
APPLICATION DETAILS

Application No:	17/0194/FUL
Location:	Land to East Central Gardens Centre Square Middlesbrough TS1 2AE
Proposal:	Erection of office building (Use Class B1) and associated access, car and cycle parking and landscaping
Applicant:	Ashall Projects Ltd
Agent:	Seymour Architecture
Ward:	Central
Recommendation:	Approve with Conditions

SUMMARY

Detailed planning permission is sought for the erection of a three storey Grade A office block on land adjacent to Centre Square.

The proposed scheme is in accordance with town centre policies for the area, providing a modern high quality office block within this town centre location.

Consultation was undertaken with local residents and businesses as well as consultees and only one objection has been received in the form of reference to an online petition. The concerns raised mainly relate to the loss of green space within this central location.

The proposed scheme would represent a significant addition to the town centre, providing office space within the local area which is of benefit to the towns offer as a regional attractor for businesses and would also, through its construction, support the economy, all of which is supported within the National Planning Policy Framework.

It is considered that the scheme would add a new building around Centre Square which is of a scale commensurate with that of other buildings in the surrounds and of a modern design which would provide a positive addition in an area where there is already an array of buildings of very contrasting ages, styles, design and materials, and would thereby continue this principle.

The proposed scheme is recommended for approval subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an irregular parcel of land on the east side of Central Gardens within the Cultural Quarter of Middlesbrough town centre. The site is currently public open space with established landscape planting, including shrubs and semi-mature trees.

The site is bounded to the north by Russell Street, to the east by the rear gardens of the houses of Hazel Court, to the south by Fountains Court and Grange Road, and to the west by Central Gardens. Vehicular access to the existing site is limited but it is well permeated by pedestrian links.

The application seeks planning permission for a three storey Grade A office building (B1) accommodating over 3700 square metres of internal office space. The building itself would form an L-shape measuring 60 metres in length and 30 metres in width.

Vehicular access to the proposed site would be via Grange Road, which leads to a car park with provision for 57 parking bays.

In a cluster to the east of the building is a proposed substation, bin store and secured cycle store.

The existing trees within the site would be removed as part of the development and a new landscaping scheme introduced with trees and shrubs.

PLANNING HISTORY

Planning history within the site and surrounding area relative to a new build office block is limited with the Law Courts and MIMA being some of the most recent additions fronting onto centre square.

This application is one of three which has been submitted for office development within the vicinity of Centre Square, an outline for 5 office buildings, a detailed application for a single office building on land to the east of central gardens and this proposal.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) 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:

- a) The provisions of the development plan, so far as material to the application;*
- b) Any local finance considerations, so far as material to the application; and*
- c) Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *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).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

CS1 - Spatial Strategy
 CS4 - Sustainable Development
 CS5 - Design
 DC1 - General Development
 CS13 - Town Centres etc Strategy
 REG20 - Principal Use Sectors
 REG25 - Centre Square East

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

The application has been advertised in the local press, site notices have been posted around the site and consultations have been sent to statutory consultees, local residents, ward councillors and the local community council. A summary of the comments received is listed below.

Planning Policy

No objections.

Conservation Officer

Recognition the proposed building is within 250 metres of the Town Hall, which is Grade II* Listed and the Empire Theatre, Central Library, the statue of John Vaughan and the monument to Sir Samuel Sadler, which are all Grade II Listed.

Each Listed Building has a setting and, with the exception of the statue and the monument their settings are not considered to be a major part of their significance, which can be found in their historic (civic and entertainment) uses and their architecture. The setting of the Town Hall, considering its size, height and landmark nature, is more complex. The statue and monument were originally within Victoria Park, a public park with bandstand in place around the time the Town Hall was constructed. Their settings remaining open are more important, but this application does not propose to re-locate them.

The application proposes a three-storey commercial building and landscaping with ground floor café / restaurant uses and upper floors as offices. It is part of a larger scheme for new development in and around Centre Square.

Originally the site was covered in terraced housing with much smaller buildings and closer grain than can be found in the area now. More recently it has become a park area, but it is not well-used or high quality and as a later addition, its loss is not considered to harm the settings of the nearby Listed Buildings.

The proposed design is of a contemporary office block, constructed of facing brick, curtain walling and metal cladding. The active uses on the ground floor are welcomed and should reintroduce greater levels of movement and vibrancy to the area.

The proposed development should sustain the settings of the nearby Listed Building.

Highways

All three planning applications are supported by a Transport Assessment prepared by consultants Arup on behalf of the developer. The scope and methodology of this Assessment was agreed beforehand with the Council as the local Highway Authority.

The Transport Assessment highlights the sustainable location of the proposed development, which is well served by public transport as well as being easily accessible on foot and by cycle. This, together with the close proximity of off-street car parking facilities, most of which are currently operating below capacity, means that the proposed level of car parking provision within the development itself, whilst below the maximum parking standards set out in the Tees Valley Design Guide and specification, will be sufficient to meet the expected level of demand. A Framework Travel Plan has been prepared in order to manage this level of demand once the development becomes operational.

The Transport Assessment also considers the impact of the proposed development on the operation of the surrounding highway network, including the A66 Marton Road Interchange. All but one of the junctions directly impacted by the development will have sufficient capacity to cater for the predicted increase in traffic movements. The exception is the junction of Marton Road and Borough Road, which is predicted to be operating above capacity in the future year of 2024 even if the proposed development does not go ahead. However, it is considered that the proposed development will not significantly worsen the situation at this junction, and the measures set out in the Framework Travel Plan will assist in mitigating any localised impact.

There are no significant road safety issues associated with the proposed development. Given the relatively close proximity of the site to the Strategic Road network, specifically the A19 and the A66 to the west of the A19, Highways England have been consulted regarding the proposed development and have raised no objections.

The proposed development will not have a material adverse impact on the operation of the surrounding highway network.

Lead Local Flood Authority

No objections subject to conditions.

Waste Policy

No objections.

Police - Secured By Design

The development adheres to the principles of Secured by Design.

Environmental Health

Have raised no objections to the scheme and have recommended conditions be imposed in relation to;

- Floodlighting,
- Being in accordance with the Noise Assessment
- Being in accordance with the Air Quality Assessment

Friends of the Earth (Middlesbrough and Redcar) object to the proposed development.

- Over 500 objections are logged on an online petition.
- Most of these objectors would object to losing the green space and nature lake.
- The fresh air and exercise that are so important to people living in a city centre.
- The open space being considered for redevelopment has been described as 'very good quality' and 'valuable' in the Council's evidence base as recently as 2012.
- The much loved nature lake is part of a unique outdoor auditorium with landscaped water features and sculpture.
- There is no natural open space within 3000ft of the nature lake and local people will have to travel some distance to get to Albert Park.
- The replacement water feature and inner courtyard proposed will be used by office workers rather than the general public.
- There will be no nature/wildlife involved in this smaller water feature.
- Bearing in mind this value of green space, the developers and MBC need to show that there is need for high end office space, that there is no existing provision for high end office space, that it will create high paying jobs and that the development conforms to sustainable transport initiatives.

Public Responses

Number of original neighbour consultations	138
Total numbers of comments received	1
Total number of objections	1
Total number of support	0
Total number of representations	0

Site notice posted – 4th April 2017

PLANNING CONSIDERATION AND ASSESSMENT

1. Detailed planning permission is sought for the erection of a 3 storey Grade A office block containing approximately 3700sq.m. of B1 office space, associated 57 bay car park, cycle and bin stores, boundary treatments and hard and soft landscaping.

The main planning considerations for this proposed development relate to;

- Principle of the development,
- Economic considerations,
- Design, appearance and quality,
- Impacts on the historic environment
- Impacts on the nearby buildings / uses,
- Impacts on the highway network,
- Impacts on residential amenity,
- Impacts on ecology and biodiversity.

2. These and other material planning considerations are assessed as follows;

Principle of Development

3. The Government's planning guidance is set out in the National Planning Policy Framework (NPPF) and this confirms its support for development which is in accordance with an up-to-date Local Plan. It further supports sustainable development which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure.
4. Paragraph 19 of the NPPF states that Planning should operate to encourage and not act as an impediment to sustainable growth, giving significant weight to the need to support economic growth and proactively meeting the development needs of business, supporting an economy fit for the 21st century.
5. Local Plan policies seek to achieve high quality development in the right place, which minimises the impact on the local area and nearby premises whilst Policy REG25 seeks to develop the area of Centre Square East as a modern civic open space. The spatial objectives of the plan go further to reinforce the Stockton-Middlesbrough urban core as the principal centre for cultural, leisure and civic administration activities whilst establishing an environment that encourages and supports economic vitality and quality of life that attracts both people and businesses to Middlesbrough. Objectives further indicate the desire to achieve high and sustainable levels of economic growth by supporting existing businesses and encouraging new ones to set up in Middlesbrough.
6. The site lies within the Town Centre boundary for Middlesbrough as defined within the Local Plan, at a position well served by public transport and other facilities and provisions, thereby making it a highly sustainable location for such development, in accordance with the locational principles of the National Planning Policy Framework. It is considered that the provision of a 4 storey modern Grade A office block within this key position around Centre Square will assist in achieving these policy objectives in a manner which adds positive definition to the civic character of the Centre Square area.
7. Objection to the scheme suggests that the open space should be retained and that there should be a demonstrated need for the new development prior to accepting the loss of the space. Whilst noted, and whilst the space may have some value in its current form, the site is allocated within the Local Plan as an area for town centre development opportunities and as such this sets the principle of its re-development in planning terms. With regards to need, there is no requirement in planning policy for a

demonstration of need to be provided for such uses within a town centre location on an allocated site.

Economic Considerations

8. Central Middlesbrough is the economic heart of the economy of Teesside, providing a mix of business, retail, leisure and cultural features. The proposed development is considered to make a significant contribution to sustaining and enhancing the 'Middlesbrough' offer, with a high quality office development providing opportunity for inward investment for professional and service sector companies not currently represented in the Tees Valley or for progression of existing local businesses into new premises. In this regard, the scheme would reflect some of the ambitions of the Tees Valley Strategic Economic Plan which commits to strengthen the local economy.
9. It is understood that Grade A offices appeal to high-value employers with a propensity to enhance the local economy with higher than average Gross Value Added (GVA) accommodation and also bring new construction jobs to the area, (GVA being the economic term for the measure of the value of goods and services produced in an area, industry or sector of an economy). The submitted document suggests that to increase jobs and businesses within the area there is a need to grow and retain professional services and have the ability to accommodate them in new, modern office space and that it is beneficial to accommodate this in Middlesbrough to optimise benefits. The submission further advises (as a result of market analysis) that, over the last thirty years, Middlesbrough has suffered as a result of a lack of investment in its office space and therefore suffered outward migration of major professional employers and believes that new, Grade A office space is a way which will address this by reducing the risk of future displacement and through attracting new business which would attract more spend within the local area.
10. The proposed development would act as an anchor in realising the vision for the wider Centre Square area, which currently doesn't get utilised to its potential and almost acts as incidental space rather than open space with a primary function. New office space around Centre Square would bring hundreds of skilled workers to the location and provide a renewed vibrancy for Centre Square and re-define its function as a civic space central to the town and being immediately adjacent to the retail and cultural areas of the centre. With the addition of the Café / Restaurant and the proposals associated with the other two linked applications, the development would assist in Centre Square creating a destination and 'sense of place' within the centre of Middlesbrough which currently is under represented for this sector.

Design, Appearance and Quality

11. The proposed office block has been designed to fit within the area as a modern addition which provides a civic scale building suitable for the area. The design has a uniform vertical emphasis, with white facing brickwork at lower level forming the framing for glazed sections, with lightweight, slender aluminium glazed panels for the upper two floors, with a plant room on the roof.
12. Importantly, all buildings around centre square are different in their form, scale and use of materials, although all are prominent large buildings in their own right and all have a degree of uniformity / repetition within the elevations / design. This proposed scheme would continue that approach to new buildings within this location, providing a large and modern building of an inherent high quality, thereby being in accordance with Policy REG25 which emphasises the need for high quality contemporary feature buildings to complement the modern civic open space and existing landmark buildings within the area.

13. The height of the building is generally consistent with its surroundings, providing visually separate floors of development and with glass curtain walling as well as Alucobond façade panelling bringing colour to the overall scheme.
14. In view of these considerations, the proposal is considered to adhere with the design requirements for such buildings as required by both local and national planning policies.

Impacts on the Historic Environment

15. Legislation requires due assessment and protection of the setting of a listed building where deemed appropriate whilst Local Plan Policies CS4 and CS5 collectively seek to protect heritage assets. The site is close to several listed buildings, including the Empire Theatre (II*), the Town Hall & Municipal Buildings (II*), Central Library (II) and the monuments to John Vaughan and Sir Samuel Sadler (II).
16. Each of these buildings has a separate function and all have been designed as stand-alone buildings or structures, with their use informing their design and form. All of these contribute to framing Centre Square and are considered to be of notable significance. Each requires its setting from specific areas and views, to be reasonably preserved in order to retain their significance, although, being within a town centre location with many building types around, none require nil development in their surrounds to achieve the preservation of their setting and due regard needs to be taken that the whole area of centre square was once a site of many residential properties. The Councils Conservation Officer considers the significance of these listed buildings comes more from their function and architecture rather than their setting.
17. The significance of the Town Hall and associated Municipal Buildings is considered to be partly down to its initial design, partly to its overall use and partly as a result of its meaning within the wider area of Middlesbrough although its setting is taken from its position and a degree of openness to its elevation onto Centre Square. It could be argued that the setting has already been compromised in the past by the nearby tower blocks and the addition of Civic Centre although importantly, it retains an open aspect onto Centre Square as well as being a prominent building within the Corporation / Albert Road area of the town centre. The proposed office building subject of this application is set at the back of Centre Square a notable distance away from Municipal Buildings, with more modern buildings intervening. The proposed office building would be visible from Centre Square and would form an end to the open space within this civic setting. In view of these matters, it is considered that the impact on the significance of the Listed Town Hall & Municipal Buildings would be limited.
18. The Empire Theatre is set on the opposite side of Middlesbrough House and Civic Centre to the proposed office building, screened from view and it is considered that this proposal would therefore not affect the setting of the historic theatre.
19. Central Library is a dominant building fronting but set back from Albert Road. The side elevation and rear are of a secondary nature in design terms and this proposed scheme will not affect the land to the front or immediately to the side of the Library. Given the proposed building would be set at the furthest point of Centre Square, in an urban context, it is considered that the proposed building would have an impact of minimal magnitude on the setting of Central Library.
20. The statue / monument are of a much smaller scale to the listed buildings around Centre Square and are of a localised importance. The Councils Conservation Officer has advised that they were originally within Victoria Park, a public park with

bandstand in place around the time the Town Hall was constructed. Retaining an open setting for these is considered to be important and given this application does not propose to re-locate them, it is considered that this would be achieved and arguably, the statue and monument would gain greater recognition through the reinvigorated use of Centre Square.

21. The potential impacts of the development on the nearby heritage assets within Centre Square have been fully considered and it is the Planning view that the scheme can be achieved with no significant impacts on nearby listed structures, their setting and their associated significance, some of which will arguably be impacts of a positive nature.

Impacts on the nearby buildings / uses

22. The proposed building is set away from the nearest buildings of Fountain Court, Cleveland Business Centre and the Crown Court by sufficient distance to prevent any undue impacts in the operations of these buildings, particularly as there is public space and highways intervening. The proposed building will have limited impacts on daylight and sunlight into these buildings.
23. The vehicular access into the site will pass the front of Fountain Court which is a commercial office building, and would not result in any notable additional impacts above those already associated with traffic using this area of Grange Road apart from the additional numbers of vehicles using this area, which is itself an accepted part of offices within a town centre location.

Impacts on the highway network

24. The proposed development is a town centre use and is positioned in reasonable close proximity to the railway station and bus station whilst would be supported by the numerous bus stops and public car parks which exist within the town. The proposal therefore supports the principle of locating development in locations where there is a real prospect of its users travelling by sustainable means and thereby limiting their travel movements on the wider network which is in accordance with the principles of the National Planning Policy Framework.
25. The application has been supported through the submission of a Transport Assessment which defines the likely traffic movements generated by the proposed building in its fully occupied state and this has been considered by the Councils Highways Team. The scheme would also provide 57 parking spaces, including provision of disabled spaces and cycle store. In responding to the consultation exercise, the highways team have advised that in view of the position of the site relative to public transport options and in view of the close proximity of off-street car parking facilities, most of which are currently operating below capacity, it means that the proposed level of car parking provision within the development itself, whilst below the maximum parking standards set out in the Tees Valley Design Guide and specification, will be sufficient to meet the expected level of demand. A Framework Travel Plan has been prepared in order to manage this level of demand once the development becomes operational.
26. The Transport Assessment also considers the impact of the proposed development on the operation of the surrounding highway network, including the A66 Marton Road Interchange. All but one of the junctions directly impacted by the development will have sufficient capacity to cater for the predicted increase in traffic movements. The exception is the junction of Marton Road and Borough Road, which is predicted to be operating above capacity in the future year of 2024 even if the proposed development does not go ahead. However, it is considered that the proposed development will not significantly worsen the situation at this junction, and the

measures set out in the Framework Travel Plan will assist in mitigating any localised impact.

27. No road safety issues have been raised in relation to the local network and given the relatively close proximity of the site to the Strategic Road network, specifically the A19 and the A66 to the west of the A19, Highways England were consulted regarding the proposed development and similarly raised no objections.
28. In view of the above matters it is considered that the proposed development accords with local and national policies on highway related matters and would not have any notable undue impacts on highway safety or the free flow of traffic.

Impacts on residential amenity

29. As with all development proposals consideration needs to be given to the impact on residential amenity. In this instance, the proposed building and associated use are within a town centre location where residential amenity and privacy will generally be reduced to that normally experienced in more residential areas although nonetheless requires reasonable assessment, in particular, against Local Plan Policy DC1 and the guidance of the National Planning Policy Framework.
30. The proposed development site only has residential properties to the eastern side, the area known as Hazel Court. These properties have rear elevations facing towards the site. There is currently a shrub bed, footpath and cycle way to the rear of the properties, some of which have access onto from their rear boundary. The proposed building, at its closest point is approx. 31m from the rear of existing properties, and 53m from the main section of the building. The proposed office block would be a large block of development and will have some impact on daylight and sunlight to these properties although given the intervening distances between properties, it is considered that this would not be a significant impact. Likewise, the proposed office building would allow viewing from within it, towards the residential properties and in view of intervening distances, this should not raise any undue impacts on privacy.
31. The proposed scheme seeks to remove the footpath and cycle path from the rear of properties and to incorporate that space into the site. This would require a separate application to stop up the footpath and cycleway and any matters or rights of access would also need to be addressed. This proposed solution will create a clean divide between the commercial and residential space and remove the footpath area which would be at the rear of buildings, out of sight from the wider Centre Square area and arguably a negative issue for secure by design principles. This proposal has been designed in conjunction with the Police secure by Design officer who has raised no objections to the proposed layout.
32. It is considered important to ensure this area is well designed and additional planting is of an appropriate scale, species and form for the area and takes into account the surrounding uses and conditions are recommended to address this.
33. Should the stopping up of the footpath and cycle path be unsuccessful than further consideration of the boundary treatments and formal layout of this area between the houses of Hazel Court and the proposed building would need further consideration.
34. The parking to the rear of the office building will have some impact on the residents of Hazel Court although this should not be significant given its scale and the anticipation of such impacts being associated with living in a town centre location.
35. Lighting associated with the building has been designed so as to prevent undue spread / spillage of lighting to the wider area and therefore prevent any nuisance

caused as a result although in this town centre location lighting around and of buildings is a relatively common occurrence and therefore an accepted circumstance given the use and nature of such areas. Additional information is required in respect to these details in terms of final design and the councils Environmental Health Officer has recommended a condition be imposed to address this matter which has been recommended accordingly.

Impacts on ecology and biodiversity

36. Due to the location and overall size of the proposed development, it is important to ensure that there are no adverse impacts on any protected species, flora and fauna.
37. An Ecological Impact Assessment was submitted in support of the application to assess any potential impacts. The proposed development comprises the construction of a new office building on an existing area of amenity grassland with mature ornamental shrubs planted along the northern section and a number of early mature trees within the eastern site margin.
38. The survey indicates that the habitats on site are typically of low conservation value and of local value only. The two ponds within the surrounding area are defined as negligible or below average suitability for supporting great crested newts although there remains a low risk of harm to amphibians. In order to address this, the submission indicates that works would need to be completed in line with the reptile method statement as submitted. In respect of impacts on Bats, the submitted report advises that the site lacks any suitable roosting opportunities for bats whilst foraging will be limited to the shrubs and trees around the north and eastern borders of the site and around the pond although recognises there are no commuting networks with the immediate urban area and as such, the likelihood of bats foraging and roosting in the area is considered to be low.
39. Wader species from the nearby SPA and Ramsar site are considered unlikely to utilise the site due the suboptimal habitats and high levels of disturbance. The mature vegetation within the site will provide a nesting and foraging resource to urban and garden bird species including the amber listed Bird of Conservation Concern Dunnock, which was recorded on site. Nesting bird habitat is otherwise limited in the surrounding area and is considered to be of local value only.
40. The report advises that the potential impacts of the development are the loss of local value amenity space, trees and habitat although recognises the low conservation value of this space. Notwithstanding this, mitigation with the report advises that;
 - any clearance works should be done outside of the bird nesting season (March to August inclusive),
 - excavations left open overnight will be given a means of escape for mammals that may become trapped,
 - the roots and crowns of retained trees will be protected throughout the development
 - works will be carried out to the invasive species currently on site
 - works being undertaken in line with the amphibian method statement.
41. Conditions are recommended to address these matters and thereby limit any impacts on ecology, flora and fauna in line with policy guidance.

Other Matters

42. The application was supported by a Flood Risk Assessment which has been considered by appropriate bodies. It indicates suitable ability exists to undertake sustainable drainage solutions for the scheme and achieve suitable discharge rates

in to the surface water system. Foul connections are also achieved within the site. Conditions are recommended to achieve the detailed scheme.

43. Noise and Air Quality assessments were submitted with the application and are considered to be acceptable subject to adhering to the details within the report. The reports indicate that emissions from traffic associated with the proposed development on the road network surrounding the site is would be negligible. With regards to fumes from the boilers and plant associated with the building, consideration has also been given to this and the need for extraction. The report as submitted and accepted advises that combustion plant emissions are expected to have an insignificant impact on local air quality as existing.
44. A tree report was submitted with the application which details the requirement for a number of trees to be removed from the site to allow the building and parking area to be provided. The tree cover to be removed would be the less formal planting towards the side and rear of the site. The proposed scheme seeks to replace lost tree cover with a new more functional and formal scheme which will be able to be designed to be fit for purpose taking into account the scale of and proximity to buildings.
45. The Council's highways officer has requested that a temporary car park be provided on site for the construction phase of the development and a condition is recommended to achieve this which should reduce the implications of the construction phase of the development.
46. Northumbrian Water and Northern Gas Networks have advised of their apparatus within the site and an informative has been recommended to address this.

Overall Conclusions

47. The proposals are arguably fundamental to the delivery of Middlesbrough's Investment Prospectus, which was launched earlier in 2017, and it is considered that the proposed Grade A office development, restaurant space, public realm and its associated landscaping will have a beneficial impact on the town centre offer and on the economy, being in accordance with the NPPF and Local Plan Policy CS7 in these regards.
48. In terms of the social element, it has been analysed that the proposals would appeal to high-value employers, provide new employment opportunities in skilled trades and create higher average weekly incomes for local people. It will assist in re-invigorating the use of Centre Square and as such, accords with the social strand of sustainability within the NPPF.
49. The overall scale and type of development proposed would evidently contribute towards reinforcing and strengthening the role of the town centre as the principal centre within the Tees Valley city region and support the commercial role of the town centre. As such, the proposals are considered to be in accordance with the strategic policy H1 as well as REG25.
50. The proposal will not result in any notable impact on nearby listed buildings, adjacent operators, residential amenity and privacy, highway related matters or ecology and the proposed building and its design are considered to represent high quality development.

RECOMMENDATIONS AND CONDITIONS

Approved 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 undertaken in accordance with the details within the approved plans as detailed below;

Location Plan	0001-P01 as received on the 24 th March 2017
Proposed site plan	1002 -P02 as received on the 24 th March 2017
Proposed Floor Plan	2000 -P02 as received on the 24 th March 2017
Proposed Floor Plan	2002 -P02 as received on the 24 th March 2017
Proposed Floor Plan	2003 -P02 as received on the 24 th March 2017
Proposed Elevations	3000 -P02 as received on the 24 th March 2017
Proposed Elevations	3001 -P02 as received on the 24 th March 2017
Proposed Sections	3300 -P02 as received on the 24 th March 2017
Proposed Drainage Layout	2001 -P3 as received on the 24 th March 2017
Proposed Sewer Layout	1001 -P4 as received on the 24 th March 2017
General Arrangement Dwg.	L-1805-GAP-001 as received on the 24 th March 2017
Electrical Layout	16.033.2.E.01 Rev P1 as recvd. on the 24 th March 2017

Reason: In order to define the consent.

3. **Samples of Materials**

The development hereby approved shall be carried out in full accordance with a schedule of external finishing materials which shall be submitted to and approved in writing by the local planning authority prior to the above ground commencement of the development.

Reason: To ensure a high quality appearance of development in accordance with the requirements of the National Planning Policy Framework.

4. **Temporary Parking during Construction and Protection of Highway**

Before the construction of the buildings hereby permitted commences, a plan showing the location of temporary car parking to accommodate operatives and construction vehicles during the development of the site and measures to protect any existing footpaths and verges shall be submitted to and approved in writing by the Local Planning Authority and implemented upon commencement of construction. The approved parking area shall remain available throughout the construction phase of the development and shall be removed on completion of the works.

Reason: In the interests of amenity and highway safety and to comply with the general principles of the National Planning Policy Framework.

5. **Sustainable Drainage & Surface Water Systems**

Before the construction of the buildings hereby permitted commences, a scheme for a Sustainable Drainage System (SuDS), surface water design, strategy and management plan, which shall sustainably drain surface water, minimise pollution, manage the impact on water quality and prevent water from flowing onto the public highway, shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety, to minimise the risk of flooding and to secure a sustainable development in accordance with local policy CS4 and the general principles of the National Planning Policy Framework.

6. *Approved Flood Risk Assessment*

The development shall be fully implemented in accordance with the drainage scheme contained within the submitted document entitled "Flood Risk and Drainage Statement" dated March 2017 subject to the agreement of details in the 'Sustainable Drainage & Surface Water Systems' condition.

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

7. *Cycle & Bin Stores*

The cycle and bin stores hereby approved shall be constructed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority and shall be installed on site prior to the building hereby approved being brought into use and thereafter maintained in perpetuity.

Reason: In order to ensure sustainable transport options for the development and adequately control the appearance of the development, in accordance with the requirements of the National Planning Policy Framework.

8. *Details of Hard Landscaping and External Furniture*

The building hereby approved shall not be occupied until a scheme of hard landscaping works has been undertaken on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

The scheme of hard landscaping works shall include proposed finishing levels and contours within the site, hard surfacing materials and minor structures such as street furniture.

Reason: To ensure the satisfactory implementation of hard landscaping and external furniture in the interests of the visual amenities and landscape features of the area.

9. *Soft Landscape works*

Prior to the building hereby approved being occupied, a scheme of soft landscaping works shall have been implemented on site in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to detailing the position, number and species of new planting within the site and the planting regime / methods including the provision of root barriers and tree pits.

Reason: In order to provide a high quality of development within a prominent town centre location in accordance with the requirements of Local and National Policy.

10. *Landscape Management Plan*

A landscape management plan, including management responsibilities and maintenance schedules for a minimum of five years post completion of the soft landscaping scheme, for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development hereby approved. The management plan shall provide for replacement of landscaping that fails within the first 5 years of its existence. The approved landscape management plan shall be carried out as approved.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

11. *Boundary Treatments*

Notwithstanding details hereby approved, all boundary treatments for the site shall be in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a final suitable scheme is achieved in the interests of high quality design.

12. *Tree Protection*

The construction phase of the development shall be undertaken in accordance with the Tree report and associated tree protection details as submitted.

Reason: In order to reasonably protect trees intended for retention in the interests of the amenity of the surrounding area.

13. *Site Clearance and Protection of Nesting Birds*

Any works to clear the site in preparation for development (including removal of vegetation and any groundworks) should be initiated outside of the bird breeding season (March to October). If preparatory site clearance works cannot be undertaken outside of the bird breeding season, a suitable methodology for undertaking site clearance works shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing. Thereafter, the approved methodology shall be carried out on site.

Reason: To provide adequate protection for nesting and breeding birds in accordance with the requirements of the National Planning Policy Framework.

14. *Ecological mitigation*

The development shall be undertaken in strict accordance with the mitigation detailed within the submitted ecological report.

Reason: In order to ensure adequate protection of ecology, flora and fauna in line with local and national policy requirements.

15. *External Lighting*

Notwithstanding details already submitted, final details of the proposed floodlighting to be used at the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development and at the facades of neighbouring premises. The construction and use of the floodlighting shall be carried out in accordance with the approved details.

Reason: In order to prevent undue impacts on residential amenity in the wider area in accordance with the requirements of the National Planning Policy Framework.

16. *Noise Mitigation*

The development hereby approved shall be developed in accordance with Noise Assessment Reference – 5804.1 Version C as submitted to the local planning authority. Any deviations from the recommendations made in the report shall be first submitted to and approved in writing by the local planning authority prior to being implemented.

Reason: In order to prevent undue impacts on residential amenity in the wider area in accordance with the requirements of the National Planning Policy Framework.

17. Air Quality Assessment

The approved use shall be developed in accordance with an Air quality Assessment Reference – 101439, as submitted to the local planning authority. Any deviations from the data input for the report and the assumptions made in the report shall be submitted to and approved in writing the local planning authority prior to being implemented.

Reason: In order to control the development.

REASON FOR APPROVAL

This application is acceptable as the proposed application for the erection of office building with associated works situated on land east of Central Gardens is in full accordance with the relevant national and local planning policies (CS1, CS4, CS5, CS13, DC1, REG20, REG25).

In particular, the proposed development adheres to the principles and guidance contained within the National Planning Policy Framework and the policies regarding sustainable development, the efficient use of land, transport and accessibility, appropriate measures to mitigate flood risk, conserving and enhancing the historic environment, and it would not be detrimental to the amenities of local residents and other neighbouring uses. Moreover, the proposed office development and associated development would be situated in an appropriate location being within an area allocated for such uses.

Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Informative: Northumbrian Water / Northern Gas Networks apparatus within the site

Northumbrian Water and Northern Gas Networks have advised that a public sewer crosses the site and may be affected by the proposed development, that they do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

Informative: Highway works

Implementation of this proposal will require a formal highway closure and the applicant should be informed that it is subject to Public Comment and therefore closures cannot be guaranteed. For further information tel.01642 728153. This closure must be commenced before any work is commenced in the vicinity of the affected area.

The applicant is strongly advised to contact the Highway Authority tel: 01642 728156 prior to any work commencing on site in order that a pre-inspection of the highway can be undertaken and agreement reached on suitable protection to prevent damage to the highway during construction. Failure to do this may result in the Highway Authority using powers available to them to impose such restrictions they deem necessary to protect the

existing highway. Any damage that does occur will be deemed the responsibility of the person undertaking the work along with the liability for reinstatement.

Informative: Alteration of the highway

Interference or alteration of the highway requires a licence under the HA 1980. Connections to public sewers in the highway require a licence under NRSWA 1991. The applicant should contact the Highway Authority tel 01642 728156 before any work commences on site, allowing a minimum of 7 days notice, or 30 days in the case of a NRASWA licence, if either or both of these licences are required.

Informative: Condition of the highway during construction

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

Informative: Construction Deliveries

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

Informative: Street Naming and Numbering

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on (01642) 728155.

Case Officer: Peter Wilson

Committee Date: 26.05.2017

