
APPLICATION DETAILS

Application No:	18/0349/FUL
Location:	Vancouver House 55 Corporation Road Middlesbrough TS1 1LT
Proposal:	Erection of 4 additional storeys and conversion from offices (B1) to 104no bed hotel (C1), 3no banqueting halls with associated kitchens (D2) a restaurant/cafe (A3) and 71no one, two and three bed apartments (C3)
Applicant:	Mr A Wahid
Company Name:	Best Western Hotel
Agent:	Mr Liam Donnelly
Company Name:	1618 Architects
Ward:	Central
Recommendation:	Approve with Conditions

SUMMARY

The application seeks planning consent for the erection of four additional storeys above the existing building, conversion of the existing offices (B1) to a 104 bedroomed hotel (C1) and 3 banqueting halls with associated kitchens and a restaurant/café (A3) and for 71 apartments. The main entrance to the hotel will be from Gurney Street with parking and service access located to the rear of the building. Seven retail units and two restaurants will be located on the ground floor.

The application site is located within the Gurney Street triangle allocation which forms part of the Town Centre Central Sector of the Housing Local Plan proposal and is a mixed commercial and residential area. Both the core strategy policies and regeneration policies do not specifically allocate the site for a hotel use. However, the National Planning Policy Framework (NPPF) categorises hotel uses as a main town centre use and given the location of the site, in principle, the proposed uses are considered to be appropriate at this site.

There have been 8 letters of objection to the proposal mainly in relation to the impact on the neighbouring residential properties through loss of light, noise disturbance, potential antisocial behaviour and litter/vermin.

The applicant has submitted a sunlight and daylight report and noise assessment in support of the application which have been fully assessed by Environmental Health officers who have advised that the development would not have an unacceptable impact or affect the

living conditions of the nearby residential properties subject to the standard noise conditions being applied. In terms of anti-social behaviour, this is largely not a material planning consideration and the application has been assessed by the Secure By Design Officer at Cleveland Police who has raised no concerns with the development subject to the applicant working towards Accredited Secure by Design Principles which are intended to design out opportunity for crime through appropriate specification of things such as external lighting, boundary treatments, security specification of windows and doors etc.

The proposal has been assessed by the Council's Highway officers who have confirmed they have no highway objections or concerns over parking or traffic congestion subject to the imposition of conditions relating to travel planning, a pedestrian crossing and vehicle / cycle parking.

Proximity of the site to the two Grade II buildings opposite (Empire Theatre and Town Hall) has been considered within a Heritage Statement submitted in support of the proposal. Both Historic England and the Council's Conservation officer have raised no objection to the development considering it does not negatively affect the significance and setting of these two properties given the town centre location and the scale and design of surrounding buildings being so varied.

The development is therefore considered to be in accordance with the requirements of relevant policies H11, CS4, CS5, DC1, REG20 and REG26.

The application is recommended for approval subject to standard conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is Vancouver House a four storey commercial office building located on the junction of Gurney Street and Corporation Road within the Town Centre. The property includes retail premises, café and public house in parts of the ground floor. Within the immediate vicinity of the site are a mixture of residential and commercial buildings.

To the rear of the building are six blocks of residential flats and to the east across Gurney Street is Jurys Inn and the student accommodation and commercial units at Rede House. Directly opposite the building across Corporation Road are the Middlesbrough Town Hall and The Empire (both Grade II listed) and the Civic Centre. The Central Public House and The Pig Iron Public House and Albert Mews are located to the west.

The proposal is for the conversion of the original four storey building from office accommodation and for the erection of an additional four storeys to provide a 104 bedroomed hotel and 3 banqueting suites, associated kitchens, restaurant/café and 71 apartments being one, two and three bedrooms. The restaurant/café facing Corporation Road will result in the loss of one retail unit with a total of 7 retail units being retained. The main hotel entrance will be accessed from Gurney Street with servicing access and 28 car park spaces to the rear.

The additional four floors will be located above the existing building with a flat roof design and include a new vertically glazed corner feature.

PLANNING HISTORY

There is 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*
- *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:

CS4 - Sustainable Development

CS5 - Design
DC1 - General Development
H11 - Housing Strategy
REG20 - Principal Use Sectors
REG26 - Gurney Street Triangle

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

There have been 8 objection comments received following the neighbour consultation and site notices being posted. Comments have been received from 12 Parkinson House, 3, 6 Forster House, 26,27,28 and 36 Rickman House, 26 Phillips House, Central Mews and Mannequin Café, Corporation Road which in summary relate to :-

- a) Noise impact
- b) Loss of light to the residential flats to the rear
- c) Overshadowing impact
- d) Disruption during construction
- e) Disturbance created by additional footfall
- f) Increase in anti-social behaviour
- g) Parking issues from extra traffic
- h) Traffic congestion to front of Vancouver House
- i) No requirement as 2 hotels adjacent, Jurys Inn and Premier Inn
- j) Litter increase and vermin/rats
- k) Location of Tower Crane and safe area required
- l) Existing buildings create a wind tunnel effect will this be increased
- m) Possible asbestos in original building
- n) Competition from development to existing commercial use

Responses from Internal Technical Consultees:

MBC Planning Policy

The proposed development would be considered to be in accordance with national and local policy guidance and there are no objections in principle.

MBC Environmental Health

No objections subject to conditions to provide a noise assessment, odour assessment, sound insulation measures for fixed plant and machinery and restrictions on delivery and refuse collection times.

MBC Transport Planning

Considering the current office use of the building it is not considered that the proposal will lead to a material change in traffic generation.

The 28 car parking spaces provided although under the guidance car parking standards are considered acceptable given the sustainable location of the development and the proximity to bus and train services. Waiting restriction on the adjacent road network will ensure no traffic congestion with a travel plan to be conditioned and used to influence non-car travel options.

A new uncontrolled pedestrian crossing point on Corporation Road to improve pedestrian connectivity between the development and Centre Square will be included in the travel plan detail. Service assess from Wilson Street to the rear is considered suitable for the development.

There are no objections to the scheme subject to conditions regarding, cycle store, car parking management, servicing, off-site highway works, travel plan and a method statement.

MBC Waste Policy

No Comments

MBC Valuation and Estates

No objections

Secured By Design

No objections but should aim to seek Accredited Secure By Design Standards with secure car park, secure by design car park areas, CCTV throughout and on access points and compartmentalised security for the apartments and hotel rooms.

Responses from External Technical Consultees:

Northumbrian Water

At this stage we have no comments to make.

Northern Gas Networks

No objections to these proposals, however there may be apparatus in the area which may be at risk during construction works and should the planning application be approved, then we would require the promoter of these works to contact us directly to discuss our requirements in detail.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Public Responses

Number of original neighbour consultations	478
Total numbers of comments received	9
Total number of objections	8
Total number of support	0
Total number of representations	1

PLANNING CONSIDERATION AND ASSESSMENT

1. The application site is located within the Gurney Street Triangle allocation which forms part of the Town Centre Central Sector defined in the Housing Local Plan. Regeneration Development Plan Document (DPD) Policy 26 (Gurney Street Triangle) identifies the area as being suitable for high quality, mixed use development to include office and residential uses. Policy REG 20 (Principle Use Sectors) and H11 (Housing strategy) are particularly relevant for this site and identifies suitable uses as those which contribute to leisure, culture and the night time economy and specifically town centre uses for city living and high density development.

2. As well as the aforementioned policies, the application should be considered against the requirements of CS4 (Sustainable Development), CS5 (Design) and DC1 (General Development). In general terms, these policies seek to achieve high quality sustainable development, which is in the right location and minimises the impact on neighbouring sites.
3. The main material planning considerations to consider as part of this application are the principle of the development, the impacts on the privacy and amenity of the neighbouring properties, the impact on the character and appearance of the street scene, highway safety implications and any other residual matters.

National and Local Planning Policy

4. The basic doctrine of the NPPF is a plan-led approach with the main principles being the need to achieve good design and sustainable development. Relative to this application, one of the core principles of the NPPF states that local authorities should **'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'** Section 2 of the NPPF provides guidance on ensuring the vitality and viability of the town centre through the allocation of sites which **'meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres'**. Section 6 of the NPPF provides guidance on delivering a wide choice of high quality homes to create sustainable, inclusive and mixed communities.
5. Local Plan Policy H11 (Housing Strategy) identifies the town centre for city-style living and high density residential development such as apartments with Policy REG 26 (Gurney Street Triangle) identifying the area for a mix of uses including residential. As a result, the inclusion of residential apartments at this location is considered to accord with Local Plan Policies H11 and REG 26 and the principles of the NPPF.
6. Regeneration DPD Policy REG 20 identifies the Central Sector of the town centre for leisure, culture, evening economy and offices whilst recognising other uses may be acceptable provided they are complementary to, and would not harm the principle retail function. Whilst the regeneration policies do not specifically identify a hotel use, the NPPF classifies a hotel use as a main town centre use and which is aligned to the leisure industry and as such the proposed use is considered entirely appropriate in this location.
7. Policy CS4 requires all development to contribute to sustainable development principles, which includes the proposal being located so that services and facilities are accessible by sustainable modes of transport and reusing vacant buildings.
8. Policy CS5 requires all development proposals to secure a high quality of design that is well integrated with the immediate and wider context, create a safer and attractive environment, and to ensure a quality of new development that enhances the built and natural environment.
9. Core Strategy Policy DC1 requires applications to be assessed in terms of their visual appearance and layout and relationship with the surrounding area in terms of scale, design, amenities of occupants of nearby properties and the use of materials.
10. The Council's adopted Urban Design Supplementary Planning Document (UDSPD) notes that design of tall buildings is particularly important when considering the impacts on the skyline and overshadowing of nearby sites and properties. It further highlights that a prominent building on a corner plot can become a landmark/gateway in the town and emphasise a junction and where sensitively designed can make a

positive contribution to an urban area and act as a stimulant to regeneration and further investment.

Principle of the Development

11. The application site is located within the Gurney Street Triangle allocation, which is within the Town Centre Central sector as identified on the Housing Local Plan. The proposed development is for a mixed use to provide a hotel, banqueting facilities, residential flats and restaurant/café uses whilst retaining retail units on the ground floor. The banqueting suites are considered to be an ancillary use to the hotel and will add to the variety of leisure facilities within the town whilst not detracting from the principle function of the town centre.
12. The proposal will result in the loss of one retail unit within the ground floor to provide a restaurant use. With the proposal retaining the 7 retail units fronting Corporation Road, the loss of one unit to provide a restaurant facility not notably impact on the primary retail function of the centre and is therefore considered to be acceptable.
13. The guidance set out in Core Strategy Policy CS4 requires all development to contribute to sustainable development whilst re-using vacant buildings. Part of the application site is currently vacant and the proposal would bring the whole of the building back into use. The site is within the town centre and in walking distance of its associated services including the bus and train stations and is considered to be within a sustainable location. Furthermore, the proposals would result in a additional footfall into this part of the town centre and should therefore result in a greater use of other town centre provisions, particularly those in closest proximity and will therefore improve the vitality and viability associated with the town centre.
14. The NPPF emphasises the economic role the planning system can provide towards achieving economic development through supporting growth and innovation with well-designed buildings which can improve the lives of people and places. The Council's Local Plan re-iterates the importance of investment in providing employment and regeneration opportunities within the Town Centre. The 'Spatial Vision' for the town centre aims to provide a market for city living and to radically enhance the cultural infrastructure to achieve economic growth and diversification along with employment and business opportunities. The Mayors Vision further emphasises the requirement to provide quality housing and increasing employment opportunities and the Middlesbrough Investment Prospectus highlights central Middlesbrough as the primary retail and development centre of the Tees Valley with the Centre Square area being the focus of office and cultural and leisure facilities. This proposal is considered to provide economic investment in the area both during construction and following completion whilst widening the housing offer within the borough and doing so with a high quality offer of city centre living.
15. The proposed mixed use and sustainable town centre location means the principle of the development and re-use of the whole of the building is considered to accord with the NPPF guidance, Local Plan Policy H11 and Core Strategy policies CS4, CS5 and REG20 and REG26 and the UDSPD.

Impact on the Amenity of Neighbouring Properties

16. The application site is located in an area of mixed commercial and residential buildings. To the rear of the site across the car park area are six blocks of residential flats with the student accommodation and commercial units at Rede House being located across Gurney Street.

17. The Council's standard guidance for providing privacy and amenity in residential development is to provide a 21 metre separation distance between elevations which have facing habitable room windows. The building currently has existing office windows that face towards the blocks of flats to the rear and the position of these will remain.
18. In terms of Rede House, the existing and proposed windows for the development will be located a minimum of 21 metres from the windows located on the side elevation of Rede House which include a mixture of hallway and habitable room windows (windows serving living space).
19. The main rear elevation of Vancouver House which faces across the rear car park area is located a minimum of 23 metres from the residential flats to the rear. The side elevation of Vancouver House which faces towards the car park and Albert Mews has windows which are located approximately 17 metres from the residential flats at Forster House with the north elevation of Vancouver House having windows located 12 metres from the residential flats at Rickman House. Although the separation distances are less than the 21 metre guidance normally applied to residential developments within housing estates, this is a town centre environment where there is a tighter grain of built form and reduced levels of privacy and amenity than would normally be expected within housing estates. The windows which will be facing these flats are existing windows within the building. The additional windows will be located within the proposed extension at a higher level and at an oblique angle to the residential flats thereby limiting any direct views.
20. Objection comments have been received regarding the loss of privacy to the residential blocks to the rear of the site however given the separation distances and the existing windows within Vancouver House the development is not considered to have any significant impact in terms of privacy and amenity. The proposed development is likely to result in more movement of people around the building, however, given there is no notable changes to parking arrangements it is considered that the majority of pedestrian movements are likely to be away from the existing residential properties and in contrast, additional use of the building is likely to bring greater natural surveillance and use of the immediate areas, thereby creating a safer and more secure environment for existing residents.
21. The proposal will increase the height of the building by an additional four stories to be a total of eight stories in height. The residential blocks of flats to the rear of the site are a mixture of heights with Rickman House (closest to Vancouver House) being five stories and Forster House being three stories. Objection comments have been received regarding the potential overshadowing impact to the residential flats to the rear of the site. Within the surrounding environment is the Jurys Inn, Gurney House and Rede House, all of which are higher than the residential blocks in this area and these large buildings set a character for the area. Notwithstanding this, Vancouver House is the closest building to the residential blocks and its impacts need to be considered. Vancouver House lies to the south of the residential block development and will therefore reduce some sunlight to these properties, more so in the winter months when the sun is low in the sky and mainly around late morning and early afternoon given the orientation of properties. The scheme will also have an impact on daylight due to it enclosing a greater proportion of the openness of the skyline. The application is supported by a daylight and sunlight study for the neighbouring properties which concludes there is a relatively low impact on the light receivable to the neighbouring properties.

22. The outlook from properties will not differ in terms of straight lines of sight, however, the additional 4 stories will add to a sense of overbearing for the residential properties. However, there is intervening space with a sunken car park and pedestrian walkways in-between in most cases. The nature of town centre / city centre living is that buildings of scale sit in close proximity to one another and associated uses utilise intervening space differently than would normally be the case.
23. Whilst the proposal is increasing the overall height of the building, given the fact the existing residential properties to the rear are flats within a town centre location and given the separation distances it is considered that, the impact in terms of daylight, sunlight and overbearing are not considered to be significant in this instance. The report has been assessed by the Environmental Health Officer who have raised no objections.
24. The Environmental Health officers have commented that they have no objections to the development subject to conditions requiring a noise assessment and road noise assessment to protect the occupants of Vancouver House and conditions limiting the playing of live music and sound insulation measures for any fixed plant and machinery to protect both the occupants of Vancouver House and the nearby residents. Further conditions have been requested to limit the hours of delivery and refuse collection to reduce any potential noise impact to the residents and occupants of the proposal. In terms of potential noise from the additional footfall this is not considered to be significant with the majority of the occupants/guests of the building utilising Gurney Street and Corporation Road. Objections comments have been received regarding the potential noise from the proposed use, however given the conditions which will be imposed on the development, the proposal is not considered to have a significant impact in terms of noise.
25. Objections have been received regarding construction noise associated with the proposed development. Given the location of the site within the town centre the Environmental Health officers have not requested a limit on the construction hours and should there be any future issues this could be addressed through Environmental Health legislation. Given this matter is able to be controlled via separate legislation it is not appropriate for further controls to be imposed through the planning process.
26. The Secure By Design Officer at Cleveland Police has confirmed they have no objections to the proposed use. They have advised that they would actively encourage the applicant to contact them for further advice for the development to achieve Accredited Secure By Design Principles to include CCTV at the access points to the building, car park areas to be to secure by design standards and compartmentalisation between the apartments and hotel rooms. Objection comments have been received relating to the increase in anti-social behaviour however given the comments and advice from Cleveland Police it is considered the development is unlikely to increase any anti-social behaviour.
27. The premises currently has an enclosed bin store within the car park area and the Council's Waste officer has no objections to the proposal. Objection comments have been received regarding litter and vermin, however, given bin storage is to be made and litter / vermin would be as a result of poor management which is not controlled by Planning.
28. Comments have been received that the flats to the rear currently suffer from a wind tunnel effect and that the proposal will increase this impact. Whilst there may be a wind tunnel effect, adding additional floors does not necessarily result in that affect being increased and there is no evidence to suggest this either would be increased

or that it would be increased to a level which would unduly affect the movement of people / amenity in this area.

Impact on the Character and Appearance of the Street Scene

29. The application site is a commercial building which currently has a mixed use with commercial retail units and a public house on the ground floor and offices on the upper floors. The building design has split levels with four floors on the elevation facing Corporation Road with the upper two floors being slightly set back and the corner of the building and side elevation facing Gurney Street having five floors. The building is traditional red brick and aluminium windows with a wide area of paved public realm which includes seating and tree planting located to the front along Corporation Road.
30. The proposal will provide a further four stories to the existing building. Although the development is a significant increase to the scale and height of the existing building, consideration has been given to the scale of the buildings within the immediate area and the fact the site is located within the centre. To the rear of the site is Jurys Inn which has ten floors and directly to the east across Gurney Street is Rede House with 6 floors. Further to the west at the junction of Corporation Road and Albert Road is the Centre North East building which has 19 floors. Taking the existing street scene into consideration, the proposed increase in height will be in keeping with the built form in the surrounding area.
31. Within the immediate vicinity of the site are a mixture of commercial and residential buildings which have both modern and historic design features. The modern commercial buildings in the vicinity have a mixture of traditional red brick work and cladding materials for their external elevations. The Urban Design SPD comments that tall buildings in the right location with a sensitive design can provide a positive contribution to the urban area. The proposed external materials for the upper floors will be metal vertical cladding with a vertical glazed corner feature to compliment the original brick work whilst modernising the appearance of the building. The external materials are considered to be of a high quality and given the variety of external finishes to the existing buildings in the street scene the materials are considered to be appropriate.
32. Consideration has been given to the potential impact on the character of the Town Hall and The Empire which are located opposite the site and are Grade II listed buildings. The Town Hall is described as a fine example of Victorian Gothic, civic architecture utilised by the public for ceremonies and performances and has been in public use since 1889 and has architectural, communal and historic significance. The Town Hall has a significant presence and importance externally as a result of its design and scale whilst the interior is also particularly detailed and intact. The Empire Theatre is one of the country's best surviving original late Victorian Theatres designed by Ernest Runtz in a 'Spanish Renaissance' style with local bricks produced from Normanby. Although internal alterations have taken place the original splendour of the buildings exterior has been retained. A Heritage Statement has been submitted in support of the application. Historic England and the Council's Conservation Officer have commented that they have no objections to the proposed development. The proposed development will only affect the setting of these two properties rather than any of the individual points of significance although the setting of a listed building is something which requires preservation through planning policy guidance. The buildings in this area are all of a unique design with no two buildings being the same. Immediately around the Town Hall and The Empire buildings include the 17 storey Centre North East, Middlesbrough House, Civic Centre and Rede House. Based on these characteristics and the spacing of the proposed

additional floors to the two listed buildings, with a wide road corridor in between, it is considered that their setting will not be impacted on in any significant way and

Impact on Highway Safety

33. The application site benefits from an existing car park to the rear of the building which provides 28 car parking spaces and is accessed from Albert Mews via Wilson Street.
34. The Council's Design Guide Specification specifies a car parking space for every 4 flats and for hotel use a space per 2 bedrooms and 1 spaces per 5 m² public floor area for bar use, which would equate to a provision of 67 spaces (excluding the public space bar use areas) for this development. Whilst it is noted that the proposed level of parking provision is below the Council's car parking standards, the central location and existing commercial use of the building has been considered. The guidance car parking standards are considered maximum levels required with consideration given to the location, access to local facilities and the nature of the use. The application site is in a highly sustainable location within close proximity of high frequency bus stops and within walking distance of the bus and train station. The location of the site lends itself to a car free/low car ownership, with a reliance on town centre parking and therefore the current level of parking provision is considered acceptable. The limited parking for the uses within the building will assist in supporting the vitality and viability of public transport within the area and result in a greater level of pedestrian movement around the town between the site and the transport hubs and car parks, thereby providing for a more vibrant city centre style environment.
35. In terms of the congestion on the highway, existing waiting restrictions on the surrounding highways will limit uncontrolled parking on the highway. The front entrance to the hotel is on Gurney Street which has waiting restrictions in place that will enable hotel guests to drop off /pick up luggage before parking within the hotel or nearby public car parks located within walking distance. Given the location and restrictions within the adjacent streets it is considered that there would be no significant impacts of traffic congestion.
36. The current rear car park provides facilities for servicing vehicles which is accessed off Wilson Street and these are considered to be suitable to serve the proposed development. Objection comments have been received regarding the parking provision for the building and the additional traffic congestion that will occur, however, given the comments provided by the Councils Highways Engineers there are no significant concerns in relation to highway safety.
37. To assist in linking pedestrian movements between the site and Centre Square, The Empire and Town Hall, the Council's Highway Engineers have recommended an uncontrolled pedestrian crossing to be installed along Corporation Road which will be provided through a condition as proposed.
38. The Council's Highway officers have no objections to the proposal subject to conditions being placed on the application in terms of the cycle parking and car parking management arrangements, service vehicle delivery details, travel plan and methods of work statement to cover the construction works.

Residual matters

39. Concerns have been raised with regards to potential asbestos in the building and health and safety concerns for construction cranes at the site. The removal of any asbestos would fall to specialists and would fall under building control legislation. A condition has been added to the application regarding the methods of construction in relation to the highways etc however the safe operation of the cranes would fall within the Health and Safety legislation.
40. An objection comment has been received that there is no requirement for the hotel as there are several hotels within close proximity of the site. There is no specific requirement to assess the need of the hotel as part of the planning application, however it is considered that the proposal will contribute to the facilities available and the vitality of the town centre.
41. Concern have been raised regarding competition from the proposed development on the existing commercial units. These comments are noted but are not a material planning consideration which can be considered.

Conclusion

42. As such, it is considered that that the development accords with all relevant planning policies contained within the Middlesbrough Local Plan and the principles within the NPPF and the officer recommendation is to approve conditionally.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

Time Limit

1. 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.

Approved plans

2. The development hereby approved shall be in accordance with the following approved plans;-

Location plan drawing No 3 dated 31st May 2018

Design and Access Statement dated 31st May 2018

Proposed Floor Plan drawing MO147 dated 31st May 2018

Plan Montage drawing 01 dated 31st May 2018

Plan Montage drawing 02 dated 31st May 2018

Reason: To define the consent.

Materials

3. No development of the additional floors shall commence until details and samples of the materials to be used in the construction of the additional four floors and glazed vertical sections hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples.

Reason: To ensure an appropriate finishing appearance to the development in the interests of the amenities of the local area, in accordance with the guidance set out within Core Strategy Policy CS4.

Cycle storage

4. Prior to the development commencing, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason; To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours, in accordance with the guidance set out within Core Strategy Policy CS4

Car Parking

5. Prior to the development commencing, details of the car parking areas, including management of spaces, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the approved car parking arrangements have been constructed and laid out in accordance with the approved details, and thereafter such areas shall be retained solely for such purposes.

Reason; In the interests of highway safety.

Servicing

6. Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason; To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users, in accordance with the guidance set out within Core Strategy CS4.

Off-site highway works

7. The development hereby permitted shall not come into use until a scheme of highway works for the provision of a new uncontrolled pedestrian crossing on Corporation has been submitted to and approved in writing by the Local Planning Authority along with an implementation management plan. The scheme shall include (but not be restricted to) works associated with any Traffic Regulation Order, signing,

lighting, drainage and other related works. The approved scheme of works shall be implemented in accordance with the approved scheme.

Reason; In the interests of the safe and free passage of highway users, in accordance with the guidance set out within Core Strategy CS4.

Travel plan

8. The development hereby permitted shall not come into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The aforementioned Travel Plan shall include measures to reduce dependence on the private car including incentivising non car accessibility by providing free bus passes and/or cycle vouchers to first occupiers of the residential element of the scheme. The development shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan or such Travel Plan(s), which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users, in accordance with the guidance set out in Core Strategy Policy CS4.

Method of Works Statement

9. Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include, but not be restricted to, ;
 - a) a programme of works
 - b) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
 - c) where contractors will park
 - d) where materials will be stored within the site
 - e) measures employed to ensure no mud/detritus is dragged out over the adjacent highway
 - f) a jointly undertaken dilapidation survey of the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users, in accordance with the guidance set out in Core Strategy Policy CS5

Noise Assessment

10. Prior to the commencement of works hereby approved, a noise assessment (from a qualified noise consultant) shall be submitted in writing to the Local Planning Authority detailing;
 - a. the level of attenuation that is created by the existing structure of the building; and
 - b. a scheme detailing the noise levels that residents are likely to be exposed to from the neighbouring commercial premises (eg: existing pubs and clubs); and
 - c. a scheme designed to protect these dwellings from any noise transference and identification of all works necessary to protect residents from the noise.

The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial businesses are in use.

The development shall only commence once the noise assessment and mitigation scheme required by this condition has been agreed in writing by the Local Planning Authority and shall be undertaken in accordance with the scheme of mitigation which shall be fully implemented prior to the uses hereby approved being brought into use.

Reason; To ensure the amenity of the residents, in accordance with the guidance set out within Core Strategy DC1

Live Music

11. No live music or amplified sound shall be played within the building or associated with the uses hereby approved other than that which is in accordance with a noise assessment which has first been submitted to and approved in writing by the Local Planning Authority prior to the uses hereby approved being brought into use. The assessment shall determine the existing and expected noise levels, and detail a scheme of sound attenuation and mitigation as required. Such a scheme shall be capable of restricting noise breakout from the building at one metre from the façade of noise sensitive premises to ensure that;

- The LAeq (5 mins) with entertainment noise added on does not exceed the representative background noise level LA90 (5mins) (without entertainment noise).
- The L10 (5mins) with entertainment noise added on does not exceed the representative background level L90 (5mins) (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz.

Any attenuation and/or mitigation detailed within the approved scheme shall be implemented before live music or amplified sound is played within the premises hereby approved

Reason: To ensure the amenity of the residents, in accordance with the guidance set out within Core Strategy DC1

Sound Attenuation

12. Before the use of the development is commenced, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall:

- i. Be carried out in accordance with the approved noise assessment.
- ii. Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In the interests of the amenity of the occupants, in accordance with the guidance set out within Core Strategy DC1

Odour Assessment

13. An odour and particulate impact assessment provided by a competent and suitably experienced, specialist air quality or odour consultant shall be submitted to and approved in writing by the local planning authority before first use of the proposed development. The assessment shall identify the impact of cooking odours and grease

released to the air from the premises and detail methods to control them to prevent harm to the amenity. The report shall be carried out in accordance with the Institute of Air Quality Management "Guidance on the assessment of odour for planning" 2014 or an alternative appropriate assessment tool agreed in advance with the Local planning Authority. The report should include details of the position of internal ventilation extraction canopies, the position and height of the flue outlet and the type of filtration and or odour control units or other fume treatment to be installed. The uses hereby approved shall not commence until the approved scheme has been implemented. The approved scheme, once installed, shall be maintained in accordance with the manufacturer's recommendations including the frequency of replacement filters.

Reason: In the interests of a satisfactory form of development, in accordance with the guidance set out within Core Strategy DC1

Road Traffic noise

14. Development hereby approved shall not commence on site until an assessment of road noise, and if necessary, a scheme for protecting the dwellings from traffic noise, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include a 15 year projection of traffic levels. All residential units shall be designed so as not to exceed the noise criteria based on current figures from BS8233 (2014) 'Guidance on sound insulation and noise reduction for buildings' and the WHO 'Guidelines for Community Noise' 1999. Any scheme of protection shall demonstrate that noise from nearby road traffic as measured within bedrooms does not exceed 30dB(A) Leq and 45dB(A) Lmax (23:00-07:00) and 35dB(A) (07:00-23:00), and that noise from nearby road traffic as measured within the gardens or other residential outdoor space does not exceed 50dB(A) Leq. Any works and/or noise mitigation measures identified within the scheme shall thereafter be carried out and brought into operation in accordance with the approved details. All works which form part of the approved scheme shall be completed prior to any of the dwellings hereby approved being occupied and shall be maintained in perpetuity. The internal noise levels must be obtainable while appropriate ventilation to habitable rooms is provided in a manner which meets the requirements of The Building Regulations which may include mechanical ventilation.

Reason: in the interests of the occupants of the premises, in accordance with the guidance set out within Core Strategy DC1

15. Fixed Plant and machinery

Any fixed plant and machinery, including refrigeration and air conditioning equipment shall be installed in accordance with a scheme of such which has first been submitted to and approved with writing by the Local Planning Authority. The scheme shall include details of sound insulating material and be mounted in a way which will minimise transmission of airborne and structure-borne.

Reason: In the interests of the amenity of the neighbouring properties, in accordance with the guidance set out within Core Strategy DC1

Servicing / Deliveries

16. Commercial Deliveries and collections to the rear of the premises 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 the interests of the amenity of the neighbouring properties, in accordance

with the guidance set out within Core Strategy DC1

Collections - Refuse

17. Collections from the refuse store must be kept between the hours of 8:00am and 7:00pm Monday to Saturday, and 9:30am to 6:30pm Sunday.

Reason: in the interests of the amenity of the neighbouring properties, in accordance with the guidance set out within Core Strategy DC1

Reason for Approval

The application for the proposed additional floors to the building and associated change of use 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 policies, statements and guidance.

In particular, the proposed development adheres to the core planning principles and guidance contained within the National Planning Policy Framework regarding the efficient use of land and supporting sustainable economic development that would result in a development that would be considered appropriate for the local area.

Issues relating to the scale, design and layout of the proposed additional floors, as well as the highways and transportation implications, and the potential impacts on neighbouring sites have all been considered against local and national planning policies. On balance, the development would be considered in keeping with the scale and character of the surrounding townscape, and is not considered to give rise to any inappropriate or undue affects or be detrimental to the local amenities of the area.

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. On this basis, the recommendation to approve conditionally is as set out for these reasons.

INFORMATIVES

Informative 1- Northern Gas Networks

The promoter of the works should contact Northern Gas Networks to discuss their requirements in detail and should diversionary works be required these will be fully chargeable.

Informative 2 – Pedestrian crossing

Provision of a new uncontrolled pedestrian crossing point (as required by condition) shall be on Corporation Road between Vancouver House and Middlesbrough House, consisting of dropped kerbs, tactile paving and localised kerb realignment to shorten the existing bus layby to the South of Corporation Road opposite the site and widen the existing footway

Informative 3- 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 4- Debris on highway

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

Informative 5- Secure by Design

The applicant should contact Steve Cranston from Cleveland Police regarding the requirements to secure accredited Secure By Design standards
Stephen.Cranston2@cleveland.pnn.police.uk.

Case Officer: Debbie Moody

Committee Date: 27th July 2018

