable leisure destination within this part of the town centre.

Members heard that the proposed use was a town centre use and was appropriate in principle within the town centre, although site specific policy of the local plan defined this area as being primary shopping frontage which was aimed at providing the nucleus of retailing within the town centre. Policy advised there should be no more than 15% non-retailing uses within the Primary Shopping Frontage (PSF) areas of the town centre and the last assessment indicated the non-retailing uses within the PSF to be 15.7%. Whilst this proposal would add to the non-retailing uses, it provided a notable leisure destination within the town centre, adding new uses to the town centre offer which would improve vitality and viability of the town centre as a result. It was set away from the core area of Linthorpe Road on the fringe of the PSF area and would therefore not create a break between different sections of the core retailing uses.

Members heard that there had been no objections received and the recommendation was to approve the application, subject to conditions.

A Member made reference to the proposed 02:00 closing time and queried the necessity for this. In response, the Development Control Manager explained that the operating hours had been requested by the applicant and that demand / footfall would likely determine how late the premises stayed open. In terms of monitoring the premises to ensure that younger children vacated by 21:00, Members heard that this would be the operators' responsibility.

In response to a query regarding public consultation, the Development Control Manager advised that public site notices had been displayed at the former TJ Hughes site to alert people to the proposed plans.

A Member made reference to available car parking and queried whether the Captain Cook Square car park would have its opening hours extended, in order to accommodate the proposed closing time for the venue. It was indicated that the car park currently closed at 19:30 Monday to Saturday, and 18:00 on Sundays. In response, the Development Control Manager indicated that there were sufficient car parking facilities in the town centre to support the proposed activities into the evening. It was felt that there could be implications for taxis, etc. that would provide opportunity for the Council to review traffic management, but there was nothing to suggest that it would pose any issues within the locality.

A Member commented that the proposed development would bring increased footfall to the town centre.

In response to a request for clarification regarding the proposed operating hours, the Committee was advised that the planned 09:00-02:00 opening times would be on a seven-day per week basis. If it was intended that the premises would be licensed, restrictions would be determined/imposed by the licensing department.

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

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

### **Planning Appeals**

In respect of appeal decisions, the Development Control Manager provided Members with detailed information on those that had recently been published by the Planning Inspectorate.

**Appeal Ref: APP/W0734/D/21/3281822 234 Acklam Road, Middlesbrough TS5 8AA – Appeal Allowed**

The development proposed was a single storey rear extension.

The main issues in the determination of the appeal were the effects of the proposed development upon:

- The character and appearance of the host dwelling and the surrounding area; and
- The living conditions of the occupants of 232 Acklam Road, with regard to outlook, privacy, sunlight and daylight.

**Appeal Ref: APP/W0734/D/21/3283289 11 Seathwaite, Middlesbrough TS5 8TX – Appeal Dismissed**

The development proposed was a double storey extension to the side of the property, with a single storey across the rear to meet the new extension.

The main issue in the determination of the appeal was the effect of the development on the character and appearance of the appeal property and the surrounding area.

**Appeal Ref: APP/W0734/W/21/3283685 21 Thurlestone, Marton-in-Cleveland, Middlesbrough TS8 9TA – Appeal Allowed**

The development proposed was to extend garden by 6m to change use of waste land to residential curtilage, with erection of wall to side along footpath and wooden fence to rear.

The main issues in the determination of the appeal were:

- The loss of allocated public open space; and
- Whether or not the proposal would accord with the Middlesbrough Local Plan (1999); policies MW1 and MW3 of the Marton West Neighbourhood Plan (MWNP) (2021) and the National Planning Policy Framework (the Framework).

A discussion ensued with regards to the accordancy of the proposal with the Middlesbrough Local Plan and the Marton West Neighbourhood Plan, and the implications that had for future applications. Clarification was currently being sought from the Planning Inspectorate as the appeal had raised some issues in terms of how the two plans should interact. The Head of Planning advised that a training session for Members to review some Appeal Decision notices, and consider the lessons learnt, could prove beneficial.

**NOTED**