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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>19/0219/FUL</b>
<b>Location:</b>	<b>87 - 89 Linthorpe Road Middlesbrough TS1 5BU</b>
<b>Proposal:</b>	<b>Erection of six storey building consisting of 49no self - contained student accommodation flats (Sui Generis) with flexible commercial unit on ground floor (A1,A2,A3) (Demolition of existing building)</b>
<b>Applicant:</b>	<b>87-89 Linthorpe Road Ltd.</b>
<b>Agent:</b>	<b>Mr David Brown</b>
<b>Company Name:</b>	<b>NewSteer</b>
<b>Ward:</b>	<b>Central</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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The application seeks planning consent for the demolition of the existing 'Maplins' store on Linthorpe Road and the erection of a six storey building in its place. The new building is intended to be used as a flexible commercial use on the ground floor (A1 retail, A2 professional services, A3 restaurant / café) and 49 student flats on the upper floors. The site is located with the retail sector of the Town Centre at the junction of Linthorpe Road and Davison Street. Policy identifies the Town Centre as an appropriate location for high quality, high density residential development, including apartments. Policy also identifies A1 retail as appropriate, with other class uses A2, and A3 acceptable provided they are complementary and will not harm the principal function and character of the shopping area; and will not impact upon the vitality and viability of the Town Centre

Following consultation, there have been three letters of objection received from the local Ward Councillors. The objections and concerns are based on matters including, the overall scale/height of the building, vehicular access, lack of parking, refuse collection and storage.

The building is designed having the first 4 storeys presenting a similar massing to the opposing prominent corner building (No.91-93 Linthorpe Road), and will sit no higher than the ridgeline of the attached terraced properties. The fifth and sixth floors will sit higher than the adjacent buildings but have been designed so that they are set back at roof level with a full bay set back fronting Linthorpe Road to appear lighter in appearance to reduce its prominence. Whilst there will be a clear contrast between the proposed buildings and the immediately existing buildings, this is a contrast which is not uncommon within a town / city

centre environment and is therefore considered to be acceptable in general terms, subject to final agreement of materials being required.

The development is considered to be in accordance with the requirements of Local Plan Policies DC1, CS4, CS5, CS13, H11, REG20 and REG21.

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

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The application site lies within the town centre boundary and forms part of the primary shopping frontage as identified in the Councils Local Plan. The site is situated within the pedestrianised area to the western side of Linthorpe Road at the junction with Davison Street.

The application seeks planning approval for the demolition of the existing building and erection of a six storey building consisting of 49 self-contained student accommodation flats (Sui Generis) with a flexible commercial unit on ground floor (A1, A2, A3).

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## **PLANNING HISTORY**

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18/0168/COU Change of use from Use Class A1 (Retail) to Use Class A3 (Cafe/Restaurant).  
Approve with Conditions  
22nd May 2018

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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).

In addition the Council has produced its Middlesbrough Local Plan Publication Draft 2018. Whilst not yet adopted is a material consideration in the assessment of planning applications.

### 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:

H11 - Housing Strategy  
CS4 - Sustainable Development  
CS5 - Design  
CS13 - Town Centre's etc. Strategy  
DC1 - General Development  
UDSPD - Urban Design SPD  
REG20 - Principal Use Sectors  
REG21 - Primary Shopping Frontage

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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Following the public consultation the following representations have been made.

Councillor Lewis

The existing building has been up, I believe about 25 years. The area at the back of the current building is quite limited and very difficult for McDonalds HG vehicles to negotiate and other commercial vehicles and there's hardly any room for refuse bins and commercial waste bins from the surrounding properties. I feel that a 6 storey building, bigger than the Cleveland centre would be very imposing and this area isn't built to cope with added residents and waste. We have people who rummage through the rubbish in the area now so what could it be like with added rubbish from 53 students and another commercial unit. There is planning permission for student accommodation for the building at 91 Linthorpe road, next door for student flats and the building work on that is very staggered and I believe has now stalled.

If that work was to be completed then there would be quite a large number of students in such a small space. What guarantees do we have that building work wouldn't stall on this application?

#### Councillor Uddin

I would like to stress that I am all for any positive and interesting development of our area. However with regards to this development I have some reservations that, overall looking at the surrounding area there isn't any other building more than three/four storey building, plus Cleveland Centre is right opposite this is going to be taller and bigger than Cleveland Centre in addition, what about the current buildings on both sides they aren't tall or big either. I fear that this development would cause some lighting problem within the immediate neighbourhood. Furthermore, there are not enough space at the back and there would also be parking issue to be considered. Therefore, I would object to erection of six storey building, instead, I would like to propose to applicant to look at four storey building which may address some of the issues I have highlighted as above.

#### Councillor Storey

I concur with my colleagues objections. I am very keen to see more City Centre living and for the Centre to have a balance between living and working. However, this does not seem to be a sympathetic development, I have concerns about access and about the height of the building. Should suitable amendments be made to the application I could well-imagine supporting this.

#### MBC - Planning Policy

The proposed development site is within the retail sector of Middlesbrough Town Centre boundary, defined under Policy CS13.

Policy Reg21, Primary Shopping Frontages identifies A1 retail as appropriate, with other class uses A2, and A3 acceptable provided they are complementary and will not harm the principal function and character of the shopping area; and will not impact upon the vitality and viability of the Town Centre. The development of the ground floor will see no loss of active retail frontage, and with the uses other than A1 retail previously established by way of planning permission, the proposed main town centres use are not considered inappropriate in this location.

Policy H11 identifies the Town Centre as an appropriate location for high quality, high density residential development, including apartments; and the NPPF recognises the important role residential development plays in centres. The use of the upper floors for student accommodation is considered appropriate in this location.

Policy CS5 requires all development to demonstrate a high quality of design in terms of layout, form and contribution to the character of the area, Middlesbrough Urban Design SPD should be considered specifically in relation to paragraph 7.4 Tall Buildings.

#### MBC - Highways

Whilst no objections are raised to the principle of development, please defer the application pending resolution of the following;

The scheme shows a number of doors which open over the public highway. The doors should be set back/detailed so as to not open over the highway.

### Cycle Parking

The principle of no car parking is acceptable however non car provision should be of a higher standard to support this approach. As such cycle parking for residents should be provided at a ratio of 1:1. A cycle space measures 0.5 x 1.8m and should enable the frame to be secured not only the wheel. Where space is limited we will accept Josta two-tier systems.

### Demolition

A demolition and construction phasing plan will be required to enable these activities to be undertaken whilst maintaining the safe operation of the adjacent highway and not be detrimental to the town centre.

### CCTV

Given the location of both the resident entrance and cycle access a CCTV camera should be funded by the development. The location and specification for the camera will need to be agreed with the authority.

### Highway Works

Demolition, construction and connection to services activities will lead to significant damage and disruption to the highway fabric/surface. The Highway Authority are therefore seeking that the footways/surfacing around the site and the whole of Davison Street along the site frontage, be resurfaced. These works will be undertaken through a S278 Agreement and secured by a suitably worded condition.

### MBC - Waste Services

A development of this size would be required to make provision for;

4x 1100ltr Refuse Eurobins

4x 1100ltr Recycling Eurobins

The property will need to make these available for collection on the appropriate day of collection

### MBC - Environmental Health

No objection subject to the following conditions.

Details of a ventilation and fume extraction system suitable for uses within class A3, including a full technical specification by a suitably qualified person, specifying the position of ventilation fume or flue outlet points and the type of filtration or other fume treatment to be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby permitted commences and thereafter shall be retained in full accordance with the approved details. The ventilation and extraction system referred to in this condition shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement filters.

The applicant is to provide a noise assessment from a noise consultant detailing the level of attenuation that is created by the existing structure of the building and a scheme detailing the noise levels that residents are likely to be exposed to from the neighbouring commercial premises together with a scheme designed to protect these dwellings from any noise transference. The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial business is in use. The report should also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development from noise shall be completed prior to the approved use commencing.

Deliveries and collections to the rear of the premises must be kept between the hours of 8:00am and 7:00pm Monday to Saturday, and between the hours of 9:30am and 6:30pm Sunday.

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

Before any fixed plant and machinery, including refrigeration and air conditioning equipment, is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of airborne and structure-borne.

#### Northumbrian Water

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

Having assessed the proposed development against the context outlined above we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

#### How to Satisfy the Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

#### Northern Gas Network

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

### Cleveland Police, Secure By Design

In relation to this application. I recommend applicant actively seek to develop to accredited Secured By Design standards, if this is not to be the case I would still encourage they contact me for any input, guidance I can offer in relation to designing out opportunities of crime and disorder to occur. Full guidance can be found on the SBD Homes 2019 document at [www.securedbydesign.com](http://www.securedbydesign.com), all aspects of securing premises such as proposed is covered. On initial viewing I would make the following comments. I would not recommend student rooms be at GF level, if they really need to be then window restrictors together with opaque/reflective, glazing/covering is recommended.

Compartmentalisation on each floor is important from stairwells and lift to eradicate free unauthorised access through the building. CCTV is recommended, particularly at entrances/door sets and from stairwells and lifts on each floor. Further sub dividing landing compartmentalisation may also be necessary. A concierge service for a proposal of this size is also recommended. Any door access/entry systems should be as specified within the Homes 2019 document in relation to multi inhabited buildings. The same is for mail delivery systems. The secure internal cycle storage is a positive inclusion.

### **Public Responses**

Number of original neighbour consultations	40
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	0

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impacts on the amenity of the adjacent land users/future residents and the impacts on highway safety.

### Principle of the Development

2. The proposed development site is within the retail sector of Middlesbrough Town Centre boundary, defined under Policy CS13. Policy Reg21, Primary Shopping Frontages identifies A1 retail as appropriate, with other class uses A2, and A3 being acceptable provided they are complementary and will not harm the principal function and character of the shopping area and will not impact upon the vitality and viability of the Town Centre. The development of the ground floor will see no loss of active frontage onto Linthorpe Road as this is being replaced within the proposals. A previous permission for the ground floor unit in 2018 granted approval for an A3 use (café/restaurant). This proposal seeks a flexible permission to allow the use to be either A1, A2 or A3 use within the ground floor unit which is considered to align with policy requirements and taking into account the 2018 approval.
3. With regards to the upper floors being proposed for student accommodation, Policy H11 identifies the Town Centre as an appropriate location for high quality, high density residential development, including apartments. The NPPF recognises the important role residential development plays in centres in terms of increasing footfall, diversity of uses and general activity. The site is located within walking distance to the University sector and the provision of student accommodation in this location is considered acceptable. Student accommodation to the upper floors will contribute to the provision of a mix of high quality dwellings in the area whilst providing additional footfall to the Town Centre.

The proposed change of use is considered to be acceptable and accords with Policies H11, and REG20 & REG21.

### Design

5. The Council's Core Strategy Policies CS5 and DC1 are considered relevant to the application. Core Strategy Policy CS5 - Design states that all new development should provide a high standard of design that enhances both the built and natural environments.
6. The application seeks approval for the demolition of the existing building and erection of a new six storey building, providing commercial space on the ground floor with student accommodation on the upper floors. The main four storeys will present similar massing to the opposing prominent corner building (No.91-93 Linthorpe Road), creating a new book end to the row of terraced buildings. The main four storeys would also be no higher than the ridgeline of the attached terraced properties. Whilst the fifth and sixth floors will sit higher than the adjacent buildings they have been designed so that they are set back at roof level, on all sides with a full bay set back fronting Linthorpe Road to appear lighter in appearance to reduce its prominence. Furthermore, the building is not readily viewed at distance, instead most views being achieved at close proximity where the additional height is less obvious to persons moving around the area.
7. The proposed mixed-use development comprises of a flexible commercial unit on the Ground Floor fronting the primary retail street forming the street corner providing two active street frontages. Residential accommodation is set at a raised level over the five upper floors with residential entrance to the side of the building, off Davison Street. The entrances will be distinct and visible, easy to identify and directly accessible from the public realm.
8. The ground floor level sits in line with the neighbouring commercial premises frontages and is articulated with slanted deep reveals which will form an arch rhythm along the perimeter of the development. The set-back top floors are also faced with precast concrete, set at varying angles. This echoes the articulation of the podium level but with a lighter appearance. The building will have a material palette of brick for the main massing and precast concrete for the Ground Floor podium, the expressed piers and the roof top set-back elevation. The door and window frames as well as louvered doors will be in a light coloured anodised metal.

### Character and Appearance

9. Core Strategy Policy DC1-Design, comments that the visual appearance and layout of the development should fit in with the surrounding area in terms of design, scale and materials.
10. Tall buildings by virtue of their size and prominence have a large impact on a townscape. Tall buildings in the right place, which are sensitively designed can make a positive contribution to an urban area, and can in the right situation act as a beacon of regeneration, stimulate further investment and aid with a town's legibility.
11. Whilst the building will sit higher than the immediate adjacent buildings through the reduction and set back of the two upper floors of the building it will achieve its mass and scale without unduly dominating the surrounding properties which are a mix of varying scales and heights. Whilst there will be a clear contrast between the proposed building and the immediately adjacent buildings, this is a contrast which already exists for the existing building and the opposing Cleveland Centre, and which is not uncommon within a town / city centre environment. It is considered that contrasting built form in this location is in keeping with the overall character of the town centre.

12. The use of both traditional brick alongside the more modern precast concrete and modern window and entrance doors designs are considered to be a balanced design that will compliment both the more traditional properties in the vicinity as well as the more modern commercial buildings.
13. National planning policy guidance supports designing out the potential for crime within developments which assists with their long term use and success within a locality. The initial submission showed 4 student rooms on the ground floor with windows facing onto the side street. In view of this proposed building being within a town centre location and the side elevation being on a side street which in turn leads to a back street, both of which are neither a main pedestrian or vehicular thoroughfare, officers recognised the challenges that may be experienced in this location. There is no defensible spaces between where the windows would have been and the public realm. The Police Architectural Liason Officer raised concerns about this issue and officers similarly had concerns given windows serving those rooms would need to be opening. It was considered that at this location, ground floor student bed space would not be appropriate and through negotiation, the applicant agreed to remove these from the scheme and instead provide communal / break out space on the ground floor where the level of amenity required from within the room would be notably reduced. This is considered to be a significant improvement to the living conditions of the future residents.
14. In view of all of the above, it is considered that the development meets the requirements of Policies DC1 and CS5 and there are no objections to the design and appearance of the development.

#### Amenity

15. The proposal has been amended from the initial proposals to reduce its scale and mass and is being considered based on the latest proposals which would provide 49 student flats, 11 to the first, second and third floors, 9 units to the fourth floor and 7 units to the fifth. The amenity space standards for future occupiers is somewhat limited being between 17 and 26.5 square metres for each of the units. Evidently, this is considerably below the government's householder standards of 37 square metres, which puts in place minimum living standards for residents of C3 uses. In this case, the proposed student accommodation would be Sui Generis and not a standard C3 use and the government's space standards are therefore not relevant.
16. The units are all self-contained having kitchen, living, sleeping and washing facilities. Following negotiations with the agent / applicant communal/break out space has also now been provided on the ground following the omission of four bedrooms. All of the units benefit from a large floor to ceiling window, to create comfortable studio units. As students would be temporary residents (term times only for a number of years) it is considered the retention of the commercial space at ground floor level assists in maintaining an active frontage.
17. Given the location of both the resident entrance and rear cycle access a CCTV camera scheme will be funded by the development. Highways have also requested a series of works to relocate the start of the pedestrianised area closer to Whin Street, which will remove the potential for vehicles to be parked outside of and below residential windows and the introduction of planters and/or street furniture which will improve the outlook for future residents.

#### Refuse

18. Both commercial and residential refuse would be provided for by internal stores, positioned at the rear of the site with all doors opening inwards to avoid conflict with the

highway. For the residential units, refuse stores have been positioned in close proximity to the main stair core and shared circulation space, with convenient and secured internal access. The commercial refuse store is located at the rear of the development accessed externally as it not been possible to provide an internal route. However given the size of the unit and its corner position and short walking distance to the rear refuse store, on balance its location is considered to be acceptable. The location of the rear refuse and recycling stores off Whin Street will also allow for the refuse lorry to pull up directly outside the development.

### Highway Safety

19. The application site currently has no in-curtilage car parking provision with no parking being provided for the proposal, which is considered to be acceptable in a town centre location. The ground floor layout includes an internal rear cycle store accessed from the rear road providing a Josta two-tier system to meet a 1:1 ratio. The property is located within the Town Centre and is within walking distance to both the main bus and train stations, the retail shops and services and the University. Given the sustainable location of the property within the town centre and the fact the development has provided adequate enclosed cycle storage within the curtilage, means the proposal is considered to have no significant impact on highway provision / safety. The proposal is considered to adhere to the Council's Sustainable Development Policy CS4.

### Conclusion

20. In view of the above, the proposal in terms of its design, scale and location is considered to be an appropriate form of development. The proposal would provide student occupiers with levels of residential amenities that can be supported and would be considered to be in accordance with all local policies and there are no adverse impacts on any adjacent properties or the wider area. Officer recommendation is to approve conditionally.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with Conditions**

#### 1. Time Limit

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

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

#### 2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications below and shall relate to no other plans.

Location plan (Ref: A1997-PL-001) received 8<sup>th</sup> April 2019  
Revised ground floor plan (Ref: A1997-PL-200-A) received 9<sup>th</sup> August 2019  
Proposed first floor plan (Ref: A1997-PL-201) received 8<sup>th</sup> April 2019  
Proposed second floor plan (Ref: A1997-PL-202) received 8<sup>th</sup> April 2019  
Proposed third floor plan (Ref: A1997-PL-203) received 8<sup>th</sup> April 2019  
Revised proposed fourth floor plan (A1997-PL-204B) received 10<sup>th</sup> July 2019  
Revised proposed fifth floor plan (A1997-PL-206B) received 10<sup>th</sup> July 2019  
Revised proposed roof floor plan (A1997-PL-205A) received 10<sup>th</sup> July 2019

Revised southern elevation (Ref: A1997-PL-700-B) received 9<sup>th</sup> August 2019  
Revised East/South/West elevations (A1997-PL-400-C) received 9<sup>th</sup> August 2019

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

### 3. Pick-up and Drop-off Management Plan

Prior to the first occupation of the building, a Pick-up and Drop-off Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Pick-up and Drop-off Management Plan shall detail how arrangements for pick-ups and drop-offs of residents at the site will be managed, particularly at the beginning and end of terms. The Management Plan shall be implemented as part of the development hereby approved and retained on site in perpetuity.

Reason: In the interests of highway safety and the amenities of residents.

### 4. Foul and surface water disposal

Prior to commencement on site, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

### 5. Refuse/Cycle Store

The refuse/cycle stores shall be carried out in accordance with the approved plans and shall be retained on site for use as refuse and cycle stores in perpetuity.

Reason: To ensure a satisfactory form of development in accordance with the requirements of policies DC1, CS4 and CS5.

### 6. Fixed plant and machinery

Before any fixed plant and machinery hereby approved, including refrigeration and air conditioning equipment, is operated on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of airborne and structure-borne.

Reason: To ensure a satisfactory form of development

### 7. Ventilation and Extraction details

Details of a ventilation and fume extraction system suitable for uses within class A3, including a full technical specification by a suitably qualified person, specifying the position of ventilation fume or flue outlet points and the type of filtration or other fume treatment to be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the local planning authority and shall be installed before any A3 Use commences and thereafter shall be retained in full accordance with the approved details. The ventilation and extraction system referred to in this condition shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement filters.

Reason: To ensure a satisfactory form of development.

### 8. Noise Assessment

Prior to the development hereby approved commencing, a noise assessment (from a qualified noise consultant) shall have first been submitted to and approved in writing by the Local Planning Authority. The assessment shall detail the level of attenuation that is created by the existing structure of the building and a scheme detailing the noise levels that

residents are likely to be exposed to from the neighbouring commercial premises together with a scheme designed to protect these dwellings from any noise transference. The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial business is in use. The report should also identify all works that will be necessary to protect the residents from noise. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the amenity of the neighbouring properties.

#### 9. Delivery/collection times

Deliveries and collections to the rear of the premises shall only be made between the hours of 8:00am and 7:00pm Monday to Saturday, and between the hours of 9:30am and 6:30pm Sunday.

Reason: In the interests of the amenities of residents.

#### 10. Demolition

A demolition and construction phasing plan shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being brought into use. The plan shall include details of a scheme of remediation for the site in the event of the approved building not being constructed post demolition works and include details of how the works will be undertaken whilst maintaining the safe operation of the adjacent highways.

Reason: In the interests of highway safety, the adjacent neighbouring properties and the appearance of the area in accordance with the general requirements of the National Planning Policy Framework.

#### 11. CCTV

A scheme of CCTV shall be installed and operated to provide coverage of the resident entrance and cycle access in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of camera location and specification. The approved scheme shall be brought into operation prior to the first occupation of the residential part of the building hereby approved and shall thereafter be maintained and operated in perpetuity.

Reason: In order to provide a high quality development which reduces the risk of crime, in accordance with the National Planning Policy Framework.

#### 12. Highway Works

The development hereby approved shall not be brought into use until a scheme of highway works have been undertaken in accordance with a scheme of works which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the works and the method of securing the works and timescales for provision.

Reason: In order to ensure the immediate environment of the building is of a high quality following the development taking place in accordance with Local Plan Policy DC1.

#### 13. Ground floor communal room windows

The ground floor windows within the communal break out space fronting Davison Street shall be obscure glazed up to an internal height of 1.7m.

Reason: To ensure adequate privacy for the future residents and preserve the character of the external space.

#### 14. External Finishing Materials

Notwithstanding the materials detailed within the submission and approved plans, details of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The details approved in discharging this condition shall be those used in the construction of the development.

Reason: In order to achieve a high quality building in appearance in accordance with the requirements of local and national planning policy and guidance.

### **REASON FOR APPROVAL**

This application is satisfactory in that the design of the proposed six storey commercial/student accommodation building accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the proposed six storey commercial/student accommodation building accords with the local policy requirements (Policies DC1, CS4, CS5, REG 20 and REG21 of the Council's Local Development Framework).

In particular the proposed six storey building is designed so that its appearance is complementary to the existing buildings within the town centre and it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The proposed six storey commercial/student accommodation building will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the surrounding buildings.

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

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### **INFORMATIVES**

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Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

(<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>). Please be aware that where there is more than one condition a multiple fee may apply.

The applicant is advised to contact the Highway Authority (Tel: 01642 728156) prior to any work commencing on site in order that a pre-inspection of the highway can be undertaken and agreement reached on suitable protection to prevent damage to the highway during construction. Failure to do this may result in the Highway Authority using powers available to them to impose such restrictions they deem necessary to protect the existing highway. Any damage that does occur will be deemed the responsibility of the person undertaking the work along with the liability for reinstatement.

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

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

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

The applicant is reminded that 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 recommended to actively seek to develop to accredited Secured by Design standards or to contact the Secured by Design Officer for advice relating to designing out opportunities for crime and disorder to occur in the future.

Secured by Design contact: [stephen.cranston2@cleveland.pnn.police.uk](mailto:stephen.cranston2@cleveland.pnn.police.uk)

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Case Officer: Joanne Lloyd

Committee Date: 6<sup>th</sup> September 2019

