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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0764/FUL</b>
<b>Location:</b>	<b>Boho X, Lower Gosford Street, Middlesbrough</b>
<b>Proposal:</b>	<b>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</b>
<b>Applicant:</b>	<b>Middlesbrough Council</b>
<b>Agent:</b>	<b>Hive Land &amp; Planning</b>
<b>Ward:</b>	<b>Central</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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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.

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

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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).

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## **PLANNING HISTORY**

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### 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 5<sup>th</sup> October 2020

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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:

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>

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## CONSULTATION AND PUBLICITY RESPONSES

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The application has been advertised in the local press, site notices have been posted around the site and consultations have been sent to statutory consultees, local residents, ward councillors and the 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

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **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 20<sup>th</sup> 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 2<sup>nd</sup> half of the 19<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> 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 3<sup>rd</sup> 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 5<sup>th</sup> 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.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **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.

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**INFORMATIVES**

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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: 5<sup>th</sup> March 2021