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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>17/0195/OUT</b>
<b>Location:</b>	<b>Land At Central Gardens Middlesbrough TS1 2AZ</b>
<b>Proposal:</b>	<b>Outline application for the development for 5 commercial office buildings (B1 Use) with part ground floor cafes (A3 use), including public realm works, landscaping, car parking, cycle parking and other ancillary development</b>
<b>Applicant:</b>	<b>Ashall Projects Ltd</b>
<b>Agent:</b>	<b>Seymour 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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Outline planning permission is sought for the development of five Grade A, B1 office buildings including some ground floor café / restaurant space, car parking, landscaping and public realm works and other ancillary development.

The site is allocated for town centre development and the principle of the scheme is therefore in accordance with town centre policies for the area, providing modern, high quality office blocks 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 the green space and water feature.

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 serve to re-invigorate the use of Centre Square through additional workers within this area, redefine the civic area of Middlesbrough Town Centre and serve to create a strong platform for future growth of the local economy. The scheme would also support the economy through its construction, all of which is supported within the National Planning Policy Framework.

It is considered that the scheme would add new buildings 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 additions 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.

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

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The overall site area of this outline application pertains to three separate sites within the Cultural Quarter of Middlesbrough town centre.

The first is a rectangular plot of land approximately 95m x 30m, currently occupied by the former Registry Office. Also within this plot of land are areas of landscaping to the north and south of the building as well as Elm Street car park. The site is bounded to the north by Corporation Road, to the south by Centre Square, to the east by Elm Street (and the Crown Courts) and to the west by the Civic Centre. It is noted that this plot of land is the subject of a separate full planning application for office space (17/0193/FUL).

The second is a smaller rectangular plot of land situated between the Crown Courts and the Cleveland Business Centre. An indicative proposal for this plot shows an office building situated at the southern end of the site with a car park to the north accessed from Corporation Road.

The third parcel of land is roughly rectangular in shape, with the southeast corner of the site wrapping around Fountains Court. The northern and western boundaries measure approximately 140m and 110m respectively. The site is largely mown grass with landscaping and a man-made pond and is bounded by Russell Street to the north, Hazel Court to the east, Fountains Court and Grange Road to the south, and Centre Square (most notably, MIMA) to the west. It is noted that the eastern section of this parcel of land is the subject of a separate full planning application for office space (17/0194/FUL).

This application seeks outline planning permission for five commercial office buildings (B1 use) with elements of ancillary restaurant/cafe (A3) use at ground floor. The application form specifies that the overall development would create nearly 20,000sq.m. of Grade A office space and over 1000sq.m. of restaurant/cafe space.

Although the application is outline with all matters reserved (layout, scale, access, landscaping and appearance), indicative drawings have been submitted to illustrate how the proposed development might be arranged. As well as the buildings being proposed in 17/0193/FUL and 17/0194/FUL, this outline shows three other buildings for office accommodation

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## **PLANNING HISTORY**

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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.

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

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 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 Community Council. A summary of all the comments received is listed below.

### Planning Policy

No objections.

### 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.

#### Conservation Officer

These sites are currently occupied by the Register Office, a park and pond and part of the Centre Square park (Central Gardens). All are within in Middlesbrough Town Centre, part of a number of municipal and court buildings in an area called Centre Square. The sites are within 250 metres, at the nearest point, to 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, but I will await Historic England's advice. The statue and monument were originally within Victoria Park, a public park with bandstand out 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.

Originally the site was covered in terraced housing with much smaller buildings and closer grain than can be found in the area now.

The principle of large commercial buildings in these locations is acceptable, indeed historically the sites have seen development (albeit on a smaller scale). This area has become synonymous with large civic and commercial buildings and the principle of what is proposed here will contribute to that. It is the full planning application stage that will determine the impact of the new development on the settings of the nearby Listed Buildings, but the principle is appropriate.

#### 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;

- Opening hours
- Hours of deliveries
- Ventilation and fume extraction
- Floodlighting
- Refuse
- Noise attenuation
- Air Quality

#### Northern Gas Networks

No objections.

#### Northumbrian Water

No objections.

## Public Responses

Number of original neighbour consultations	146
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

## Site notice posted – 4th April 2017

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### PLANNING CONSIDERATION AND ASSESSMENT

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1. This is an outline application for planning permission for a significant Grade A office development within the Central Gardens area, located in the Cultural Quarter of Middlesbrough Town Centre.
2. As it is in outline form only with all matters reserved, it is simply the principle of the proposals that must be considered at this stage. The matters of detail which are the appearance, scale, landscaping, layout and access will be considered as part of a reserved matters submission should this outline application be approved, which would need to be made to the Local Planning Authority and which would be subject to further consultation and consideration. As noted earlier however, buildings 2 and 4 are the subjects of detailed full planning applications, which are also up for consideration by Members. Approval of the detailed applications will effectively override the outline permission in relation to those specific sites.
3. In considering whether the principle of development is acceptable for this outline proposal, due regard needs to be taken of other matters and 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.
4. These and other material planning considerations are assessed as follows;

#### ***Principle of Development***

5. 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.
6. 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.

7. 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.
8. 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 modern Grade A office blocks 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.

### ***Economic Considerations***

9. 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.
10. 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.
11. 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 / Restaurants 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***

12. The proposed office blocks has been designed to fit within the sites between the Crown Courts and Civic Centre, between the Crown Courts and the Business Centre and the area known as Central gardens a the rear of Centre Square. The two proposed buildings between the existing buildings would fit well within the alignment of existing buildings and will provide a positive addition to both the appearance of Centre Square as well as Corporation Road, without dominating these areas. The proposed buildings to the rear of Centre Square would provide office space in separate blocks of development and therefore retain the existing principles of built form around Centre Square which is one of defined and separate buildings out looking over the open area.
13. 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. This proposed scheme would continue that approach to new buildings within this location, providing large and modern buildings 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. Importantly, the scheme will be able to include public realm works around the proposed buildings, creating a new type of space which will be closely linked to the buildings and which will allow a new function to be achieved for space around the Square.
14. The height of the buildings are indicatively shown as being generally consistent with the surroundings, providing visually separate floors of development and having glass as the main elevation material, with high quality brickwork and coloured panelling to add accent colours to the overall scheme.
15. 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***

16. 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).
17. 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. Municipal Building and the Central Library contribute to framing Centre Square and are considered to be of notable significance whilst the Town Hall and Empire Theatre are related more to other streetscapes. 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 Centre Square was once a site of many residential properties. Importantly, the Councils Conservation Officer considers the significance of these listed buildings comes more from their function and architecture rather than their setting.
18. The significance of the Town Hall and associated Municipal Buildings is considered to be partly down to its initial design and architecture and partly to its overall use and partly as a result of its meaning within the wider area of Middlesbrough. 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 buildings subject of this application would be set away from the town hall and are of a completely different design. They would serve to enclose the square at the eastern end and create a greater 'sense of place' to this civic area and would therefore arguably have a positive impact on the setting. In view of these matter is it considered that the proposed scheme would have a low impact on the significance of the listed Town Hall & Municipal Buildings.

19. The Empire Theatre is on the opposite side of Middlesbrough House and Civic Centre to the proposed office buildings and would retain its visual significance gained from its frontage onto Corporation Road and its side elevations onto Pine Street and Dunning Street. Corporation Road is already a street of modern and old properties and this proposal would arguably continue with that characteristic. For this reasoning, it is considered the proposed development would have a low impact on the setting of the Empire Theatre and its associated significance.
20. 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 buildings would sit between away from the Library and allow it to retain its prominence onto Albert Road, it is considered that the proposals would have a low impact on the significance and setting of this listed building.
21. The Councils Conservation Officer has advised that the site was covered in terraced housing with much smaller buildings and closer grain than can be found in the area now and that the Register Office has occupied one of the sites in more recent times, which itself has not been a particularly positive addition. It is further recognised that the proposed design of the new buildings would be contemporary with facing brick, glazed curtain walling and cladding. Its large size and scale is not at all out of place in the area, considering the scale of its neighbours. It is hoped the active frontages and their uses, will encourage greater use of the area which should benefit this civic and commercial space and the Conservation Officer concludes that the proposed development should sustain and enhance the settings of the nearby Listed Buildings.
22. 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.
23. 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***

24. The future use associated with the proposed buildings and the proposed buildings themselves will have an impact on the surrounding uses which include commercial and residential properties. The buildings will be in close proximity to Civic Centre, the Crown Court, the Business Centre and Fountains Court which are all commercial in nature and although some noise, disturbance and impacts on daylight / sunlight will arise, it is considered these would be reasonable impacts in this town centre location.

### ***Impacts on the highway network***

25. The proposed offices are a town centre use and are 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.
26. The application has been supported through the submission of a Transport Assessment which defines the likely traffic movements generated by the proposed buildings in their fully occupied state and this has been considered by the Councils Highways Team. 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.
27. 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.
28. 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.
29. 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***

30. As with all development proposals consideration needs to be given to the impact on residential amenity. In this instance, the proposed buildings and associated uses 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.
31. The proposed buildings incorporate café and restaurant uses which will front onto Centre Square and will be away from the nearest residential properties and therefore not have any undue impacts on residential properties within this town centre environment.

32. The commercial office elements of the buildings will relate to the environment of Corporation Road and the Central Gardens areas. It is considered that the impacts on any residential properties in Corporation Road will be particularly limited given this is already a main thoroughfare within the town centre and background noise and disturbance will already be experienced in this environment.
33. Residential properties also lie 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 scheme would present a building in the area to the rear of Hazel Court (as indicatively shown) and being likely to be a large block, would have some impact on daylight and sunlight to these properties although given the intervening distances achievable 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. These detailed matters, on this outline application, would form part of the considerations of any reserved matters submissions.
34. 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 security by design principles. This proposal has been designed in conjunction with the Police security by Design officer who has raised no objections to the proposed layout.
35. Should the stopping up of the footpath and cycle path be unsuccessful then 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.
36. The parking associated with office buildings will have some impact on the residents of Hazel Court although this should not be significant given its anticipated scale and the anticipation of such impacts being associated with living in a town centre location.
37. Lighting associated with the buildings 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 council's Environmental Health Officer has recommended a condition be imposed to address this matter which has been recommended accordingly.
38. The Environmental Health service has no objections to the proposals but has recommended a number of conditions to ensure an appropriate development that does not unduly harm the general amenities of any nearby residents and the users of Middlesbrough Town Centre. These conditions include the implementation of appropriate ventilation to minimise impacts on the surrounding premises.

#### ***Impacts on ecology and biodiversity***

39. 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.

40. An Ecological Impact Assessment was submitted in support of the application to assess any potential impacts. The proposed development comprises the construction of new office buildings, two on the sites of existing buildings / hard landscaped areas and the other three on amenity grassed areas and the pond.
41. 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.
42. 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.
43. Wader species from the nearby SPA and Ramsar site are considered unlikely to utilise the site due to 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.
44. 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.
45. Conditions are recommended to address these matters and thereby limit any impacts on ecology, flora and fauna in line with policy guidance.

### ***Other Matters***

46. 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.
47. Noise and Air Quality assessments were submitted with the application. 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 advises that combustion plant emissions are expected to have an insignificant impact on local air quality as existing. A condition is recommended to align the development to the report.

48. A Tree Report was submitted with the application which details a number of trees within the site of varying species, size, maturity and condition. None are covered by a Tree Preservation Order. The plans submitted indicate the retention of some tree groups adjacent to Corporation Road and within the Central Gardens area. Other trees within the site would generally be removed and although they have some visual value in their current form, this will allow for a better planning of the remaining space with new planting being proposed which will provide for a formal scheme to be achieved. In view of these matters, the proposed development is considered to be acceptable in these regards. A condition is recommended to agree the final planting schedule and future maintenance as well as protection during construction of those trees to remain.
49. The council's highways team 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.
50. Northumbrian Water and Northern Gas Networks have advised of their apparatus within the site and an informative has been recommended to address this.
51. The Crown Court raised concerns in relation to noise from the construction phase of the development affecting their daily operations. Whilst noted, the construction implications are not readily controlled by planning, being a necessary part of all development proposals. Notwithstanding this, the developer is being encouraged to engage with the Court to minimise impacts of construction operations.

### **Overall Conclusions**

52. 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.
53. 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.
54. 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.
55. 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.

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## **RECOMMENDATIONS AND CONDITIONS**

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**1. Outline Permission: All Matters Reserved**

An application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The reserved matters will detail the means of access, the appearance, the landscaping, the overall layout and scale of the outline development hereby approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Act 2004 and to reserve the rights of the Local Planning Authority with regard to these matters.

**2. Time Period for Commencement**

The development hereby permitted shall be begun not later than:

- (i) The expiration of 5 years from the date of this permission; or
- (ii) The expiration of 2 years from the date of approval of the final reserved matter(s) to be approved, whichever is the later.

Reason: The consent is in outline form only and to protect the rights of the Local Planning Authority.

**3. 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<sup>th</sup> March 2017

The scheme shall be undertaken in accordance with the general principles of the indicative details as submitted on the following plans.

Proposed site plan                            1001 -P02 as received on the 24<sup>th</sup> March 2017

Reason: In order to define the consent.

**4. 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.

**5. 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.

**6. 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.

**7. *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.

**8. *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.

**9. *Details of Hard Landscaping and External Furniture***

The buildings 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.

**10. *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.

**11. *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.

**12. *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.

**13. *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.

**14. *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.

**15. *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.

**16. *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.

**17. *A3 Use Class – Hours of opening***



The A3 café / restaurant element of the scheme shall be restricted in its opening hours, being between 07:30am and 12:00pm Monday to Sunday.

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.

**18. Deliveries and collections – Restrictions on hours**

Deliveries and collections to the premises hereby approved must be kept between the hours of 8:00am and 7:00pm Monday to Saturday, and between the hours of 9:30am and 6:30pm Sunday.

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.

**19. Ventilation and Fume Extraction**

No above ground construction of the building shall commence until a scheme for the ventilation and fume extraction for the A3 use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to detailing a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation fume or flue outlet points and the type of filtration or other fume treatment to be installed and used at the premises. The approved scheme shall be implemented on site prior to the A3 use being brought into use and shall be retained in full accordance with the approved details and maintained in perpetuity in accordance with the manufacturer's recommendations including the frequency of replacement filters.

Reason: In order to control odour from the premises and prevent undue impacts on surrounding uses in accordance with the requirements of the National Planning Policy Framework.

**20. Waste Storage and removal**

A scheme for the storage and removal of refuse from the site shall be submitted to and approved by the local planning authority in writing and implemented before the use hereby approved commences.

Reason: In order to ensure a suitably functioning commercial building and prevent undue detrimental impacts on the character and appearance of the surrounding environment.

**21. 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.

**22. 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 outline application for the development of 5 no. commercial office buildings (B1) with part ground floor cafes (A3) including public realm works, landscaping, car parking, cycle parking and other ancillary development situated on land at Cental 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.

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## **INFORMATIVES**

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### ***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.

***Informative: Stack height***

The development shall require a chimney height calculation which should be carried out by the applicant and submitted to the Local Planning Authority for determination, once details of the plant size and building height are finalised.

Case Officer: Peter Wilson

Committee Date: 26.05.2017

