

## COMMITTEE REPORT

### Item No 2

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#### APPLICATION DETAILS

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<b>Application No:</b>	<b>20/0594/FUL</b>
<b>Location:</b>	<b>Land At Corner Of Stockton Street/Commercial Street Middlesbrough</b>
<b>Proposal:</b>	<b>Social garden and community hub comprising of single storey building including workshops, cafe and shop with parking and ancillary spaces</b>
<b>Applicant:</b>	<b>Mr Denny</b>
<b>Company Name:</b>	<b>The Camphill Village Trust</b>
<b>Agent:</b>	<b>Mr Hardcastle</b>
<b>Company Name:</b>	<b>Corstorphine + Wright</b>
<b>Ward:</b>	<b>Central</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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#### SUMMARY

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Planning permission is sought for the erection of a building and creation of a site to provide a therapeutic support and opportunities hub to allow individuals and groups of differing backgrounds and abilities to engage with outdoor activities. The building will provide facilities for growing various fruit and vegetables, a street-front shop and cafe, and craft workshops.

The main considerations relate to the principle of the development and how it fits with the aspirations for the regeneration of Middlehaven, and the impacts it has upon the historical context and heritage assets of Middlehaven. Whilst no objections have been received to the proposal it is technically a departure to the adopted Local Plan, hence the need for the scheme to be considered by committee.

The proposal is in an area in Middlehaven identified in the Local Plan for residential uses. The scheme however is considered to be a good fit with the wider aspirations for Middlehaven, and will support the delivery of the remainder of the area for a high quality residential offer. In particular the proposal will provide an important buffer and transitional zone between the surrounding industrial uses and any future residential development enhancing the environment and the attractiveness as a place to live. Importantly the proposal is not considered to have any adverse impacts upon the heritage assets of the Middlehaven area.

The officer recommendation is to approve the application subject to conditions.

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

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Planning permission is sought for the erection of a building and creation of a site to provide a therapeutic support and opportunities hub to allow individuals and groups of differing backgrounds and abilities to engage with outdoor activities. The building will provide facilities for growing various fruit and vegetables, a street-front shop and cafe, and craft workshops.

The application site is the north western most plot within the Middlehaven Regeneration Area, a cleared and vacant site of multiple development plots centred around the old Middlesbrough Town Hall which is still present. Stockton Street lies to the west, Commercial Street to the north and a grouping of 2 storey historic buildings known as 'My Place' to the east. Vacant land lies to the south. The site slopes up from a low north-west point to a high south-east point towards the Middlesbrough Old Town Hall which lies within the centre, and highest part within the Middlehaven area.

The building proposed is a single storey L shape structure, parking is provided along the eastern boundary served off Commercial Street and the majority of the site is garden space. The boundary is intended to be created by a fence interspersed with short sections of wall.

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## **PLANNING HISTORY**

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None relevant to this application.

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## **PLANNING POLICY**

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

H2 - Greater Middlehaven

H14 - Greater Middlehaven

H15 - Greater Middlehaven Development

H16 - Greater Middlehaven - Transport

MWC4 - Safeguarding Minerals

H11 - Housing Strategy

CS17 - Transport Strategy

UDSPD - Urban Design SPD

DC1 - General Development

CS5 - Design

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.

<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **MBC Environmental Health**

A full and competent site investigation, including risk assessment must be undertaken and submitted to the Local Planning Authority for approval. This must identify any contamination

present and specify adequate remediation necessary. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

### **MBC Waste Policy**

No Comments

### **MBC - Highways**

No objections are raised and formal highway comments are as below.

#### **Highways**

Development proposals are for a social garden with associated café, shop and craft rooms for adults with physical and learning disabilities.

The application has been supported by both a Transport Assessment and a Travel Plan.

#### **Access & Parking**

Vehicular access to the site is to be taken via a new dropped vehicular crossing onto Commercial Street. Given the low numbers of vehicular movements the design is appropriate as it will provide pedestrian priority and support wider Middlehaven design objectives.

20 car spaces are proposed, together with some cycle parking.

Whilst the nature of development is bespoke a combination of using first principles with regards to staffing/visitors and the Tees Valley Design Guide has demonstrated that the level of parking proposed is realistic. Additional parking, should it be necessary (for events etc) is available both on-street around the site or within a short walk.

#### **Highways Impact**

It is anticipated that the development will result in 10 staff members.

The craft rooms can accommodate up to 14 visitors at once and the gardens can accommodate up to 27 visitors at any time. Due to the specialist nature of the proposals, the adult visitors will not drive and instead arrive by taxi. Based upon the trusts experience of operating the existing site at Larchfield, this is typically 3 adults per taxi, generating 14 vehicles (28 two-way movements).

Based upon the above the development is expected to generate in the region of 38 vehicle movements during the AM and PM peak periods. This level of traffic generation represents a little over 1 vehicle every 2 minutes. Such a level of traffic will not materially affect traffic flows in the local area nor the operation of adjacent junctions.

The café element of the development will be open to the general public as well as expecting to be used by those attending workshops at the site. This element of the scheme is ancillary and as such it is reasonable to assume that there will be a large proportion of linked trips i.e those visiting the garden/activity rooms will also visit the café.

Public use of the café is likely to occur outside of the peak highway network periods, when greater capacity exists and as such will not have a material impact.

#### **Sustainability**

The above approach is robust in that the site is in a highly sustainable location with the rail station and the wider town centre within nationally recognised walking distances. As the redevelopment of Middlehaven continues the sustainable nature of the site will further improve and integration within surrounding development will further reduce dependence on the car.

As part of the development proposals it is proposed to extinguish some historic highways, which are no longer required. The extinguishment process is separate to the granting of planning consent and will be progressed by the applicants through S247 of the Town & Country Planning Act 1990.

#### **Northumbrian Water**

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Management and Maintenance Plan". In this document it states the foul and surface water flows shall discharge to the combined sewer at manhole 5201. The surface water flows shall be restricted to 3l/sec.

#### Cleveland Fire Brigade

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.

#### Recommendations

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, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

#### **Health and Safety Executive**

The proposal is within at least one HSE Consultation Zone and has been considered using HSE's Land Use Planning Methodology. The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### **Northern Gas Networks**

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

#### Cleveland Police Architectural Liason Officer

In relation to this application, I recommend applicant view the Secured By Design Commercial Document at [www.securedbydesign.com](http://www.securedbydesign.com) for guidance on the Secured By Design scheme. I also recommend applicant contact me at earliest opportunity for any advice, input I can offer in relation to designing out opportunities for crime and disorder to occur.

This can include guidance on physical security measures of buildings doors and windows, boundary treatments, alarms, cctv, appropriate lighting of the building and car park and pathways, secure cycle storage amongst others.

#### **Public Responses**

Number of original neighbour consultations	19
Total numbers of comments received	1
Total number of objections	0
Total number of support	0
Total number of representations	1

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## PLANNING CONSIDERATION AND ASSESSMENT

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### ***Principle of Development and Key Considerations***

1. The application relates to a site defined within the Local Plan as 'Middlehaven, Tees Neighbourhood', just to the north of the defined Town Centre Boundary and to the east of the allocated Riverside Park Industrial Area. Local Plan Policies relevant to development in this location are H1 (Spatial Strategy), H2 (Greater Middlehaven, H11 (Housing Strategy), Policy H14 (Greater Middlehaven Mix of Uses and Phasing), Policy H15 (Greater Middlehaven Development and Design Principles) and H16 (Greater Middlehaven Transport Infrastructure)).
2. Policy H1 (Spatial Strategy) defines the Local Plan overarching strategy for general employment land, housing and mixed use brownfield land. Specifically it defines the provision of housing throughout the Borough over the plan period and for Greater Middlehaven, indicates the provision of 450 dwellings. This application site is located in the north western corner of the Middlehaven area adjacent to active industrial and commercial premises. It is considered that the more core sites within Middlehaven and those near to the Dock offer a more positive environment for new housing and this peripheral site has the ability to host a use which assists in buffering the residential on other sites within Middlehaven from existing commercial operations. In view of this, it is considered that the proposed non-residential use does not unduly affect the aims of Policy H1 to achieve 450 dwellings within the Middlehaven area.
3. Policy H2 (Greater Middlehaven) provides further guidance on delivery of development in the Greater Middlehaven Area, indicating the phased delivery of housing upto and post 2029 and the same for non-residential floor space including offices, leisure and educational uses. Importantly, the pre-amble to the policy highlights that the Greater Middlehaven area will be brought forward in smaller development areas to enable infrastructure to be provided in a logical and timely manner. The recent approved developments of the Thirteen Apartment Scheme and Boho 8 to the south of Gosford Street have both commenced on site and signal a resurgence in development within this area of Middlesbrough and whilst the Local Plan advocates a progressive approach to development sites coming forward within this area, this proposed use in the north eastern most corner will assist in defining the outer edge of the Middlehaven area and will be able to provide an improved setting for other development on all other plots within the immediate vicinity, thereby improving their desirability for other developments. In addition, an application has been approved for housing to the west of Cleveland Street for residential apartments and one has also been submitted (yet to be determined) for Boho X, a 6 storey office building on land to the north of Gosford Street.
4. The proposed use is not precisely in accordance within the uses defined within the Policies for the Middlehaven area, however, it is argued that the proposed use is relatively unique and not something which is likely to have been considered against the more common uses of office, leisure, education and housing. The use does however offer a mix of education, leisure, and is considered to be beneficial to achieving a modern, mixed use development which will positively add to the office and residential uses intended in the immediate surroundings without undermining the policy objectives.
5. Local Plan Policy H11 (Housing Strategy) deals with the housing strategy for the borough and highlights for the Greater Middlehaven the expectations for housing within the area. Whilst the proposal is not to provide housing, it is considered that the aspirations of Policy H1 would not be compromised as a result of this proposal in view of

the nature of surrounding uses and other more suitable sites being available for residential development.

6. Local Plan Policy H14 (Greater Middlehaven Mix of Uses and Phasing) adds detail to the more strategic policies referred to above and divides the Middlehaven / Greater Middlehaven into more distinct areas (Boho, Middlesbrough Dock, Tees Neighbourhood, Tees River Front, Halterman Chemicals, Riverside Stadium, Cargo Fleet and the South Tees Industrial Zone). This application site is located within the 'Tees Neighbourhood' area (Policy H14c) which covers land bound by Stockton St to the west, Dock St to the east (college building), Vulcan St to the north and the old Town Hall (East and West St) to the south. Policy H14 defines the Tees Neighbourhood area as being for a residential focus, particularly family housing and specialist housing. Whilst this proposal does not seek to provide housing, policy requires the focus to be housing and thereby does not prevent other uses from being brought forward, and, as referred to previously, as industry still exists to the north and west of this development plot it is considered to be an undesirable location for housing at this point in time. The proposed use can assist in improving the street scene, providing a buffer use and assist in giving greater certainty of the surroundings for the development of other plots to the east, south and south east. Furthermore, it is considered that adequate land still remains within the Tees Neighbourhood area to achieve further housing in line with the policy aspirations. It is also recognised that a greater mix of uses than detailed within the Local Plan and greater overlap of uses within the areas can assist in a more modern and vibrant city style environment which is considered to be a positive attribute.
7. The proposal includes a café and shop which by themselves are considered main town centre uses and would in normal circumstances be required to satisfy the requirements of the sequential test. In this instance the uses are considered to be of very limited scale and ancillary to the main use of the scheme as a social farm, as such are not required to undertake such an assessment. In addition it is also felt that they are integral to the viability, success and operation of the scheme as a social farm. It is considered that this element of the scheme does not undermine the policy objective of protecting the town centre, and is a positive element of the scheme.

### ***Site Layout and Building Appearance & Impacts***

8. Local Plan Policy H15 (Greater Middlehaven Development and Design Principles) deals with the matter of development and design principles for Middlehaven, indicating that development will be expected to provide or achieve a number of specific criteria;
  - reflect the traditional grid iron pattern of the Middlehaven Area,
  - contain a mix of uses within buildings
  - contribute to vitality with active ground floor uses
  - provide higher density development in specific areas,
  - have a range of heights for each particular plot / land use and contribute positively to views and vistas, reflecting innovative and contemporary design and integrate the development between areas.
  - have a movement framework in line with the Middlehaven Transport Strategy (REG 3) with pedestrian and cycle routes linking the areas,
  - Visual integrity and amenity of the key waterfront assets
  - be sensitive in or adjacent to conservation area and listed buildings where such features should be enhanced
  - create natural assets and high quality materials to support the innovative and contemporary architecture of the townscape and to integrate the different sites
  - create an identity and character for each area to provide a sense of place, legibility etc
  - incorporate biodiversity where practical.

9. Taking these criteria, it is considered that although not a copy of the former grid iron pattern the proposed building and site do reflect principles of a grid iron pattern, having a building with a north/south and east/west axis which abuts effective public realm and along with the use of brickwork for walls and taking on a form somewhat akin to the wider buildings in the area, is considered to reasonably achieve this policy aim, particularly in view of this area of Middlehaven being one of the secondary area's to the grid iron axis which is visually apparent in the Middlehaven area running north, south, east and west from the Old Town Hall.
10. The proposed use will add to the mix of uses within Middlehaven and will add movement / vitality at the ground floor level and will draw people through Middlehaven to and away from the site which are all considered to be positive. Policy H15 guides for a higher density of development in specific areas of Middlehaven and a range of heights, which in the Middlehaven Development Framework is indicated as being mainly 2, 3 and 4 storey. Whilst this is not a dense development, and is single storey, it is considered to not undermine higher density being achieved in more key or prominent locations such as around the dock, and on key highway / public realm junctions. The proposed building has been amended since its initial submission to take account of likely views of its frontage from the top of North Street and the revised plans have sought to redefine the entrance in this location so that a clear visual representation and understanding of the buildings presence can be achieved. Importantly, long views of key buildings are part of the intrinsic character of the Middlehaven area and this proposal will in part retain that design principle.
11. The proposal seeks to provide a social garden within an urban context which will add a valuable semi natural asset to the area as well as creating a sense of place for the north western corner of Middlehaven. The proposed design shows a large expanse of social garden and fencing forming the greater part of the northern and eastern boundaries adjacent to the existing highway. This will allow views into the garden from outside and will significantly improve the appearance of this area, through both the re-development of the site but also by creating a greened street scene and will therefore be able to create a sense of place in its own right which aligns with the bio-diversity and legibility aspects of Policy H15. Furthermore, with the proposed low height building, views will be achieved of the Old Town Hall over the development / gardens, with the gardens in the foreground which is considered will be a positive aspect for this area.
12. Considerations of the Transport Strategy and sensitivity around heritage is considered in following paragraphs.
13. Importantly, Policy H15 advises that development should reflect the Development Framework for Middlehaven. This Framework identifies the proposal falling within the Tees Neighbourhood character area, need to confirm that. The Framework sees this area as predominantly residential but also one that can accommodate ancillary facilities, such as corner shops, cafes and other spaces that serve the community, as well as a range of other uses, including offices, education and leisure. The latter uses are concentrated along the edges of the neighbourhood and fronting onto main streets, where they can benefit from better access and visibility, while central parts are more residential and green. The Framework further goes on to identify that non-residential uses such as those with a visitor focus should principally be located on primary routes and around the edges where they can provide better enclosure to those streets, mitigate against impact from traffic, noise or neighbouring uses, such as MyPlace or industrial premises, while also benefit from greater visibility, accessibility and footfall. In turn the central areas provide a more coherent residential character. The proposal is considered to be compliant with the Framework and will help deliver the vision contained within it for Middlehaven.

14. The proposed building is of a limited height and footprint relative to its surroundings which are entirely commercial which is already subject to notable traffic movement including HGV's and industrial / commercial activity and noise. As such, it is considered that the proposed development and associated use would not unduly affect the use and development of surrounding land and buildings in accordance with the general requirements of Local Plan Policy CS5.

#### ***Heritage & Archaeology considerations***

15. There are no statutorily protected buildings within the site although some exist within the wider area and both local and national planning policy requires an assessment of the impact of development schemes on heritage assets, taking into account their setting and their significance as a heritage asset.
16. The closest listed structures are the Old Town Hall and Clock Tower (Grade II) and Customs House (Grade II) and these are within a relative close proximity to the site whereby their setting and significance will be affected by the proposed development. Further listed buildings and structures include the former Captain Cook PH (Grade II) on Cleveland Street, the Transporter Bridge (Grade II\*), the Vulcan Street Wall (Grade II) and those buildings associated with the Conservation area to the south of Gosford Street. The significance and setting of the Transporter Bridge and Vulcan Street wall is considered to be unaffected by this proposal as a result of its scale and position. Similarly, the conservation area to the south finds its significance in the arrangement, scale and design of buildings relative to the Rail Station, Queens Square and Exchange Square and this proposal for a social garden in the north west corner of the Middlehaven site will not adversely affect the setting or significance of the conservation area or the heritage assets within it.
17. The former Captain Cook PH gains its significance from the former use, its relevance to Middlesbrough Old Town and its emergence as an area and partly to the former layout of development within this area. In view of the land levels and the distance between the former Captain Cook PH 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 this as a heritage asset. The former gird iron pattern of Middlesbrough Old Town is visible to see from plan and in part on site, with the old town hall being a central point within the old town area. All other development has largely been demolished from this area so the old town Hall, Customs House and the former Captain Cook PH remain as the only remnants, alongside a relatively basic existence of the former grid iron pattern which itself is considered to be a non-designated heritage asset.

#### **Consideration of Impacts on the Old Town Hall, Customs House and the former grid iron street pattern as heritage assets**

18. These three aspects remain visible to different degrees. The former grid iron street pattern is mainly visible through the retention North street, East Street and West Street which form an axis for the clock tower of the old town hall and are considered to be significant in their own right in providing these longer views of the former town hall, which appears to have been specifically designed to have this setting over the surrounding area. Importantly, this proposal does not affect the presence or use of North St, East St or West St. Other aspects of the former grid iron pattern exist to the southern end of the wider development area although South Street has been removed, which is considered to be an important 4<sup>th</sup> axis of the old town hall clock tower. There have been two recent additions in terms of the road layout in the northern part of Middlehaven which are Tower Green Road and the stub road to the west of North St. These do not reflect the former grid iron pattern and arguably reduce the visual integrity

of the layout for Middlehaven in being able to preserve the key principles and benefits to the former grid iron pattern. Tower Green Road at its eastern end will be severed following the recent approval of apartments around the former Captain Cook PH and following discussions with the application for this application site, the proposed vehicle access into the site has been moved from the Tower Green Stub Road to be off Commercial St. this means the more modern road layout to the south east corner of the application site can be removed at some point in the future and allow a better recognition of the former grid iron to be achieved. In addition, the proposed scheme provides for a linear (east/west and north/south) boundary to the proposed site and similarly positions the L shape Building to have an east/west and north/south wing. Whilst the proposed building and site does not mimic the precise layout of former development, it retains the grid iron principles. In view of these matters, it is considered that the proposed development would have a positive impact on the grid iron pattern as a non-designated heritage asset through the re-positioning of the vehicular access, and a neutral impact in terms of the positioning of the building and its associated layout.

19. Customs House lies to the east of the application site and it has its rear elevation abutting what would be the car park for the proposed development. Customs House is considered to gain its heritage significance partly from its presence and history of 'old Middlesbrough' but also from its setting / positioning, with its main elevation fronting North Street. The building has been altered in recent times, with the addition of large glazed sections within the side / rear wall, its car park / servicing area to the rear and some other remodelling. In view of these matters, it is considered that the proposed scheme would not have a detrimental impact on the significance or setting of Customs House.
20. The Old Town Hall lies to the south east of the site and currently dominates the Middlehaven Area due to its raised position and the lack of other development around it created by previous demolitions / clearance schemes. The existing setting of the Town Hall is therefore temporary as it has always been policy intention to re-develop the various development parcels within the Middlehaven Area which surround the Old Town Hall to the north, east, south and west. The existing setting of the Old Town Hall is also arguably negatively affected by the lack of development around it which in turn limits the likely reuse and restoration opportunities for the Old Town Hall. As such, as a matter of principle, development and active uses on surrounding plots is considered to be a positive impact on the setting and long term viability for the Old Town Hall. The old Town Hall's significance comes from its former purpose, the history/evolution of Middlesbrough and from its setting within the Middlehaven area. This proposal is considered to only affect the setting of the Old Town Hall and how it relates to the historic grid iron pattern. The main historic views of the Old Town Hall are from the cross axis of North St, East St, West St (which still exist) and Street (which no longer exists) and of those, North St is arguably the most important as this provides a view of the frontage of the Old Town Hall with Clock Tower behind. These views remain unaffected by the proposed scheme and as such, the most important aspects of the setting of the Old Town Hall remain unaffected by this proposal. The proposed scheme has also been amended from its initial submission to gain vehicle access off Commercial Street, rather than off the road in-front of the Old Town Hall. This will allow for a reduced presence of vehicles within the area around the Old Town Hall as well as an ability to achieve an area of public realm or similar on land in-front of the proposed building. The alterations to the proposed access also provide greater options for access to other development plots which lie in the north western corner of the Middlehaven development area, and therefore provides a basis for greater recognition through other developments to relate better to the former grid iron pattern and the Old Town Hall. The proposed Social Garden and building will provide views into the garden area as well as sections of brick walling around its perimeter, with the building appearing to the positioned at the back of pavement, the latter of which are considered to be representative of a Victorian grid iron design / layout. Whilst the precise positioning of

the building does not mirror that of previous building lines, it is considered that it is important for new development within this area to respect the heritage of the area whilst bringing a modern and where appropriate contrasting form of development which can assist in highlighting the significance of the heritage. Given there would be a development plot between the application site and the Old Town Hall, it is considered that the proposed social Garden will be a positive addition to the Middlehaven area which respects the key principles of the Grid Iron Pattern, which does not result in harm to the heritage of the area and which will allow a modern development to take place and frame the north west corner of the Middlehaven regeneration area.

### ***Archaeology***

21. The proposed development area was part of the old town of Middlesbrough which was built in the mid-19th century. The area contained commercial and residential properties. The site was cleared in the 20th century and social housing was built across the site, which was again cleared by the early 21st century. No previous archaeological records have been noted within the submitted assessment although nearby trial trenching works on Sussex Street recorded 19th/20th century deposits and the subsequent excavation recorded residual prehistoric flint, medieval occupation and structural remains of medieval and post-medieval date. On land to the east and north of Sussex Street further trial trenching was undertaken which recorded nothing of archaeological significance.
22. The Archaeological report submitted recommends at para 1.7 that trial or evaluation trenching is undertaken to confirm the nature of any archaeological resource that may be present at the site although the most recent development were housing, both from the 1800's and more recently toward the latter part of the 20th century, the development of which are likely to have disturbed, damaged or removed archaeology which may have been in this location. Notwithstanding this, a condition is recommended which requires trial trenching and associated works to be undertaken so that adequate assessment and recording can be achieved.

### ***Flood Risk and Drainage considerations***

23. The River Tees is the local watercourse relative to the application site, being 150m to the north of the site. The application site has been, for the purposes of assessment relative to drainage and flood risk, being assessed as a greenfield site, which, in view of its current appearance and make up is considered to be appropriate. The site is in Flood Zone 1 (lowest risk of flooding) and an appropriate site for a development of this nature in terms of its flood risk vulnerability as defined by the National Planning Policy Framework.
24. The submission indicates that approx. 36% of the site will be made impermeable (buildings, hardstanding and car parking areas), with the greater proportion of the site being permeable and achieving normal percolation following reasonable remediation of the site. This part of Middlesbrough does not lend itself to soakaways and cannot achieve direct discharge of surface water into the River tees as a result of third party ownerships in-between the site and the river. As such, drainage to existing surface water drainage will be necessary. Northumbrian Water have been consulted and have raised no concerns to the proposal subject to the development being undertaken in adherence with the submitted drainage strategy which will allow the scheme to achieve appropriate water storage and controlled discharge which is aimed at preventing the scheme adding to the risk of flooding within the surrounding area. Importantly, the social garden can utilise any stored surface water as part of its operation and thereby be sustainable in this regard.

## ***Highways & Parking Considerations***

25. Local Plan Policy CS17 (Transport Strategy) guides on the delivery of a sustainable transport network for Middlesbrough whilst reducing the need to travel, seeking to;
  - improving connectivity within and beyond Middlesbrough,
  - improving accessibility for all,
  - facilitating and supporting the regeneration and development priorities identified in Local Plan Policy
  - fostering economic growth and inward investment,
  - promoting Middlesbrough Town Centre as a strategic Transport Hub,
  - improving the quality of the bus network relevant particularly to core and super core routes,
  - promoting alternative modes of transport other than the private car
26. Policy CS17 (Transport Strategy) advises that this will be achieved by giving priority to a balanced package of highway and public transport improvements, reducing congestions and bottlenecks, and improving reliability of the network / transport corridors through junction improvements at key interchanges, new road links and other mechanisms. Importantly, the policy requires development to be located where it will not have a detrimental impact on the operation of the strategic transport network and will deliver the policy priorities.
27. With regards to the Middlehaven area specifically, the councils Highways team consider there to be a need to have a hierarchy or roads and spaces, including pedestrianisation of key areas and ensuring the bulk of vehicle movements are kept to the perimeter of the site. The proposal is considered to be in a sustainable location, in reasonable proximity to the train station, the bus station and all the provisions associated with the town centre. Stockton Street is intended to be a key vehicle route around the Middlehaven area and works to improve its junction with Bridge Street West have recently been completed. It is anticipated that Stockton Street will also provide an off carriageway Pedestrian and Cycle route in the area and importantly, this scheme allows adequate space for that to be achieved in the future.
28. The proposed access is off Commercial Street which will limit the extent of hard surfacing / highway undertaken and will prevent vehicles having to enter into the Middlehaven Area via North Street, thereby minimising vehicle movements. The proposed parking is relatively limited, providing some disabled parking and 17 other spaces. This is considered to reflect the sites position in a sustainable location whilst recognise the nature of the use and the need for a modest amount of parking.

## ***Land Contamination Considerations***

29. A desk based Geo-Environmental study has been undertaken to provide an understanding of the potential for contamination of the site and the details of the necessary intrusive ground investigation that needs to be undertaken as a follow on step, along with adequate remediation and validation testing works to provide an appropriate site for the use as proposed. The desk based study indicates that the site previously accommodated mainly housing from the mid 19th century with some more commercial and industrial uses nearby. Based on previous drilling records in the area it is anticipated that there are obstructions just below the surface of the ground and may include cellars / foundations and the desk based report suggests further investigation is required of several matters including asbestos, unexploded ordinance etc. There is no evidence to suggest more significant matters of contamination beyond that reported and

a condition is recommended that requires site based investigation to be undertaken which will verify what exists below ground and provide a remediation strategy to allow the proposed use to be undertaken safely.

### **Other Matters**

30. Consultation response from the Health and Safety Executive indicates that they do not object on safety grounds to the development taking place.
31. The Fire Authority and Police were consulted and have provided advice about making the development security conscious and undertaking the development to minimise risk of fire. Informatics are recommended to advise the applicant of these matters.

### **Conclusions**

32. The proposal has been considered against national and local policy. Whilst technically a departure to the adopted Local Plan the proposal is considered to be acceptable in this location and accords with the key principles of the Local Plan policies, in particular the role the proposal will have in securing the wider aspirations for the successful regeneration of Middlehaven. In doing so it does not undermine the achievement and delivery of a high quality residential offer in the remainder of the Tees Neighbourhood character area.
33. The proposal through its location is in accordance with the Middlehaven Urban Design Framework, and it will act as an important visual and physical barrier between the surrounding industrial uses and the proposed residential area. This provides a positive solution to the development of this area helping to create an important transitional area that increases the attractiveness of Middlehaven as a residential location. It will also bring with it a level of activity and footfall that will help improve the vibrancy of Middlehaven.
34. An important consideration has been how the proposal interacts with the historic environment. The impact has been considered against a number of key listed buildings in the locality and the historic grid pattern of the Middlehaven area. Importantly the proposal is considered to have a positive impact on the setting and long term viability for the Old Town Hall. Overall it is considered that the proposed social Garden will be a positive addition to the Middlehaven area which respects the key principles of the grid pattern, which does not result in harm to the heritage of the area and which will allow a modern development to take place and frame the north west corner of the Middlehaven regeneration area.
35. The proposal is considered acceptable with regards to all other aspects and it is officer recommendation that the application be approved subject to conditions.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **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 carried out in complete accordance with the plans and specifications as detailed below;

Site Location Plan - 19713-0301 Rev P-01 as received on the 22nd December 2020

Site Plan - 19713-0302 Rev P-02 as received on the 22nd December 2020

Floor Plan - 19713-0303 Rev P-02 as received on the 22nd December 2020

West Elevation Site Section - 19713-0304 Rev P-01 as received on the 22nd December 2020

South Elevation Site Section - 19713-0305 Rev P-01 as received on the 22nd December 2020

East & West elevations - 19713-0306 Rev P-01 as received on the 22nd December 2020

North and South Elevations - 19713-0307 Rev P-01 as received on the 22nd December 2020

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

**3. Drainage Scheme**

Unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority, development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Management and Maintenance Plan" dated "September 2020". The drainage scheme shall ensure that both the foul and surface water flows discharge to the combined sewer at manhole 5201. The surface water discharge rate shall not exceed 3.0 l/sec.

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

**4. Contaminated Land Site Investigation**

Prior to the implementation of the development hereby approved a full and competent site investigation, including risk assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

This investigation must identify any contamination present on site, and specify adequate remediation scheme. The risk assessment and remediation scheme must be approved in writing by the Local Planning Authority and thereafter implemented, prior to the development-taking place. Validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and agreed were completed and that the site is suitable for its intended use.

Reason - In the interest of public safety in accordance with the requirements of the NPPF.

**5. Evaluation Trenching**

Prior to the commencement of development a scheme for evaluation trenching in accordance with the approved Archaeological Desk-based Assessment, reference no. 5366 dated September 2020, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the evaluation trenching must be implemented on site and the results reported to the Local Planning Authority.

Any further works required as a result of the evaluation trenching must be carried out on site prior to commencement in accordance with a Written Scheme of Investigation to be approved in writing by the Local Planning Authority.

The development shall not be occupied/brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured to the satisfaction of the Local Planning Authority.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the building having regard for policies CS4 and CS5 of the Local Plan and section 16 of the NPPF.

6. Construction of Access

Prior to the construction of the access the details of the gradients of the access to the public highway shall have first been submitted to and approved in writing by the Local Planning Authority. Such gradients shall not exceed 1in20 (5%)

The development hereby approved shall not be occupied unless or until the means of vehicular/pedestrian access from the public highway has been constructed and surfaced to at least a base course level, in accordance with the details shown on submitted drawing(s) 19713-0302-P-02, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

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 and to ensure that vehicles can safely enter and leave the public highway and that the site is fully accessible to people with mobility impairments having regard for policies DC1 and CS5 of the Local Plan and sections 9 and 12 of the NPPF.

7. No openings over the highway

No gates or doors shall be fitted so as to open outwards over the adjacent 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.

8. Levels

No development hereby approved shall commence on site until a scheme of levels for the site and building has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail;

- Existing site levels
- Proposed site levels
- Proposed building levels
- Proposed boundary treatment levels
- Adjacent land and footpath / road levels

Reason: To ensure the proposed development fits within the site context and considerations in reaching the decision in accordance with Local Plan Policies DC1 and CS5.

9. 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.

10. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be brought into use until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

11. Materials – Samples

Prior to the construction of the external elevations of the building(s) hereby approved samples of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

## REASON FOR APPROVAL

This application is satisfactory in that it accords with the principles of the National Planning Policy Framework (NPPF) and will support the wider regeneration objectives for Middlehaven as set out in local policy requirements (Policy H1, H2, H14, H11, H15, H16, CS5, CS17 and DC1 of the Council's Local Development Framework). In addition it is in accordance with both the Urban Design Framework SPD, and adopted Middlehaven Masterplan. Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2019).

In particular, the Social Garden use will enhance the character and function of the area and will not prejudice the development of the wider area for residential development in pursuance of local policy. The proposed Social Garden will be a positive addition to the Middlehaven area which respects the key principles of the grid pattern, and which does not result in harm to the heritage of the area.

The application is therefore considered to be an acceptable form of development and there are no material considerations which would indicate that the development should be refused.

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## INFORMATIVES

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### Informative 1: Cleveland Fire Brigade

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, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

**Informative 2:** Northern Gas Networks

NGN have advised that there may be apparatus in the area that may be at risk during construction works and ask the promoter of these works to contact them directly to discuss their requirements in detail.

**Informative 3:** Existing and Future Services

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.

**Informative 4:** Cleveland Police Architectural Liason Officer

Recommends the applicant view the Secured By Design Commercial Document at [www.securedbydesign.com](http://www.securedbydesign.com) for guidance on the Secured By Design scheme, and recommends the applicant contacts the Architectural Liason Officer at their earliest opportunity for any advice in relation to designing out opportunities for crime and disorder to occur. This can include guidance on physical security measures of buildings doors and windows, boundary treatments, alarms, cctv, appropriate lighting of the building and car park and pathways, secure cycle storage amongst others.

**Informative 5:** Extinguishment of Highway

Implementation of this proposal will require the extinguishment of publicly maintainable highway. The extinguishment process is a separate Legal process to the granting of planning consent and is not guaranteed to be successful. Extinguishment must be commenced before any work is commenced in the vicinity of the affected area and takes in the region of 6 months to complete. For further information contact the Highway Authority (tel: 01642 728153).

**Informative 6:** 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.

**Informative 7:** Dropped Kerb - S184

The permission hereby granted should not be construed as authority to work within the public highway. Highways consent is required for the creation/alteration of a dropped vehicle crossing under Section 184 of the 1980 Highways Act. Such works will need to be carried out at the applicant's expense by Middlesbrough Council approved contractors. The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156).

Case Officer: Andrew Glossop  
Committee Date: 15<sup>th</sup> January 2021

