

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday 5th March, 2021
Time: 1.30 pm
Venue: Virtual Meeting

AGENDA

Please note: this is a virtual meeting.

The meeting will be live-streamed via the Council's [Youtube channel](#) at 1.30 pm on Friday 5th March, 2021

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 5 February 2021 3 - 12
5. Schedule of Remaining Planning Applications to be Considered by Committee 13 - 86

Schedule - Page 13
Item 1 - Land off Stokesley Road - Pages 15 to 36
Item 2 - Melrose House - Pages 37 to 53
Item 3 - Boho X - Pages 55 to 85
6. Applications Approved by the Head of Planning 87 - 92
7. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 25 February 2021

MEMBERSHIP

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

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Georgina Moore/Chris Lunn, 01642 729711/729742, georgina_moore@middlesbrough.gov.uk/chris_lunn@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 5 February 2021.

PRESENT: Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, S Dean (Reserve) (Substitute for J Thompson), C Dodds, L Garvey, M Nugent, J Platt, J Rostron and G Wilson

ALSO IN ATTENDANCE: Councillor R Arundale, S Litherland and Councillor E Polano

OFFICERS: P Clarke, A Glossop, D Johnson, E Loughran, C Lunn, G Moore and S Thompson

APOLOGIES FOR ABSENCE: Councillors J Thompson

20/32 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor S Dean	Non-Pecuniary	Agenda Item 5, Item 1, Ward Councillor
Councillor J Platt	Non-Pecuniary	Agenda Item 5, Item 2, Ward Councillor

20/33 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 15 JANUARY 2021**

The minutes of the meeting of the Planning and Development Committee held on 15 January 2021 were submitted and approved as a correct record.

20/34 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

20/0004/FUL Demolition of existing caretaker's property and erection of 139 dwellings with associated improvements to St David's Way including access widening and landscaping at Former St Davids School, Acklam, Middlesbrough TS5 7EU for Mrs A McFaulds

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

The Development Control Manager advised that the purpose of the application was to seek planning consent for the erection of 139 dwellings with associated access works, landscaping and infrastructure on the former St David's School site in Acklam.

The site was located off Hall Drive at the southern end of St David's Way, just outside of the Acklam Conservation area boundary. To the north was Cowley Road and Adcott Road and to the west and south were Bewley Grove and Acklam Road. The Avenue of Trees provided the eastern boundary of the site and was within the Acklam Conservation area. The application site was within the vicinity of the Grade 1 Acklam Hall sited to the north across Hall Drive but did not form part of the immediate setting of the listed building.

Members were advised that under Local Housing Plan Policy H34, the former St David's School site had been allocated for residential use to provide 115 dwellings. The wording of the policy, was as detailed below:

"Land is allocated at St David's for a high quality, high value residential scheme, to provide a maximum of 115 dwellings. Development proposals will be expected to:

- a) *provide a residential development that reflects the housing types within the surrounding area, which is predominantly 3/4 beds housing with a mix of semi and detached properties;*
- b) *respond positively to the Acklam Hall Conservation Area and the adjacent historic avenue of trees;*
- c) *properties should front on to the avenue of trees however there will be no vehicular access on to the avenue of trees;*
- d) *utilise existing access road arrangements from St David's Way;*
- e) *maintain and enhance existing pedestrian footpath access arrangements from Acklam Road and Hall Drive;*
- f) *ensure that the design of the proposal takes account of any surface water flooding issues without adversely effecting existing surrounding residential properties, and maximises opportunities for the use of SUDS, where appropriate;*
- g) *retain the existing mature trees;*
- h) *15% of dwellings to be affordable provided as 5% of the dwellings on site and a 10% offsite affordable housing contribution; and,*
- i) *provide off-site improvements to school provision to accommodate the educational needs of future residents.*

Development will not be permitted until the re-provision of the playing pitches currently on the site is made elsewhere in the town."

It was explained that the key considerations, in respect of the proposal, were the policy criteria and any other material planning considerations.

Members were advised that, although the proposal exceeded the maximum number of dwellings, Policy H1 stated that:

"All housing requirements and housing allocations in the Core Strategy and Housing DPD are minimum figures unless otherwise stated. Proposals for fewer than the minimum or more than the maximum dwelling requirements for a site will only be considered where it can be clearly demonstrated through a design led approach and having regard to the characteristics of the surrounding area and any site specific policy requirements that an alternative capacity is more appropriate."

Members heard that the 139 dwellings proposed consisted of:

- a) 14 x 2 bedroomed dwellings;
- b) 54 x 3 bedroomed dwellings;
- c) 5 x 3 bedroomed bungalows; and
- d) 66 x 4 bedroomed dwellings.

The proposal was for the erection of 139 dwellings that would comprise 2, 3 and 4 bedroomed properties. The house types would be a mixture of terraced, semi-detached and detached dwellings and would include semi-detached and detached affordable bungalows.

The layout of the development had been designed so that, where possible, dwellings fronted onto or had views towards any open space/landscaped areas.

Access to the site would be from St David's Way via Hall Drive and there would be a pedestrian footpath off Acklam Road.

In terms of drainage, a dual pumping station would be included within the open space area towards the north of the site. The station would ensure the surface water drainage from the site was restricted. Surface water would be collected and directed to an attenuation tank (below ground), which had been designed to take up to 100 year storm events with an additional allowance of 40% climate change. Further details in respect of flood risk were detailed at paragraphs 73 to 78 of the submitted report. The Local Flood Risk Officer and Northumbrian Water had considered the revised flood risk assessment and drainage details and had no objections, subject to relevant conditions.

There would be no trees removed within the Avenue of Trees to facilitate the development. The Arboricultural Impact Assessment set out that a sycamore tree located towards the entrance of the site, and a 15 metre section of hedgerow located immediately to the south of the current entrance off St David's Way, would be removed to enable the new footpath

entrance. A set of cypress trees sited within the front garden of the caretakers building and two trees within the existing access footpath, between the site and Acklam Road, would be removed as part of the development. The remainder of the trees within the site would be protected during the development works with tree protection measures. The existing hedgerow along the boundary with The Avenue of Trees would be strengthened and any gaps filled. Within the open space area to the north of the site there would be an area of meadow grass to encourage biodiversity.

Policies H12 and H34 required 15% of dwellings to be affordable provided as 5% on site and 10% off site contribution. Policy H12 allowed variations in the proportion of onsite and off-site provision where it could be demonstrated that would better contribute to the creation of mixed balanced communities through the diversification of housing tenure.

The original plans for the site provided 7 affordable terraced and semi-detached dwellings, which met the 5% onsite affordable housing provision. Following consultation feedback, the plans were amended to include 5 affordable bungalows within the development site. With the bungalows requiring additional floor space to ensure they fit in with the remainder of the site, the number of affordable houses within the site had been reduced to 5. Although slightly below the 5% level of onsite affordable housing, the number was still considered to be an acceptable level given the bungalow type of affordable housing being provided.

In addition to the onsite affordable housing provision, an off-site affordable housing contribution would be secured by a section 106 agreement.

Subject to the dwellings not being occupied until 2022, the Council's Strategic School Planning Manager had advised that no education contribution was required due the existing capacity within the schools and given the current capacity for school spaces.

Part of the site was the former playing pitch of the former St David's School. Policy H34 identified that the redevelopment of the site would require the re-provision of playing pitches within the town. Within close proximity of the application site was an area of land directly to the south of the existing Outwood Academy and Kader Football Club, which had been identified as suitable for the replacement playing pitches. The proposal included a contribution from the applicant for the installation of three playing pitches. The pitches long-term maintenance and installation costs would be secured through the section 106 agreement or equivalent legal agreement.

99 consultation letters were sent and objections had been received from residents at 25 properties with 1 letter of support. The objection comments were summarised in the submitted report.

In terms of the design of the scheme, the proposed layout and dwellings were of a high-quality design and would provide a pleasant and sustainable environment offering a good mix of dwelling types. Landscaped areas within the site would enhance ecological potential and would benefit the wider community. It was considered that the proposed development would provide a good mixture of dwelling types which were of a high-quality design and materials that reflected the existing character of the area, whilst not detracting from the historic importance of both Acklam Hall and the Avenue of Trees.

The site layout provided areas of attractive landscaping throughout the site along with an open space area including a trim trail. The development would not result in any notable detrimental impact on the amenities of the existing residents. Highway works to the proposed access road at St David's Way, alongside the proposed cycleway/footpath linkages between Hall Drive and Acklam Road, were considered to provide a significant public benefit to the scheme.

At the entrance of the development was an area of open space which included a trim trail area with equipment and benches that could be utilised by the occupants of the properties and the wider public. The layout of the development had been designed so that, where possible, dwellings fronted onto or had views towards any open space/landscaped areas.

The frontage of the properties had a high-quality design with open porch and gable detailing, bay windows and a mixture of brickwork and render detailing with varying roof heights to provide some variety to the character of the dwellings. The frontages of properties had been designed to face towards the landscape areas within the site.

The scheme was considered to be a high-quality sustainable development. The application site itself was located within a predominantly residential area of Acklam and was within walking distance of local services, schools and bus links.

Member heard that comments had recently been received from the North East Chamber of Commerce. The correspondence received stated *“Representing the North East Chamber of Commerce, we would like to support this application in principle as it represents a key opportunity for regeneration of the area and utilises a brownfield site rather than a greenfield site. The project will provide employment and new housing stock and will act as an exemplar for what can be achieved for such sites. Officers have recommended the passing of the application as it meets planning guidance. Refusal of the application may serve to hamper future investment in Middlesbrough as future developers and investors may view planning as a costly process. As the economy may struggle in the coming months, due to continuing economic pressures, a site such as this and any future investments by other companies will be vital to the local economy. The developer has a strong reputation and is willing to work with the local community and utilise suppliers in the local area in delivering the homes on the site.”*

The Principal Highways Engineer provided the committee with information on the Local Authority's validated strategic highway model (Aimsun) and how the model had been used to test the potential impact of traffic associated with the proposed development on the existing highways.

Members heard that the Aimsun model was an evidence-based approach, which was built in stages. The model considered data in respect of traffic counts, journey times, GPS, bus routing, bus stops, traffic signal timings and road surveys. Once data was entered, it was validated and checks were undertaken. The model had also been audited and validated by a third party consultancy firm. The Aimsun model ensured that a holistic approach was taken when assessing the impact of the proposed development on the existing highways.

An estimated level of traffic generation was coded into the model, based upon the scale of the development proposed and using evidence-based trip rates. The traffic associated with the proposed development was then tested within the model, including future year scenarios. The approach allowed for traffic levels to increase as a result of traffic and other committed developments, irrespective of the current proposal. The results then established what impact the proposed development would have.

The scheme was estimated to generate in the region of 100 and 110 vehicle trips during the AM and PM peak periods, respectively. The network was tested during those periods as that was when there was greatest demand and the networks was at its most sensitive. Outside of the peak periods, greater levels of capacity were available and the network operated much more freely.

The traffic generated by the model distributed across the network, based upon origin and destination data. The greatest amount of traffic was seen at the site access junction then reduced as traffic took different routes on its journey. Acklam Road was a main North/South artery within Middlesbrough and as such existing traffic flows there were high. The proportion of traffic associated with the proposed development would account for less than 2-3%. As such, whilst traffic may generally slow slightly as a result of the development, the impact was very small. It was widely acknowledged and demonstrated that traffic flow could vary by 10-15% based upon the weather, the time of the day, month etc. The scale of the impact of development was therefore less than those daily fluctuations so in reality would not be perceivable.

Using the evidence based approach, it had been demonstrated that the impact of traffic associated with the development would not have a material impact on the free flow of traffic on the surrounding highway network. Members were advised that data used to inform the model was collected prior to Covid-19, which ensured further robustness when analysing the impact on the highway network.

In terms of safety, accident records were analysed to determine trends. Following analysis, it had been determined that the proposal would not exacerbate any highway safety issues.

Works to St David's Way would include the provision of managed on-street parking. That parking would be available for the public accessing facilities in the local area, including sports

pitches, the school or The Avenue of Trees and represented an improvement to the current situation.

The scheme also proposed the removal of the existing raised table at the Hall Drive/St David's Way junction and replacement with two sets of speed cushions either side of the junction with resurfacing works, as required. It also proposed the realignment of the junction kerbs at Hall Drive/St David's Way to create 6m junction radii with pedestrian crossing point consisting of dropped kerbs and tactile paving.

Members heard that within less than 500 metres of the site were the main bus stops on Acklam Road and Hall Drive, which meant the site was considered to be within a sustainable location.

Using an evidence-based approach, the development had been considered in relation to the impact on capacity, and the safety of the highway network, and it had been determined that the proposal would have no material impact.

A Member queried the reasons for the developer proposing 139 dwellings when it exceeded the maximum allocation for the site, as detailed in the Local Plan. The Head of Planning advised that since the development of the Local Plan in 2014, the NPPF had stated that local authorities needed to ensure the most efficient use of land and minimum allocations for housing sites should be referenced rather than maximum. It was also advised that Policy H1 of the Local Plan stated that proposals for more than the maximum dwelling requirements would be considered where it could be clearly demonstrated that a design led approach had been taken.

A Member raised a query in respect of car ownership. In response, the Principal Highways Engineer advised that there was a key distinction between car ownership and traffic generation. When analysing the impact of a proposal on the highway network, vehicle trips in respect of each residential dwelling were taken into account.

A discussion ensued and several Members expressed concerns in respect of the potential impact of the proposal on the junctions located in the vicinity and the highway network. The relevant officers responded accordingly.

The Agent was elected to address the committee in support of the application.

In summary, the Agent advised that:

- work with the Local Authority had been undertaken over the past year to develop and finalise the proposal;
- through collaboration with officers, a high-quality scheme had been developed;
- the scheme planned to re-develop a brownfield site;
- the site was allocated for housing in the Local Plan;
- the scheme met the criteria outlined in Policy H34;
- the site was capable of accommodating 139 dwellings;
- due to the high-quality design of the scheme, Policy H1 allowed for an increase in the number of dwellings; and
- separation distances between the rear elevation windows of the existing residential properties, and the habitable room windows of the proposed dwellings, would be 21 metres or above.

The Agent outlined that the economic, social and environmental benefits of the scheme included:

- a high-quality design offering a good mix of dwelling types;
- a sustainable drainage system;
- increased pedestrian links;
- new improved access route on St David's Way;
- landscaped areas and open space;
- creation of an attractive public realm;
- creation of 430 direct and indirect jobs;
- generation of approximately £1.67 million in tax revenue;

- approximately £156000 in annual council tax revenue;
- provision of off-site sports pitches; and
- funding, in excess of 1 million pounds, through 106 agreement and capital receipts.

A Ward Councillor was elected to address the committee.

The Ward Councillor advised that the development was contrary to the Local Plan as it exceeded the maximum number of dwellings. The Ward Councillor also expressed concerns regarding traffic impact on Hall Drive. Members were advised that the design quality of the development was compromised due to the increased density of the scheme and the additional dwellings proposed. It was also commented that the design of the dwellings did not reflect the character and appearance of the area. Given the reasons outlined, the Ward Councillor recommended that the committee should refuse the application and that a revised scheme should be submitted that accorded with the Local Plan allocations.

With regards to visitors parking on the site, to gain access to the Avenue of Trees, a Member raised concerns that vehicles may park on the paving and enquired whether raised kerbs could be introduced. The Development Control Manager advised that the suggestion would be considered by the Highways Authority.

The proposal was considered acceptable and it was officer recommendation that the application be approved, subject to a 106 agreement.

A discussion ensued and a Member advised that he would be minded to approve the application if the maximum number of dwellings had not been exceeded. The Development Control Manager advised that there was a need for the committee to consider the application that had been submitted, which proposed the development of 139 dwellings. It was also added that the Applicant had been aware of the housing allocation prior to submission of the application.

ORDERED that the application be **Approved** for the reasons set out in the report, subject to a 106 agreement.

20/0496/FUL Mixed use development comprising retail use at ground floor with 24 no. apartments above with associated ancillary areas, parking and landscaping at Cawood Drive/Rievaulx Drive, Tollesby, Middlesbrough for Middlesbrough Development Company

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

The Head of Planning advised that the purpose of the application was to seek permission for the erection of a part-three/part-four storey mixed-use development on the site of the former Newbridge Court neighbourhood centre. The proposed development included 4 no. retail units on the ground floor with 24 no. residential units on the upper floors with associated parking and landscaping.

The wider Tollesby estate was predominantly constructed in the 1960s and was based on a very conventional housing layout. The majority of houses were constructed in traditional materials, semi-detached in nature with a generous number and diversity of bungalows. The focal point of the whole estate was a central amenity area containing a larger shop unit with ancillary smaller shops and a post office with flats on the first floor. A public house and motor repairs garage was also located in the group.

The site subject to the application was previously occupied by a two-storey building accommodating a number of retail/commercial units and car repair garage at ground floor and residential apartments at first floor. Following a prolonged period of the building being vacant, the building had been demolished and the site cleared and secured.

A total of 85 neighbouring properties were consulted on the application and 7 representations had been received, including 6 letters of objection and 1 other representation. The objections received were outlined and summarised in the submitted report.

The proposed development was laid out as a single building, in a horseshoe shape, having 3 sides with the ground floor central section being an undercroft parking area. The main section fronted onto Rivaulx Drive and had 4 stories, the uppermost being set back and of different materials to the main elevation which had been specifically designed to reduce the dominance of the uppermost floor.

Retail units were positioned on the ground floor with retail windows onto Rievaulx Drive and onto the inner courtyard parking area, which itself had a single point of access off Rievaulx Drive. The 1st, 2nd and 3rd floors were laid out solely as residential apartments, providing 22no. 2 bed apartments and 2no. 1 bed apartments, a number of which have outdoor seating areas in the form of small balconies, predominantly to the block adjacent to Rievaulx Drive and predominantly facing east and west, although with some facing south. A communal outdoor space existed on the roof of the central section.

Some of the apartments had balconies associated with them, those would provide a view across a public thoroughfare, and at distance. It was therefore considered that the privacy or perception of privacy lost, as a result of the balconies, would not be significant, particularly taking into account balconies at 1st and 2nd floor being relatively limited in size.

The proposals planned to bring a greater number of apartments onto the site providing more natural surveillance than was previously the case and, in terms of uses and in terms of appearance, providing a more compatible development within the domestic environment.

It was concluded that the proposals were acceptable and would not have a significant adverse effect on the living conditions, and residential amenities, of nearby occupiers. The proposed development was also considered to be of a good quality design, using high-quality materials to complement the surrounding built environment, and it was further considered that the traffic flow associated with the development could be reasonably accommodated within the existing environment and that the proposed car parking was sufficient for the development.

A discussion ensued and Members commented that the proposed scheme was considered to represent a significant improvement to the previous and current appearance of the site and would re-provide the locality with a much greater degree of sustainability through providing for some of the local day-to-day needs.

A Ward Councillor was elected to speak in support of the application.

The Ward Councillor commented that the proposal was welcomed as it provided a small retail centre to serve the local community.

The proposal was considered acceptable and it was officer recommendation that the application be approved, subject to conditions and the amendment to conditions 10 and 14. It was explained that the submitted report had stipulated that conditions 10 and 14 required implementation prior to the commencement of the development, however, following a request from the Applicant, those conditions had now been amended to allow the development to commence prior to those conditions being discharged.

ORDERED that the application be **Approved** for the reasons set out in the report, subject to conditions and the amendment of conditions 10 and 14 as detailed below:

Revised Condition 10 wording

Method of Works Statement

Prior to any above ground construction of the development hereby approved, a detailed method of works statement shall have first been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details:

- a) *Routing of construction traffic, including signage where appropriate;*
- b) *Arrangements for site compound and contractor parking;*
- c) *Measures to prevent the egress of mud and other detritus onto the public highway;*
- d) *A jointly undertaken dilapidation survey of the adjacent highway;*
- e) *Program of works; and,*
- f) *Details of any road/footpath closures as may be required.*

The development must be carried out in accordance with the approved details.

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 having regard for Policy DC1 of the Local Plan.

Revised Condition 14 wording

Adjacent Commercial Premises Noise Assessment

Prior to the internal fit out and installation of windows within the eastern block of development hereby approved, a noise assessment from a noise consultant detailing noise levels that residents are likely to be exposed to from the neighbouring/nearby commercial premises together with a scheme designed to protect these dwellings from any noise transference must be submitted to and approved in writing by the Local Planning Authority. 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 business is in use. The report shall also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development from noise shall be completed prior to any of the residential accommodation hereby approved being occupied. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

20/35 **APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

NOTED

20/36 **LOCAL PLAN - AN UPDATE**

The Head of Planning provided Members with an update on the progress made with developing/revising the Local Plan.

Members were advised that the outbreak of the Coronavirus pandemic had impacted on timescales associated with reviewing the Local Plan and the Council had been unable to engage with the public, businesses and other stakeholders. The pandemic had also impacted quite significantly on the way in which evidence had been gathered from employers, when trying to determine the economic needs of the town in future years. The Coronavirus pandemic had resulted in massive implications for town centres and the retail sector.

It was advised that there had been some national policy changes in respect of housing (e.g. how housing numbers were calculated) and NPPF planning reforms.

Members were shown a table that identified the evidence-based documents that informed the development of the Local Plan. The table also provided an indication of when those documents were likely to become publicly available. Those documents included the Local Housing Needs Assessment, the Strategic Housing Land Availability Assessment, Retail and Town Centre Study, the Employment Land Review, the Green and Blue Infrastructure Strategy, the Gypsy & Traveller Accommodation Assessment and the Transport Study. The details of each document were outlined to the committee.

The Local Plan Development Group had met on several occasions to discuss and consider the overall strategy/vision, conservation policies, housing numbers and potential housing sites.

The revised timetable for the development of the Local Plan was outlined as below:

Stage	Target Date
Preferred Options	April 2021
Publication	October 2021

Submission	January 2022
Adoption	June 2022

The implications of the delay needed to be considered in the context of:

- the status of the current Local Plan in respect of housing sites/numbers and planning decisions;
- the interim policies e.g. hot food takeaways and conversions; and
- Covid-19, the need to ensure that impacts could be assessed and that the Local Plan was sufficiently flexible to respond to the pandemic.

A Member queried whether the policy on hot food takeaways could be amended to change the definition of hot food takeaways. The Head of Planning advised that the Local Authority was unable to change the definition, however, it was able to revisit the policy framework to ensure that the Local Plan further supported and promoted public health.

NOTED

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Planning & Development Committee - 5th March 2021

Town planning applications which require special consideration

1	20/0644/FUL Nunthorpe	Applicant Assura Aspire Ltd Agent Mr Steve Buckley	Erection of medical centre with associated car parking and landscaping Land Off Stokesley Road, Nunthorpe, Middlesbrough TS7 0NA
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2	20/0683/FUL Central	Applicant Mr Mark Ashall Agent Ms Sarah Sabin	Erection of office building (B1) with associated access, car and cycle parking, services and landscaping Melrose House, 1 Melrose Street, Middlesbrough TS1 2HZ
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3	20/0764/FUL Central	Applicant Middlesbrough Council Agent Mr Justin Cove	Erection of 7 storey building incorporating lecture theatre, cafe, swimming pool, gym, bar/event space with associated landscaping, public realm, cycle store and car parking Boho X, Lower Gosford Street, Middlesbrough
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APPLICATION DETAILS

Application No:	20/0644/FUL
Location:	Land Off Stokesley Road Nunthorpe Middlesbrough
Proposal:	Erection of medical centre with associated car parking and landscaping
Applicant:	Assura Aspire Ltd
Agent:	Mr Steve Buckley
Ward:	Nunthorpe
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is sought for the erection of a single storey medical centre with associated parking and access. Following the usual consultation process 18 No. comments were received from local residents along with comments from the Ward Councillor and Nunthorpe Parish Council. Following discussion with the applicant in respect of concerns raised by objectors in relation to highway safety, a revised scheme showing relocation of the vehicular access was submitted. As a result of publication of the revised scheme a further three comments from original objectors were received.

The main areas for consideration are: Principle of the development; design; access and highway safety and, impact on the amenity of nearby residents.

The site forms part of an allocated housing site under the Housing Local Plan(2014)and although not specifically identified as for use as a medical centre, it is in accordance with the adopted Nunthorpe Design Code (2018) which identifies a medical centre use. The site is considered to be in an appropriate location to serve the residents of Nunthorpe. The design of the proposal is considered to be of a high quality and will not result in undue impact on the amenity of local residents in accordance with the local policy and guidance and in keeping with the Nunthorpe Grange Design Statement. Concern relating to the suitability of the proposed access for both vehicles and pedestrians were assessed, the Councils Highway Engineer considered that the vehicular access and the pedestrian access access meet with the relative standards to ensure road safety is not compromised.

The officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located to the south of edge of a residential area within Nunthorpe Middlesbrough. The site is currently used for agriculture but forms part of the Nunthorpe Grange site which is allocated for housing on the Development Plan.

The application site is bounded to north by a hedge row with mature trees and housing beyond. There is a hedgerow along the western boundary of the site which runs alongside Stokesley Road which is a bus route, with housing facing the site on the opposite side. The eastern and southern limits of the site are open fields that form part of the wider site allocated for housing. The site is generally flat and has an area of approximately 0.48ha

The proposal subject of this application is to construct a single storey medical centre with 30 vehicle parking spaces and motorcycle and cycle parking and associated landscaping to replace the existing health centre located on Guisborough Road. Access will be located to the southern boundary of the site from Stokesley Road. The building will have a gross external area of approximately 565 sq m. it has a t-shaped design intersecting pitch roof and will be constructed using a mix of brick and cedar cladding with slate roof tiles.

The applicant submitted the following documents in support of the application:

- Topographical Survey
- Drainage Strategy
- Design and Access Statement
- Foul and Surface Water Drainage Strategy
- Heritage Statement
- Planning Statement
- Preliminary Ecological Appraisal
- Transport Assessment

PLANNING HISTORY

There is no relevant planning history associated with this application.

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 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:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- 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).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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

H1 - Spatial Strategy
 H10 - Nunthorpe
 H11 - Housing Strategy
 CS17 - Transport Strategy
 H29 - Land at Nunthorpe
 H31 - Housing Allocations
 CS4 - Sustainable Development
 CS5 - Design
 CS18 - Demand Management
 DC1 - General Development
 UDSPD - Urban Design SPD
 NGDC - Nunthorpe Grange Design Code

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

Cleveland Police Secure by Design

Recommend applicant actively seek to develop to accredited Secured By Design Standards

Middlesbrough Council Environmental Health

Proposed conditions relating to Provision of a noise assessment.

Middlesbrough Council Waste Policy

No comments.

Middlesbrough Council Highway Planning

Access

Access to the site is to be taken from a new junction onto Stokesley Road circa 30m south of the junction with Grey Towers Drive.

Sightlines of 2.4m x 43m are achievable at the proposed site access, which are in accordance with national guidance for the speed limit of Stokesley Road.

The internal access road is proposed to be 5.5m wide, lit and will be designed, constructed and offered for adoption to the Authorities standards and specifications. Vehicular swept path analysis for a number of vehicles including refuse vehicles, ambulances and cars has demonstrated that the proposed junction and internal layout are suitable to serve the proposed development.

Concerns have been raised with regards to the access arrangements by local residents. Sightlines would be restricted, at this point in time, by the adjacent hedge should no further works be undertaken. However the hedgeline does require maintenance and as such could be trimmed back. Officers are satisfied that the necessary sightlines can be achieved either through maintenance of the hedge or works within land owned by the authority. The sightlines and/or works can be secured through a suitably worded condition.

Sustainability

The design of the site has separated vehicular and non-vehicular access points, creating a traffic free pedestrian/cycle access direct to the entrance of the building. This facility will be supported by the provision of a crossing point on Stokesley Road consisting of dropped kerbs and tactile paving circa 50m South of the bend in Stokesley Road.

As set out above, sightlines in accordance with the relevant guidance can be achieved and as such the intervisibility between pedestrians and motorists ensures that sufficient reaction time is available.

The proposed crossing point is considered to be in the optimal position as it achieves the necessary sightlines but is also away from the adjacent junction with Grey Towers Drive and other private vehicle accesses.

Comments have been made regarding the width and provision of footways along Stokesley Road. It is acknowledged that the existing footway falls below what would be designed in a new environment however we are working with a historic layout with existing constraints;

- The footway already serves a large residential area and the proportion of additional footfall associated with the proposals would not justify the extensive works in widening the footway.

- Widening the footway is not viable due to land constraints
- The existing available width is greater than 1.2m which is the minimum width for those in a wheelchair or those with buggies/prams.

Given the above no mitigation nor funding can be secured and the proposed works provide a suitable arrangement, whilst working within the constraints of the local environment.

A walking distance of 400m or 800m is seen as providing high levels of accessibility, representing a 5 minute and 10 minute walk respectively. These distances place large parts of the local community within a 10minute walk, together with bus stops on Guisborough Road which will provide non-car access to wider parts of Middlesbrough. The site is therefore sustainably located and designed.

Traffic Generation

Traffic generation for the Medical Centre has been based upon the nationally recognised TRICS database. The database is a compilation of surveys of similar developments to provide a clear evidence base. As the Medical Centre already exists in the local area it is reasonable to take the approach that a certain level of traffic associated with the centre is already on the network and as such can be discounted from the assessment. These vehicle movements would exist whether the proposals are granted consent or not.

The table below demonstrates the potential increase in traffic arising from the provision of the new larger medical centre;

Peak Period	Current Trips	Proposed Trips	Difference
AM Highway (08:00-09:00)	14	26	+12
Medical Centre (10:00-11:00)	18	37	+19
PM Highway (17:00-18:00)	13	26	+13

It is worth noting that the peak period of the medical centre occurs at a different time to the peak period of the highway network. The peak period of the highway network is assessed as this is when the highway network is at its most sensitive.

As can be seen, the proposals will lead to an increase in circa 12 vehicles during the highway peak periods, which is in the region of an additional vehicle every 4 minutes.

This level of traffic will be imperceptible and will not affect the free flow of traffic or capacity of the adjacent network.

Safety

The accident records have been assessed for Stokesley Road between (and including) its junction with Guisborough Road and Poole roundabout. No accidents have been recorded on Stokesley Road and only a handful at the Poole roundabout. There are no clusters nor patterns and as such it is not considered that the development will increase the risk of accidents nor make any existing situation worse.

Parking

The development proposes to provide 30 car spaces, whilst this is below the maximum parking standards as set out in the Tees Valley Highway Design Guide, the level of provision is considered appropriate.

In order to ensure the parking provided is reasonable and robust a parking accumulation profile was derived using the arrival and departure trip rates. This approach demonstrated a maximum peak accumulation of 20 cars. The level of parking proposed is above this figure so will ensure parking is

not displaced out of the site but is also below the maximum level permitted by the standards so will not incentivise car use.

No objections are therefore raised subject to conditions relating to:

- Submission of details of roads
- Vehicular Sight lines
- Implementation of car and cycle parking layout
- Off site Highway works
- Method of work statement
- Travel Plan

Middlesbrough Council Strategic Policy

Although the adopted Housing Local Plan Policy H29 does not specifically identify a medical centre use at this allocated housing site, the subsequently adopted Nunthorpe Grange Design Code does make reference to a medical centre use at this location within site.

Given the above, in policy terms development proposals for a medical centre at this location would be acceptable, and as such accord with the Development Plan, subject to the high quality design requirements as set-down in the Nunthorpe Grange Design Code, which apply to the entire development site.

Lead Flood Authority

No comments received.

Northern Gas Network

No objection.

Northumbrian Water Ltd

No objection subject to

- A condition relating to development being implemented in line with the submitted drainage strategy.
- Foul and surface water discharge to specified manholes
- Surface water discharge not to exceed the available capacity of 3.1l per second and;
- Final surface water discharge rate to be agreed by Lead Flood Authority.

Northern Power Grid

No comments received.

Ward Councillors

Councillor Rathmell

I welcome the development of a GP surgery, I am concerned about the lack of car parking given this is to account for staff & service users. It's not sufficient to meet demand and it is likely to result in cars being parked along Stokesley Rd, this has been seen in Trimdon Ward where a GP surgery was recently built.

Stokesley Rd does not afford itself by its sweeping nature and narrow single footpath to cars being parked on the footpath or road.

Stokesley Rd has been a concern for speeding vehicles and a subject of meetings between the police, council officers and ward members but no solution has been found nor are any problems likely to be remedied by the increased vehicle use & parking on the road.

Another objection relates to the vehicle access because of the staggered junction and it causes safety concerns for local residents and road users. It is situated closely to the bend and the junction of Grey Towers drive opposite.

Councillor Smiles

Offered full support to this development and commented that Nunthorpe residents have long awaited a modern GP surgery that is suited to the needs of the whole community

Nunthorpe Parish Council

Proposal is welcomed but concerns raised regarding the following:

- Use of the access for wider development
- Road safety aspects of junction
- Alternative position for junction should be considered
- Pedestrian and cycle access to the site
- Inclusion of community garden in scheme suggested
- Provision of SUDS scheme would be preferable to proposed drainage scheme
- Provision of parking for indicated expansion of scheme

Alternative proposals for the junction and site layout were provided along with photographs and videos of the site.

Following submission of a revised scheme the further comments were submitted by the Parish Council relating to the following:

- expressed support for scheme and relocation of vehicular access
- concerns regarding pedestrian access from the east side of Stokesley Road
- lack of adequate footpaths on Stokesley Road
- suggested footpath be provided on the east section of Stokesley Road
- concerns regarding safety of proposed pedestrian access

Public comment

Nearby Neighbours were notified of the proposal, eighteen comments in relation to the application were received. Many of the comments supported the application in principle but raised concerns in relation to the position of the access and impacts on road safety. A list of objectors and a summary of comments is attached to this report at Appendix 1. The concerns related largely to road safety at the site but also included comments in relation to the layout of the site, principle of the location, access to public and sustainable forms of transport. Following submission of the revised plans a further 3 objection were submitted from residents who originally commented on the scheme.

Public Responses

Number of original neighbour consultations	56
Total numbers of comments received	18
Total number of objections	17
Total number of support	1
Total number of representations	3

PLANNING CONSIDERATION AND ASSESSMENT

Policy context

1. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213).

2. As a starting point, the proposal should be assessed against policies set out in the Middlesbrough Local Plan. Policies DC1, CS4 and CS5 of the Core Strategy (2008) in essence seek to ensure high quality sustainable development; ensure the amenity of nearby residents; character of the area and highway safety are not adversely affected by the development. Policies CS17, CS18 and CS19 seek to deliver a sustainable transport network which improves the choice of transport options available and to reduce the impact of traffic.
3. Policies H1, H10, H11 and H31 of the Housing Local Plan (2014) set out the spatial strategy and identifies sites for the delivery of housing across Middlesbrough including Nunthorpe. H29 identifies the Nunthorpe Grange site to deliver a maximum of 250 homes. It does not specifically identify a medical centre use however the Nunthorpe Grange Design Code which was subsequently adopted in 2018 does include use as a medical centre as a possible use within any future development proposals.
4. The site is within an area identified on the Proposals Map as being within the safeguarded area for salt and gypsum and as such the Tees valley Joint Minerals and Waste DPDs (2011) is also relevant. Policy MCW1 requires that new build developments contribute to the efficient use of resources, to increase the proportion of construction and demolition waste recycled. Policy MWC4 requires that a waste audit is submitted. Policy MWC4 allows non-mineral development where the need for development outweighs the need for mineral resources.
5. Supplementary Planning Document the Middlesbrough Urban Design Guide and Nunthorpe Design Statement which set out the principles by which high quality development can be achieved is also relevant.

Principle of development

6. The site is currently an open green space close to the edge of but within the limits to development. It is within an area allocated for housing on the development plan and as such the principle of development has already been established. Although the adopted housing policy H29 does not specifically identify a medical centre use at this allocated housing site, the subsequently adopted Nunthorpe Grange Design Code does identify the site for a medical centre.
7. The site is within the minerals safeguarding area for salt. Policy MWC4 advises that non-minerals development will only be permitted in minerals safeguarding areas where development would not sterilise or prejudice future extraction of the mineral resource. Salt is a deep mineral that could be extracted underground. As a result there is no conflict with Policy MWC4.
8. In view of the above the proposal is considered to be acceptable in principle.

Design

9. The proposed development has been designed to be sympathetic with its context and location at this urban/rural edge of Nunthorpe, it is a single storey building with a low pitched roof and will be constructed of a mix of multi-red brickwork and cedar cladding with slate roof tiles. It is considered that the scale of the proposal is commensurate with the size of the site and the purpose of the building, there is a good ratio of grassed open space around the building which helps to soften its appearance. The west facing elevation which is closest to the edge of the site and will be most visible from the wider area will be broken up by the intersecting gable and glazing features. Its low pitch roof will ensure that it does not dominate the street scene or be out of keeping with the scale of nearby dwellings. It is the Development Control view that its modern design with large glass window openings and cedar

cladding will create an attractive appearance that will sit well within the context of the site.

10. Parking is located to the east and north of the site where it will be afforded some screening from the wider area by the existing trees and hedgerows on the boundaries of the site. Its appearance will also be softened within the site by proposed shrub and tree planting.
11. In view of the above it is considered that the proposed development is of a high quality design that is in keeping with the character of the surrounding area and will contribute to increasing design standards within the Nunthorpe area in accordance with CS5 (test c) and DC1 (test b), the Nunthorpe Design Statement and Urban Design Guide.

Impact

12. Windows to dwellings to the west of the site on Stokesley Road will have an aspect towards the building where windows to the south west facing elevation are proposed. There is however an intervening highway and a distance of over 21m to the edge of the site, existing hedgerows will also afford some level of screening. Dwellings to the north of the site are also located more than 21m away and will be afforded significant screening by the intervening hedgerow and mature trees. There is therefore little prospect of loss of amenity in terms of overshadowing, appearance or loss of privacy to these properties.
13. Land beyond the site to the east and south is allocated as housing and as such there are no details of the design and layout of properties. There is any event a minimum distance of over 21m between the building and the edge of the site and as such the minimum privacy distance set out in the Urban Design Guide can be achieved.
14. In terms of acoustic impact or general disturbance, the applicant has advised that the medical centre will operate outside of the hours where the World Health Organisation indicate there will be potential for people to be sleeping. It was also indicated that there will be no large scale air conditioning units at the site and that the level of traffic at the site is not expected to be significant to the degree it will result in unacceptable disturbance. The Councils Environmental Health Officer considered the application and advised that a noise assessment which identifies noise from deliveries, plant and machinery and use of the car park should be submitted and any measures identified implemented before the development is occupied. A suitable condition can be imposed on any approval.
15. In light of the above, and providing any measures identified in the noise assessment a being necessary are implemented it is considered that the proposed development will not have a significant impact on the amenity of nearby residents in accordance with policy DC1 (test c).

Ecology

16. A preliminary Ecological Survey concluded that the site is considered to be of low ecological value overall. The boundary hedgerows and woodland offsite to the north offer some suitable habitat for nesting birds and foraging commuting bats. Two trees off site to the north were considered to have moderate suitability for bats, with the rest of the mature trees to the north considered to have low suitability. Recommendations were made in relation to provision of further surveys to be carried out if hedging is to be removed during the breeding season and a bat survey if trees are to be removed. It was also suggested that a sensitive lighting scheme be provided both during and after construction. Further recommendation in relation to working practices during construction and features to protect wildlife were also made.

17. The scheme does not propose the removal of any of the trees to the north of the site. The revised scheme shows removal of part of the hedge towards the south of the site to enable the vehicle access point, part of the hedge in this location and around the pedestrian access will also need to be managed to maintain the required sight lines for vehicles and pedestrians. As the hedge is considered to be of low ecological value and providing any works are carried out outside of the nesting season, it is the Development Control view that the proposal will not result in any significant adverse impact on the ecology of the area. A suitable condition relating to the timing of works to the hedge can be imposed if Members are minded to approve the application

Highways

18. A large portion of comments from local residents related to various aspects of road safety. A Transport Statement was submitted in support of the application setting out consideration relating to the design of the development, parking and cycling provision, traffic generation and highway safety. It concluded that the traffic impact of the proposed development is likely to be minimal during the morning and evening peak hours; that the site is in a sustainable location with infrastructure in place to support trips by walking cycling and public transport. The Council's Highway Engineer has provided detailed comments set out above in the Consultation and Publicity Responses section of this report which are considered to address issues raised in respect of these concerns. In summary, the proposed access arrangements for both vehicles and pedestrians meet the relevant criteria in terms of highway design. A pedestrian crossing point is provided at the access point and while footpath provision falls short of what would be expected in a new environment, the existing footpath meets the minimum standard and the proposed works provide a suitable arrangement while working within the constraints of an existing environment. The site is located within a 5 to 10 minute walking distance of large parts of the local community and is close to a bus route and as such the site is considered to be sustainably located and designed. The level of traffic associated with the site will result in approximately 12 additional vehicle movements in the highway peak periods which is not considered to be significant. Accident records at the site do not indicate an issue with road safety and it is considered that the proposal will not increase the risk of accidents. The level of parking provided within the site is considered to be appropriate.
19. In response to the further concerns raised by the Parish Council, the Highway Engineers response was as follows:

Access from east of Stokesley Road and lack of adequate footpaths on Stokesley Road

20. There are only 22 properties on the East side of Stokesley Road, with the vast majority of residential dwellings lying to the West of Stokesley Road or to the North side of Guisborough Road. Whilst not diminishing the importance of these residents, in planning terms one of the tests for the provision of mitigation/funding is that it must be proportionate to the scale of development. The potential demand for use of the Medical Centre and frequency of use would not justify the scheme providing a footway from the site to the junction of Stokesley Road/Guisborough Road for such a limited number of properties.
21. In addition to this consideration, we also need to assess the available land under the control of either the Highway Authority or the developer. There are two extensive sections of verge to the East side of Stokesley Road which are constrained by private land ownership and would restrict the available width to deliver a footway to circa 1.4m. Between the junctions of Stokesley Road/Moor Green and Stokesley Road/Guisborough Road this width reduces again to that where it would not be possible to provide a footway.

- Suggested footpath be provided on the east section of Stokesley Road
22. The scheme, as presented, is considered to be acceptable in planning and highways terms and as such has a recommendation to approve. If the Parish Council or other interested parties wish to make representation to the authority regarding the provision of infrastructure within Nunthorpe they can do so outside of the planning process with consideration given to other funding streams for delivery. It is worth noting that the authority is currently working with the Parish Council to establish what infrastructure is considered as being necessary for the area.

-concerns regarding safety of proposed pedestrian access

23. Stokesley Road has a speed limit of 30mph. The achievable sightlines as shown on the proposed plan meet national guidance for the speed limit of Stokesley Road. These sightlines are based upon scientifically derived measurements and factors including driver reaction time, deceleration rates etc. and demonstrate that the intervisibility between pedestrians and motorists is sufficient to ensure that the highway users have time to see each other and react as necessary to avoid conflict. A suitably worded condition has been proposed to protect/guarantee that these sightlines are achievable and available.
24. Concerns were raised regarding the provision of cycle access to the site and connection with a wider cycling route. The proposed ped/cycle link will enable future connection into the wider Nunthorpe Grange allocation. Access to and development of the wider cycling network is the responsibility of Council and cannot be addressed under the current application.
25. In light of the above and providing the suggested conditions are imposed it is considered that the proposed development will not result in excessive demand in terms of vehicle trips, is in a sustainable location, provides adequate parking and access and will not impact the safe operation of the highway in accordance with policies CS4, CS18, CS19 and DC1(test d).

Drainage

26. A foul and surface water drainage strategy report was submitted along with the application it sets out the methods by which foul and surface water runoff from the site will be sustainably managed. It concludes that discharge of surface water runoff to the existing sewers is the most appropriate option. Surface water from the roof of the building will be managed by swales where feasible and the remaining will be managed by permeable paving to discharge into swales before outlet. The proposed road will be given for adoption by the Highway Authority with a recommendation for separate attenuation and merging with a private sewer before discharging to the main sewer on Stokesley Road. Sufficient storage will be provided on site to manage surface water up to the 1 in 100 year plus climate change event before discharging into the public sewer. Appropriate measures to protect downstream water quality have been incorporated in the scheme. Subject to agreement with the Regulatory Authorities, foul drainage will be routed to the foul public sewer located to the western corner of the site.
27. Providing the measures outlined in the report are implemented on site, it is considered that the proposed development will provide suitable, sustainable drainage in accordance with the principles of policies CS4 and DC1.

Other matters

28. Concerns were raised regarding the loss of green space, the site is however already allocated for development under the Housing Local Plan and so the loss of green space has already been established.

29. Comment was made that the proposal would be better located in one of the nearby housing developments. The application must however be considered as submitted, even if there was a preferable location, planning permission cannot be refused on that basis.

Summary

30. The proposal has been assessed against local policy and guidance and is considered to be an acceptable form of development that will not have an adverse impact on the character of the area. Given its design and relationship to surrounding properties it will not have any significant impact on the amenity of nearby residents or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.

Conclusion

31. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval subject to relevant conditions.

RECOMMENDATIONS AND CONDITIONS

Approve 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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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) Location Plan Drawing No. 01-2021 REV B received 28th January 2021 and,
 - b) Site Plan Drawing No. 11/1 REV C received 28th January 2021
 - c) Floor Plan Drawing No. P1/2 A received 26th October 2020
 - d) Elevations and Sections Drawing No. P1/3 A received 26th October 2020
 - e) Foul and Surface Water Drainage Strategy No. 2102/05r1 Revision A received 28th January 2021
 - f) Preliminary Ecological Appraisal received 28th January 2020
 - g) Transport Statement No. SRN-BWB-GEN-XX-RP-TR 001 received 26th October 2020
 - h) Transport Statement Addendum No. SRN-BWB-GEN-XX-RP-TR-002 received 28th January 2021

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Details of Roads, Footpaths and Open Spaces Required
Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be carried out in accordance with the approved details.

Reason; To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

4. Vehicular Sightlines
The development hereby approved shall not be brought into use until sightlines of 2.4mx43m have been provided at both the site access junction and pedestrian/cycle crossing point. Such sightlines shall be retained thereafter in perpetuity, free of all obstructions over (600/1000mm) in height above the level of the adjacent highway. If removal of the hedge is required then a scheme for replacement shall be agreed in writing with the Local Planning Authority.

Reason: To ensure an adequate level of visibility is provided in accordance with the relevant criteria so that the use of said highway/junction does not prejudice the free flow of traffic or safety of highway users having regard for policies DC1 and CS5 and sections 9 and 12 of the NPPF.

5. Car and Cycle Parking Laid Out
No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.
Reason; To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

6. Off-Site Highway Works
The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing SRN-BWB-GEN-XX-DR-TR-100 S2 Rev P3 in the approved Transport Statement Addendum or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:
- a) Provision of a pedestrian crossing point on Stokesley Road consisting of dropped kerbs and tactile paving together with associated hardstanding and resurfacing

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

7. Method of Works Statement
The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;
- a) Routing of construction traffic, including signage where appropriate;
 - b) Arrangements for site compound and contractor parking;
 - c) Measures to prevent the egress of mud and other detritus onto the public highway;
 - d) A jointly undertaken dilapidation survey of the adjacent highway;
 - e) Program of works; and,
 - f) Details of any road/footpath closures as may be required.

8. Travel Plan
Within 3 months of the commencement of development hereby approved a full Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.
Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

9. Works to the hedges on site should be carried out outside of the breeding season (March to August inclusive). If works are carried out during the breeding season then a bird risk assessment carried out by a competent ecologist should undertake a breeding bird risk assessment to check for nesting birds. If an active nest is discovered a 5m buffer zone must be implemented in which no vegetation removal may occur until the end of the breeding bird season or the nest is confirmed as no longer active.

Reason: To protect and enhance the ecology and biodiversity of the site having regard to policy CS4 of the Local Plan and section 15 of the NPPF.

10. Commercial Premises Noise Assessment
Before any fixed plant or machinery is installed at the site a scheme showing the details of the installation and a BS: 4142 noise assessment shall be submitted to and approved in writing by the Local Planning Authority before the plant is installed. The assessment shall identify noise levels which will be generated at the development and its impact upon neighbouring premises. The assessment should include details of any measures identified to protect neighbouring premises from noise. Any measures identified in the assessment to protect residents from noise generated due to the fixed plant or machinery should be implemented before it is installed and must be retained on site in an operational state for the lifetime of the development.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

11. Surface Water Drainage Scheme
Prior to the commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Foul and Surface Water Drainage Strategy No. 2102/05r1 Revision A received 28th January 2021 and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but is not be limited to;

- (i) The surface water discharge from the development must be limited to a Greenfield run off rate (Q_{bar} value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
- (ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.
- (iii) The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.
- (iv) Provide an outline assessment of existing geology, ground conditions and permeability.
- (v) The design shall take into account potential urban creep.
- (vi) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedance routes)

This should be accomplished by the use of SuDs techniques, if it is not possible to include a sustainable drainage system, details as to the reason why must be submitted.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

12. Foul water drainage

Development shall be implemented in line with the drainage scheme contained within the approved document Foul and Surface Water Drainage Strategy No. 2102/05r1 Revision A received 28th January 2021. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 5205 and ensure that surface water discharges to the surface water sewer at manhole 5201. The surface water discharge rate shall not exceed the available capacity of 3.1l/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 ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed medical centre accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018). In addition the medical centre accords with the local policy requirements (Policies H1, H10, CS17, CS18, H29, CS5, CS4 and DC1 of the Council's Local Development Framework).

In particular the medical centre is designed so that its appearance is of an appropriate scale and design and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The medical centre will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe operation of the highway.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

1. Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.

2. Adoption of Highway - S38

The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption of the new

highway layout. The S38 Agreement should be in place prior to the commencement of works on site.

3. Building materials on highway

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

3. Deliveries to site

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

Case Officer: Maria Froggatt

Committee Date: 5th March 2021

APPENDIX 1

SUMMARY OF COMMENTS

Summary of issues raised

Position of building on site

Position of parking on site

Road safety

Lack of crossing

Lack of footpath

Footpath width

Car parking should be reduced

Cycle access provision

Safety at Junction cross road suggested

Building on Green Space

Preferred location Grey Towers Village Estate

Needs to conform with Local Plan in relation to in relation to accessibility to public transport, walking and cycling routes

Reliance on access by car

Needs wheel chair friendly segregated footpath and table top crossing

Transport plan required

Inadequate footpath provision

Car parking inadequate

Left turn on exit from site should be imposed

Site lines shown on plan do not measure up on site

COMMENTS

Nunthorpe Parish Council

Welcomes scheme subject to:

Junction relocated 50 south to form cross roads with Grey Towers Drive

Junction unsuitable for primary access to housing estate

Increased use of existing substandard footpath

Pedestrian safety

Provision for cyclists

Alternative plan showing provision of community garden provided

Provision of future parking, cycle parking and bins storage needs to be clarified

Proximity of future extension to trees and drainage

Ward Councillor

Cllr Rathmell

Development of a GP surgery is welcomed concern in relation to the following:

Adequacy of parking provision

Impact on road safety if vehicle park on the highway

Increase in vehicle use and possible parking on highway will exacerbate existing issues with speeding vehicles

Position of junction in relation to bend in the highway and to the existing junction of Grey Towers Drive with Stokesley Road.

Councillor Smiles

Fully supports the development. Commented that Nunthorpe residents have long awaited a modern GP surgery that is suited to the needs of the whole community.

Support

Mr Chris Gent 10 Crookers Hill Close

1. Dr GH Whitfield, Mrs B Whitfield and Mrs B Whitfield 20 Stokesley Road

Medical centre and parking should be set back by 30ft from Stokesley Road

Concerns regarding road safety

2. Mr M Scott 5 Stokesley Road

Lack of safe crossing

Lack of footpath

Width of footpath incorrect

Car parking should be reduced

Cycle access provision

Safety at Junction cross road suggested

Additional comment

Safety of pedestrian access, zebra or puffin crossing suggested

No of parking spaces excessive.

Lack of cycle facility between development and Poole roundabout

3. Peter and Ann Sonley

Support scheme in principle

Road Safety – junction, lack of footpath, roundabout required

4. Mrs E Inch 4 The Woodlands

Building on Green Space

Preferred location Grey Towers Village Estate

Poor location for access

Pedestrian safety

Increased traffic on Stokesley Road

5. Mr Merrick B Brown 23 Stokesley Road

Road safety

Lack of footpath

Additional comment

Concerns re safety of pedestrian crossing close to blind bend.

6. Jean Cotterill 24 Stokesley Road

Position of junction

Additional comment

Supports revised vehicular access but concerns regarding safety for cycles

7. Andy Edwards 30 Moor Park

Needs to conform with Local Plan in relation to in relation to accessibility to public transport, walking and cyclin routes

Reliance on access by car

Needs wheel chair friendly segregated footpath and table top crossing

Transport plan required

Additional comment:

Scheme supported but assumption of access by car

Road safety and access audit should be carried out by the Council to consider pedestrian and cycle access.

Annual Transport Plan to be produced.

Request for Committee or officers to carry out a walk including a wheelchair user or with a children's buggy to assess pedestrian access.

8. Bryan Sloper 17 Crookers Hill Close

Supports principle subject to following concerns:

Lack of footpaths

Car parking may be inadequate, no parking to be allowed on Grey Towers Drive or Crookersill Close

Users should be forced to turn left out of site

9. Mr D Leyland, 1 The Resolution

Supports design and parking arrangement. Concerns re-

Pedestrian and vehicle safety

Site lines shown on plan do not measure up on site

Relationship of access point with Grey Towers Drive

Proposal does not conform with Manual for Streets

Other alternative has been drawn up

Proposal to make access subject of condition

10. Laza Krstin 5 Moor Green objects;

Access- highway safety

Pedestrian safety

Lack of footpath to the south of site

Traffic assessment does not take into account wider development

Proposes alternative location in the Grey Towers Village site.

11. D Swales and R Sullivan 1 The Woodlands

Speeding traffic, blind bend and additional trips.

12. Angela Livingstone – see Nunthorpe Parish Council comment

13. S Hinchley 12 Stokesley Road-

Road safety - position of access

14. A Bage 8 Stokesley Road

Road safety – visibility splay does not take into account speeding vehicles

Existing footway is inadequate for existing users

Central pedestrian island needed

15. Helen Massie 2 Moor Green

Support for principle of development concerns re

Position of access

Footway provision

16. Mr D McCleod 21 Stokesley Road

No consideration of traffic calming measures on Stokesley Road

Position of access

Calculation of vehicle trip does not account future development of wider site

Transport assessment does not take account of the future pharmacy or expansion of medical centre

Suggests significant traffic calming measures along Stokesley Road

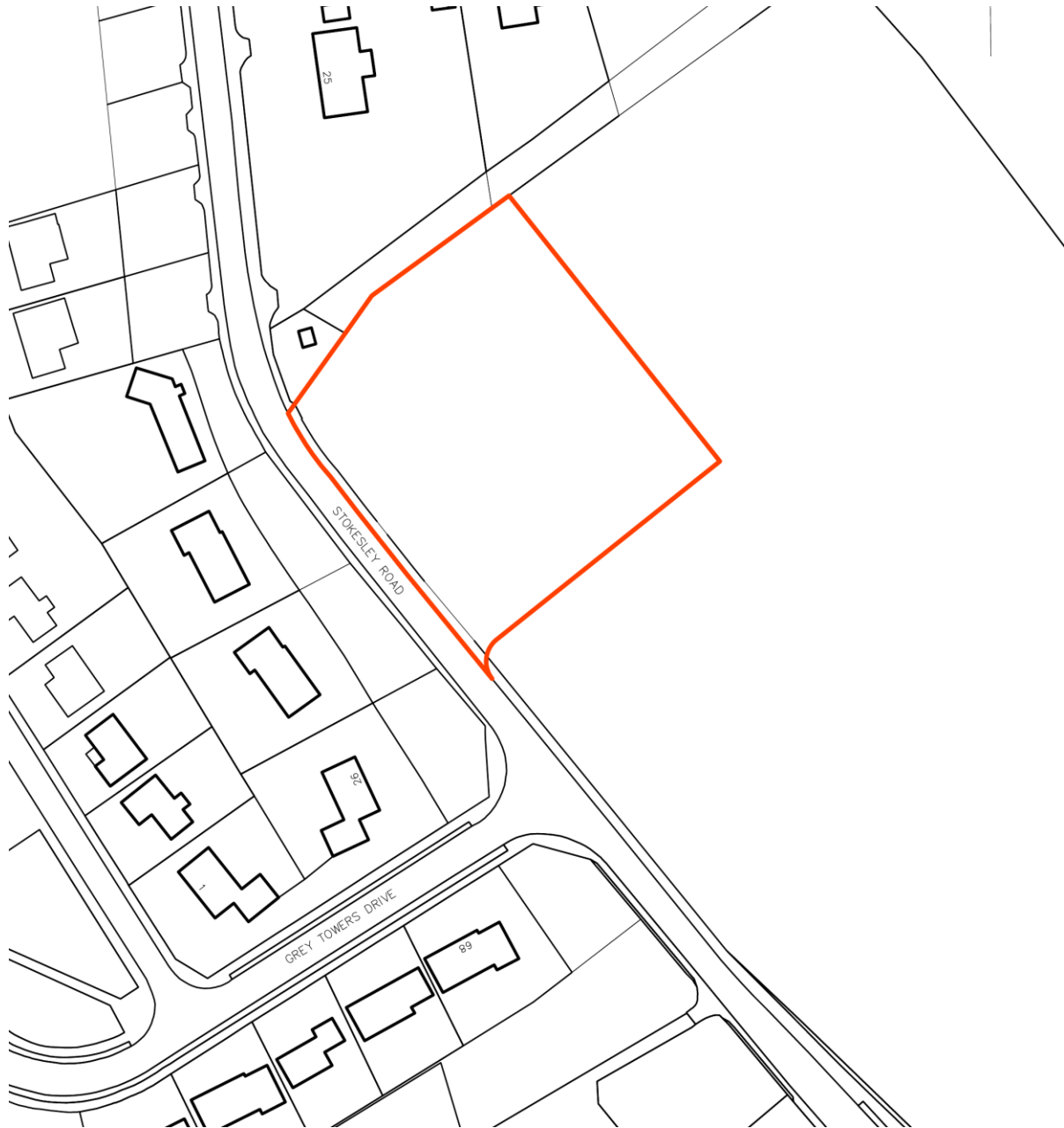
Additional Comment

Safety of pedestrian crossing

17. Anne Edwards 19 Stokesley Road

Traffic calming measures required

Speeding



APPLICATION DETAILS

Application No:	20/0683/FUL
Location:	Melrose House, 1 Melrose Street, Middlesbrough, TS1 2HZ
Proposal:	Erection of office building (B1) with associated access, car and cycle parking, services and landscaping
Applicant:	Ashall Projects (MB) Ltd
Agent:	Seymour Architecture
Ward:	Central
Recommendation:	Approve with Conditions

SUMMARY

Detailed planning permission is sought for the erection of a four-storey office block on the site of the former Melrose House office complex in Middlesbrough town centre. The proposed building would provide over 4,300 square metres of Grade A office space.

The proposed scheme is considered to be in accordance with town centre policies for the area and would result in the replacement of the former Melrose House office building, with a more contemporary high quality office block which has an increased footprint and height to the previous building on the site.

Consultation was undertaken with local residents as well as external and internal technical consultees and no objections have been made in respect of this proposal.

Following on from the first two now completed Grade A office buildings in Centre Square, the proposed scheme would represent a significant addition to the town centre, providing further high quality office space within the local area, which is of benefit to the town's offer as a regional attractor for businesses and would also, through its construction, support the economy, all of which is supported within the National Planning Policy Framework.

The proposed building is of a scale commensurate with that of other buildings in the surrounds and of a modern design which would provide a positive addition in an area where there is already an array of buildings of very contrasting ages, styles, design and materials, and would thereby continue this principle.

The proposed scheme is recommended for approval subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a vacant, rectangular plot of land, measuring approximately 60 metres x 70 metres, within Middlesbrough Town Centre. The site was previously occupied by an office block known as Melrose House. The site is bounded to the north by Grange Road, to the south by building along Borough Road, to the east by a ped/cycle path and residential apartment blocks within Rutland Court, and to the west by Melrose Street.

The proposed development replaces the former Melrose House office complex with a four-storey Grade A office building, providing 4,346 square metres of B1 office space. The building has an overall footprint of approximately 24 metres in depth and 50 metres in width.

It is worth noting that Grade A office space is generally considered the highest quality building in terms of design, appearance, construction, running and maintenance credentials, as well as those being well located, having good access to transport routes and sustainable transport modes.

To the east of the main building would be a smaller, ancillary building accommodating a substation, cycle store, refuse store and switch room. Wrapped around the building to the south and east would be 72 space car park, which has its access/egress onto Melrose Street.

PLANNING HISTORY

There is one application that is relevant to the former Melrose House site.

20/0684/ADV

Installation of non-illuminated signage with individual letters
Under consideration

Although not specific to the application site, the following form part of the Grade A office developments within the nearby Centre Square.

17/0193/FUL

Erection of office building (B1 use class) with ground floor cafe / food use (A3 Use Class) and associated cycle parking and landscaping
Site of the former Register Office
Approved Conditionally
May 2017

17/0194/FUL

Erection of office building (Use Class B1) and associated access, car and cycle parking and landscaping
Land to the east of Central Gardens
Approved Conditionally
May 2017

17/0195/FUL

Outline application for the development of 5 commercial office buildings (B1 Use) with part ground floor cafes (A3 use), including public realm works, landscaping, car parking, cycle parking and other ancillary development
Centre Square

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 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:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- 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).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,

- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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

H1 - Spatial Strategy
CS17 - Transport Strategy
CS4 - Sustainable Development
CS5 - Design
CS13 - Town Centres etc Strategy
CS18 - Demand Management
CS19 - Road Safety
DC1 - General Development
REG20 - Principal Use Sectors
REG25 - Centre Square East
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 have been posted around the site and consultations have been sent to statutory consultees, local residents, ward councillors and the local community council. A summary of the comments received is listed below.

Responses from Internal Technical Consultees

Planning Policy – No objections to the principle of the proposed use at this site.

Environmental Health – No objections subject to the compliance of the proposed development with the submitted noise assessment.

Waste Policy – No objections.

Highways – The proposals are considered to be a highly sustainable development, so there are no objections subject to seven conditions: 1) removal of the existing vehicular access, 2) the implementation of the car park before occupation of the building, 3) no barrier/gate near to the adjacent highway, 4) off-site highway works including Grange Road point closure, 5) method of works statement, 6) the submission of a travel plan, and 7) implementation with the cycle store details.

Flooding Officer – No objections.

Ward Councillors – No comments received.

Responses from External/Statutory Consultees

Northern Gas Networks – No objections.

Northumbrian Water – No objections subject to a condition requiring development to be carried out in accordance with the submitted drainage scheme.

Northern Powergrid – No comments received.

SBD officer – The proposals should adhere to the principles of Secured by Design.

Public Responses

Number of original neighbour consultations	80
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Site notice posted –
8th December 2020

PLANNING CONSIDERATION AND ASSESSMENT

1. Detailed planning permission is sought for the erection of a four-storey Grade A office block which would provide approximately 4,300 square metres of office space along with ancillary provisions such as a sub-station, cycle and refuse stores and indicative hard and soft landscaping.

The main planning considerations for this proposed development relate to:

- The principle of the development,
- Economic considerations,
- Design, appearance and quality,
- Impacts on the nearby buildings/uses,
- Impacts on the highway network,
- Impacts on residential amenity,

These and other material planning considerations are assessed below.

Principle of Development

2. The Government's planning guidance is set out in the National Planning Policy Framework (NPPF) and this confirms its support for development which is in accordance with an up-to-date Local Plan. It further supports sustainable development which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure.
3. The NPPF states that Planning should operate to encourage and not act as an impediment to sustainable growth, giving significant weight to the need to support economic growth and proactively meeting the development needs of business, supporting an economy fit for the 21st century.
4. Local Plan policies seek to achieve high quality development in the right place, which minimises the impact on the local area and nearby premises. The spatial objectives of the plan go further to reinforce the Stockton-Middlesbrough urban core as the principal centre for cultural, leisure and civic administration activities whilst establishing an environment that encourages and supports economic vitality and quality of life that attracts both people and businesses to Middlesbrough. Objectives further indicate the

desire to achieve high and sustainable levels of economic growth by supporting existing businesses and encouraging new ones to set up in Middlesbrough.

5. Spatial Policy H1 and Town Centre Policy CS13 emphasise that the majority of new retail, leisure and office development will be directed to the Town Centre. The site lies within the Central sector of the Middlesbrough Town Centre boundary as defined within the Local Plan, at a position well served by public transport and other facilities and provisions, thereby making it a highly sustainable location for such development, in accordance with the locational principles of the National Planning Policy Framework. It is considered that the provision of a four-storey modern Grade A office block within this key position just off Centre Square will assist in achieving these policy objectives in a manner which adds positive definition to the civic character of the local area.
6. Policies CS4 and CS5 collectively require sustainable development, making the most use of efficient land whilst demonstrating a high quality of design that enhances both the built and natural environments. As the proposed location is a brownfield site, and the building has a contemporary design in-keeping with the wider Centre Square area, it is considered to be in accordance with the principle of these policies.

Economic Considerations

7. Central Middlesbrough is the economic heart of the economy of Teesside, providing a mix of business, retail, leisure and cultural features. Similar to the Grade A office buildings approved in 2017, the proposed development is considered to make a significant contribution to sustaining and enhancing the 'Middlesbrough' offer, with a high quality office development providing opportunity for inward investment for professional and service sector companies not currently represented in the Tees Valley, or for progression of existing local businesses into new premises. In this regard, the scheme would reflect some of the ambitions of the Tees Valley Strategic Economic Plan which commits to strengthen the local economy.
8. It is understood that Grade A offices appeal to high-value employers with a propensity to enhance the local economy with higher than average Gross Value Added (GVA) accommodation and also bring new construction jobs to the area, (GVA being the economic term for the measure of the value of goods and services produced in an area, industry or sector of an economy). The document suggests that to increase jobs and businesses within the area there is a need to grow and retain professional services and have the ability to accommodate them in new, modern office space and that it is beneficial to accommodate this in Middlesbrough to optimise benefits. The submission further advises (as a result of market analysis) that, over the last thirty years, Middlesbrough has suffered as a result of a lack of investment in its office space and therefore suffered outward migration of major professional employers and believes that new, Grade A office space is a way which will address this by reducing the risk of future displacement and through attracting new business which would attract more spend within the local area.
9. The proposed development – along with the completed buildings of Centre Square One and Two – would act as an anchor in realising the vision for the wider Centre Square area, which currently is not utilised to its potential and almost acts as incidental space rather than open space with a primary function. Although not facing Centre Square, additional office space near to Centre Square is considered to help bring further skilled workers to the location and assist to provide a renewed vibrancy for Centre Square and re-define its function as a civic space central to the town and being immediately adjacent to the retail and cultural areas of the centre.

Design, Appearance and Quality

10. The proposed office block would have a masonry finish on the ground floor but the upper floors would feature a principally glazed external appearance. The overall

appearance has been designed to complement the completed buildings within the wider Centre Square area. Although positioned away from these two buildings and not directly facing onto Centre Square, it is considered that this finish to the building is appropriate, as it supplements the brick-built buildings in the locality, and allows the proposals to tie in with the Centre Square developments. What's more, it is noted that all buildings in and around Centre Square are different in their form and use of materials – all being prominent and large buildings in their own right. The proposed scheme would continue that approach to new buildings within this location, providing a large and modern building of a high quality thereby considered to be in accordance with relevant local policy, which emphasises the need for high quality contemporary feature buildings to complement the modern civic open space and existing landmark buildings within the area.

11. The position and arrangement of the building on the corner is similar to the previous Melrose House office block, facing onto both Grange Road and Melrose Street. Mindful of its size and scale, not being too dissimilar to the former building, it is not considered to be overly intensive or would dominate the adjacent buildings.
12. The external appearance provides visually separate floors of development and the glass treatment to the principal elevations is deemed to provide particularly high quality space internally in terms of views out as well as achieving a lightweight upper section to the building. The external elevations have a vertical emphasis and whilst principally glazed includes cladding panels, which will bring colour to the overall scheme.
13. The application form states that the boundary treatments for the site would include metal fencing and post and wire fencing, although none of the submitted plans provide details of the fencing or their intended positions. A suitably worded condition is recommended to secure details of appropriate boundary treatments across the site.
14. In view of these considerations, the proposal is considered to adhere with the design requirements for such buildings as required by both local and national planning policies.

Impacts on the Nearby Buildings/Uses

15. Policy REG20 specifically identifies the Central sector as an appropriate location for offices, provided vehicular access is kept to a minimum, and the height of the development has regard to surrounding office and public buildings. The proposed four-storey development is considered to be generally consistent with its surroundings and reflects the scaling, mass and height of the previous building on the site. Whilst complementing the uses to the north in Centre Square, to the south is Borough Road where various office and similar professional services can be found.
16. The proposed building would be positioned further north in comparison to the previous building on the site. Whereas the former Melrose House building was positioned approximately 14 metres back from the adopted highway, the north elevation of the proposed building would be 5 metres from Grange Road. Whilst this reduces the separation distance between the proposed building and that of Fountains Court across Grange Road, and potentially allows a greater degree of viewing between respective windows, the intervening distance would be approximately 22 metres. Such a relationship between two commercial buildings of this scale is deemed to be wholly acceptable. The proposed office use of the building – a continuation of the former use – is not considered to unduly affect the way in which the adjacent buildings function.
17. To the east and west of the proposed building are residential properties. The potential implications on these will be considered later in the report.

Impacts on the Highway Network

18. Policy CS17 determines development should be located where it will not have a detrimental impact upon the operation of the strategic transport network and will deliver the priorities identified within. Policy CS19 prioritises arrangements with developers for a package of measures to discourage car use and encourage sustainable transport choices. Policy CS18 requires that the amount of private car parking is restricted in accordance with the Tees Valley Design Guide and Specification. The proposed development is to be accessed via existing links, with car and cycle parking provision on site.
19. The proposed development is a town centre use and is positioned in reasonable close proximity to the railway station and bus station, and would be supported by numerous bus stops that exist within the town. The proposal, therefore, supports the principle of locating development in locations where there is a real prospect of its users travelling by sustainable means and limiting their travel movements on the wider network, which is in accordance with the principles of the National Planning Policy Framework.
20. As the development proposals form part of an extension to the Centre Square scheme, the same methodology has been applied in terms of traffic generation, parking and sustainability. The development has been tested within the strategic Aimsun model and has demonstrated to not have a material impact on the adjacent network. The proposals include 72 car parking spaces, which is less than the numbers recommended within the Tees Valley Highway Design Guide, although is deemed to be acceptable considering the sustainable location of the site and available town centre parking opportunities available within a short walk.
21. Access is to be taken from Melrose Street with existing vehicular access points stopped up and the kerb/footway reinstated. Due to these works and the extensive construction works, footways around the site frontage to Grange Road and Melrose Street will be resurfaced.
22. An existing north/south shared pedestrian/cycle route runs along the sites eastern boundary and connects the site to both Centre Square and wider Middlesbrough. As part of the proposed development, it is proposed to create a vehicular point closure on Grange Road, which will have the following benefits: (a) traffic associated with the new office will use Marton Road/Melrose Street to access the site, which will insulate existing residents from office/commercial through traffic and keep this traffic on the strategic network; (b) enable the aforementioned north/south pedestrian/cycle route to continue through to Centre Square unfettered so users of this route will not have to stop and give way to traffic.
23. The combination of the location of the site and proposed works is considered to result in a highly sustainable development. A Travel Plan has been submitted and a condition is recommended to ensure its implementation with the proposals to further reduce dependence on the private car.
24. In view of the above matters, it is considered that the proposed development accords with local and national policies on highway related matters and would not have any notable undue impacts on highway safety or the free flow of traffic.

Impacts on Residential Amenity

25. In accordance with Policy DC1, as with all development proposals, consideration needs to be given to the impact on residential amenity. In this instance, the proposed building and associated use are within a town centre location where residential amenity and privacy will generally be reduced to that normally experienced in more residential areas although nonetheless requires reasonable assessment, in particular, against Local Plan Policy DC1 and the guidance of the National Planning Policy Framework.

26. Whilst the proposed building has commercial buildings to the north and south, it has residential properties to the east and west.
27. To the west are the rear elevations of residential dwellinghouses of Jedburgh Street. The separation distance between the proposed building and these houses would be approximately 35 metres, which exceeds the minimum unobstructed distance of 21 metres between residential properties as advised in the Urban Design SPD. It is, of course, noted that the proposed development is not for residential use, though this guidance can still act as an instrument to ensure appropriate layout for new proposals that potentially affect residential uses. Moreover, the existing belt of mature trees that run north to south along Melrose Street (and are positioned to the rear of the houses on Jedburgh Street) acts as a screen between the proposal site and the houses and further reducing any harmful impacts. With the separation distance of 35 metres as well as the screening of trees, it is considered that the impacts on the living conditions of existing residents at Jedburgh Street would not be significant.
28. To the east are residential apartments within Rutland Court, which are positioned approximately 35 metres from the nearest elevation of the proposed building. Likewise with the properties on Jedburgh Street, such a separation distance is considered to be appropriate for a building of this size. Although there is no tree belt to screen the development on this side, given the distances involved, any shadowing and shading caused by the proposed building would fall within the site and not onto the residential properties. On balance, there are considered to be no significant impacts on the living conditions of the existing residents at Rutland Court.
29. Whilst it is anticipated that the proposed building would result in an increase in the use of the Melrose House site and therefore noise and disturbance, it is considered that this would be background noise and disturbance which would not be uncommon in such a location and is arguably aligned to town centre living. In view of these matters, it is considered that the proposed building and use would not unduly affect residential amenity or privacy.

Other Matters

30. The application was supported by a Flood Risk Assessment which has been considered by appropriate bodies. It indicates suitable ability exists to undertake sustainable drainage solutions for the scheme and achieve suitable discharge rates in to the surface water system. There are no objections with the scheme provided it is carried out in accordance with the submitted drainage documentation. A condition is recommended to ensure this.

Overall Conclusions

31. Although not strictly a part of the Centre Square general masterplan, the proposals are a continuation of the Centre Square developments (Buildings One and Two) which provide Grade A office accommodation and are hoped to beneficially impact on the town centre offer and on the local economy, being in accordance with the NPPF and the Local Plan policy CS7.
32. In terms of the social element, it is considered that the proposals would appeal to high-value employers, provide new employment opportunities in skilled trades and create higher average weekly incomes for local people. It will assist in re-invigorating the use of Centre Square and as such, accords with the social strand of sustainability within the NPPF.
33. The overall scale and type of development proposed would evidently contribute towards reinforcing and strengthening the role of the town centre as the principal centre within the Tees Valley city region and support the commercial role of the town centre. As

such, the proposals are considered to be in accordance with the strategic policy H1 as well as REG25.

34. It has been demonstrated that the proposal will not result in any notable impact on nearby buildings, adjacent operators, residential amenity and privacy, or highway related matters and the proposed building and its design are considered to represent high quality development.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be undertaken in accordance with the details within the approved plans as detailed below.

- a) Location Plan as Existing (254-SArch-S3-00-DR-A-0110-P01)
- b) General Arrangement Ground Floor Plan (254-SArch-S3-00-DR-A-2010-P01)
- c) General Arrangement First Floor Plan (254-SArch-S1-01-DR-A-2011-P01)
- d) General Arrangement Second Floor Plan (254-SArch-S3-00-DR-A-2012-P01)
- e) General Arrangement Third Floor Plan (254-SArch-S3-03-DR-A-2013-P01)
- f) General Arrangement Plant Floor Plan (254-SArch-S3-04-DR-A-2014-P01)
- g) General Arrangement - North and East Elevations (254-SArch-S3-XX-DR-A-3310-P01)
- h) General Arrangement - South and West Elevations (254-SArch-S3-XX-DR-A-3011-P01)
- i) Site Plan Proposed (254-SArch-S3-00-DR-A-1011-P02)
- j) Location Plan as Proposed (254-SArch-S3-XX-DR-A-1000-P02)
- k) General Arrangement Ancillary Building Plan (254-SArch-S3-00-DR-A-7400-P02)
- l) General Arrangement Ancillary Elevations (254-SArch-S3-XX-DR-A-7401-P02)
- m) Proposed External Lighting Layout (18088-CDCE-B6-00-DR-E-63-0001)
- n) Electrical Services Proposed External Lighting Layout Illuminance Plots (18088-CDCE-B6-00-DR-E-63-0002 Rev P4)
- o) Proposed Drainage Layout (P18-490-3E-ZZ-XX-DR-C-1000-T3)
- p) Grange Road Closure Plan (254-SARCH-S3-XX-DR-A-1061-P01)

Reason: In order to define the consent.

3. Samples of Materials

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

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

4. Removal of Access

The existing vehicular access to Grange Road and Melrose Street shown as not being retained on the approved drawing(s) 254-SArch-S3-XX-DR-A-1061-P01 shall be reinstated to full height kerb and footway in accordance with details to be submitted to and approved in writing by the LPA prior to the proposed new access hereby approved being brought into use.

Reason: To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users having regard for policy DC1 of the Local Plan and sections 9 and 12 of the NPPF.

5. Car Parking

The development hereby approved shall not be occupied until the areas for vehicle parking have been constructed and laid out in accordance with the approved drawing(s) 254-SArch-S3-XX-DR-A-1061-P01, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

6. Restrictions on Barriers/Gates

No barrier or gate to any vehicular access shall be erected within 1 of the adjacent highway, measured from the rear of the carriageway abutting the site. Such barrier or gate shall be prevented at all times from opening towards the public highway.

Reason: In the interests of highway safety and to prevent inconvenience and obstruction to other highway users having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

7. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details:

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

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 having regard for policy DC1 of the Local Plan.

8. Travel Plan

Within 3 months of the commencement of development hereby approved a full Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

9. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for car and cycle parking and the manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

10. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) 254-SArch-S3-XX-DR-A-1061-P01 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Introduction of a vehicular closure point on Grange Road, consisting of full height kerbs, raised planters and associated signage, lining and resurfacing to prevent vehicles travelling between Grange Road and Melrose Street
- b) Provision of a 3.6m wide shared use pedestrian/cycle facility within the aforementioned vehicular closure point linking the adjacent pedestrian/cycle facilities North and South of Grange Road; and
- c) Resurfacing of the footways around the site frontage to Melrose Street and Grange Road

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

11. Approved Drainage Scheme

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Layout" dated "12/11/20". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 8006 and ensure that surface water discharges to the surface water sewer at manhole 8005. The surface water discharge rate shall not exceed the available capacity of 5.0l/sec. 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.

12. Details of Hard Landscaping and External Furniture

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

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

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

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

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

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

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

15. Noise Mitigation
The development hereby approved shall be developed in accordance with Noise Assessment Reference 7387.1 as submitted to the local planning authority. Any deviations from the recommendations made in the report shall be first submitted to and approved in writing by the local planning authority prior to being implemented.

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

16. Details of Boundary Treatments
Notwithstanding the approved plans, prior to their installation, details of all boundary treatments for the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details for submission shall include the design, specification and positioning of the boundary treatments. Any approved boundary treatments shall then be implemented as part of the development hereby approved.

Reason: In the interests of the visual amenities, character and appearance of the local area.

REASON FOR APPROVAL

This application is acceptable as the proposed application for the erection of office building with associated works is in full accordance with the relevant national and local planning policies.

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

proposed office development and associated development would be situated in an appropriate location being within an area allocated for such uses.

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

INFORMATIVES

Informatives: Highways Related Matters

Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.

Works to Highway - S278

The proposal will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

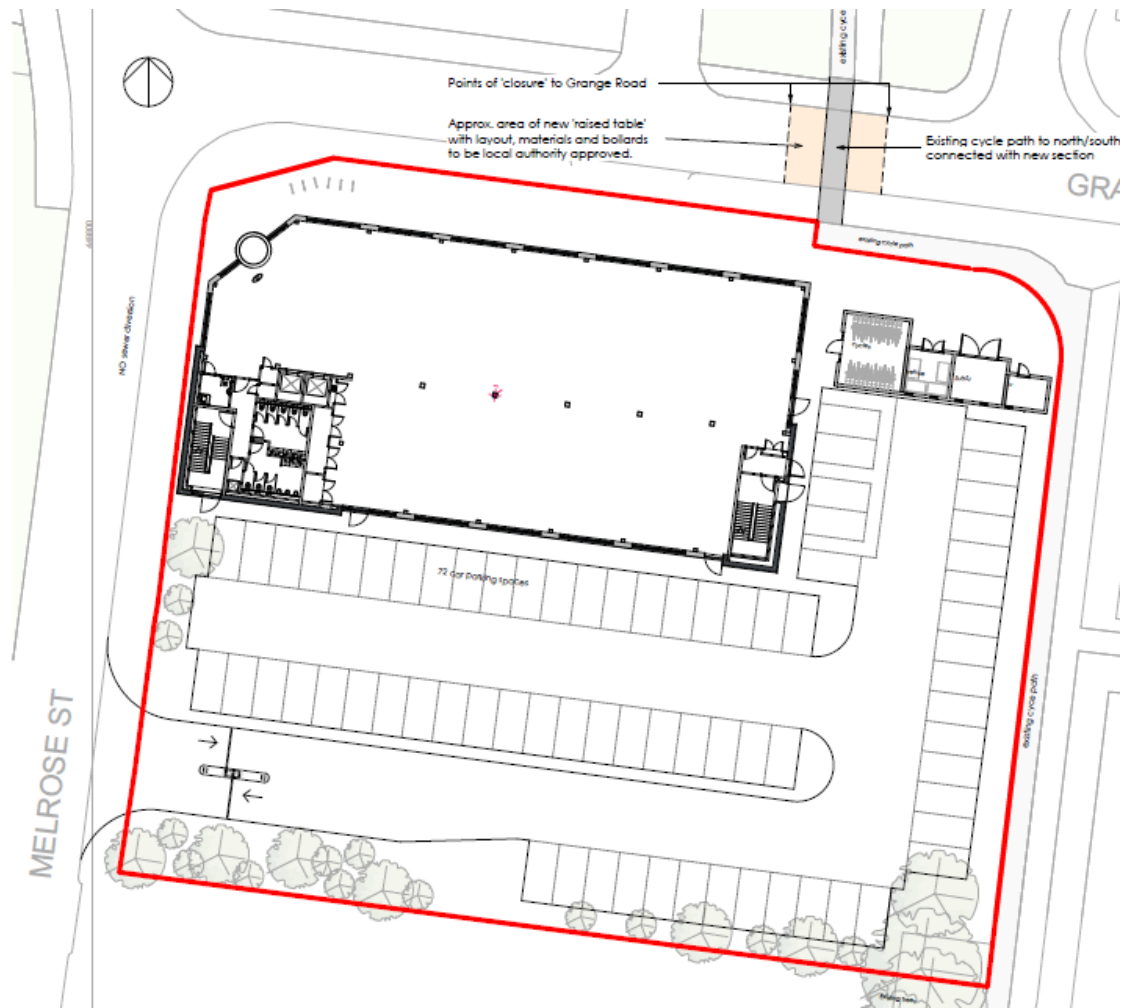
Case Officer: Peter Wilson

Committee Date: 5th March 2021

Appendix 1: Existing Site Plan



Proposed Site Plan



3D Artist's Impression



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APPLICATION DETAILS

Application No:	20/0764/FUL
Location:	Boho X, Lower Gosford Street, Middlesbrough
Proposal:	Erection of seven storey office building incorporating lecture theatre, cafe, swimming pool, gym, bar/event space with associated landscaping, public realm, cycle store and car parking
Applicant:	Middlesbrough Council
Agent:	Hive Land & Planning
Ward:	Central
Recommendation:	Approve with Conditions

SUMMARY

Detailed planning permission is sought for the erection of a seven-storey office block on land at St Hilda's, which forms part of the Boho area of Greater Middlehaven. The proposed building would primarily provide office space for the digital and creative sector, with ancillary café, lecture theatre, swimming pool, gym, and bar/event space. Associated with the main building would be a high quality area of public realm that allows for movement of non-vehicular traffic. Two smaller ancillary buildings would be within the curtilage of the development site, which includes a cycle store and plant store.

The report details the application and concludes that the proposed scheme is in accordance with town centre policies for the area, as it would result in the construction of a modern, high quality office block building for the digital/creative sector which assists in the Council's delivery of the Boho area.

Consultation has been undertaken with local residents and businesses as well as statutory and technical consultees and no objections have been made in respect of this proposal.

Comments have been raised by Historic England in relation to the potentially harmful impact of the diagonal pedestrian/cycle route upon the grain of the historic grid pattern. Similar comments have been received from the 'Friends of the Stockton to Darlington Railway' and the councils conservation officer. Whilst this is a non-designated heritage asset, the impact upon it has been assessed, and it is the opinion of officers that the extension to Albert Street would have less than substantial harm to the grid pattern and Old Town Hall.

The proposed scheme would represent a significant addition to the Boho digital sector and the wider town centre, providing essential office space within the local area which is of

benefit to the town's offer as a regional attractor for businesses and would also, through its construction, support the economy, all of which is supported within the National Planning Policy Framework.

Whilst the proposed structure is larger than others in the area, it is considered to be acceptable as local policy and guidance permits a mixed range of scale and massing of buildings in this area. Although it has more storeys than the Middlehaven Development Framework recommends for this location, it is considered to be a key building on a strategic route where additional storeys can be appropriate.

The design, appearance and site layout have been appraised, both in isolation and in context with the surrounding area, and it is considered that the Boho X development accords with local policy for the area. The proposed development incorporates a modern design which would provide a positive addition in an area where there is already an array of buildings of similar mixed uses and styles and would thereby continue this principle.

The proposed scheme is recommended for approval subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is situated to the north of Middlesbrough Town Centre and within the area known historically as St Hilda's. Measuring approximately 0.75 hectares in area (circa 115 metres in length and 65 metres in width), the site takes a rectangular form, being bounded to the south by Gosford Street, to the north by Feversham Street, to the east by Boho Four (Gibson House) and to the west by the Boho One car park.

The application seeks planning permission for a seven-storey multiple-use building offering the following uses and floorspace:

- Office space at ground floor level and first to fifth floors primarily for businesses in the digital or technology sector (A2 uses, 5,335 square metres),
- Café use at ground floor level (A3 use, 201 square metres),
- Event space at sixth floor level, swimming pool and gym uses at ground floor level (D2, 387 square metres),
- Bar space at sixth floor level (A4 use, 74 square metres)
- Lecture theatre use at sixth floor level (D1 use, 134 square metres).

PLANNING HISTORY

20/0114/FUL

Erection of 20-storey mixed-use building, including office (B1), retail (A1), restaurant/café (A3), educational (D1) and leisure (D2) uses, with associated car park, public realm and landscaping works

Withdrawn 5th October 2020

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 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:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- 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).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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

H2	- Greater Middlehaven
REG20	- Principal Use Sectors
REG23	- Middlehaven Sector
CS14	- Leisure Development
H16	- Greater Middlehaven – Transport Infrastructure
H15	- Greater Middlehaven – Development and Design Principles
H14	- Greater Middlehaven – Mix of uses and phasing
CS4	- Sustainable Development
CS5	- Design
DC1	- General Development
H1	- Spatial Strategy
CS13	- A Strategy for the Town, District, Local and Neighbourhood Centres
CS7	- Economic Strategy
	Middlehaven Development Framework
	Middlehaven Design Code

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

CONSULTATION AND PUBLICITY RESPONSES

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

Two objections have been raised which relate primarily to the size, scale and massing of the building in this area, as well as the potentially harmful affect upon the historic gridiron street pattern. These concerns will be expanded upon later in the Heritage Considerations section of the report.

Responses from Internal Technical Consultees

MBC - Planning Policy – No objections to the principle of the proposed uses at this site.

MBC - Environmental Health – No objections to the proposals.

MBC - Waste Policy – No objections to the proposals.

MBC Highways – No objections to the proposals subject to four conditions: 1) details of the cycle store, 2) details of various off-site highway works, 3) method of works statement, and 4) submission of a travel plan.

MBC Conservation Officer – Generally supportive of the regeneration and redevelopment of Middlehaven, the central quadrant of which is the world’s first planned railway town. New development is sorely needed to revitalise the area and return purpose to it. However, in terms of managing change to Middlesbrough’s historic environment, there are concerns about one particularly element of this scheme - the diagonal pedestrian and cycle route. This is considered to be a missed opportunity to design new development that works with the grain of the historic grid pattern, rather than against it, introducing an alien element that may set a precedent for further intrusions in the future. It is considered that this element of

the scheme will result in *less than substantial harm* to the grid pattern (a non-designated heritage asset) and the central Old Town Hall (Grade II Listed), meaning this proposal fails to comply with paragraphs 130, 193, 194 and 196 of the NPPF

MBC Flooding Officer – No objections.

Ward Councillors – No comments received.

Responses from External/Statutory Consultees

Historic England –

Historic England has concerns regarding the application on heritage grounds. The proposal is a missed opportunity to deliver a higher quality, locally distinctive development in the sensitive historical context of St Hilda's and the grade II listed Old Town Hall.

The location and orientation of the proposed new building and the introduction of a new diagonal access route relate poorly to the character and setting of St Hilda's and the Old Town Hall. As a consequence, we consider the proposal to be intrusive and harmful to the significance of this part of the town.

Development of this site is possible in a way that both realises the ambitions of the proposal and still allows the positive characteristics of St Hilda's and the Old Town Hall to be preserved and enhanced. The current approach, however, fails to respond positively to its historical context and wastes an opportunity to make a positive contribution to Middlesbrough's undoubted sense of place.

An approach which generates a positive dialogue with the Old Town Hall, St Hilda's grid pattern and new development is required. We are of the view that this can be sensitively achieved with relative ease and would allow a more positive and meaningful relationship between these heritage assets and the new development to emerge.

We would strongly urge consideration of the following in working towards an acceptable scheme:

- Greater prominence given to the surviving historical South Street frontage.
- Reduced prominence or removal of the proposed new diagonal orientation.
- Orientation of the main elevation of the proposed new building onto South Street, with an active frontage.
- Resitting of ancillary/service structures away from the historical South Street frontage.

Northern Gas Networks – No objections.

Northumbrian Water – No objections subject to a condition requiring development to be carried out in accordance with the submitted drainage scheme.

Natural England – No objections as the proposals are unlikely to have a significant effect on the wildlife of the SPA.

Teesside International Airport – No safeguarding objection is raised.

Northern Powergrid – No comments received.

Health and Safety Executive – No objections as the development does not intersect a pipeline or hazard zone.

Cleveland Fire Brigade – No objections to the proposals.

Cleveland Police Secure by Design officer – The proposals should adhere to the principles of Secured by Design.

Summary of Public Responses

Number of original neighbour consultations	184
Total numbers of comments received	2
Total number of objections	2
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Background

1. This is a detailed planning application for a mixed use seven-storey development within the Boho area of Middlesbrough Town Centre. It is a re-submission of a previous scheme for Boho X, which also sought consent for a multiple storey, mixed use development. After concerns were raised to the initial proposals, primarily over the height of the overall building and its impact on nearby heritage assets, the current application represents the revised scheme which seeks to address these concerns.

Boho Masterplan and Vision

2. A framework masterplan was first produced in 2004 and this has provided the basis for proposals for the regeneration of the area. Significant progress has been made over the years with hundreds of millions of pounds of investment, primarily in commercial and educational uses, into the Middlehaven area. This initial masterplan was updated in 2012, and now promotes a flexible approach to mixed use development and re-establishes the historic grid pattern. The updated masterplan also strives for a more commercial focus than previously anticipated and focuses on offices, leisure and education uses as part of a mixed-use regeneration scheme.
3. The Boho Zone of Greater Middlehaven is considered to be the digital and creative business hub of the Tees Valley. The various developments that have been completed in the Zone over the years provide much needed corporate space for new digital and creative companies to grow, network and conduct business.
4. Despite these successful recent developments and the general importance of the Boho Zone to the sub-regional economy, there is, of course, constant external competition. In the face of such challenges, it is important that Middlesbrough continues to strive to enhance its town centre and improve the quality of its employment, land and premises portfolio. Only by doing so can the town continue to grow and become part of the economic centre at the heart of a competitive and prosperous Tees Valley city region. The existing operational buildings offer a range of contemporary office and work spaces, and it is proposed that Boho X will offer equally high quality commercial floorspace in order to allow Middlesbrough to compete with economic centres in other regions.

National Planning Guidance

5. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF), which was most recently revised and published in February 2019. The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (paragraph. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework (paragraph 213). Put simply, this means all proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise.
6. Section 2 (paragraphs 7-14) of the NPPF gives a broad outline on achieving sustainable development. To ensure sustainable development is pursued in a positive way, Paragraph 10 states that the presumption in favour of sustainable development is at the heart of the framework. Paragraph 11 requires development proposals that are in accordance with the development plan to be approved without delay.
7. Specific Government guidance for office and leisure related development in town centres is held within chapter 7 of the NPPF. The chapter outlines that local policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed.
8. Chapter 9 (Promoting Sustainable Transport) states that policies should support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities
9. It is clear that the Government intends that decisions on planning applications should be in accordance with the relevant Development Plan and that new development should be in accordance with the relevant Development Plan for the area. However, other material considerations can be taken into account by the Local Planning Authority providing they are relevant to the development being proposed. The weight of these other material considerations and how they balance against the policies in the Development Plan is fundamental to the consideration of this application by Members.

Local Policy Context

10. The development site lies within the Greater Middlehaven mixed use site, which forms part of the Middlehaven Sector of the wider Town Centre boundary as defined by the Middlesbrough Housing Local Plan Proposals Map. The Local Plan has policies in place to develop the Greater Middlehaven area as a major mixed use regeneration scheme.
11. More specifically, the application site is positioned within the character area of 'Boho' of Middlehaven. This character area primarily has a focus on office/business development, hotel and leisure, commercial and educational uses. Policy H1 states that development will be delivered through reinforcing and strengthening the role of an expanded Middlesbrough town centre as the principal centre of the Tees Valley region.
12. Policy H2 identifies the area of Greater Middlehaven for sustainable mixed use development, including office and leisure uses. Whilst Policy H2 provides a general steer on what uses would be acceptable, Policy H14 provides greater detail on the

quantum of development per use. Relevant to this application, the policy suggests the following would be permitted: 20,000-30,000 square metres of office, 10,000-15,000 square metres of leisure use, 2,000 square metres of retail uses. Furthermore, Policy H14 specifically identifies the area of Boho for a mixture of uses.

13. Policy REG20 identifies strategic office and leisure uses as being appropriate for the Middlehaven sector. In Policy REG23, office and leisure uses are, again, identified as appropriate and permitted; and the policy specifically guides leisure developments up to a maximum of 20,000 square metres floor space. Educational and café proposals are also considered acceptable here and maximum floor spaces for each development type per unit is detailed.
14. In accordance with Policy REG23, A3 and A4 uses are considered appropriate up to a maximum of 500 square metres in any one unit at ground floor level. Above ground floor, other than for ancillary uses, such uses will not normally be permitted. The submitted plans indicate the proposed café use would be at ground floor level; the proposed bar area would be on the sixth floor as part of the event space.
15. The Local Plan identifies the town centre as the focus for the majority of leisure activity in Middlesbrough. The area of Greater Middlehaven is identified as a location for leisure development, as part of a wider mixed use scheme. Policy CS14 seeks to deliver a wide and accessible choice of leisure facilities in the town centre to reinforce the role of Middlesbrough at the heart of the Tees Valley city region.
16. Local Plan Policy H15 sets out design principles for all development within Greater Middlehaven. Policy H16 identifies an integrated package of transport proposals and measures to improve connectivity within and beyond the area to be incorporated into development proposals for Greater Middlehaven.
17. Policy CS4 requires all development to contribute to achieving sustainable development. As well as making the most efficient use of previously developed land, other measures include contributing to sustainable economic development, ensuring everyone has access to (inter alia) leisure uses, promoting high quality development, protecting and enhancing Middlesbrough's historic heritage and townscape character and locating development that attracts a large number of people in those locations that can be accessed by sustainable forms of transport.
18. Policy CS4 requires inappropriate development not to be carried out in the floodplain. It is noted that the site falls within Flood Zone 1, which is recognised as an area with low probability of flooding. Although the application site is outside of higher flood risk areas and less than one hectare in size, the application has been supported by a flood risk assessment and associated drainage proposals. The submitted drainage information has been considered by the relevant drainage authorities who are satisfied with the proposed strategy and recommend a condition be imposed to ensure that any development is implemented in accordance with the drainage proposals.
19. Policy CS4 also requires that biodiversity assets, geodiversity assets, wildlife species, natural habitats, water resources, landscape character, green infrastructure, air quality and water quality within and outside of Middlesbrough are protected, and where possible enhanced. Close to the site lies protected nature designations that include the Teesmouth and Cleveland Coast site of Specific Scientific Interest (SSSI) and Special Protection Area (SPA), which extends the existing Teesmouth and Cleveland Coast SPA. The impact upon the designated site, and potential designated site has been considered within the supporting ecological report. This report has been reviewed by the relevant authorities and no objections have been raised as it is considered that the proposals will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

20. Policies CS4 and CS5 collectively require development to protect and enhance Middlesbrough's historic heritage, safeguard buildings of special historic or architectural interest. Given that the proposed development is directly adjacent to the Middlesbrough Historic Quarter Conservation Area and within close proximity to a number of listed buildings consideration will be given to the impact of the development upon their setting. The application is supported by a Heritage Statement, which assesses the potential impacts of the proposals on the recognised and acknowledged heritage assets (historic gridiron road layout, for example).
21. Policy CS5 further requires all development proposals to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of an area. This includes criterion (c) *ensuring development is well integrated with the immediate and wider context* and criterion (f) *ensuring a quality of new development that enhances both the built and natural environments*. Evidently, the site is recognised as a being close to sensitive and heritage assets, so the use of materials will need careful consideration.
22. Policy CS7 explains that the Council will support and encourage employment proposals that assist in the delivery of economic prosperity and developing Middlesbrough's role as part of the heart of a vibrant and prosperous Tees Valley city region.
23. The general development criteria set out in Policy DC1 requires that the impact of any proposed development on neighbour's amenity is minimal and that air and noise pollution is limited.
24. Whilst not an adopted local document, the Middlehaven Development Framework has helped to guide proposals in and around the Boho area since 2012. The Framework was produced by the Council and the Homes and Communities Agency (HCA) and defined options for developing out Middlehaven on a masterplan basis. This defined a hierarchy of buildings and spaces, based largely around a gridiron pattern. The Framework indicates that the Boho character area should have a business and resident community with a strong commercial focus. It recognises the fine grain development pattern in this area, and promotes a mixture of larger and smaller buildings with brick façades sitting at the back of the footway to give a sense of enclosure and urban feel to streets.
25. The Framework recommends that this area be for four-storey commercial buildings with two and three-storey developments elsewhere in the area. These are noted as being benchmark heights, although it is indicated within the Framework that additional storeys may be capable of being achieved where it is set back behind the building line, on a corner location or adjacent to open space. The Framework expands upon this point and states that there may be scope for localised high points to mark important corners and vistas, and suggests this should be determined locally but should not exceed two or three times the height of buildings in the immediate context. It is acknowledged, however, that the Framework does not earmark the application site for such additional height.
26. In terms of streetscape, the Framework indicates that streets will be thoroughfares (based on the historic gridiron pattern) with local access routes and social spaces, and that public realm design needs to be robust, flexible and of a high quality with wide pavements to invite movement and informal activity, and animation by active ground floor uses. The Framework makes reference within the indicative layout that a new grid could be added to link Gosford Street with Feversham Street from the Albert Street junction. It is noted that the indicative link complements the grid layout, and not at an angle as proposed within the application. The key street frontage is indicated as being Gosford Street and South Street. Whilst the red line boundary does not include South

Street and the application does not propose re-introducing South Street as part of its works, the proposals acknowledge these two streets as being key frontages.

27. The analysis will now appraise the proposed snow and leisure centre development against these local policies as well as the national planning policies held within the NPPF.

Design, Appearance and Site Layout

28. Mindful of the buildings within the area forming part of the conservation area, the Middlehaven Development Framework recognises that the most prominent area of Middlehaven is the Boho area. Many of the significant, historic buildings in the local area are from the late Victorian period. Whilst many of these buildings were constructed with a degree of functionality to provide for the heavy industry, they also have elements of ornate character within their appearance. Nearby commercial buildings within the Historic Quarter Conservation Area exhibit the affluence of the time and the importance of the local industry through their decorative fascia work
29. The historic buildings within the Boho area are, however, interspersed with newer office developments, some of which have a five and six-storey height (corner of Lower Gosford Street). In this regard, the proposed seven-storey building would not be too dissimilar in height to the nearby newer office accommodation, whilst the contemporary architectural design allows a pleasing contrast to the historic architecture within the conservation area.
30. Notwithstanding the above, it is recognised within the Framework that the Boho area would benefit from more activity from ground floor uses that animate and appropriate the street space. The proposals include various uses on the ground floor in order to create a lively ground floor space. To help further animate the ground floor space, the development includes two-storey high windows in its elevations which allows views into and out of the various active uses (including café, gym and flexible floor space).
31. Whilst the lower block (fronting Feversham Street) would be five storeys in height, the proposed development would have a maximum height of seven storeys. Evidently, this exceeds the recommended thresholds for building height in this area as set within the Framework, although it is considered to be acceptable in this case. Although the application site is not identified as a site for additional storeys, the location would be seen as a key cornerplot site with the intended reopening of South Street in the Boho masterplan, as well as the proposed extension of Albert Street in this application.
32. The primary external finishing material to the building would be brickwork, comprising grey and buff coloured brickwork. In addition to these two main colours, the brickwork would be laid out in patterns across the building, including chamfered brick panels, flat panels with and without horizontal banding, and flat panels with protruding bricks. The four principal elevations would take on different appearances based on the variation of the use of the two contrasting bricks and patterns – the main elevation features buff brickwork on the taller block and grey brickwork in two patterns on the lower block, the southern and northern elevations facing Gosford Street and Feversham Street respectively comprise buff brickwork with each featuring two patterns, and the rear elevation featuring grey brickwork in three patterns. The combination of two contrasting brickwork colours laid in various patterns is deemed to add considerable interest to the elevations.
33. To allow natural light to enter the building, the elevations include an expanse of windows. Other than the western elevation (fronting onto South Street), these windows have an

offset pattern floor to floor. Along with the diversity in the brickwork finish, the proposed window arrangement would help to break up the potentially dominating elevations.

34. The main, eastern frontage to Boho X includes two principal elevations – one that is perpendicular to Gosford Street (to the south) and Feversham Street (to the north), and one that is parallel with the new Albert Street extension. This proposed arrangement adds interest to the external appearance of the building whilst remaining faithful to the historic gridiron road layout of the St Hilda's area. Central upon this eastern elevation is the entrance atrium, which is in the form of glazing running up the full height of the building. Not only does this flood the building with natural light, but provides visual separation of floors, relieves the front elevation, and introduces a contrasting and lightweight finishing material.
35. The combination of two contrasting brickwork finishing materials, laid in four different patterns, along with the cladding on the upper floor, and the building-high glazed atrium would create a varied palette to create interest to the building. This is deemed to be a high quality design within a Boho area that features buildings in a variety of finishing materials. The overall finish would be considered to be in accordance with the local policies relevant to the area as well as the Middlehaven Development Framework.
36. At the foot of the glazed atrium is an external viewing screen above the main entrance. The external viewing screen is considered to add to the streetscape of the newly created Albert Street extension, and would draw people to the small square in front of the building.
37. Opposite the front entrance to the main building, at the eastern side of the site, is a proposed secure cycle store, capable of accommodating 100 cycles. The proposed cycle store would have a modular demountable metal mesh panelled finish on three sides to allow expansion and a green wall finish on the Gosford Street elevation to soften its appearance. In principle, this is deemed to be acceptable, although officers have raised concerns with the intended location of the store within the avenue of the former east-west running Garbutt Street. To address this, it has been suggested that the store be repositioned north and off the former avenue which has been agreed and a revised plan submitted.
38. To the rear of the main Boho X building, fronting onto South Street, would be the external plant store. This ancillary building, which measures approximately 30 metres by 8.3 metres in footprint and a maximum height of 4.4 metres, accommodates a refuse store, substation, generator, and sprinkler tank facilities. The external finish for this building would not be too dissimilar to the cycle store on the opposite side of the building, as it includes expanded metal mesh finishes on the office and Feversham Street sides, but green walls to the Gosford Street and South Street elevations in order to soften the appearance of the building. Whilst concerns have been raised on account of the position of the plant store fronting onto South Street, it is considered that this arrangement is acceptable as the arrangement still allows the Boho X building to have the significant presence over the plant store onto the South Street frontage, which is acknowledged in the Framework as being an important vista. Moreover, the linear arrangement of the plant store and the main building at right angles to the principal roads respects the historic gridiron pattern to a reasonable degree.
39. The public realm around the Boho X building would primarily consist of a combination of high quality clay and concrete paving. This would limit access around the site to cycles and pedestrians only, although there would be controlled vehicular access around the site for servicing purposes. Further to this, the area of Gosford Street west of its junction with Albert Street would be a shared surface with no access for public vehicular traffic. Directly in front of the main entrance to the building and adjacent to the orchard would

be an amphitheatre-style terraced seating area. This would be constructed out of concrete and include areas of hardwood timber seating within its structure. The intention would be for this area to be used for viewing the digital screen. The combination of the clay and concrete paving, the seating area, and strategically placed street furniture would create a high quality public realm surrounding the Boho X building. A condition is recommended to secure the submission of samples of materials to ensure the use of appropriate materials in the hard landscaping.

40. To the north of the main building – although remaining within the red line boundary – are two areas allocated for future development. No details are given as to what this might entail, so these are indicatively shown being planted up as two further orchards. These areas would be surrounded by timber knee rail fencing.
41. The area in between the Boho X building and the orchard/amphitheatre seating area would create an informal extension to the existing Albert Street thoroughfare towards the old town hall in St Hilda's. This extension would create a new pedestrian streetscape running diagonally between Gosford Street and Feversham Street.

Heritage Considerations

Heritage Policy Framework

42. As part of considering any application, both local and national planning policy requires an assessment of the impact of development on heritage assets, taking into account their setting and significance. Local Plan Policy CS4(k) requires protection and enhancement of Middlesbrough's heritage and townscape character whilst CS5(h) requires the preservation or enhancement of the character and appearance of the conservation areas special interest and character.
43. To avoid or minimise conflict between a proposed development and the conservation of heritage asset's the National Planning Policy Framework (NPPF) at para. 190, requires local planning authorities to identify and assess the particular significance of any heritage asset, and its setting, and when considering the impacts of a proposal, to take into account:
 - a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness.
44. The NPPF advises that great weight should be given to the asset's conservation (the more important the asset, the greater the weight given) and that this is irrespective of the degree of harm. It advises further that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
45. Paragraph 197 of the NPPF further advises that the impacts of proposed development should also be taken into account with regards to non-designated heritage assets (such as the grid iron pattern associated with Middlehaven), weighing direct or indirect impacts and making a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
46. The NPPF further advises that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal

their significance and treat favourably proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance)

Heritage Matters - Background

47. The application site is located in close proximity to the Middlesbrough Historic Quarter Conservation Area and several listed buildings and located on land which forms part of Middlesbrough old town, where, notwithstanding previous redevelopment attempts in the mid to late 20th Century, remnants of the former grid iron pattern of the old town still exists. The conservation area and nationally recognised listed buildings are key heritage assets which the impacts of the proposed development needs to be considered against in addition to which, both Historic England and the councils own Conservation Officer consider the former grid iron pattern of Middlehaven to be an important non-designated heritage asset.
48. To understand the schemes impacts on heritage it is necessary to understand the significance of each asset, and its setting as required by national policy. These are considered in turn as follows.

Conservation Area

49. The Historic Quarter Conservation Area is centred around the Railway Station, with Zetland Road and Exchange Square to the south and Queens Square to the north. The Railway Station is the largest single building within the conservation area but there are a number of other important and/or listed buildings within it, including Zetland Buildings and Exchange House (Teesside Archives) on the eastern side, The Zetland Hotel, Deltic House and Spencley's Nightclub on the western side and the PD Ports offices, Queens Terrace, Exchange Buildings and Boho 4 to the north side. This concentration of historic buildings, together with the open spaces within the conservation area, predominantly Exchange Square and Queens Square, and the centrally positioned and much more significant (in scale) railway station, combine to form the conservation area. (see map at Appendix 1).
50. The conservation area is considered to gain its significance not just from the presence, scale, stature, design and grouping of the buildings but also from their origins. These buildings were some of the most important buildings developed at the time of Middlesbrough expanding and are defined within the Character Appraisal and Management Plan for the conservation area as being: *'a high quality Victorian townscape that was the nucleus of the towns expansion during the 2nd half of the 19th century' ... 'At this time the area was the commercial hub of one of England's fastest growing industrial towns'*.
51. In this context the area and its history, which included the development of the Stockton to Middlesbrough railway line is considered to be a key part of its significance and although the industry supporting Middlesbrough's rapid expansion no longer exists, it nevertheless remains part of its history.
52. The Character Appraisal and Management Plan for the conservation area highlights that *'the impact and scale of regeneration upon the conservation area is likely to be considerable, and the area north of the railway line will come under the most pressure'* (para. 3.14) and highlights areas needing to be safeguarded beyond the statutory requirement to do so, as being the:
 - unlisted buildings of historic significance,
 - unlisted historic structures such as boundary walls

- street scape elements such as road / pavement surfaces and street furniture and
 - historic street patterns and plan forms.
53. The majority of buildings within the conservation area have a prominent and more decorative key frontage and it is the collective terraces of these historic buildings which forms a strong part of the character of the conservation area, with each area of the historic quarter having its own character. The dominance of each area however is relatively constrained due to the tight street pattern and the presence of the raised A66 and Railway line which prevent most of the buildings within the conservation area having a wider visual recognition. Notwithstanding this, the railway station, as a result of its scale and standing and Boho 4 as a result of its position adjacent to the largely undeveloped Middlehaven site do have a clear impact beyond the conservation area.
54. For reasons discussed above it is considered that the proposed Boho X will not be visible from notable sections of the conservation area and will therefore have either a limited or no impact from such areas, although will become visible within the Queens Square area, particularly at its junction with Gosford Street. Whilst Boho X will be a notable addition and much larger than the majority, if not all existing buildings within the conservation area, this is a town centre setting where building types, scales and characters change rapidly, demonstrated by some of the former works buildings to the north east of the conservation area, the police station and Boho 1 to the west, and tower blocks such as Dundas, to the south. Whilst some of these are likely to be considered as positive interventions within the built form and some less so, they collectively make up the overall urban area in the northern part of the town centre. Importantly, within a town / city centre setting, it is considered that preservation and enhancement of the conservation area is different to how it should be judged in areas such as villages, where a character often needs to remain unaffected to retain its integrity. It is argued that in the town centre context, new buildings of some scale can be reasonably accommodated and can be argued to enhance the setting of the conservation area.
55. Middlehaven is a long term vacant site which has been detrimental to the character of the surrounding area and conservation area in recent decades and its re-development should assist in driving footfall into this area and assist in re-invigorating it. New modern buildings adjacent to the conservation area can serve to enhance the historic aspect through the addition of a modern contrast, with careful attention to scale, location, design etc. Boho X is proposed as a part 5, part 6, part 7 storey building, modern and defined mainly by its use of glazing, its high quality brick fenestration and symmetry / proportions associated with the windows within the building which would provide it with some commonality with the historic buildings within the conservation area (dominant traditional materials, symmetry in elevations etc). Importantly, the proposed building has 4 high quality elevations in terms of materials and arrangements which would allow it to become a strong, dominant corner building in its own right, and this is in keeping with the general characteristics of the conservation area as well as the former Middlehaven area. The proposed scale of the building is a clear step up from the traditional buildings within the area (Queens Terrace 3 & 4 storey, Exchange Buildings 4 storey) and two 6 storey more modern buildings located on the east side of Queens Square although all of these are lower in overall height than the proposed Boho X. The modern 6 storey properties fronting onto Queens Square are recognised as being harmful to the character of the conservation area within the appraisal document. Whilst Boho X will become very striking and dominant from the northern most point in the conservation area (Queens Square/Gosford St Junction), this is at the transition point into the Middlehaven area where buildings and structures can arguably take on a different form and scale and it is considered that the contrasting modern proposal would not do so in a negative sense.

56. It is recognised that the scale of the proposed building could be reduced to be less dominant and have a more subdued impact, however, the application needs to be considered as submitted and in view of the matters above, it is considered that the addition of a new modern building of scale in this location, behind the conservation area and through its use of high quality materials and design and its ability to drive new footfall through the conservation area, will serve to significantly uplift the land immediately adjacent to the conservation area, thereby enhancing its character which is considered to outweigh the low impact that the scale of the building will have on the character and appearance of the conservation area. Further to this, through careful design of works external to the building the proposed scheme will be able to reflect the heritage of the area and in view of these matters, on balance, it is considered that the proposal meets the requirements of the NPPF and the Local Plan in relation to preservation and enhancement of conservation areas

Transporter Bridge (Listed Grade II*)

57. The listed transporter bridge is considered to be of national significance in view of their only being 8 remaining in existence throughout the world and it serves as a reminder to the dominance of Middlesbrough's industrial past. The bridge no longer plays a key role in transport for the area or the industry which lies adjacent and so has become more of a landmark structure with limited functional purpose. The bridge is understood to be approx. 70m high which is notably taller than the proposed Boho X building which itself is shown with staggered heights of 19.5m, 23.5m and 30m max. In view of this the Transporter Bridge, including its iconic upper cross section, will continue to dominate the skyline in this location, including from more distant views as achieved from the A66, from approach on the north side of the river and from some of the key road network to the south. The significance of the Transporters origins is unaffected by the proposed Boho X and it will also only have a low impact on the visual dominance and presence of the structure and by infilling vacant land in the surrounds of the Transporter Bridge, will potentially serve to provide a new and more positive context and give more reason for people to be within the Middlehaven area and for people to be able to view the Transporter Bridge at close quarters which are considered to be positive.

Boho Four (former Bank) & Northern End of Queens Terrace (Grade II Listed)

58. Boho Four signifies the south eastern corner of the Middlehaven area and is an important building of prominence. Gaining its significance from the origins and development of Middlesbrough Old Town and due to its high quality design and appearance. It has 3 high quality elevations although its rear elevation is essentially blank and has been added to in more modern times with single storey extension and a surface level car park, neither of which reflect the high quality construction in the other 3 elevations. Importantly, Boho Four fronts Cleveland St, and has its lower quality elevation facing the proposed Boho X to the rear.
59. The proposed Boho X development seeks to provide an area of urban green space immediately to the rear of Boho Four which would assist in preventing Boho X from being overly dominant on Boho Four although Boho X would be sited on higher ground. The same principles largely apply to Queens Terrace and its considered that this separation will better allow their integrity and value as townscape buildings to remain largely in-tact as viewed from the key areas of the conservation area. The view of Boho X above the buildings in this location and a complete view of its frontage along Gosford Street will signify moving into a different character area compiled of character buildings, which is considered to be in keeping with the town centre environment. The proposed public realm and street works are however considered to be critical to the success of this and are discussed further in this report.
60. The proposed Boho X is considered to have a low impact on the significance of Boho four and Queens Terrace and a medium impact on their setting, although will also have

a positive impact through the regeneration of their immediate surroundings and associated additional footfall into the area.

Customs House & Former Captain Cook Public House (Grade II Listed)

61. The former Captain Cook PH and Customs House gain their significance from their former uses, their relevance to Middlesbrough Old Town and its emergence as a fast growing town in the 19th Century. In view of the land levels and the distance between these heritage assets and the application site (with other development plots in-between), it is considered that the proposal will not adversely affect the significance or setting of these as heritage assets. Similar to Boho Four, Customs House and the Former Captain Cook PH signify key corners and locations within Middlehaven and whilst they would have been the more prominent key buildings in the old town, they are relatively small in modern regeneration terms and it is expected that some buildings of greater scale to these will come forward within Middlehaven. Furthermore, the Middlehaven site is set on a hill with the former Town Hall on the high point so land levels and future development will afford some townscape screening to separate out the buildings from one another. These listed buildings will be able to continue to retain a prominent setting within their immediate surroundings as a result of their position to the key roads and building lines within Middlehaven and will not have their key views / frontages affected by Boho X. Boho X and the regeneration and success of Middlehaven will contribute to a potential for renewed use and purpose for the heritage buildings in this area. In view of these matters it is considered that the impact on these as heritage assets will be particularly low and in part positive, and is considered to be an acceptable impact.

Old Town Hall and Clock Tower (Grade II Listed)

62. The Old Town Hall and Clock Tower (Grade II) lie to the north of the application site, with other vacant development plots in between. The Town Hall gains its significance from it being the Town Hall associated with the first settlement of note for Middlesbrough in the 19th century and the whole of the Middlehaven area was set to a grid iron layout centring around this building. As such, the old town hall has a relevance not just on its own but also to the grid iron form which has been specifically raised by Historic England as an important heritage asset. The former Town Hall would have been one of the more dominant if not the most dominant building initially within this area, however, it is very small in scale as a Town Hall and many larger buildings have appeared within the surrounding area in more recent times, including industrial buildings to the north. It is therefore considered that scale is not a key aspect of the former town halls significance, but mainly, its position and relevance to the grid iron and Middlehaven, which, due to the openness of views along the grid iron routes, allows the relatively small structure to be viewed from distance. As such, moving forward with development, its considered that other buildings being larger than the old Town Hall (subject to them not unduly dominating it's setting) is not a notable concern, but more the protection of its presence relative to the setting of the grid iron pattern and ensuring it remains the key 'vista' building from key locations.
63. This current proposal does not affect the existing 3 vistas of the former Town Hall from North St., East St., and West St., and whilst not proposing to build over the area of the former South Street (which lies outside the site), it will arguably dominate to some extent the wider southern approach. As part of future development, it is likely that a street or pedestrian route would need to re-define the former South Street were Boho X to be approved in the position proposed and this, if achieved, would serve to re-provide the lost 4th key axis for the old Town Hall which would be a significant positive step for the setting of the old town hall, particularly as most pedestrian traffic is likely to enter Middlehaven from the south.
64. The proposed Boho X shows a low height section of building abutting the former South Street alignment and the more dominant section set back several metres. (see appendix

2). This is in part beneficial to redefining a building line but it seeks to present a low height inactive elevation (plant room) on a principal route to wards the old town hall. Furthermore, the larger section of Boho X is set back several metres and this is an uncommon if not jarring form with a grid iron pattern which would almost exclusively have the entirety of an elevation abutting the street. The step of the larger block away from the possible position of a future South Street will assist in opening views up more towards the old town hall but will also assist in providing spacing for the now built apartment block to the south side of Gosford Street. The proposed development also indicates elevation abutting South Street as a green wall which has the ability to add interest and a modern characteristic into this area.

65. It is anticipated that there would be two other development plots between the proposed Boho X and the former town hall as well as an area of public realm immediately around the town hall and this will allow development in between the two, to step down in scale to allow the former town hall to retain its presence in its immediate setting.
66. The proposed scheme will assist in providing a basis for regeneration of the area, the ability for new uses for the former Town Hall to be considered in a more positive context and will not affect the existing three main axis routes to the former town hall. The proposal will not provide, but will allow for the former 4th axis (South Street) to be re-provided in future phases. The proposed scheme does not present its main elevation onto South Street, and provides a staggered building height and whilst not taking the opportunity to put back the strong grid iron pattern that once existed here which formed the alignment associated with the town halls setting, (which is an important consideration carrying material weight), it is recognised that the proposed Boho X intends to support the expansion of Middlesbrough's digital cluster and the access points for these buildings needs to be grouped to create its own nucleus. Boho 1 and Boho 8 are existing buildings and form a strong part of this cluster and positioning the frontage of Boho X onto the South Street side would arguably reduce or sever some of those links which is considered would not support it in the best possible way.
67. In view of these matters, and subject to strong landscape and public realm works being achieved by condition, it is considered that the proposed Boho X, will have only a low impact on the significance and setting of the former town hall as a listed heritage asset.

Former Gridiron Street Pattern (Non-Designated Heritage Asset)

68. The application site overlies part of the former first 'planned' railway town of Middlesbrough and both Historic England and the 'Friends of the Stockton to Darlington Railway', consider the grid pattern, which is still present in part, to be a strong visual reminder of Middlesbrough's early origin, with principal roads being aligned to the old Town Hall and former market square. The 'Friends of the S&DR' highlight within that the councils commissioned report '*Historic Environment Audit, 2018, for the S&DR Branch Line to Middlesbrough*' dated April 2018, the surviving street pattern of the former St. Hilda's area is of considerable historic interest due to it being the first planned railway new town, representing an early use of the American style grid iron pattern.
69. Although much of the original buildings has been levelled, Historic England and the Councils Conservation Officer consider that the grid street pattern and the old Town Hall (retained) are legible and give this area interest and distinctiveness, being recognised as a non-designated heritage asset, suggesting its retention has the ability to provide a sense of place for the new Middlehaven.
70. The 'Friends of the S&DR' suggest the heritage statement submitted in support of the application is lacking in reference to the significance of the Stockton & Darlington Railway's Middlesbrough extension and the establishment of Middlesbrough as the

world's first planned railway town and its development around the grid layout. These matters are noted.

71. Further comment from both Historic England and the Friends of the S&DR, is that the proposed diagonal pedestrian and cycle corridor will be an alien feature in the regular grid street pattern and will harm its significance and could lead to repetition elsewhere, degrading the integrity of the historic street pattern further as well as suggesting that the proposed building of 6+ storeys is significantly higher than the area has seen in the past and the scale and massing of new buildings should be required to conform to an overall approach for the area and not be approved on a piecemeal basis.
72. Appendix 3 shows the current aerial photography for Middlehaven and although key aspects of the grid iron pattern remains, notable sections have been lost and comparison with the historical mapping (appendix 4) allows an understanding of this. The primary part of the grid iron was made up of North St., South St., East St. and West St. Of these, North Street has been foreshortened and turned into a car park and South Street has been completely removed. East and West Street remain in place albeit to a more modern construction. The perimeter of the Middlehaven area remains intact, formed by Gosford St, Commercial St, Cleveland St and Stockton St, as do some of the follow on routes beyond. Importantly, the presence of all of these is unaffected by the proposed scheme and the application site boundary leaves space for the former South Street to be reinstated which could be re-provided in other phases of development. This is considered to be of significant positive benefit to heritage value.
73. When considering the impacts, either positive or negative, on the grid iron pattern of Middlehaven, consideration has to take into account of Middlehaven as a whole. It is considered that the redevelopment of the Middlehaven area needs to be given greatest chance of success to regenerate this area and provide a future for both the intended new occupiers / uses as well as the heritage that is within this area, including the recognition of the former grid iron layout. Development needs to be able to demonstrate it preserves and enhances heritage. In addition, the proposed scheme has the ability to re-define grid iron principles and by doing so can positively add to the heritage value of the area. The former grid iron hierarchy provided a main north, south, east, west axis and then secondary and third tier roads all of which provided frontage for housing and other buildings. Given only parts of the first and second tier elements of the former grid iron exist today it is considered that respecting the first tier and second tier roads is key to maintaining and re-introducing the grid iron character back into the regeneration of the Middlehaven Area, and concentrating on building lines and public realm is an appropriate approach to preserving the grid iron pattern.
74. In this context, the proposal seeks to respect and provide an aspect onto Gosford St to the South and does not affect Feversham St to the north, whilst provides space for South St to be re-introduced in future phases of development. The proposed scheme respects this grid iron to that extent. The proposal also seeks to create an area of open space to the front of Boho X and this results in a new pedestrian link heading north from Gosford St, proposed on an angle, rather than in grid iron form. There was no route previously here and Garbutt St. previously ran from the side of Boho 4 to meet with South St and this is considered to be a 3rd tier of the grid iron hierarchy.
75. Providing the potential for re-introducing South Street, providing a principal elevation onto Gosford St. and leaving Feversham St. unaffected are considered to be important and positive aspects of the scheme. The concerns and objections raised in relation to the introduction of the angled extension to Albert Street running in front of the proposed Boho X building are noted and this has been discussed with the applicant's agent. It has been indicated that the angled pedestrian extension to Albert Street is an important part of the buildings design, providing for a new long view of the former town hall, which

would run all the way from Bridge St. along Albert St. and through the new development, which has become an established vista over the last few decades. Importantly, this will also serve as a key future route into Middlehaven, being the closest route into this area from the northern exit of the rail station. Whilst this angled layout will be at odds and arguably have a detrimental impact on the historic layout of the site, having a vista of the town hall (albeit angled) will add interest to the grouping of properties in this location and the street scene in general and will in part add to their individual and collective value. Given the angled route is not affecting the presence of the primary and secondary grid iron routes it is considered the impact on the grid iron will be low in isolation.

76. Historic England note that the proposed new building will be orientated fronting onto the new diagonal access route facing inwards on the plot rather than onto the historical frontage of South Street, where the building instead presents its service / plant building. Historic England consider this arrangement to be wrong, given the former South Street was one of the Key axis in Middlehaven's grid iron layout. Historic England consider that *'development of the site is possible in a way that both realises the ambitions of the proposal and still allows the positive characteristics of St Hilda's and the Old Town Hall to be preserved and enhanced, concluding that the current proposal fails to respond positively to its historical context and wastes an opportunity to make a positive contribution to Middlesbrough's sense of place.* The guidance within the Middlehaven Development Framework (2012) is that buildings in this location will have their primary elevations onto Gosford Street and South Street and so the proposal is at odds with these guiding principles and the historic arrangement of buildings.
77. It understood that the public realm in front of Boho X will serve the digital cluster which is already established within this area and will therefore serve to strengthen this cluster. Re-orientating the building to have its frontage onto South St. (to align with the 2012 Framework and former grid iron principles), is likely to undermine the clustering of the digital quarter in this area which in itself is considered to be important to the long term success of regeneration in this area. Furthermore, there is no existing development to the west of the site and were the proposed buildings frontage to face west, it would overlook unused vacant land, with a backdrop of the industrial premises along Stockton Street which is considered to not be conducive to providing the building with the high quality access / frontage it requires. There is no masterplan for the delivery of all the phases of Middlehaven and this current proposal has to therefore be considered on its own merits at this point in time taking into account its surroundings. In view of the need to create a cluster, the retention of key areas of grid iron and the need to complete this phase of development without reliance on another phase, it is considered that the low impact upon the grid iron layout associated with the overall Middlehaven area, as a non-designated heritage asset, would be outweighed.
78. In assessing these matters, it is considered that Middlehaven's former grid iron pattern cannot retain its complete integrity in every quarter of its layout and still deliver the development as is currently being proposed, which may or may not have been anticipated as part of the 2012 Framework document. However, any compromise of a grid iron principle in one area such as this is likely to need much greater adherence in other parts of Middlehaven to retain an overall sense of the former / remaining grid iron layout. It is also considered that to limit the impact of the proposal presenting its plant room towards the position of the former South Street, which has the ability to be reinstated in later phases, that the design and appearance of the western elevation of the plant room is of particular importance. Imagery provided shows a 'green wall' to the plant room and a small landscaped area of public realm on the corner of Gosford Street and South Street, which although not in accordance with the 2012 Framework document, which anticipates buildings forming corners, would serve to provide a high quality feel to the area.

79. The proposed green space / orchard to the front of the proposed building is understood to represent the drainage solution for the building and again, although not in accordance with the 2012 Framework guidance (which anticipated buildings in this location fronting Gosford Street), is considered to be a matter which needs to be dealt with in an appropriate way. Having a gap site in this location is considered to have a low impact in view of the site having been free from development for such a prolonged period and this area being set away from the main grid axis within Middlehaven. A shift to this approach, on this scale is considered to introduce some positive green space into an area which will be largely hard landscaped and will arguably add an additional aspect to the offer of this area for future building occupiers and thereby support its ability to assist in regenerating the wider area.

Other Heritage Considerations

80. The Middlehaven Development Framework (2012) was adopted by the council to guide future development in this area and carries weight in decision making. The framework guides that properties will be 2, 3 & 4 stories with some opportunity for 5 storey buildings where the 5th floor principal elevation is set back. The objection from the 'Friends of the S&DR' accepts that the proposed uses will need to reflect demand to ensure commercial success, but consider that development here should reflect the original scale of buildings which would be two to three storeys high and consider the creation of a 6-7 storey building in this area to be out of keeping and be likely to set a precedent for future development to be large scale. Each plot within Middlehaven has different relationships with heritage and needs to be considered on its own merits and in this instance, it is considered that although this proposal exceeds height guidance within the 2012 Framework document, as a single structure on the southern edge of the site, it will not be unduly harmful to achieving the visions of the 2012 Framework.
81. In concluding on the proposed developments impacts on heritage, it is recognised that there are some positive impacts of the proposed scheme including build quality and materials, building lines associated with Gosford St. and leaving space for South St to be re-introduced at a later stage and the benefit this scheme will bring to regenerate this area. It is accepted that there is a need to focus this buildings frontage with the existing digital sector buildings which is away from the main route of South Street, which is not yet present and an area which is not yet developed. It is also recognised that the angled pedestrian extension to Albert Street and the staggered western elevation / position of the plant room are not in line with grid iron principles and therefore have a negative heritage impact. However, it is also recognised that through careful design of soft and hard landscaping, these areas can be positive interventions with some recognition being given to the principles of grid iron development.

Highways Implications

82. Whilst being considered as an isolated scheme, officers are satisfied that the proposals will not prejudice wider redevelopment proposals and will integrate into wider accessibility plans and strategies for Middlehaven.
83. Whilst no dedicated staff parking is being provided, this is consistent with many town centre offices, including the Council buildings. This starting point demonstrates the sustainable approach to design, the sustainable location of the site and supports the Travel Plan that has been submitted as part of the application. Removing the dominance of vehicles and car parking enables areas of high quality public realm to be created setting the tone for the aspirations of the area.
84. Alternative modes of transport have been prioritised to assist in the aspiration to create a modern sustainable development within a high quality environment. The lack of

dedicated car parking will assist in generating footfall through other areas of the town to the benefit of the wider town centre.

85. Gosford Street is proposed to have an access restriction introduced to prevent through traffic. Such a restriction is likely to be similar to that seen in the town centre on Corporation Road, which will enable emergency vehicles to access the area and the servicing of buildings between set times but outside of that is an extension of the public realm. The closure of Gosford Street will be between its junctions with Sussex Street and Albert Street and by introducing such a measure high quality pedestrian and cycle linkages can be provided which connect the development back into the town centre through either Linthorpe Road or Albert Road whilst linking into the rail station.
86. Given the above approach, assessment of the proposals is based upon person trip rates to establish the number of employees and subsequently the trips by each mode that could be generated as opposed to vehicular trip rates. This enables mode share targets to be set and monitored and appropriate measures put in place to achieve these aims.

Ped/Cycles

87. Development proposals include an extension to Albert Street and enable future extension of South Street. This approach will enable high quality traffic free areas of public realm which lead to the historic town hall, which sits at the centre of the regeneration area.
88. The development proposes to provide 100 cycle spaces within a dedicated cycle parking hub, which is in excess of the number required through the Tees Valley Highway Design Guide. It is intended that this cycle parking facility will be a focal point for the immediate area and will be capable of expansion enabling other developments to use the facility as and when they are brought forward. The aspiration is that this facility becomes the catalyst for a sustainable travel hub which could include other facilities in the future such as cycle servicing and other forms of sustainable travel.

Bus

89. It is acknowledged that at this point in time Middlehaven is not well served by public transport, however the authority is working with the operators to try to rectify this position. Nonetheless the site is in the region of 900m (11-12 minute walk) from the bus station. Other stops served by frequent services are much closer at 600m (7 min walk) on Albert Road and outside of the Town Hall. Public Transport is therefore viable and within nationally recognised walking distances.

Rail

90. The railway station is located about 200m (2-3 min walk) from the proposed development. Improvements to the rail station are coming forward together with the provision of London services. As such the development is also easily accessible from larger parts of Teesside and beyond. Rail travel can therefore be considered as a viable form of travel to the site.

Car Parking

91. It has been noted that there would be no dedicated car parking provided, with the exception of four disabled car parking spaces immediately adjacent to the building on Gosford Street.
92. Based upon the Tees Valley Highway Design Guide the maximum level of parking that could be provided as part of the proposals is 233 spaces. Car parking accumulation data and surveys of use has demonstrated that there is sufficient capacity within Zetland Car Park to accommodate this anticipated demand. Zetland MSCP has been assessed

as it is the closest MSCP and likely most attractive to employees. The car park is a little over 400m, a 5 minute walk from the site.

93. In addition to Zetland there are, of course, a number of other parking facilities within an 11-12 minute walk, including Captain Cook, Cleveland Centre, Wood Street etc. Surrounding streets are subject to various waiting restrictions which will both manage indiscriminate parking and provide short term parking facilities for visitors to the development.
94. Taking into account the above matters, no objections are raised from a Highways perspective.

Residual Matters – Drainage and Contaminated Land Considerations

95. The site is within flood risk zone 1, which is recognised as an area with low probability of flooding. The submitted drainage information has been considered by the relevant drainage authorities who are satisfied with the proposed strategy. A condition is recommended in relation to the submitted drainage drawings to secure an appropriate development.
96. The application has been supported by a ground investigation report, which has been considered by the Council's Contaminated Land Officer. It is understood that all necessary works have been carried out and no conditions are recommended to secure further remediation works.

Privacy and Amenity Considerations

97. As with all development proposals, consideration needs to be given to the potential impacts upon the residential amenities of nearby properties. In this instance, the proposed building is within a town centre location where residential amenity and privacy will generally be reduced to that normally experienced in more sub-urban residential areas, although nonetheless requires reasonable assessment, in particular, against Local Plan Policy DC1 and the guidance of the National Planning Policy Framework.
98. Whilst the proposed building has commercial buildings in the immediate vicinity, there are residential properties to the south in the form of apartments, which are presently under-construction on the corner of Sussex Street and Gosford Street. At their closest proximity, although across an existing highway, the proposed Boho X building would be approximately 16 metres from the northern elevation of these apartments. Evidently, there could be persons within the Boho X development (either occupying one of the office floors or potentially benefiting from the proposed external terrace area on the upper floor) which could compromise the residential amenities of the future occupiers within these apartments. This proposed separation distance is less than the recommended 21 metres between two-storey properties as outlined within the Design Guide.
99. Whilst the proposals are for a development considerably greater in height than that referred within the separation distance guidance, it is considered that some flexibility from these separation distances can be made mindful of the proposals being for commercial uses within a highly urbanised location. It is considered that the proposed arrangement may be acceptable as the office uses and external terrace areas are only likely to be used during traditional office hours, which should not clash with the expected hours of relaxation (evenings and weekends) of the residents. It is also observed that the proposed Boho X development would be on the north side of the apartments, which will result in no adverse impacts from overshadowing.

100. This, along with the central and highly urbanised setting, and north-side positioning, is considered reasonable to allow flexibility with these recommendations.
101. Notwithstanding the above, however, it cannot be assumed that the application site will always be operating within traditional office hours. In which case, it is considered necessary to condition the application with a scheme for screening, which shall seek to mitigate against the potential noise and visual nuisance.

Impacts on Surrounding Land Uses (south and east) and not undermining future development to the north

102. As well as the apartments, to the south is the recently-approved development of Boho 8, which is situated on the corner of Albert Street. The proposals would be approximately 30 metres from the nearest elevation of Boho 8, which is deemed to be acceptable considering the two uses are commercial.
103. To the west of the development is the existing car park for Boho One where there are considered to be no adverse impacts. To the east of the development is the rear of the listed building of Boho Four (Gibson House). There are considered to be no adverse impacts from the main Boho X building on Boho Four given the existing commercial use of the building. Additionally, the two buildings are more than 80 metres apart, and would be separated by the proposed orchard, which further lessen the impacts.
104. To the north of the site are areas marked for regeneration as part of the wider Boho masterplan. The proposed Boho X building would be approximately 25 metres from the red line boundary to the north. Beyond the red line boundary is Feversham Street, meaning that any future development to the north – including potential residential development – is likely to be over 35 metres away. Such a separation distance is considered to be wholly acceptable and, therefore, there are unlikely to be any undermining of future development to the north.

Conclusion

105. The proposed development in terms of its use, general location and quality is in accordance with relevant policy and the masterplan framework for Middlehaven. Although the precise positioning of the building, its angled frontage and partial non conformity to the grid iron layout as well as the buildings overall height will detract from the masterplan framework document, it is considered that this will, when taking into account the scheme as a whole, including its positive aspects result in an overall low impact on the non-designated heritage asset and will serve to support renewed regeneration of this area.

RECOMMENDATIONS AND CONDITIONS

Approved Conditionally

1. Time Limit
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be undertaken in accordance with the details within the approved plans as detailed below.

- a) Site Location Plan (6777-JMA-01-ZZ-DR-A-PL-9001 Rev P02)
- b) Existing Site Plan (6777-JMA-01-ZZ-DR-A-PL-9003 Rev P02)
- c) Proposed Ground Floor Plan (6777-JMA-01-00-DR-A-PL-0001 Rev P02)
- d) Proposed First Floor Plan (6777-JMA-01-01-DR-A-PL-0001 Rev P01)
- e) Proposed Second Floor Plan (6777-JMA-01-02-DR-A-PL-0001 Rev P01)
- f) Proposed Third Floor Plan (6777-JMA-01-03-DR-A-PL-0001 Rev P01)
- g) Proposed Fourth Floor Plan (6777-JMA-01-04-DR-A-PL-0001 Rev P01)
- h) Proposed Fifth Floor Plan (6777-JMA-01-05-DR-A-PL-0001 Rev P02)
- i) Proposed Sixth Floor Plan (6777-JMA-01-06-DR-A-PL-0001 Rev P02)
- j) Proposed Roof Plan (6777-JMA-01-07-DR-A-PL-0001 Rev P02)
- k) Boho X Roof Terrace General Arrangement (226-LYR-XX-06-DWG-L-1000)
- l) Proposed Elevations (6777-JMA-01-ZZ-DR-A-PL-2001 Rev P02)
- m) Proposed Site Plan (6777-JMA-ZZ-ZZ-DR-A-PL-9003 Rev P02)
- n) Proposed Site Plan with Masterplan (6777-JMA-ZZ-ZZ-DR-A-PL-9004 Rev P02)
- o) Wider Proposed Site Plan (6777-JMA-ZZ-ZZ-DR-A-PL-9005 Rev P01)
- p) Proposed Section 001 (6777-JMA-01-ZZ-DR-A-PL-1001 Rev P02)
- q) Proposed Section 002 (6777-JMA-01-ZZ-DR-A-PL-1002 Rev P01)
- r) Site Sections (6777-JMA-ZZ-ZZ-DR-A-PL-9101 Rev P02)
- s) Site Sections 02 (6777-JMA-ZZ-ZZ-DR-A-PL-9102 Rev P02)
- t) Masterplan Context Landscape (226-LYR-XX-00-DWG-L-1000)
- u) Boho X Landscape (226-LYR-XX-00-DWG-L-1001)
- v) Hardworks & Furniture General Arrangement Level 06 (226-LYR-XX-06-DWG-L-2000)
- w) Hardworks & Edging General Arrangement Level 00 (226-LYR-XX-00-DWG-L-2001)
- x) Softworks General Arrangements Level 00 (226-LYR-XX-00-DWG-L-3000)
- y) Softworks General Arrangements Level 06 (226-LYR-XX-06-DWG-L 3000)
- z) Strategic Levels (226-LYR-XX-00-DWG-L-4000)

Reason: To define the planning permission and for the avoidance of doubt.

3. Samples of Materials

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

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

4. Details of Hard Landscaping and External Furniture

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

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

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

5. Cycle Store Details Required

Notwithstanding the details for cycle parking on the approved plans, the development hereby approved shall not be occupied or brought into use until covered and secure cycle parking facilities, for a minimum of 100 cycles, have been provided in accordance with drawing(s) to be submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes thereof. Thereafter the cycle parking facilities shall be retained in perpetuity for the sole purpose of parking cycles.

Reason: To promote use of cycles reducing traffic congestion and in the interests of the amenities of residents to ensure a satisfactory form of development having regard for policies DC1, CS4 and CS5 of the Local Plan and sections 9 and 12 of the NPPF.

6. Travel Plan

Within 3 months of the commencement of the development hereby approved, a full Travel Plan, based upon the principles established within the submitted Framework Travel Plan dated 17th December 2000, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation with the development thereafter being occupied in accordance with the approved Travel Plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

7. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include, as a minimum, the following details:

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

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 having regard for policy DC1 of the Local Plan.

8. Off-Site Highway Works

The development hereby approved shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) 226-LYR-XX-00-DWG-L-1000 Rev 0 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Creation of an area of public realm and shared space on Gosford Street between its junctions with Sussex Street and Albert Street,
- b) Measures to restrict vehicular access, save for emergency vehicles and servicing traffic at set times along Gosford Street between its junctions with Sussex Street and Albert Street consisting of infrastructure such as lowering bollards and supporting street furniture

- c) Introduction of street furniture and other items such as raised planters/street trees to restrict vehicular access in and around the development site, particularly along South Street and Albert Street extension; and
- d) Creation of disabled car parking provision with public realm to the North side of Gosford Street

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

9. Approved Drainage

The development hereby approved shall be implemented in line with the drainage scheme contained within the submitted document entitled "External Drainage Layout" dated "18/12/20". The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 5805. The surface water discharge rate shall not exceed the available capacity of 3.5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed in writing by the Lead Local Flood Authority.

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

10. Soft Landscape Works

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

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

11. Landscape Management Plan

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

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

12. Privacy Screening

The building hereby approved shall not be occupied or brought into use until a scheme of screening has been installed on site in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of screening from windows within the buildings southern elevation and in relation to the external terrace. Any approved scheme shall be retained on site in perpetuity.

Reason: In the interests of privacy in accordance with the requirements of Local Plan Policy DC1.

13. Ecology

Prior to above ground works on site, a scheme of ecological mitigation works shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the inclusion of bird nesting and bat roosting opportunities either within the site or the wider locality. The approved schemes of ecological mitigation shall be implemented either as part of the construction of the building and / or prior to the buildings first occupation.

Reason: In order to adequately provide ecological opportunities within the area in accordance with the requirements of national planning policy.

14. Renewables

No development hereby approved shall be commenced on site other than initial groundworks until a 'Scheme of renewables or a fabric first approach' has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the predicted energy requirements of the development post completion and under normal operating use and will also detail how 10% of the predicted energy requirements will either be generated on site by renewable technologies or how the fabric of the building shall be constructed to reduce the predicted energy demand in exceedance of the current Building Regulation Standards by 10%.

The development shall be undertaken in accordance with the approved scheme which shall then be maintained in an operational state for the lifetime of the building.

Reason for Approval

This application is acceptable as the proposed seven-storey building incorporating office use, lecture theatre, cafe, swimming pool, gym, bar/event space with associated landscaping and public realm is in full accordance with the relevant national and local planning policies.

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

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

Informatives: Cleveland Fire Service

Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue

Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety. It is therefore recommended that as part of the submission consideration is given to the installation of sprinklers or a suitable alternative AFS system.

Informatives: Highways Related Matters

Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.

Adoption of Highway - S38

The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formal adoption of the new highway layout. The S38 Agreement should be in place prior to the commencement of works on site.

Works to Highway - S278

The proposal will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

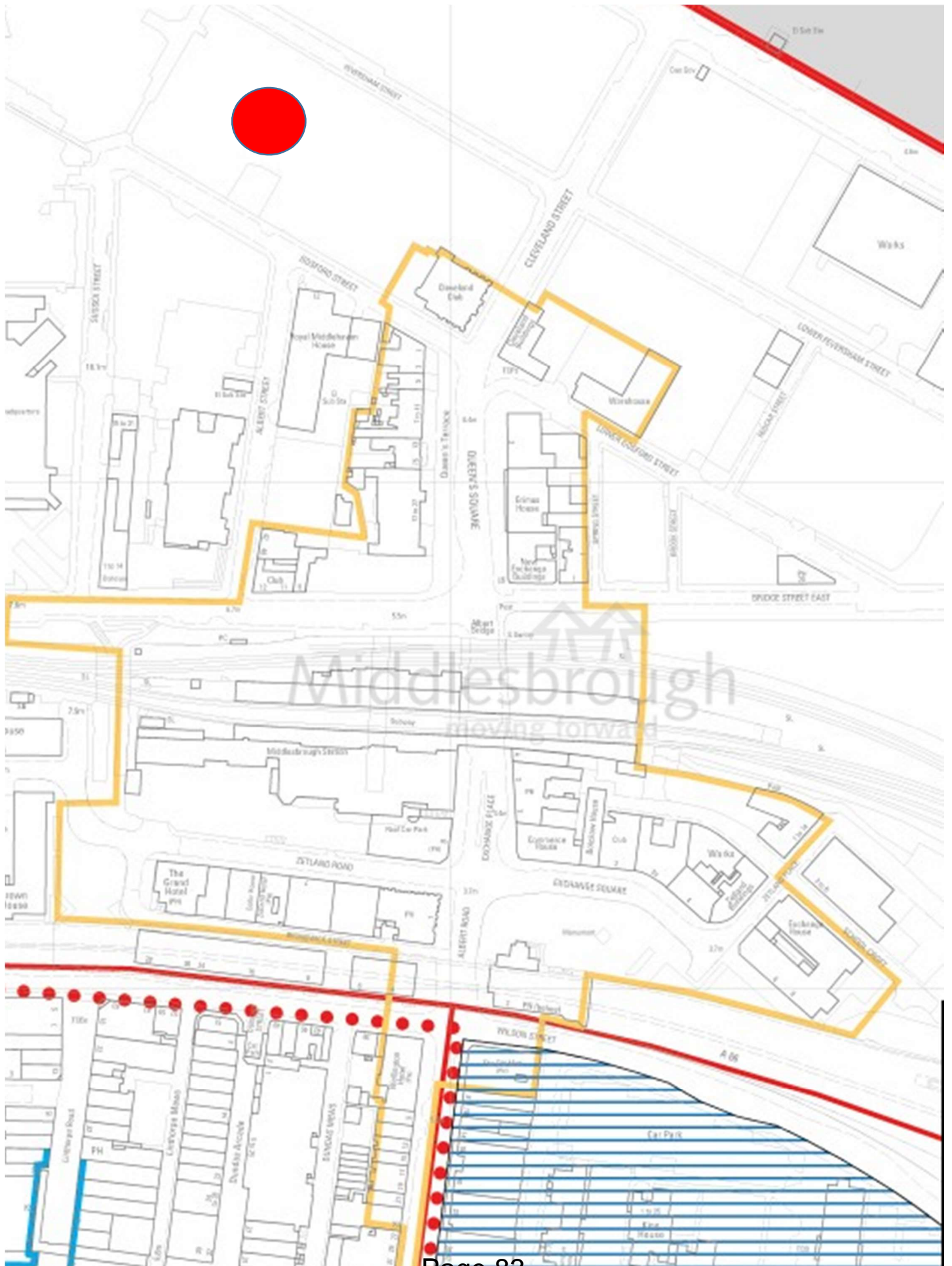
Highway Authority Discussion

It is essential that early discussion take place with the Highway Authority (tel: 01642 728156) to discuss the effect on the surrounding highway network during the construction of this development.

Case Officer: Peter Wilson

Committee Date: 5th March 2021

Appendix 1: Map showing application site relative to Historic Quarter Conservation Area



Appendix 2: CGI image of buildings western elevation and indicative options for future of re-providing South Street.



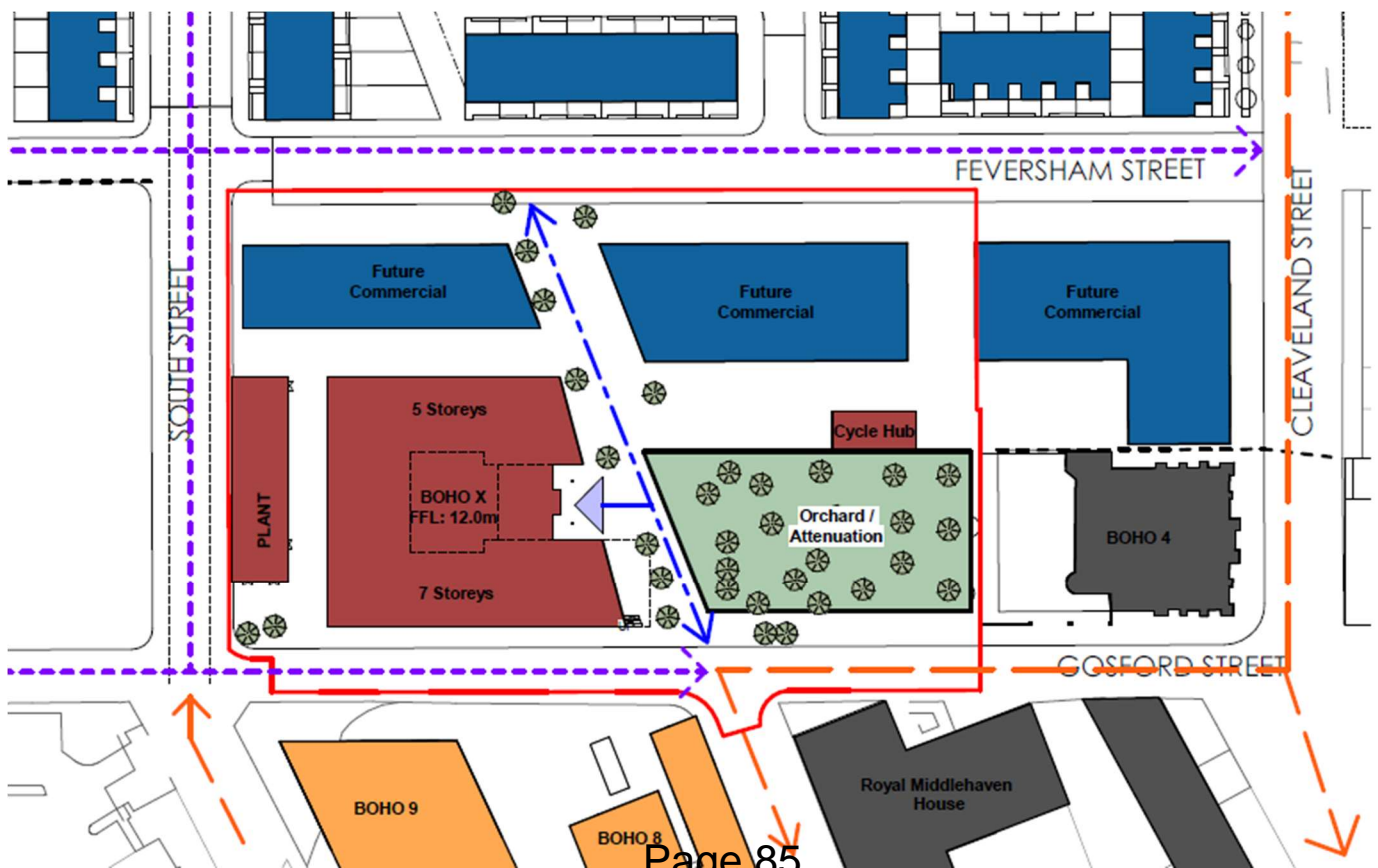
Appendix 3: Current Aerial Photography of Middlehaven showing remnants of former grid iron



Appendix 4: Historic Mapping approx. 1954 – Showing in-tact grid iron & Town Hall



Appendix 5: Proposed site layout (with indicative surroundings)



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**PLANNING & DEVELOPMENT COMMITTEE
APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting.

REFERENCE	PROPOSAL/LOCATION	DECISION
20/0145/COU Berwick Hills/Pallister	Change of use from public house (A4) to convenience store (A1) with associated external works Newcastle House , 102 Ingram Road , Middlesbrough , TS3 7BQ	Refused
20/0533/ADV	Replacement of existing 96-sheet advertising display with 2no digital 48-sheet advertising displays Land At CB Construction, North Ormesby Road , Visible From A66 Flyover , Middlesbrough , TS4 2AG	Refused
20/0601/FUL Newport	Installation of timber framed shop front Unit 1A , Forbes Building , 311 - 321 Linthorpe Road , Middlesbrough , TS1 4AW	Approve with Conditions
20/0626/FUL	Erection of two storey service depot with associated parking Cannon Street , Middlesbrough , TS1 5HZ	Approve with Conditions
20/0643/TPO Park	Various works to trees including removal and pruning Holy Name Of Mary Roman Catholic Church , The Avenue , Linthorpe , Middlesbrough , TS5 6QT	Part approve/Part refuse

20/0652/COU Longlands/Beechwood	Change of use of land to residential curtilage and erection of detached garage to rear 76 Highfield Road , Middlesbrough , TS4 2QP	Approve with Conditions
20/0657/FUL Marton East	Two-storey extension to rear 32 Stewart Park Avenue , Middlesbrough , TS4 3FD	Approve with Conditions
20/0662/LBC Newport	Installation of timber framed shop front Unit 1A , Forbes Building , 311 - 321 Linthorpe Road , Middlesbrough , TS1 4AW	Approve with Conditions
20/0668/FUL Central	Conversion of ground floor to 4 light industrial units Libertys , Longlands Road , Middlesbrough , TS4 2JR	Approve with Conditions
20/0682/FUL Park	Retrospective application for external rear seating area and external escape staircase. 379 Linthorpe Road , Middlesbrough , TS5 6AE	Approve with Conditions
20/0687/FUL Longlands/Beechwood	Change of use from hairdressers (Class E) to hot food takeaway (sui generis) with alterations to front elevation 412 Marton Road , Middlesbrough , TS4 2PQ	Refused
20/0694/LBC Acklam	Retrospective application for internal alterations to fixtures and fittings and creation of stone walkway to front Acklam Hall , Hall Drive , Middlesbrough , TS5 7DY	Approve

20/0697/FUL	Erection of 4no residential dwellings (replan of approved application 18/0558/FUL to reduce 5no dwellings to 4no dwellings) Land At Former Cleveland Police HQ , Ladgate Lane , Middlesbrough	Approve with Conditions
20/0716/FUL Central	Installation of two electric vehicle charging points within existing car park 17 - 27 Queens Square , Middlesbrough , TS2 1AH	Approve with Conditions
20/0720/FUL Nunthorpe	Two storey extension to side, single storey extension to rear, rebuilding of porch and repositioning of door to front 25 Moor Park , Middlesbrough , TS7 0JJ	Approve with Conditions
20/0723/FUL Ayresome	Single storey extension to front, hipped roof to existing two storey side extension and single storey extension to side/rear 11 Heythrop Drive , Middlesbrough , TS5 8QA	Approve with Conditions
20/0728/FUL Longlands/Beechwood	Installation of entrance lobby and link corridor to Paediatric ED Unit James Cook University Hospital , Marton Road , Middlesbrough , TS4 3BW	Approve with Conditions
20/0737/PNH Acklam	Single storey extension to rear 78 Church Lane , Acklam , Middlesbrough , TS5 7EB	Prior Notification Not Required/No Obj

20/0738/TCA Park	Crown lifting and reduction to various trees to front, rear and side Lunefield House , The Crescent , Linthorpe , Middlesbrough , TS5 6SJ	Approve
20/0740/FUL Coulby Newham	Single storey extension to side and rear 4 Dewberry , Middlesbrough , TS8 0XH	Approve with Conditions
20/0743/COU Trimdon	Extension to residential curtilage including the erection of 2m high fence 68 Baldoon Sands , Middlesbrough , TS5 8UF	Approve with Conditions
20/0748/FUL Stainton And Thornton	Replacement sash windows Stainton House , 4 Marwood Wynd , Middlesbrough , TS8 9AD	Approve with Conditions
20/0749/LBC Stainton And Thornton	Replacement sash windows Stainton House , 4 Marwood Wynd , Middlesbrough , TS8 9AD	Approve with Conditions
20/0750/FUL Kader	Single storey extension to side and rear (demolition of existing garage) 7 Wolsingham Drive , Middlesbrough , TS5 8JU	Approve with Conditions
20/0752/FUL Ladgate	First floor extension to rear 17 Paignton Close , Middlesbrough , TS8 9EG	Approve with Conditions

20/0756/VAR Nunthorpe	Variation of condition 3 (Materials) on planning application 20/0183/FUL to allow a render finish 12 Collingham Drive , Middlesbrough , TS7 0GB	Approve with Conditions
20/0759/FUL Acklam	Erection of boundary fence around clubhouse Mill Hill Club House , Mill Hill Playing Fields , St Marys Walk , Middlesbrough ,	Approve with Conditions
20/0761/TCA Park	Removal of Oak tree to rear 69 The Avenue , Linthorpe , Middlesbrough , TS5 6QU	Approve
20/0767/FUL Berwick Hills/Pallister	Single storey extension to rear to provide additional classrooms Pallister Park Primary School , Gribdale Road , Middlesbrough , TS3 8PW	Approve with Conditions
20/0773/FUL Stainton And Thornton	Renewal of planning permission for erection of 1no detached dwelling with garage Penrhyn , Cedar Drive , Middlesbrough , TS8 9BY	Approve with Conditions
20/0778/FUL Newport	Single storey extension to rear 11 Ayresome Street , Middlesbrough , TS1 4NL	Approve with Conditions
20/0777/FUL Trimdon	Single storey extension to rear 4 Luce Sands , Middlesbrough , TS5 8UL	Approve with Conditions

21/0004/COU Acklam	Change of use from solarium (sui generis) to retail (Class E(a)) 273 Acklam Road , Middlesbrough , TS5 7BP	Approve with Conditions
21/0011/FUL Newport	Creation of layby on Letitia Street with vehicle access and installation of two roller shutter doors 1 Letitia Street , Middlesbrough , TS5 4BE	Approve with Conditions
21/0014/FUL Coulby Newham	Conversion of garage to habitable room 1 Swallowfields , Middlesbrough , TS8 0UH	Approve with Conditions
21/0016/FUL Coulby Newham	Installation of bay window and extension of canopy at front 19 Woodvale , Middlesbrough , TS8 0SH	Approve with Conditions
21/0015/FUL Coulby Newham	Single storey extension to rear 43 Elmwood , Middlesbrough , TS8 0SR	Approve with Conditions
21/0029/DIS	Discharge of condition 3 (Contaminated Land Site Investigation) and condition 8 (Materials) on planning application 20/0288/FUL Unit 1A Holwick Road , Middlesbrough , TS2 1AF	Full Discharge Conditions

24 February 2021