
APPLICATION DETAILS

Application No:	17/0277/FUL
Location:	1-29 Station Street Middlesbrough TS1 1SR
Proposal:	Erection of 7 storey student accommodation building comprising 337 student studios (Class C3) and ancillary space (Retail - A1, Cafe - A3 and takeaway - A5)
Applicant:	Mr Mehli
Agent:	Mrs Justine Matchett
Ward:	Central
Recommendation:	Approved with Conditions

SUMMARY

This application seeks consent for the erection of a seven storey building comprising retail units (a1 retail / a3 café) resident leisure facilities, management uses and plant on the ground floor, and 337 student studios on the remaining floors.

The application site has no specific policy allocation for it within the Local Plan and is currently occupied by commercial vehicle repairs uses and a car park.

Following a consultation exercise no objections were received from local residents or other consultees.

It is considered that the proposed development will provide high quality student accommodation within a sustainable town centre location. The mix of uses on the ground floor will provide an attractive active frontage facing Station Street. The uses are ancillary to the residential development and will not detract from the vitality and viability of the town centre.

The development will not result in any significant detrimental impact to the amenities of existing residents or the highway network. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies, specifically CS4, CS5, CS8, CS13, H11 and DC1. The recommendation is for approval of the application subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located on the north side of Station Street at the junction with Zetland Road. The site currently comprises a Halfords Service Centre, Car repair Garage and parking. To the north of the site is Cleveland Police Middlesbrough HQ and Stages Academy (Vulnerable person housing) separated by railway lines which link to the grade II listed Railway Station to the east. The land to the east is also within the Historic Quarter Conservation area. To the south are retail units at ground level with residential apartments above and the Zetland multi storey car park.

The application seeks consent for a seven storey building comprising 337 student studios with associated facilities including:

- a) Common rooms;
- b) Lounge;
- c) Cycle storage;
- d) Games room;
- e) Laundry room;
- f) 2 no. retail units (a1/a3)
- g) other ancillary facilities.

The building is modern in design and includes varying roof heights, window sizes, mixed materials and a green roof. The prominent eastern corner of the building includes a two storey glazed entrance and a green wall.

In support of the application the applicant has submitted the following documents:

- a) Planning Statement;
- b) Design and Access Statement;
- c) Noise Assessment;
- d) Sustainability Statement;
- e) Flood Risk Assessment and Drainage Strategy;
- f) Energy Statement;
- g) Ecological Impact Assessment and Bat Risk Assessment;
- h) Transport Statement and Framework Travel Plan; and,
- i) Air Quality Assessment.

PLANNING HISTORY

No relevant planning history

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*
- *Marion West Neighbourhood Plan (2016, applicable in Marion 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:

DC1 - General Development
CS4 - Sustainable Development
CS5 - Design
CS8 - Existing Employment Provision
CS13 - Town Centres etc Strategy
H11 - Housing Strategy
UDSPD - Urban Design SPD

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

CONSULTATION AND PUBLICITY RESPONSES

The application has been advertised in the local press, site notices posted and consultations sent to statutory consultees, local residents and Ward Councillors. During the application process the proposed development was revised and as a result a second consultation exercise was carried out.

No comments have been received from local residents.

MBC - Environmental Health

No objection subject to relevant conditions

MBC - Highways

No objection subject to relevant conditions

MBC - Lead Local Flood Authority

No objection, the surface water design and strategy must be carried out as detailed in the application. The principals as outlined in the Flood Risk assessment for flood risk mitigation must be adhered to.

MBC - Refuse

No objection, dropped kerbs are required outside the bin stores.

MBC - Planning Policy

No objection

MBC - Conservation

No objection

MBC - Economic Development

No issues

MBC - Housing

There are no issues with this application

Historic England

No Comment

Archaeology

No response received

Railway Heritage Trust

The Trust's comments are normally limited to Network Rail's property, and that of Highways England (Historical Railway Estate). However, as this proposal is so close to the railway we feel entitled to comment.

The proposed development is immediately adjacent to Middlesbrough Station, which the Trust has invested considerable sums of money in, with the aim of improving its heritage aspects. Indeed, in the last couple of weeks we have committed a further £200k to the station, half towards the present works on the main building, and the balance to a proposal to improve the Zetland St arches. Our investment in recent years has included expenditure on the fish dock buildings, immediately adjacent to the proposed development.

The Trust understands the reasons for the proposal, and notes that the height of the proposed development is compatible with that of Crown House, to its south, and the other

buildings to the north of the railway line. However, looking at the site from both the Zetland Street station frontage and the station car park deck, we consider that the proposed building will, inevitably, overshadow the fish dock building. Thus, we are disappointed that the Design and Access Statement, whilst recognising the historic merit of the station and its buildings, does not consider how the new building will tower over the north end of the station site, which the statement recognises to be of key heritage importance. We would suggest that this particular aspect should be considered and documented specifically before your Council reaches a conclusion on whether or not to grant consent for the proposed development.

Cleveland Fire Brigade

No response received

Environment Agency

No response received

Cleveland Policy - Secured by Design

The Police Architectural Liaison Officer strongly recommends that you contact him to discuss the application. He is happy to offer advice and guidance with regards to secured by design and recommends the following:

- a) build the development to full SBD standards;
- b) physical standards of ground floor doors and windows should be to pas 24 2012/16;
- c) any curtain walling to be installed as per SBD commercial guidelines;
- d) access control systems should be in placed to prevent people who are not residents from accessing the residential floors and private areas, there should also be access control at each floor and into each wing providing compartmentalisation of the floors;
- e) cycle parking must be secure and enclosed;
- f) any street light provided should be to B BS5489 2013 standard;

Northumbrian Water

No objection subject to a condition to ensure the development is carried out in accordance with the flood risk assessment and Drainage Strategy.

Northern Gas

No objection

Northern Powergrid

No response

Network Rail

With reference to the protection of the railway, Network Rail has no objection in principle to the development subject to relevant conditions and informatives.

Public Responses

Number of original neighbour consultations	230
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process the development was revised in response to officer and consultee comments. The revised scheme is the subject of this report.

Policy

2. Planning Practice Guidance (PPG) advises that local planning authorities should plan for sufficient student accommodation. The PPG goes on to advise that encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. The application is supported by a student accommodation capacity assessment which identifies a shortage of purpose built student accommodation in Middlesbrough. The proposed development would assist in addressing this shortage.
3. The application site is located within the Town Centre as defined on the Housing Local Plan proposals map and is adjacent to the Historic Quarter Conservation Area.
4. The Development Plan does not make specific reference to student accommodation, though Policy H11 (Housing Strategy) identifies the Town Centre for high density residential development such as apartments. The proposed development would provide high density accommodation.
5. Policy CS13 (A Strategy for the Town Centre') seeks to safeguard the retail character and function of the town centre by resisting developments that detract from its vitality and viability. Whilst the site is within the Town Centre it is not within the principal use sectors identified in Policy REG20 (Principal Use Sectors) and the proposed uses would not have a detrimental impact on the vitality and viability of the centre.
6. Policy CS8 (Existing Employment Provision) advises that the Council will resist the loss of land/premises currently in, or last used for, employment purposes to other uses. The Policy identifies exceptions, including where the alternative use offers regeneration benefits. The proposed development would assist in regenerating this part of the town centre and would bring economic benefits of students living in the town centre. These regeneration benefits are considered to accord with the exception criteria in Policy CS8.

Highways

7. A Transport Statement has been submitted in support of the application, which examines access and sustainable transport arrangements associated with the development. This documentation has been considered by the Local Highway Authority.
8. The site is accessed from Station Street, which links to Zetland Road and Wilson Street, the latter of which links to Marton Road Interchange and provides direct access to the A66.
9. The development has immediate access to existing footway and cycleway infrastructure to its frontage on Station Street. The development includes a cycle storage/parking facility for up to 32 cycles. The development is within 5 minutes' walking distance of the town centre retail and commercial area and within 10 minutes' walking distance of Middlesbrough Bus Station. Middlesbrough Railway Station is located immediately to the east of the proposed development, placing it within a 5 minute walking distance.
10. It is considered that any impact of the development on the highway network will take place at the start and end of the academic year with students being dropped off and collected from the premises.

11. No on-site parking provision is proposed as part of the development, but adequate parking is already available in the immediate vicinity. This includes the Zetland and Station Street car parks directly adjacent to the site, with a total capacity of 897 and 116 spaces respectively. The Zetland car park is open between 7 am and 7.30 pm Monday to Saturday and between 8 am and 6 pm on Sunday. Station Street Car Park is open 24 hours a day throughout the year. There are daytime waiting restrictions (between 8 am and 6 pm, Monday to Saturday) on Zetland Road, although on-street parking is permitted outside of these hours.
12. In view of nature of traffic associated with the property, the availability of nearby parking and there being good local connections for pedestrian and cycle movement, it is considered that the proposed development will not have a detrimental impact on the operation of the surrounding highway network, either from a capacity or road safety perspective.
13. The development is considered to be in accordance with the requirements of policy DC1 in these regards.

Flood Risk

14. The proposal represents building on the footprint of existing buildings and as it does not take up any green / grassed lane, will not increase how much rain fall needs to be dealt with by the sewer network. The application has been assessed by the Lead Local Flood Authority who have raised no objections subject to conditions to ensure the development is carried out in accordance with the submitted flood risk assessment and drainage strategy.
15. The application is in line with the requirements of Policy CS4.

Environmental Protection

16. The application site is in close proximity to the raised section of the A66 and immediately adjacent to the railway line. Prior to the application being submitted officers raised some concerns over noise and pollution associated with the railway line given the proposal relates to residential accommodation. The application has been supported by technical assessments on these matters and these have been considered by the Council's Environmental Protection in relation to noise impact on existing and new residents, air quality and site contamination. No objections have been raised subject to a number of conditions to ensure the noise levels and air quality levels are acceptable for residential dwellings. It is considered these conditions can be reasonably met and therefore no reason to withhold planning permission on such grounds.
17. The application is considered to be in accordance with the requirements of policy DC1.

Amenity

18. Crown House (Boho 6) sits to the south of the site, and consists of residential units on the upper floors. The units look out to the east and the west with no residential windows located on the north elevation facing the application site. As a result there are no issues in relation to privacy or loss of light. The Stages Academy to the rear is separated from the development by railway lines with sufficient intervening distance. The south elevation of Stages does not include any residential windows. As such there is also no impact on the amenity of the residents in this premises in relation to light and privacy.

19. Environmental Health are satisfied that the development will not result in excessive noise issues from the commercial uses for both the new residents and the existing residents in the area and it is considered there is no reason to consider otherwise.
20. The development includes communal facilities on the ground floor and communal rooms have also been incorporated into each level. These rooms will give break out areas for the residents, providing amenity space for socialisation within the building itself.
21. It is the planning view that the development will not result in significant impacts on the amenities of any residents whilst provide reasonable amenity for the future occupiers, in accordance with the requirements of policy DC1.

Design / Streetscene

22. The building is large and will be a prominent feature on the streetscene. It is in the form of a linear block measuring 130m along Station Street. It will be highly visible from both the north and south and is located on a key corner of the pedestrian link from the town centre to Middlehaven. It is also adjacent to a listed building. The building will also be highly visible from the railway line and the A66 which are key routes into the town.
23. The site is a gateway site, Middlehaven is a key regeneration area, foot traffic between the town centre and Middlehaven will pass the application site through the underpass. The development itself will also attract persons to the area. The design of the building as a whole is of high quality incorporating a variety of materials, a staggered building line to break up the linear form, various window sizes, a green roof and wall.
24. Given the highly visible corner location, any development must be of high quality design. The proposed building is considered to be ambitious and prestigious in terms of design. Particular attention has been given to the south east corner of the building which will be highly visible and will become a focal point on the streetscene. The entrance to the building is at this location, in line with guidance within the Urban Design supplementary planning document, the building has been designed with increased proportions, double height glazing detailing and a change in material which will emphasise this part of the building. The applicant has also included a green 'living' wall on the east elevation, which will break up massing and reduce large expanses of similar materials being apparent.
25. The incorporation of a green 'living' wall and roof are an attractive feature and is welcomed on the site. Their use will help to soften the appearance of the building and also enhances the opportunities for ecology on the site.
26. The ground floor has been designed with glazing along the front elevation which will allow views into the retail units and communal facilities. This will result in a bright, animated, active frontage along Station Street which engages those on the street with those in the building. The use of active frontages has been shown to increase the perception of quality and space with developments that include active frontages being perceived as lively, sociable and pleasant. The incorporation of an active frontage on this development will increase the social sustainability of the site.
27. It is considered that the development is of high quality design which will enhance the appearance of the streetscene and the visual amenity of the area.

Conservation

28. No's. 1-29 Station Street are warehouse buildings that appear on historic maps in the mid-twentieth century. They lie adjacent to the Historic Quarter Conservation Area and are less than 50 metres to the west of Middlesbrough's Railway Station, which is Grade II Listed.
29. The warehouse buildings have no historic or architectural significance in themselves and their poor condition has a negative impact on both the neighbouring Listed Building and Conservation Area. The Conservation Officer is in support of their demolition as it is an opportunity for better development on this site.
30. It is a prominent site, surrounded by a number of tall buildings. It also forms part of Middlesbrough's characteristic 'grid iron' pattern of streets, which the proposed development maintains and respects. The proposed 7 storeys is not out of character with the scale of existing development.
31. With regards to the design, a contemporary solution is proposed. The use of red brickwork is considered to be complimentary to the area and reflects the existing traditional form of the town with cladding proposed adding a modern feel that identifies this as twenty-first century development.
32. Whilst concerns were raised by the Historic Railway Trust, it is considered that the amended building design which includes the active ground level frontage, green wall and building entrance, serve to improve the interactions between this building and the adjacent listed buildings and allow them to be very contrasting buildings and therefore not compete with one another within this environment.
33. Conservation are in support of the application which is considered to be in line with the requirements of policy CS5 and CS4.

Ecology

34. The site consists of single storey brick / cladded buildings and there are two trees located on the site.
35. An Ecological Impact Assessment and Bat Risk Assessment have been carried out at the site. The site is considered to have low to negligible risk of harm to bats and birds. Due to the lack of suitable habitats no other protected or notable species are considered likely to be affect by the proposals.
36. Mitigation measures have been recommended within the assessment which include the incorporation of either bat boxes or bat bricks which will be located on the north elevation adjacent to the railway line.
37. As detailed above the inclusion of a green 'living' roof and wall will further enhance the opportunities for ecology on the site.
38. The development is considered to be in accordance with the requirements of Policy CS4 in these regards.

Sustainability

Economic

39. The development of 337 purpose built student studios will bring substantial economic benefits to the town through employment opportunities during and after construction and through the injection of additional spend within the local economy. It will also serve to benefit the offer of the town to students and allow it to compete with its offer

with other university towns. These economic benefits are positive ones and which align with national planning policy.

Social

40. The development includes a substantial amount of communal facilities on the ground floor and additional communal rooms on each floor provided for the wellbeing of the residents. The location of the site near key local services will also facilitate community inclusion. It is considered that the development will support a strong and vibrant, healthy community through the provision of sought after purpose built student studios and the creation of a high quality built environment as required by the NPPF. Furthermore, the additional footfall throughout the day / evening in this area will benefit natural surveillance and public safety in the area, thereby benefiting the pedestrian routes in and around this area which include those between the town centre and the train station and Zetland St Car Park.

Environmental

41. The development incorporates the use of photovoltaic panels, and a green roof and wall which will help to improve biodiversity in the area and will help towards the minimisation of waste and pollution. As detailed throughout this report it is considered that the proposed development will enhance the visual appearance of the area and will not detract from the conservation area.
42. It is considered that the development is in line with the requirements of the NPPF in relation to the economic, social and environmental sustainability, and the local requirements within Policy CS4.

Conclusion

43. The analysis of the development determines that the proposals are for a sustainable development, which will assist in economic growth in the town. The proposed building is of a high quality design and would provide a pleasant and sustainable environment. There are no technical objections to the proposal in terms of the sustainability of the site or the ability to meet necessary drainage, highways requirements, ecology, air quality and noise mitigation.
44. It is the planning view that the development will not result in a detrimental impact on the character of the area, the nearby residents or the community as a whole. The proposals do not conflict with local or national policies including those relating to sustainability, design, transport or flood risk.

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 carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans.

- a) Application Form, received 5th September 2017;
- b) Location Plan, drawing no. TJG-INA-00-XX-DR-A-000-01, rev. P01;
- c) Proposed GA Plan - Level 00, drawing no. TJG-INA-00-GF-DR-A-120-00 rev. P06;
- d) Proposed GA Plan - Level 01, drawing no. TJG-INA-00-01-DR-A-120-01 rev. P05;
- e) Proposed GA Plan - Level 02, drawing no. TJG-INA-00-02-DR-A-120-02 rev. P03;
- f) Proposed GA Plan - Level 03, drawing no. TJG-INA-00-03-DR-A-120-03 rev. P03;
- g) Proposed GA Plan - Level 04, drawing no. TJG-INA-00-04-DR-A-120-04 rev. P03;
- h) Proposed GA Plan - Level 05, drawing no. TJG-INA-00-05-DR-A-120-05 rev. P03;
- i) Proposed GA Plan - Level 06, drawing no. TJG-INA-00-06-DR-A-120-06 rev. P05SK;
- j) Proposed GA Plan - Level 07, drawing no. TJG-INA-00-07-DR-A-120-07 rev. P03;
- k) Proposed GA Plan - Level R2, drawing no. TJG-INA-00-R2-DR-A-120-08 rev. P01;
- l) Proposed GA Site Plan, drawing no. TJG-INA-00=XX=DR-A-110-01 rev. P02;
- m) Proposed GA Elevations, drawing no. TJG-INA-00-XX-DR-A-130-01 rev.P05;
- n) Planning Statement by Lichfields, dated 24th April 2017;
- o) Design and Access Statement by the Jesmond Group, dated 29th August 2017;
- p) Environmental Noise Assessment, reference no. 5838.1 rev. A;
- q) Sustainability Appraisal, reference no. NT12986-002;
- r) Flood Risk Assessment and Drainage Strategy, reference no. T202-16-FRA-DS rev. 0;
- s) Energy Statement by Armstrong Rhead, dated March 2017;
- t) Ecological Impact Assessment and Bat Risk Assessment reference no. 4894 rev. R04;
- u) Transport Statement, reference no. 118020-601 rev. 1;
- v) Framework Travel Plan, reference no. 118020-602 rev. 1;
- w) Air Quality Assessment, report no. NT12986-0001;
- x) Student Accommodation Capacity Assessment by Lichfields, dated 2nd March 2017;

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

3. Construction Compound

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 and thereafter such parking is to be removed on completion of the works.

Reason: In the interests of amenity and highway safety

4. Redundant Access

The pavement crossings on Station Street that will become redundant as a result of this development and must be reconstructed to the adoptable standards as specified in the Design Guide and Specification.

Reason: In the interests of highway safety

5. Reconstruct Footway

Before the completion of the development the footway to the frontage of the development on Station street must be reconstructed to adoptable standards.

Reason: In the interests of highway safety

6. Surface Water Drainage

The surface water design and strategy must be carried out in accordance with the approved details including the Flood Risk Assessment and Drainage Strategy, reference no. T202-16-FRA-DS rev. 0. The principles as outlined in the Flood Risk assessment for flood risk mitigation must be adhered to.

Reason: To ensure a satisfactory form of development.

7. **NWL Flood Risk and Drainage**
Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "February 2017". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3611 and ensure that surface water discharges to the combined sewer at manhole 3611. The surface water discharge rate shall not exceed the available capacity of 8.34 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

8. **Noise Assessment Commercial and Recreational**
Prior to the first use of the building a report from a specialist noise consultant on the noise levels that will be generated by the commercial uses, building services facilities and recreational uses at the development must be submitted to and approved in writing by the Local Planning Authority. The noise assessment must detail the level of noise attenuation that is created by the existing structure of the building and the impact that the noise is likely to have upon the residents living above these uses at the development along with neighbouring residential uses. The report shall identify any mitigation necessary to protect the residents including neighbouring residential premises from noise transference. The report shall identify and cover the opening/operating hours of the commercial uses, building services facilities and recreational uses at the development that have been assessed and also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development and neighbouring residential uses from noise shall be completed prior to the approved use commencing, and shall be retained thereafter.

Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.

9. **Noise Assessment Fixed Plant and Machinery**
A BS: 4142 noise assessment shall be submitted to and approved in writing by the Local Planning Authority before the use hereby commences. The assessment shall identify noise levels at the site along with the noise which will be generated at the development and its impact upon the residents at the development and neighbouring residential premises. The assessment should identify noise from the fixed plant and machinery at the development which includes ventilation and refrigeration plant. The assessment should include details of any measures identified to protect residents and neighbouring residential premises from noise. Any measures identified in the assessment to protect residents from noise generated due to the use of the site should be implemented before the use of the development commences.

Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.

10. **Fumes and Odours**
To control fume and odour affecting occupiers of the development and neighbouring premises details of a ventilation and fume extraction system suitable for uses within class A3 and A5, including 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/odour treatment to be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby permitted commences and thereafter shall be retained in full

accordance with the approved details. The ventilation and extraction system referred to in this condition shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement filters.

Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.

11. Ventilation Strategy

Before Construction commences a ventilation strategy completed by a suitably qualified ventilation engineer shall be submitted to identify the method of providing ventilation rates, including purge ventilation rates, identified in current Building Regulations Approved Document F with closed windows at the development as identified in the acoustic assessment accompanying the application. The location(s) of air intake and extract for the ventilation shall be provided at a location suitable to meet the mitigation strategy identified within the air quality assessment, job number NT12986, at point 7.2.2. The ventilation strategy shall be submitted and agreed in writing by the Local Planning Authority before construction work begins.

Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.

12. Noise and Ventilation

Before construction works begin, an assessment by a suitably qualified acoustician shall be submitted to and approved in writing by the Local Planning Authority. The assessment will identify the noise attenuation performance of a proposed ventilation unit with regard to external noise ingress, so that external noise carried through the ventilation system does not compromise the internal noise levels against the criteria identified in the Apex acoustic assessment report reference 5838.1 dated 21st April 2017 . The assessment shall also identify internal noise levels that will be generated by the use of the ventilation system when providing whole dwelling ventilation rate and should not exceed 20dBLAeq(15 mins) inside the dwelling. Internal noise levels during periods when purge ventilation is being provided shall be identified in the assessment for agreement with the Environmental Health Officer. The assessment shall also detail levels of noise transferred to other dwellings and neighbouring residential uses and measures taken to prevent transference of mechanical noise when operating at each ventilation rate.

Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.

13. Approved Acoustic Assessment

The development shall be constructed in accordance with the details and specifications for acoustic treatment provided in the Apex acoustic Environmental Noise Assessment reference 5838.1 dated 21st April 2017 and thereafter shall be retained in full accordance with the approved details.

Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.

14. Deliveries

Deliveries and collections, including refuse collections, at the development shall only take place between the hours of 07:00 and 19:00 hours from Monday to Saturday and between the hours of 09:00 and 19:00 hours on a Sunday or Bank Holiday.

Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.

15. **Opening Hours**
Prior to the first use of the retail units, the opening hours of the units must be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site.
- Reason: To ensure a satisfactory form of development, and in the interests of the amenity of residents.
16. **Site investigation**
A full and competent site investigation, including risk assessment must be undertaken and submitted to the Local Planning Authority, for approval. This must identify any contamination present and specify adequate remediation necessary. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development-taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.
- Reason: To ensure a satisfactory form of development and in the interests of the amenities of the residents.
17. **Landscaping Design Proposals**
A scheme showing full details of both hard and soft landscape works, including a programme of works shall be submitted to and approved in writing by the local planning authority. These works shall be carried out as approved on site.
- If any approved soft landscaping is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective, replacement planting shall be carried out in perpetuity
- Reason: In the interests of the amenities of the area.
18. **Landscape Management Plan**
A Landscape Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the first use/occupation of the development. The Landscape Management Plan shall be carried out as approved.
- Reason: In the interests of the general amenities of the area.
19. **Boundary Treatments**
Prior to the erection of any boundary treatments, full details of the boundary treatments must be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The boundary treatments shall be implemented and retained on site.
- Reason: To protect the safety, operational needs and integrity of the railway and in the interests of the general amenities of the area.
20. **Network Rail Drainage**
All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The drainage strategy must ensure that:

- a) There is no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts;
- b) All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations; and,
- c) Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

Reason: To protect the safety, operational needs and integrity of the railway.

21. External Lighting

Prior to the erection of any external lighting, full details and specifications of the lighting, including colour, levels of luminance and spill of light affecting the façade of neighbouring premises and network rail land, must be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail.

Reason: To protect the safety, operational needs and integrity of the railway and in the interests of the general amenities of the area.

22. Network Rail

Prior to the commencement of development the developer must contact Network Rail in writing to inform them of commencement of works and to provide the necessary Method Statements and OPE, as detailed within the informatives below.

Reason: To protect the safety, operational needs and integrity of the railway

REASON FOR APPROVAL

The proposed development is considered to be appropriate for both the application site itself and within the surrounding area, in that the proposal is in accordance with national and local planning policy guidance.

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2014)

In particular, the proposal meets the national planning policy framework and guidance, in that the proposal is for a student development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area. Issues of principle regarding development, the layout and design of the scheme and the generation of traffic, have been considered fully, and are not considered, on balance, to give rise to any inappropriate or undue affects. 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

Under the Town & Country Planning (Fees for Applications and Deemed Applications) (Amendment)(England) Regulations 2010, the Council must charge a fee for the discharge of

conditions. Information relating to current fees is available on the Planning Portal website (<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>). Please be aware that where there is more than one condition a multiple fee may apply.

Interference or alteration of the highway requires a licence under the Highway Act 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 NRSWA licence, if either or both of these licences are required.

If a scaffold/hoarding is required to facilitate the work, or a skip is required for the disposal of waste, a licence is required from the Highway Authority (Tel: 01642 728156) before any work commences on site.

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

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

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.

Demolition requires notification under Section 80 of the Building Act 1984 prior to any work commencing on site.

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

Asset Protection

Given the proximity of the proposed site to operational railway land and the associated railway access point, it is imperative that the developer liaise with our Asset Protection Team prior to work commencing on site to ensure that work can be carried out safely and without impact to the operational railway infrastructure. If access to Network Rail property is required to undertake these works appropriate supervision and (if applicable) line closures would be required at the developer's expense.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's

boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT
Email: assetprotectionneem@networkrail.co.uk

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. It should be noted that the site is adjacent to a railway access point which will be used routinely for maintenance, involving both road and rail vehicles as required. Also the site is near to Middlesbrough Station and noise associated with the station (such as announcements) should also be considered in relation to noise mitigation measures.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

a) Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Pados*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

b) Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. The site is adjacent to a railway access point. Access is required on a 24/7 basis and this must remain clear and unobstructed at all times both during and after construction work at the site.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

Case Officer: Shelly Pearman

Committee Date: 6th October 2017

