

PLANNING AND DEVELOPMENT COMMITTEE

<p>Date: Thursday 3rd July, 2025 Time: 1.30 pm Venue: Mandela Room</p>

AGENDA

1. Welcome, Introductions and Fire Evacuation Procedure

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

2. Apologies for Absence

3. Declarations of Interest

4. Minutes - Planning and Development Committee - 5 June 2025 3 - 8

5. Schedule of Remaining Planning Applications to be Considered by Committee 9 - 50

Schedule – Page 9

Item 1 – Former Crombies Site, Emmerson Street – Page 11

Item 2 – Vacant land adjacent to new medical centre
Stokesley Road – Page 33

6. Weekly Updates List - Applications Received 51 - 54

7. Delegated Planning Decisions 55 - 58

8. Planning Appeals/Enforcement Notice Compliance 59 - 62

Appeal Decision - 5 Dell Close, TS7 8JG

Enforcement Notice Compliance – 12 Levington Wynd

Enforcement Notice Compliance – Ormesby Institute

9. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 25 June 2025

MEMBERSHIP

Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Coupe, I Morrish, J Ryles, G Wilson and D Branson

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne McNally, 01642 728329, Joanne_McNally@middlesbrough.gov.uk

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday, 5 June 2025.

PRESENT: Councillors J Thompson (Chair), D Branson, I Blades, D Coupe, I Morrish, J Rostron, J Ryles and G Wilson.

ALSO IN ATTENDANCE: A Bircham, I Chapman, D Hodgson, K Inman, N Kane, K O'Malley, S Rae, I Rowe, P Rowe and K Younger.

OFFICERS: A Glossop, J Lloyd, C Lunn, D O'Rourke and S Thompson.

APOLOGIES FOR ABSENCE: None.

25/1 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed everyone to the meeting and explained the Fire Evacuation Procedure.

25/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

25/3 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 10 APRIL 2025**

The minutes of the meeting of the Planning and Development Committee held on 10 April 2025 were submitted and approved as a correct record.

25/4 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Development Control Manager submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

24/0521/COU, 13 Gypsy Lane, Middlesbrough, TS7 8NF, Retrospective summerhouse to rear garden and part change of use of existing property to allow for childcare provision for up to 9 children and 3 staff members, Mon-Fri, 8am -5pm (term time only).

The Committee was advised that planning permission was sought for retrospective planning approval for part change of use of the existing property to allow for childcare provision, and the erection of a summerhouse to the rear of the property which facilitated the use.

It was explained that 31 children were registered to attend the childcare facility currently, with numbers on site varying between nine and 18 throughout the day. The business also currently employed seven part-time staff, although the number of staff on shift at any one time was between three and four under normal circumstances.

Members were advised that, following concerns regarding the scale of the use and its associated impacts, the submission sought approval for a Child Care use to operate from the residential property to cater for a maximum of nine children per day (50% reduction), supported by three staff members. Operational hours would be Monday to Friday, 8:00am to 5:00pm during school term-time only.

Whilst garden buildings could be permitted development and not require planning permission, it came to light during the course of the application that the summerhouse did not meet the relevant permitted development criteria with regards to its height or to its use. Consent was therefore also being sought for the summerhouse which had already been constructed and which provided a playroom/childminding space which facilitated the use. It was understood that this space was also used by the applicant's own children.

Objections were received from a number of residents highlighting issues regarding increased noise, traffic, parking, level of activity and change in character. Letters of support had also been received highlighting that the childcare provision was a valued and vital service that

allowed parents to work.

Objections were also initially raised from the Council's Planning Policy Team and Highway Service due to overall impacts as a result of the scale of the use. Environmental Health had also commented confirming that they had no objection, subject to a noise management plan condition being put in place.

Whilst the use now sought a significant reduction in scale, it was the officers view that nine children would be the maximum suitable to be cared for from this residential property. Subject to conditions restricting children numbers and operational hours, officers were of the view that the use could be controlled to be at a level which would not significantly impact on the privacy and amenity of neighbours, or have an adverse impact on the character of the area or on the safe operation of the highway. Officers did recognise, however, that limiting impacts of any business operating from home was partially dependant on good management.

The Development Control Manager stated that 18 objections had been received, which highlighted issues with:

- Noise nuisance.
- Increased vehicle movements.
- Traffic.
- Inconsiderate parking/highway safety.
- Loss of privacy.
- Commercial use not appropriate in residential setting.
- Waste management.

It was highlighted to Members that some of the objections referenced a previous application that had been refused for childminding use. It was explained that that particular application had been refused on the grounds that the property concerned was located in a cul-de-sac, and the vehicle turning point was not conducive to the submitted proposals.

The Development Control Manager stated that 45 comments of support had been received, which indicated the following:

- Provided a local facility for working parents with young children.
- Home from home setting.
- Provided high quality childcare.
- Run by qualified, highly professional staff members.
- Essential to allow parents to continue working/return to work.
- Site allowed for sufficient parking.
- Use contributed to the local economy.
- Provided employment/apprentice opportunities.

The Development Control Manager advised the Committee that the recommendation was to approve the application with conditions, which related to approved plans - retrospective; hours of use; level of use; and a noise management plan.

A Member referred to the intended operational hours and queried how this would be monitored. In response, the Committee was advised that this was difficult and, like business opening hours, were not actively monitored. However, if planning officers were alerted to a potential breach of conditions, it would be investigated. Following a subsequent query regarding involvement from other service areas, such as education, in matters of enforcement, it was indicated that other controls may be available, but these would not be a matter for planning to pursue or become involved with.

In response to an enquiry regarding the retrospective element of the application, Members were advised that the applicant was unaware that planning permission for operation of the business had been required. The business had been operating for some time; officers had become aware of it through receipt of a complaint.

A Member commented that, to reduce the number of retrospective applications being referred to the Committee, it would be beneficial if improved links could be made between departments to encourage business owners to seek planning permission, before proceeding with their

plans. In response, Members were informed that since this matter had come to light, discussions had been held with relevant officers and advice provided to encourage potential childminders to contact the planning department and discuss their plans.

A Member referred to the summerhouse that had been constructed and queried whether there had been any specific complaints made in relation to that. In response, it was explained that the complaint made in respect of the summerhouse was part of the one, overarching complaint that had been received.

Four supporters were in attendance at the meeting; the Applicant's Agent addressed the Committee. In summary, the Agent advised that:

- The business had continued operating and been shaped through ongoing discussion with the Local Authority.
- There had been a 50% reduction in the childminding capacity.
- The business had relocated from Marton in 2022; brief reference was made to competitor numbers and the legislative requirements associated with the operation of a childminding business.
- The business had been approved by Ofsted.
- There had been no material changes, other than the summerhouse.
- The summerhouse marginally exceeded permitted development height at one side, due to a slope in the ground.
- It was felt that the noted objections had derived from an increased awareness of the planning application, rather than from the actual work being carried out.
- Child pick up/drop off arrangements were made in line with Ofsted requirements.
- Objections raised from neighbours were felt to have derived from an existing dispute.
- Concerns raised in relation to highway, environment, health and planning had been addressed.

A Member referred to the construction work carried out and queried whether the local builder completing the works had raised the matter of planning permission. In response, the Agent advised that the height of the summerhouse had exceeded permitted development by circa. 150-200mm on one side, due to a slope in the ground. It was a genuine mistake by the builder and permission had not been discussed.

A Member referred to the children being cared for and queried whether all were local to the area of the business. In response, the Agent advised that this was the case; the local school was in the vicinity and therefore the facility did need to be accessible for local families.

Five objectors to the application were in attendance at the meeting, one of whom was elected to address the Committee.

In summary, the objector explained that:

- A precedence was felt to have been set. Reference was made to a property in Newquay Close and an application for change of use, which had been refused on the grounds that it would have a detrimental impact on neighbours, with noise, traffic and inappropriate design being cited.
- It was an inappropriate location for this facility. Reference was made to Environmental Health and the need for the summerhouse building to be insulated with ventilation. It was commented that, on warmer days, doors and windows would need to be opened – which would result in persistent noise between 8am-5pm, potentially five days per week. The noise currently generated could be heard inside the neighbouring properties.
- Complaints of noise pollution had already been made to the Council's planning department, prior to this application being made.
- The application lacked clarity, for example: reference was made to three staff members, but it was unclear as to the roles these staff members fulfilled.
- The Summary document noted a 50% reduction in the number of children being cared for at any one time. However, the original application noted seven part-time members of staff and therefore it was unclear where the reduction was being made.
- Nine children would be cared for per day, but it was unclear as to whether it would be the same children for both morning and afternoon, or whether it would be two

- separate groups of children. If the latter, this would result in increased traffic.
- Light pollution was an issue for neighbouring properties.
- The dimensions of the neighbouring property's garage previously referred to was incorrect.
- Traffic had worsened in Gypsy Lane in recent times.
- Highway safety concerns had been raised in relation to the demolition of the front boundary wall.
- The Summary report referred to six children; more disruption would be caused if nine children and three staff were on site.
- The adjoining neighbours were elderly, and some were housebound.
- The weight given in supporting statements was unfair, as many had a short term interest in the facility.
- There was a loss of privacy and noise nuisance; the development also lacked infrastructure and parking and was against the general development principle.

A Member referred to the main reasons for the objections and queried whether these related to the development in its entirety, or whether it concerned the number of children involved. In response, it was explained to Members that the levels of noise from nine children and three adults was felt to be unacceptable. This was an unauthorised development, and it was felt it too much to accept such a level of disruption from a normal family home.

A Member queried the previous noise pollution reports and who these complaints had been raised with. In response, the objector advised that these had been raised with planning enforcement and it was understood that these would be forwarded to the appropriate teams via a one stop shop approach. A letter was received eight months later to state that these concerns were being looked into.

A Member referred to the term-time operational hours of the business and queried what the area was like outside of these. In response, the objector explained that it was a peaceful, suburban area when the children were not there. Captain Cooks Primary School was in the vicinity, but the noise was not overbearing as that site was very different to the one being considered.

A Member referred to the noise complaints that had been raised and queried whether any evidence gathering had been carried out by Environmental Health. In response, the objector advised that there had been no such monitoring work carried out because matters had been raised with planning as part of the wider unauthorised development complaint.

A Member referred to the age of the properties in the area and consideration given to the size of families living in those properties in previous years. In response, the objector commented that not all families were particularly large, outlining his own as an example.

The Development Control Manager made the following points:

- Reference was made to the planning application for a similar business in Newquay Close, which was refused on the basis that the impact on the highway would be too great for amenity on the residents in that area. That property was in a cul-de-sac, whereas the current application referred to a residential property on a normal street with parking available. It was felt that good management should reduce any potential impact of parking.
- In terms of noise pollution, the Environmental Health team had discussed and commented on the condition of a noise management plan. Members agreed that the condition should be expanded to include quiet times in the plan; the recommendation would be revised to reflect this. It was commented that Members could further restrict usage beyond the officers' recommendations, should they wish to do so.
- There was currently a large backlog in respect of planning enforcement and complaints received which, although being worked through, did mean that some of these dated by the time it came to dealing with them.
- No comments had been received from Ward Councillors.

In response to a comment from a Member regarding parking facilities, the Transport Development Lead commented on parking issues experienced in that area of the town, with changes made to parking provision at adjacent shops impacting on the area. It was explained

that traffic orders were in place that could be enforced, although obstruction was a police matter. The Council expected residents and visitors to act reasonably when parking their vehicles. Consideration was given to the parking demands upon the business, and the effective management of this at present.

The Committee discussed the issue of noise disturbance. It was felt that, if the application was approved, the noise emitting from the business would need to be monitored.

A Member commented that the business had been operating successfully and offered local employment. The business had been awarded a 'Good' Ofsted rating and provided support to local families.

ORDERED that the application be Approved for the reasons set out in the report, subject to expansion of the noise management plan condition to include reference to quiet times.

25/5 **WEEKLY LIST UPDATES - APPLICATIONS RECEIVED**

The Development Control Manager submitted details of new planning applications that had been received on a weekly basis over the last month. The purpose of this was to provide Members with the opportunity of viewing current live applications, which had yet to be considered by officers.

The Committee discussed the contents of the document. The officer advised that if Members felt that an application ought to be considered by the Committee, he should be advised accordingly.

NOTED

25/6 **DELEGATED PLANNING DECISIONS**

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

NOTED

25/7 **PLANNING APPEALS**

The Development Control Manager provided an update to Members on two planning appeals, both of which had been dismissed.

NOTED

25/8 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Site Visits

A Member referred to site visits and queried whether it would be possible for them to be reintroduced.

During discussion, Members considered the costs involved in undertaking site visits; the potential advantages of site visits when preparing to consider larger or more contentious applications; and the possible use of other resources, such as Google Maps, in preparing to consider planning applications.

The Chair indicated that they would liaise with the appropriate officers and report back to the Committee.

AGREED that:

- 1. The Chair would investigate the possibility of resuming site visits with relevant officers and report back to the Committee accordingly.**

2. The information, as presented, was noted.

Planning & Development Committee Schedule - 03-Jul-2025

Town Planning applications which require special consideration

1	Reference No: 25/0074/FUL Ward: Park	Applicant: Maria Cocker Agent: Logic Architecture	Description: Retrospective Erection of 6no. industrial units including associated parking (Demolition of existing industrial units) Location: Former Crombie's Site, Emmerson Street, Middlesbrough, TS5 6NS
---	--	--	---

2	Reference No: 25/0189/FUL Ward: Nunthorpe	Applicant: Middlesbrough Council Agent: Mr Neil Revell	Description: Erection of single storey community building with associated parking and external works Location: Vacant land adjacent to new Medical Centre, Stokesley Road, Middlesbrough, TS7 0NB
---	---	--	--

This page is intentionally left blank

APPLICATION DETAILS

Application No:	25/0074/FUL
Location:	Former Crombie's Site, Emmerson Street, Middlesbrough, TS5 6NS
Proposal:	Retrospective Erection of 6no. industrial units including associated parking (Demolition of existing industrial units)
Applicant: Company Name:	Maria Cocker
Agent: Company Name:	Logic Architecture
Ward:	Park
Recommendation:	Approve with Conditions

SUMMARY

Permission is sought for the demolition of some existing buildings on the site and the erection of 6 no. industrial units (use class B2 and B8) although some buildings have already been demolished and buildings erected in part which have been subject of a previous application at the site which was refused and subsequently dismissed at appeal. This application seeks consent for a revised scheme.

Following a consultation exercise, objections were received from residents of 3 nearby properties.

The site has no specific allocation in the Local Plan. It is located in an industrial/commercial area and therefore the principle of the proposed industrial use on this site is considered to be suitable. It is considered that the proposed development would provide a good reuse of the vacant site without a significant detrimental impact on surrounding properties. The scale and design of the proposed units are in keeping with the surrounding area.

On balance, taking into consideration the existing highway arrangements in the area and changes that have been made to the proposed development following the recent appeal decision which has resulted in servicing and parking being provided to serve the units, officers consider the development to be in accordance with the highways requirements of Policies CS18, CS19 and DC1 of the Local Plan.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically CS4, CS5, CS18, CS19 and DC1. The recommendation is for approval with conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is approximately 0.09 hectares. It is located on the east side of Emmerson Street, south of the junction with Stonehouse Street. The site is located in an industrial area with a builders yard as the established use, which includes single storey buildings to the north, a storage/distribution unit attached to the south and a cash and carry/retail units to the front. There are residential dwellings located to the rear of the site with the rear boundary wall of the application site forming the rear boundary wall of the residential properties. There is also an apartment located above the cash and carry/retail unit to the front.

The site previously comprised a builder's yard with a number of single storey buildings on the site. Some buildings remain in place while others have been demolished.

Planning permission is sought to demolish existing buildings on the site and the erection of 6 no. units, to be used for General Industrial (B2 use class) and Storage and Distribution (B8 use class). Work has already commenced on site but has not been completed. The works that have commenced on site do not reflect the current revised proposals.

PLANNING HISTORY

23/0291/FUL – Erection of 6no. Industrial units for Use Class B2 & B8 (demolition of existing buildings)

Refused 12th February 2024

Appeal Dismissed 7th November 2024

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)

- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

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:

DC1 - General Development
CS5 - Design
CS4 - Sustainable Development
CS7 - Economic Strategy
CS18 - Demand Management
CS19 - Road Safety
HGHDC - Highway Design Guide
UDSPD - Urban Design SPD

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

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise three objections were received from residents. The comments are summarised below.

- a) Overbearing/too high when viewed from residential properties
- b) Unsightly design and materials
- c) Bins will smell/increase in odour
- d) Will result in rats
- e) Increase in noise from cars, deliveries, shutters, equipment
- f) Increase in pollution
- g) Final use unknown
- h) Car park will lead to drug activities and prostitution
- i) Car park will allow people access to rear garden
- j) Increase risk of flooding if guttering fails – will need access to residential properties to maintain
- k) Loss of sunlight

The comments were received from:

- 1. 22 Canterbury Grove
- 2. 26 Canterbury Grove
- 3. 28 Canterbury Grove

Planning Policy - MBC

In principle, the proposed use of the site is considered acceptable.

In determination of the application consideration should be given to the provisions of the relevant policies. In particular, careful consideration should be given to the proposals design, including its impact on visual and neighbouring residential amenity. Moreover, the suitability of the proposed parking and servicing arrangements for the six industrial units should be carefully considered.

Waste Policy – MBC

No comments

Environmental Health - MBC

The proposed use as industrial units is on an industrial site but the nearest residential property is approximately 15 metres away. Therefore noise from the use of the proposed site could cause disturbance to the nearest residential properties. If approved a noise assessment is required by condition.

Lead Local Flood Authority – MBC

A flood risk assessment is not required for the site however drainage details are required to ensure it is suitably drained. A condition is required to provide the necessary information including the discharge point of any surface water from the roof, confirmation NWL have agreed for a connection to their network and if they have required a restriction in flow, a plan showing the proposed drainage and the amount of runoff from the roof.

Highways - MBC

No objection, subject to a condition to require the parking to be in place before the use commences.

Conservation – MBC

I don't foresee any impacts on the two Conservation Areas and Local List Buildings in the vicinity.

Northern Gas

Northern Gas Networks acknowledges receipt of the planning application at Emmerson Street, Middlesbrough, TS5 6NS

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.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated.

No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

If you have any questions, our Before You Dig Team will be able to help on 0800 040 7766 (option 3) or beforeyoudig@northerngas.co.uk

Cleveland Fire Brigade

Cleveland fire Brigade offers no representations regarding the development as proposed.

However, 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 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 2 Section B5 Table 15.2.

Recommendations

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

Further comments may be made through the building regulation consultation process as required.

Secured by Design – Cleveland Police

With regards to your recent planning application 25/0074/FUL for 6 x Industrial Units & Associated Car Parking, Emmerson Street, Middlesbrough. Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Commercial 2023 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2024 paragraph 96(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2024, paragraph 135(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on www.securedbydesign.com

Although not an SBD requirement, Middlesbrough along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

In addition to the above I would also make the following comments having viewed the proposal.

- All proposed doors, roller shutters and windows to the units are recommended to be tested and accredited LPS1175:A1 (or equivalent) rating as a minimum.
- The enclosure area and parking areas are recommended to be column lit to BS5489:2020 standards with a minimum uniformity of 25%.
- Appropriate bulk head lighting around units front façade are recommended.
- Individual units are recommended to have alarm provision provided.
- CCTV provision is recommended within the units and the parking area.

- Existing gates at the compound to act as parking to be utilised as security outside of opening hours.
- Any section of the units to be constructed from ground level with prefabricated sections are recommended to have an inner skin to 1.8m in height of brickwork or expanded metal to protect potential attack to the fabricated section.

Northern Powergrid

No response

Northumbrian Water

No response

Ward Councillors

No response

PLANNING CONSIDERATION AND ASSESSMENT

1. The application relates to the proposed development of 6 industrial units and associated parking at the former Crombie's Site on Emmerson Street. It is noted that an application for a development of the same nature was refused in February 2024 and a subsequent appeal dismissed later in the same year. This application is for a revised scheme, including changes to the scale of the units and the proposed parking and servicing arrangements.
2. During the application process, following comments from consultees and the case officer, revised plans were received. The revised plans reduced the depth of the units which in turn reduces the height of the building at its highest point. The revised plans also included more details in relation to a servicing area at the site and parking. The revised details are the subject of this report.
3. The key principles to be considered in relation to this application are the principle of the use in the proposed location, the visual appearance of the buildings, the access and highways issues in relation to the site and the impact on surrounding properties.

Principle of Development

4. The application site is within an area which is unallocated within the local plan meaning there are no specific Local Plan policies in relation to the site.
5. The site is a brownfield site, in an area where industrial and commercial activity is well established. The proposed industry (class B2) and storage and distribution (class B8) use is in keeping with the surrounding uses and is considered to be acceptable in this location. The reuse of the site meets the requirements of the NPPF which seeks to ensure high quality development of brownfield sites and Policy CS4 of the Local Plan

Highways

6. The development is located within an area of aging and poor quality commercial premises served off a private road which itself is of poor standard, with poor footpath provision. High levels of on-street parking, storage of waste/materials and servicing

already occurs within public areas and is outside of the authorities control (in highway terms).

7. Development proposals are to erect 6 commercial units for B2/B8 use. The proposed development fronts Emmerson/Stonehouse Street and seeks to provide some parking / servicing directly in front of the units which will assist in providing for the comings and goings of the units day to day. There is additional parking being provided adjacent to the units.
8. Similar proposals have previously been considered and were refused including on highways matters. The refusal of the application was appealed with the Planning Inspectorate raising issues with highways elements of the application and the appeal was subsequently dismissed.
9. When assessing the current proposals and taking into account the previous scheme and Inspectors decision the Highway Authority now do not raise any concerns and consider that the revised scheme adequately addresses the issues raised.
10. When dismissing the previous appeal at the site the Inspector commented that “the development does not make provision for a servicing or turning area within the site boundary. Rather, the 6 additional units occupy the entire site. Vehicles delivering/collecting goods would need to do so from within the street. Whilst this arrangement is consistent with many of the other units in the locality, including the adjacent units, the former use of the appeal site as a builder’s yard did accommodate onsite servicing. This change represents a loss of onsite servicing capability.”
11. The area in front of the units is approximately 6.7m deep by 40m long, covering an area of 0.03ha (a third of the site) which provides a shared service area to enable vehicles to pull off the highway in front of the proposed units. Given the nature of the proposed development and size of the forecourt area vehicles can also reverse up and into the units themselves through the large shutters to carry out deliveries or pickups.
12. It is noted that the majority of existing businesses along Stonehouse Street and Emmerson Street are constructed with buildings immediately up to the footpath and carriageway, without any servicing area. The proposed development incorporates a large area outside the 6 units which will serve all the units and is a significant improvement in the servicing facilities when compared to neighbouring properties, and still incorporates onsite servicing at the site, as with the previous builder’s yard use.
13. It is the planning view that this service area is more than adequate to serve the proposed units and responds to the loss of onsite servicing expressed by the Inspector in the previous application.
14. Assessing development proposals against the Tees Valley Highway Design Guide the level of parking required ranges from 7 spaces being needed for a B8 use to 10 spaces being needed for a B2 use. The Highway Authority have stated that there is therefore a theoretical shortfall of 1 to 4 parking spaces. However, the location and size of the proposed units has been taken into account and no objection is raised on parking grounds with the Highway Authority stating traffic generation is not considered to be significant due to the size of the units.

15. The Inspector also commented on the parking arrangement which was proposed within the adjacent compound. They stated "Parking provision would be provided in the former Crombie's site, a compound adjacent to the site. Servicing could be conducted in the compound too. However, this compound is separate, and a distance away, from the new units. For these reasons, the provision within this compound may be less apparent to, and less convenient for, visitors. Therefore, by implication, parking and servicing in the highway may become the default position in practice, to the detriment of the safety and capacity of the highway."
16. In the current application 6 car spaces are provided at the north of the site. While the parking spaces are still located in land that was previously the Crombie's compound they are now located immediately adjacent to the proposed units (with some existing buildings demolished to accommodate them) approximately 45m closer than previously proposed. The submitted details state that the parking spaces are staff parking facilities. As such, the parking facilities will be apparent to staff. Concerns have been raised in relation to the parking facilities having an impact on existing access to the wider compound, and in relation to conflicting vehicle movements. The car park is for staff use, therefore manoeuvres are likely to be reduced with staff arriving at the beginning of the day and leaving at the end of the day. The submitted details also demonstrate that large vehicles would still be able to access and manoeuvre within the wider compound. A bin store is located to the north of the site within the staff car parking area. The waste policy team have not raised any concerns regarding the location of the bin store or access to it.
17. It is noted that while the Inspector raised concerns regarding the position of the parking in the previous application, they did not raise any concerns regarding the amount of parking proposed for the units, which was 6 parking spaces. This is the same level of parking as proposed with this current application for units which are much smaller in size. There is an existing public car park on Emmerson Street less than 70m from the site. The car park is free to use and even includes electric vehicle charging points. The car park is located to serve the commercial, business and industrial uses in the immediate vicinity. It is the planning view that the combination of onsite staff parking, a servicing area at the site and public parking facilities in the immediate area, will provide ample facilities for the proposed development.
18. The existing situation at the site is that the footpath is dropped kerb all the way along the length of the site. Vehicles park along the pavement on both sides of Emmerson Street making the footpaths unusable with any pedestrians having to walk in the carriageway. The erection of the proposed units, with a servicing area at the front of the units, and then the footpath. Will mean that other vehicles that may currently park on the footpath, cannot do so as they would be blocking access to the servicing area. Whilst there will be some movement of vehicles across the footpath to access the service area, these movements are likely to be intermittent throughout the day and the Highway Authority have acknowledged that the proposed uses will not generate high levels of traffic. This will leave the footpath free from parked vehicles and will make Emmerson Street easier to drive down in this location as vehicles will only be parked on one side of the road not both sides, and easier for pedestrians who wish to use the footpath.
19. It is the planning view that the proposed development removes the issues raised by the Inspector in their previous appeal decision in relation to onsite servicing and parking, and is in line with the requirements of policy DC1 in relation to highway safety and capacity, providing adequate servicing and parking facilities within the

curtilage of the site which will result in improvements to the surrounding highway through the removal of unmanaged on street parking.

Amenity

Noise

20. The site is located in an industrial area however there are residential properties immediately to the rear and an apartment on the first floor of a commercial property to the front of the site. Objections have been received from residents to the rear in relation to noise from the proposed development, particularly in relation to the roller shutters, car noises and general use of the units. The current situation is that the site has sui generis use as a builder's yard, whilst it may not be used currently it is an existing permission that can be brought back into use without permission being required. There are no planning controls in place to restrict the hours of use of the site currently.
21. Historically the site was a builder's yard with single storey flat roof buildings located to the northern section. The building to the north is still in situ which includes a large roller shutter and pedestrian access with roller shutter and are built up to the footpath. A high boundary wall ran along the rest of the boundary with the footpath leading to a gate at the southern end. The southern end is located immediately adjacent to an existing storage unit that also has a large roller shutter and pedestrian access also with a roller shutter.
22. When assessing the previous application the Inspector stated that the "erection of the proposed units will provide some mitigation for noise from the site as the buildings will dampen any noise as opposed to the current situation which includes a large open yard". Roller shutters are common in the location due to the industrial nature of the area and are located on the front elevation. However, it is noted that this proposed use will likely intensify the use of the premises and may have operations taking place inside the units which generate some noise. It is therefore considered that a restriction of the hours of operation of the premises will be necessary to ensure that any noise from the use of the premises only occurs within typical daytime operating hours. The hours of operation will be restricted to between 8am to 6pm Monday to Saturday and 10am to 4pm. This will also ensure that there is no detrimental impact on residents in the area at times of the day when background noise levels are lower, when they should generally be able to expect more peace and quiet. If this application is approved the hours of use will be controlled by condition. To further safeguard residential properties from noise, a condition is recommended to require a noise assessment to determine the noise levels from the site and any necessary mitigation required to further protect the residential amenity which may include internal insulation of the walls within the premises. The Inspector did not raise any issues in relation to noise as part of their assessment of the previous application, acknowledging that these matters can be controlled by conditions.

Scale/Visual Impact

23. As part of the previous appeal the Inspector commented on the impact on of the development on the adjacent residential properties. The Inspector stated in relation to the materials used for shared boundary wall "the use of render would be a departure from the locally distinctive material palette and as such would be a contrast which would assume visual prominence, to the detriment of the outlook of the

occupiers of the neighbouring properties". In relation to the increased height of the wall by approximately 1m the Inspector stated "given the modest size of the rear gardens and the proximity of the dwellings in Canterbury Grove to the rear boundary wall, the development would be unduly high along the shared boundary, to the detriment of the outlook of neighbours...the eaves height of the proposed building, albeit single-storey, would be comparable to the eaves height of the two-storey houses in Canterbury Grove and the roof form of the building, rising above the boundary wall, would increase the overall perceived height as viewed from the adjoining properties, adversely affecting the occupiers' outlook."

24. The revised scheme looks to reduce the visual impact of the proposed units on the residential properties at Canterbury Grove. The development will increase the height of the boundary wall (the original brick boundary wall, not the previously erected block and render wall which will be removed) by approximately 0.2m, taking the total wall height to 2.7m. The small increase in height creates a parapet with the roof and a box guttering system sitting behind it. The guttering system will have a downpipe that runs internally to ensure it does not overhang the residential properties, and any issues with the guttering can be maintained from within the site without need to gain access from the residential properties. The eaves height as proposed is more in keeping with single storey buildings and is no longer comparable to the eaves height of the two-storey houses as referenced by the Inspector.
25. The proposed scheme also significantly reduces the depth of the proposed units which in turn reduces the height of the building at its highest point to approximately 4.2m which is over 1m lower than the original scheme which was dismissed by the Inspector and which is of a scale in keeping with surrounding properties in the industrial estate and lower than the residential properties to the rear.
26. The reduction in the height of the eaves along the shared boundary wall and at the ridge, will significantly reduce the visual appearance of the building when viewed from the rear of properties at Canterbury Grove which reduces the adverse effect on the occupiers' outlook.
27. The small increase in height along the shared boundary will be constructed using bricks to match the existing wall, removing the unauthorised contrasting block and render wall. The use of bricks is more in keeping with the character of the area and will reduce the visual impact of the minor increase in height of the wall.
28. Some of the residential properties have large outbuildings located at the bottom of their gardens and soft landscaping which will also reduce the visual appearance proposed buildings. As a result of the reduced scale, changed materials and existing buildings and landscaping. The proposed units will not be overly dominating in their appearance when viewed from the residential dwellings and the rear gardens.

Light

29. The rear wall of the proposed units, which forms the rear boundary wall of the residential gardens, is located to the west of the gardens. As a result, any impact on light from the minor increased height of the wall will affect the bottom of the garden in the late afternoons and evenings and will be more apparent during the winter months. This impact is not considered to be significant and will not result in any significant harm to primary windows and rooms in the dwellings. The Inspector acknowledged the impact on light as part of the appeal for the larger development

previously proposed. When assessing the appeal they confirmed that the impact on light did not justify the dismissing of the appeal. The impact on light from the current proposals will be less than the previous application. Given the Inspectors previous comments, such impact would not warrant the refusal of this application.

Privacy

30. A run of roof lights is proposed close to the ridge of the proposed units. No windows are proposed on the rear elevation of the unit, as a result there is no overlooking of neighbouring properties and therefore no impact on the privacy of the residents.

Amenity Conclusion

31. Officers consider that the changes that have been made to the scale of the proposed units remove the issues raised by the Inspector when determining the previous appeal at this site in relation to resident's amenity. The proposed development will not be overly dominating in appearance and will not have a significant detrimental impact on the amenities of residents in relation to noise, outlook, light or privacy. The development is in accordance with the requirements of Policy DC1.

Design/Streetscene

32. The proposed building is constructed with a pitched roof and gable end with roller shutters on the front elevation with one large opening and a separate smaller pedestrian opening. The scale of the units is in keeping with the surrounding area.
33. The minor increase in height to the rear elevation will be erected using bricks to match the existing wall. The remaining elevations will be cladded.
34. The buildings are of a typical design and appearance to others in this location and are typical for industrial units. The buildings are of the same design and appearance as the previous scheme, but of a smaller scale. The Inspector did not raise any issues with the design and appearance of the proposed units as part of the appeal.
35. The proposed bin store is constructed with a metal fence around it which is in keeping with the visual appearance of the proposed units.
36. Officers consider that the proposed units will not detract from the visual appearance of the area and are in accordance with the requirements of Policy CS5.

Flood Risk

37. The Local Flood Authority have confirmed that a flood risk assessment is not required for the proposed development. However, as limited drainage information has been received it is necessary to place a condition on the application to require further information to be submitted for consideration. Given the development has already commenced it is considered necessary ensure the condition is worded to require the information to be submitted prior to work recommencing on the site.

Biodiversity Net Gain

38. Since April 2024, BNG has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a

BNG of 10%, which means that development will result in a more or better quality natural habitat than there was before development. This application is for retrospective consent. As a result, it is exempt from BNG requirements and no further work is required in this regard.

Other Matters

39. Only material considerations can form part of the analysis of a planning application. A number of comments have been received which are not material considerations and therefore they cannot be considered during the analysis of this application.
40. Concerns have been raised regarding an increase in rodents and odours as a result of the bin store and antisocial behaviour in the car park area when it is not in use. The proposed bin store is located within the existing compound to the north of the site. The creation of a bin store serving the units will allow waste to be stored in suitable receptacles in a controlled location. This reduces the likelihood of odours and increased rodent infestation.
41. While the compound where the car park is proposed is currently enclosed by a wall and gate, these will be removed as part of the proposed works to enable the creation of the parking area. To remove any concerns regarding antisocial behaviour in the car park outside of operating hours a new wall and gate will be required by condition. This will provide adequate control to ensure that the gate secures the site but does not prevent authorised vehicles or persons from accessing the site, particularly outside the hours of use.
42. During the appeal process the Inspector saw fit to attribute moderate weight to some matters raised in relation to the benefits of developing the appeal site and returning it to beneficial use, such as addressing the fly-tipping and anti-social behaviour that the derelict site presently attracts, as well as enhancing the appearance of the site. It is therefore considered to attribute moderate weight to these matters as part of the assessment of this application.
43. The Inspector also confirmed that the proposed development will provide economic benefits including job creation and retention, business opportunities and will generate business rates. The employment opportunities would also bring social benefits in an area of higher than average unemployment, contributing to community stability. There would be environmental benefits including bringing a previously developed site back into beneficial use in a sustainable location. These matters are attributed some weight when assessing the application.

Conclusion

44. It is considered that the proposed development responds to all the issues raised by the Planning Inspector when dismissing the previous appeal at the site.
45. The application has been considered in relation to the principle of development and the impact on nearby residents and the visual amenity of the area and highway provisions. It is considered that the proposed development would provide a good reuse of the vacant site without a significant detrimental impact on surrounding properties. The scale has been significantly reduced and the design of the proposed units are in keeping with the surrounding area.

46. The development includes a servicing area and parking within the curtilage of the site. On balance, taking into consideration the existing highway situation in the area the Local Planning Authority consider the development to be in accordance with the highways requirements of Policies CS18, CS19 and DC1 of the Local Plan.
47. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically CS4, CS5, CS18, CS19 and DC1. The recommendation is for approval with conditions.

RECOMMENDATIONS AND CONDITIONS

1. Time Limit

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

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

2. Approved Plans

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

- a) Location Plan, drawing no. 2466-LAL-XX-XX-DR-A-00-100 rev. P1;
- b) Proposed Floor and Roof plans, drawing no. 2466-LAL-XX-XX-DR-A-00-500 rev. P4;
- c) Proposed Elevations and Section, drawing no. 2466-LAL-XX-XX-DR-A-00-600 rev. P4; and,
- d) Concealed Gutter Detail for Rear Wall, drawing no. 2466-LAL-XX-00-DR-A-SK-01 rev. P1

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

3. Materials - Approved Details

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Proposed Elevations and Section, drawing no. 2466-LAL-XX-XX-DR-A-00-600 rev. P4, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

4. Car Parking

The development hereby approved shall not be brought into use until the areas for vehicle parking have been laid out in accordance with the approved drawing Proposed Floor and Roof plans, drawing no. 2466-LAL-XX-XX-DR-A-00-500 rev. P4 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained for the lifetime of the development for the sole purpose of parking vehicles associated with the

approved development.

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

Bin store in place before use commences

5. Hours of Opening/Use

The use shall not operate outside the hours 8am to 6pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

6. Deliveries and Collections

Deliveries and collections to the rear of the premises including waste collection must be restricted to between the hours of 8am to 6pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

7. Boundary Treatment and Gates

The development hereby approved shall not be occupied/brought into use until details of a boundary treatment and gate to enclose the parking area have been submitted to and approved in writing by the local planning authority, and thereafter erected on site. The approved boundary treatment and gate must be retained on site for the lifetime of the development.

Reason: 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 section 12 of the NPPF.

8. Commercial Premises Noise Assessment

A BS: 4142 noise assessment shall be submitted to and approved in writing by the Local Planning Authority before the use hereby commences. The assessment shall identify noise levels at the site along with the noise which will be generated at the development and its impact upon neighbouring premises. The assessment should identify noise from sources such as deliveries being made, noise from fixed plant and machinery at the development and noise from the use of the car park. The assessment should include details of any measures identified to protect neighbouring premises from noise. Any measures identified in the assessment to protect residents from noise generated due to the use of the site should be implemented before the use of the development commences and must be retained on site in an operational state for the lifetime of the development.

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

9. Drainage Scheme

Other than the removal of the unauthorised works, development shall not commence on site until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been 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 ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

10. Bin Store

The development hereby approved shall not be occupied/brought into use until the refuse/recycling store has been provided in accordance with submitted drawing(s) Proposed Floor and Roof plans, drawing no. 2466-LAL-XX-XX-DR-A-00-500 rev. P4 and Proposed Elevations and Section, drawing no. 2466-LAL-XX-XX-DR-A-00-600 rev. P4, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Thereafter the refuse/recycling store shall be retained in perpetuity for the sole purpose of refuse/recycling storage.

Reason: 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 section 12 of the NPPF.

Reason for Approval

This application is satisfactory in that the design of the proposed 6no industrial units for B2 and B8 uses accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF. In addition, the 6no industrial units for B2 and B8 uses accord with the local policy requirements (Policies CS4, CS5, CS18, CS19 & DC1 of the Council's Local Development Framework).

In particular the 6no industrial units for B2 and B8 use are designed so that their appearance would not be detrimental to any nearby sites, is complementary to the immediate industrial environment, and so they will not have an adverse effect on the residential amenity of occupiers in the wider area. The 6no industrial units for B2 and B8 use will not prejudice the appearance of the area and do not significantly affect any landscaping nor prevent adequate and safe access to the site.

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

INFORMATIVES

- **Discharge of Condition Fee**
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
<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.
- **Removal of Unauthorised Works**
The structures that have been constructed on site without consent must be removed. Formal Planning Enforcement action will be commenced to ensure the removal of the unauthorised works.
- **Civil Ownership Matters**
This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

In addition, you are advised that any works affecting party walls or involving excavations for foundations adjacent to a party wall you will be required to serve notice on all adjoining owners before work commences and adhere to the requirements of the Party Wall Act 1996.

- **Rights of Access/Encroachment**
This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.
- **Building Regulations**
Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.

- **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.

- **Name and Numbering**
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.
- **Construction Noise**
The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.
- **Deliveries to Site**
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.
- **Cleaning of Highway**
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.
- **Demolition**
Demolition requires notification under Section 80 Of the Building Act 1984 prior to any work commencing on site.

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to industrial development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered not to be significant.

Biodiversity net gain has been taken into account in relation to this report and is detailed above.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Specifically, considerations around designing out opportunity for crime and disorder have been detailed within the report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

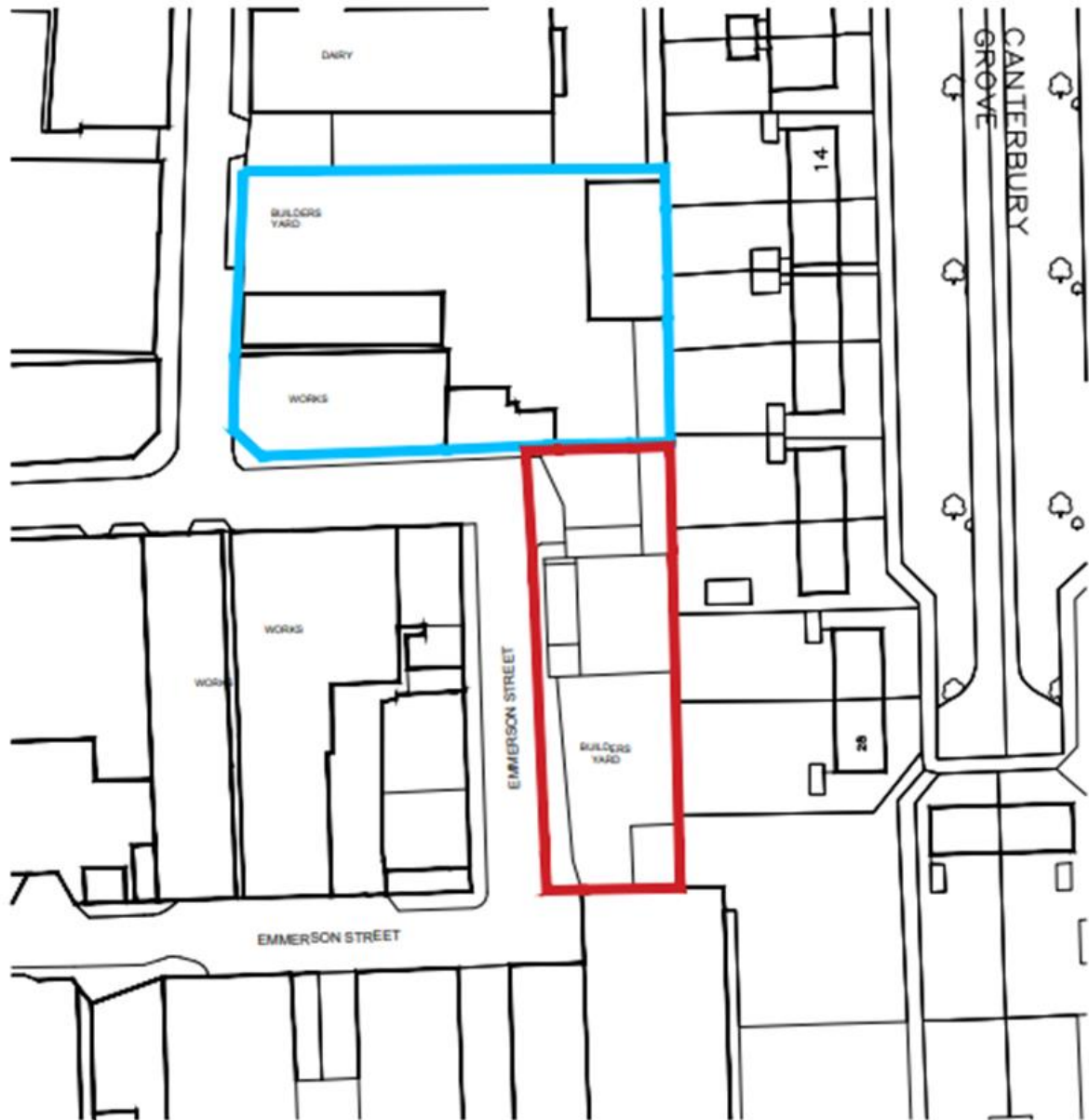
Financial Implications:

The proposed development if approved would result in industrial properties being constructed which would in turn lead to business tax revenue for the council. This matter is not a material planning consideration.

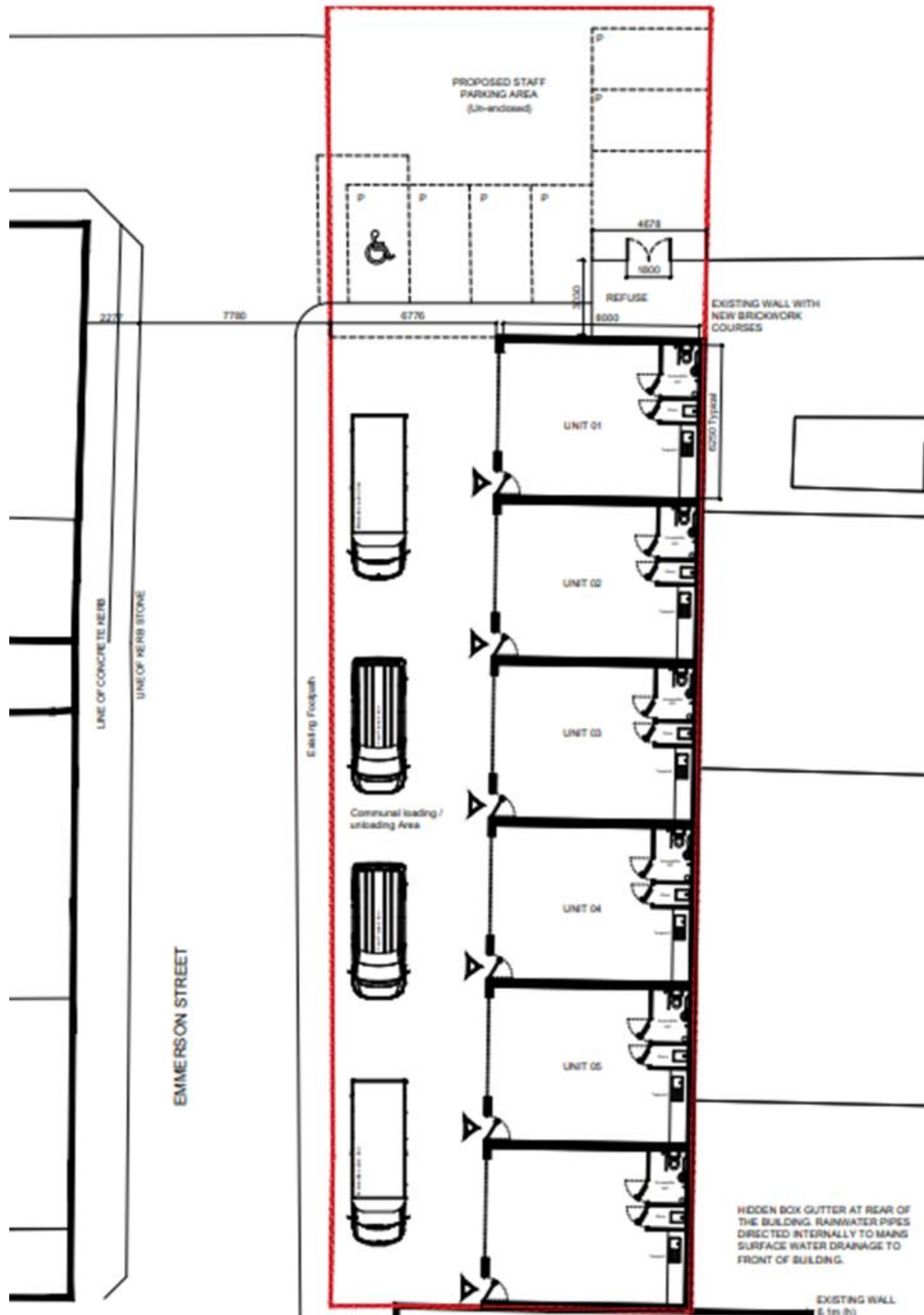
Case Officer: Shelly Pearman

Committee Date: 3rd July 2025

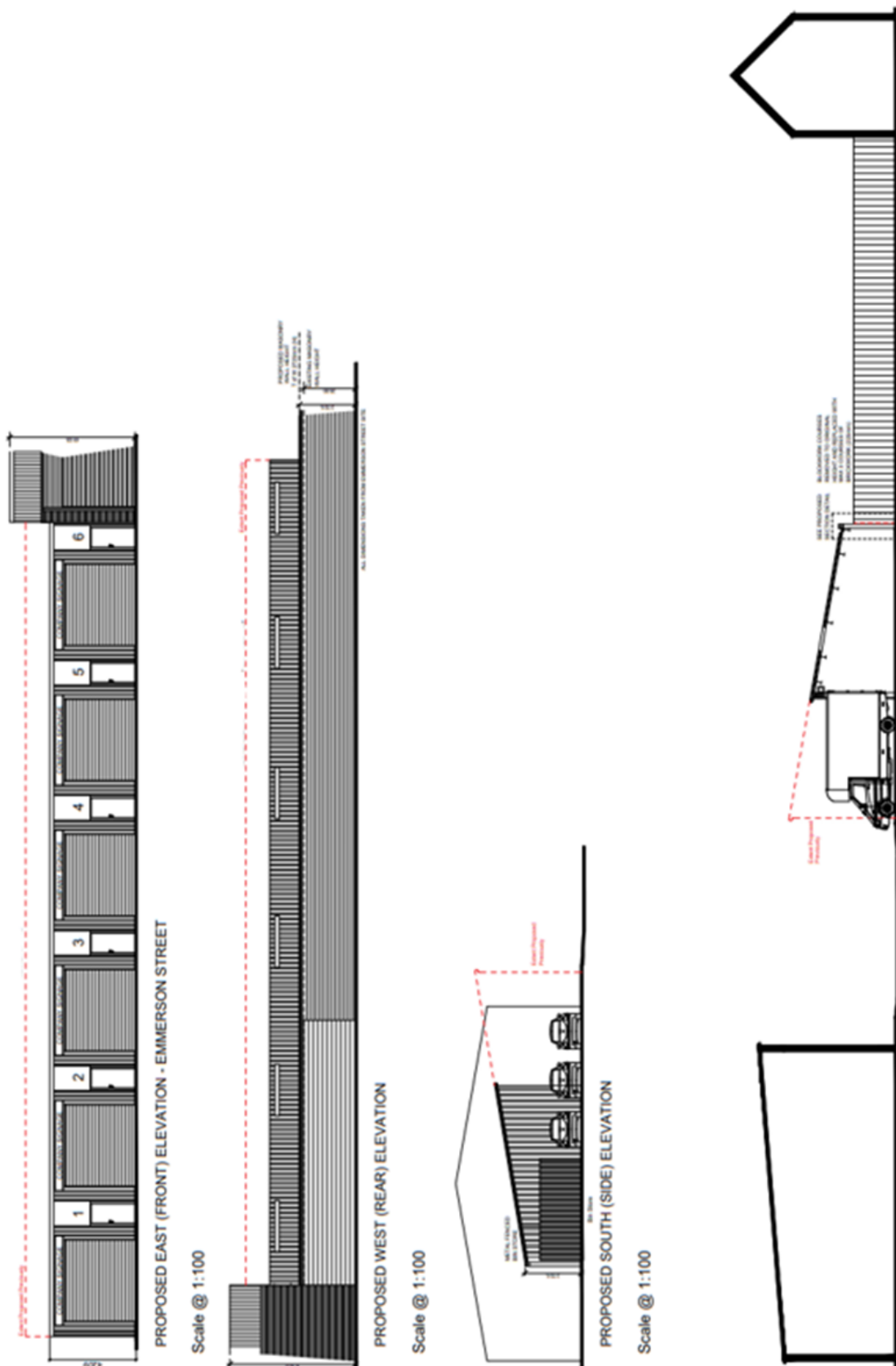
Location Plan



Proposed Site Plan



Proposed Elevations and Sections



APPLICATION DETAILS

Application No:	25/0189/FUL
Location:	Vacant land adjacent to new Medical Centre, Stokesley Road, Middlesbrough, TS7 0NB
Proposal:	Erection of single storey community building with associated parking and external works
Applicant:	Middlesbrough Council
Agent:	Middlesbrough Council
Ward:	Nunthorpe
Recommendation:	Approved with Conditions

SUMMARY

Planning permission is sought for the construction of a community centre on land to the east of Stokesley Road and to the south of the existing doctor's surgery.

The relevant policies in the Council's 2014 Local Plan allocate the land subject of the application for residential development. The proposals are, therefore, considered to represent a departure from the adopted Development Plan.

Notwithstanding the above, however, the application site forms part of policies HO4 and HO4d of the Council's Publication Local Plan (PLP). Paragraph 49 of the National Planning Policy Framework sets out that appropriate weight can be given to relevant policies in emerging plans. Policy HO4d in the PLP states that the application site is allocated for residential development, a care home and a community hub. Mindful of which, the proposals for a community building are considered to be acceptable.

The design, layout and arrangement of the proposal have been assessed and are considered to be of a high quality that is in accordance with the relevant local and national policies.

The relevant neighbouring properties and technical services have been consulted on the proposals and no objections have been raised.

Given the above, it is the officer recommendation to approve conditionally.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is on the eastern side of Stokesley Road, Nunthorpe, and to the south of the existing doctor surgery.

Planning permission is sought for a community building with associated 13 space car park and landscaping. The building has a footprint that measures approximately 18 metres in length and 15 metres in width, and its height is 2.7 metres to the eaves and 4.0 metres to the ridge of the dual-pitched roof.

The external treatment for the building elevations would consist of Staffordshire Blue brickwork up to 600mm with a combination of render and timber cladding above. Windows and doors would be aluminium double glazed, and the roof being finished with a bitumen membrane.

To the south of the building is the community garden area which would be enclosed with a 2.1-metre-high weld mesh fence. To the northeast of the building is the 13-space car park which is constructed out of concrete. A concrete footpath would also surround the building and connect to the car park.

Separate detached bin and cycle stores are to the north of the building.

A detailed landscape scheme has been submitted as part of the application, which includes wildflower planting between the building and the access road, as well as around the car parking area. Fifteen Silver Birch trees will also be planted within the site.

PLANNING HISTORY

There is no relevant planning history associated with the application site.

PLANNING POLICY

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

Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

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

Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

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:

Housing Local Plan (2014)

- H1 – Spatial Strategy
- H10 – Nunthorpe
- H11 – Housing Strategy
- CS17 – Transport Strategy
- H29 – Land at Nunthorpe, South of Guisborough Road

- H31 – Housing Allocations

Tees Valley Joint Minerals & Waste DPDs (2011)

- MWC1 – Minerals Strategy
- MWC4 – Safeguarding of Minerals Resources from Sterilisation

Core Strategy DPD (2008)

- CS4 – Sustainable Development
- CS5 – Design
- CS18 – Demand Management
- CS19 – Road Safety
- DC1 – General Development

Supplementary Planning Documents

- Middlesbrough's Urban Design SPD (2013)
- Nunthorpe Design Statement SPD (2011)

Other Relevant Policy Documents

- Publication Local Plan (2025)
- Nunthorpe Grange Design Code (2018)
- Design Guide and Specification – Residential and Industrial Estates Development

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

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

CONSULTATION AND PUBLICITY RESPONSES

Neighbour Consultation

The application has been the subject of the standard notification of neighbouring properties by letter drop, which includes 5 different addresses. Following the consultation period, no objections or other representations were received from local residents.

Summary of Public Responses

Number of original neighbour consultations	5
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Responses from Internal Technical Services

Planning Policy – No objections

The principle of the proposed development of a community facility is considered acceptable. Subject to the consideration that the proposal is of a high quality design and accords with all other relevant provisions of the policies notes above, it may be deemed that the development does not conflict with the Development Plan.

Highway Planning – No objections subject to conditions

There are no objections to the proposals subject to three conditions requiring details of the cycle store, a method of works statement, and details of the construction of the site access.

Local Flooding Officer – No objections.

There are no objections to the proposed development in principle and the discharge rate of 3.5l/s in total.

Environmental Health – No objections subject to conditions

No objections to the proposals. The requested hours of use should be conditioned to restrict the use of the community centre to appropriate times.

A Phase 2 Site Investigation was submitted with the application.

Secured By Design Advisor – No objections

The development should be developed to accredited secured by design standards.

Responses from Statutory and External Consultees

There were no statutory or external consultees as part of this application.

PLANNING CONSIDERATION AND ASSESSMENT

1. The application relates to the erection of a single storey community building and associated parking and external works on Land adjacent to the new Medical Centre, Stokesley Road.

Principle of Development

2. The application site relates to an area of land within the wider 'Land at Nunthorpe, South of Guisborough Road' housing allocation identified in the 2014 Housing Local Plan. Policies H1, H10, H11, H29, and H31 collectively allocate the land for residential development and are, therefore, relevant to this application. As the proposal regards the construction of a community building, it would represent a departure from the adopted Development Plan.

3. The application site also forms part of the 'Nunthorpe Grange' housing allocation identified in Policies HO4 and HO4d of the Council's Publication Local Plan (PLP). The Council is in the process of reviewing its Local Plan and the PLP, which was approved by the Council on the 5th March 2025 and is currently subject to a period of public consultation. Paragraph 49 of the National Planning Policy Framework (NPPF) sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. It is considered that some weight may be given to PLP policies in the determination of this planning application.

4. PLP Policy HO4d states that Nunthorpe Grange is allocated 'for the development of approximately 250 dwellings, a care home and a community hub'. Indeed, criterion g states that proposals for development of the site should '*provide a community hub and community garden, community hall or places of worship*'. In principle, it may therefore be considered

that the proposed development of a community building on land adjacent adheres to this policy.

5. Policy CS4 requires all development to contribute towards the achievement of sustainable development principles. In addition to provisions of Policy CS4 referenced throughout the comments below, this includes *ensuring everyone has access to leisure and other community and cultural facilities that they need in their daily lives and the incorporation of Sustainable Drainage Systems to mitigate against localised flooding, promote water conservation and help protect water quality*. The construction of a community centre building is considered to adhere to the criterion of ensuring local access to a community facility. The drainage implications will be considered later in the report.

6. Overall, it is considered that the principle of a proposed community centre building is acceptable.

Design, Layout and Arrangement Considerations

7. Policies CS4, CS5, and DC1 require all development proposals to demonstrate a high quality of design that positively contributes to the character and appearance of the surrounding area. This includes the layout, form, scale, and materials. Middlesbrough's Urban Design Guide Supplementary Planning Document (SPD) also provides a range of design related guidance that is applicable to proposals across the borough. It states that new development should look to strengthen and reinforce the locally distinctive identity, create places to be proud of and avoid bland, contextless design that may lead to 'anywhere' developments whilst avoiding promoting pastiche development.

8. The Nunthorpe Design Statement SPD is of relevance to the proposed development. It aims to maintain the distinctive character of Nunthorpe and provides guidance on the design of development in the area. Guidance C1 emphasises that it is *important to retain and develop a variety of facilities for the continuation and growth of a successful community, which can be achieved through improvements to community facilities, and through socially and environmentally sustainable community buildings*. Guidance D1 encourages high quality contemporary architecture that responds to the context of its particular location and references locally distinctive detailing. Moreover, Guidance D3 encourages the use of high quality sympathetic materials and details. The Nunthorpe Grange Design Code, which is also of relevance to the proposal, contains guidance that seeks to ensure high quality development with a unique character is created at Nunthorpe Grange, whilst also incorporating some of Nunthorpe's existing features.

9. In addition to the community building, the development involves the erection of associated bin and cycle stores, the formation of a substantial community garden area, and tree and soft landscape planting across the application site.

10. The design and finishing materials for the proposed community building are considered to be a high quality. The single storey height and low-pitched roof are considered to complement and be sympathetic to the adjacent medical centre building. Concerns were raised over the height of the proposed weld mesh fencing that would be installed to enclose the community garden area, which may have created a harsh appearance given its particularly prominent location. The applicant has agreed to reduce the overall height from 2.4 metres to 2.1 metres. The hard and soft landscaping across the site is considered to be acceptable and would allow the proposals to fit in with the local semi-rural environment. Details of the finishing materials of the bin and cycle store can be secured by a condition.

11. Such a design ethos and use of finishing materials is considered to be acceptable and in line with the relevant design policies.

Impacts of Surrounds

12. Policy DC1 identifies that development proposals must have a minimal effect on the amenity of the surrounding environment and nearby properties. The building is separated from nearby houses by Stokesley Road and the low building height is unlikely to have any harmful or oppressive impacts on nearby residents. The activities associated with the proposal are not expected to impact on any local residents given the overall size of the building and its requested hours of use (weekdays until 9pm). A condition is recommended to restrict the hours of its use to safeguard local residents.

Highways Considerations

13. Policies CS17, CS19, and DC1 require development proposals not to have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. Policy H29 advises that the allocated 'Land at Nunthorpe, South of Guisborough Road' housing site will not be brought forward until an agreement on the provision of a park and ride facility has been secured, or the Longlands Road to Ladgate Lane Road has been secured and a timetable for implementation agreed. Neither of these transport infrastructure schemes has been agreed. Evidently, a medical centre has been granted consent on the allocated site (reference 20/0644/FUL) and constructed in advance of an agreement on the schemes being made, thereby establishing a precedent. Provided that the impact of a proposal on the highway network would not be detrimental, or could otherwise be satisfactorily mitigated by other measures, this precedent may justify the approval of a development in the absence of any agreement on the aforementioned transport schemes.

14. Policies CS18 and CS19 encourage development proposals to incorporate measures that improve the choice of sustainable transport options available to people and schemes that promote their use. Similarly, Policy CS4 requires development to minimise or reduce reliance on private car travel, encouraging the use of sustainable forms of transport.

15. The application has been supported by a Transport Statement which has assessed the potential movements associated with the development using comparison of similar sites taken from the nationally recognised TRICS database. As would be expected given the location, scale and nature of the proposed development, vehicular movements are anticipated to be minimal and will not have a material impact on the surrounding highway network.

16. Vehicular access to the development is to be via a new access taken from the existing access road that serves the adjacent Nunthorpe Medical Centre. This access meets the relevant standards in terms of width and sightlines and serves a small car park of 14 spaces, which is in accordance with the Tees Valley Highway Design Guide for development of this type.

17. The site would be accessible via public footpaths and bus services can be accessed at stops a short walk away on Stokesley Road and Guisborough Road. In addition, the site is a relatively short distance from Nunthorpe train station and there is a combined cycleway/footpath near to the site along Dixon's Bank/A172. Cycle parking would be provided, supporting users of the community facilities to travel by bicycle.

18. Access for those arriving by foot/cycle is from the traffic-free shared ped/cycle route to the west of the proposed site, which also serves the Medical Centre. Cycle parking in

accordance with the relevant standards is provided for the community centre and will be secured by a suitably worded condition.

19. From a Highways perspective, there are no objections to the proposals subject to three conditions. One that requires the access to be constructed prior to the use of the development, another for a method of works statement to ensure construction of the development without affecting the area, and the third condition for details of the cycle store.

Drainage Considerations

20. In principle, there are no objections to the development at this location and as designed and the Flooding Officer is in agreement with the proposed discharge rate of 3.5 l/s in total, subject to certain points of clarification which can be secured by condition.

Biodiversity Net Gain

21. Since April 2024, BNG has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10%, which means that development will result in a more or better quality natural habitat than there was before development.

22. The application has been supported by a Biodiversity Net Gain Assessment. Within the actual development site, the report notes that habitats on site are dominated by rough grassland. The grassland covers an area of 0.25 hectares and provides 1.03 habitat units.

23. Using the Biodiversity Metric tool version 4.0, a net gain of 19.9% in biodiversity would be achieved through on-site measures mainly through the planting of 15 new trees and introducing wildflower across the site.

24. It is the Officer view that the site is capable of providing the net gain required and this can be detailed in the biodiversity gain plan that will need to be submitted to discharge the standard BNG condition. In addition, a condition is recommended to request a maintenance plan to give comfort to the LPA that the BNG can be achieved for the minimum 30 years.

Residual Matters

25. As identified in the Tees Valley Joint Minerals and Waste Development Plan Documents, the application site is located within the minerals safeguarding area for salt and gypsum. Policies MWC1 and MWC4 are therefore applicable. Collectively, these policies aim to protect mineral resources from unnecessary sterilisation. As the development would contribute towards the provision of community facilities in the local area, it may be considered that this outweighs the need for salt and gypsum. Furthermore, as the proposal is located on a site that is largely surrounded by residential development, mineral extraction is unlikely.

26. As already referenced above, the Council is in the process of reviewing its Local Plan. The Publication Local Plan (PLP) is currently subject to a period of public consultation and, given the provisions of the NPPF, it is considered that some weight may be given to PLP policies in the determination of this planning application. In addition to the aforementioned HO4 and HO4a, PLP Policy NE10 is also considered to be of relevance to this application. The proposed development includes the installation of an underground attenuation tank. In accordance with part c.iii. of Policy NE10, it is strongly encouraged that a natural SuDS solution is utilised in the management of water on the site. Underground attenuation should only be considered acceptable where natural methods are not feasible for technical reasons. Such drainage proposals can be considered through the discharge of the respective condition.

Conclusion

27. Overall, the proposed development is considered to be acceptable and deemed to be in accordance with the relevant local policies and represents a quality of development that can be supported.

28. The officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit

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

Reason: 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 accordance with the following approved plans:

- a) Existing Site Location Plan (A001)
- b) Proposed Elevations – Planning (A004)
- c) Proposed Key Plan – Planning (A003)
- d) Proposed Site Layout and External Works – Planning Rev P1 (A005)
- e) Proposed Site Layout and External Works Rev T5 (A115)

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

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the use of satisfactory materials

4. Site Investigation and Remediation Works

Before the commencement of any development works hereby approved, a full and competent site investigation, including a risk assessment, to identify any contamination present and to specify any remediation works which may be needed to be carried out to the site in order to bring it to a standard suitable for use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any remediation works required shall be carried out in accordance with the approved details prior to the commencement of the development. Prior to the commencement of development on site, validation of the remediated site shall be provided in the form

of a detailed completion statement confirming that works set out and approved by the local planning authority were completed and that the site is suitable for its intended use.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity, and the amenities of the future occupiers of the site.

5. Construction of Access

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

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

6. Method of Works Statement

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

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

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

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

7. Cycle Store Details Required

The development hereby approved shall not be occupied/brought into use until covered and secure cycle parking facilities, for 6 cycles, have been provided in accordance with drawing(s) to be submitted to and approved in writing by the Local Planning Authority. Such drawings to 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.

8. Refuse Store

The development hereby approved shall not be brought into use until the

refuse/recycling store has been provided in accordance with any drawings which are submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes thereof. Thereafter the refuse/recycling store shall be retained in perpetuity for the sole purpose of refuse/recycling storage.

Reason: 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 section 12 of the NPPF.

9. Hours of Opening

The community building shall not be open for use outside the hours 10:00 and 21:00 Monday to Friday.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

10. Implementation of Soft Landscaping

The tree planting and associated landscaping works as detailed on the approved drawings shall take place during the first available planting season (October-March) following the first occupation of the development hereby approved. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

11. Replacement Tree Planting

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

12. Ecology – Mitigation During Construction

Ecological mitigation measures based on those detailed in the submitted Ecological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures approved by the Local Planning Authority shall then be implemented during construction.

Reason: To protect the ecology of the site and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development having regard to policy CS4 of the Local Plan and section 15 of the NPPF.

13. Wildlife Mitigation

Additional mitigation measures to enhance biodiversity at the site, as set out in the approved Ecological Impact Assessment by E3 Ecology, and detailed below, shall be

implemented prior to the first use of the development hereby approved.

- a) Installation of two integrated bird nesting opportunities suitable for species such as swift, house sparrow, starling, house martin and/or swallows, and two bat roosting features in the new buildings at the site.
- b) Creation of hedgehog, reptile and amphibian hibernacula or habitat piles.
- c) Wildflower grassland to be incorporated into the landscaping proposals.
- d) Landscape planting is to be designed to enhance structural diversity and will include plants bearing flowers, nectar and fruits which are attractive to invertebrates, thereby helping to maintain food resources for wildlife in general.

The details of the mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and retained as part of the development in perpetuity.

Reason: To enhance habitats for wildlife in accordance with the requirements and guidance of the National Planning Policy Framework.

14. Surface Water Drainage Scheme

Prior to the commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Flood Risk assessment Ref 246149-BGP-00-XX-RP-C-0001 (Revision 1), Dated 28 February 2025 & Drainage Philosophy Ref 246149-BGP-00-XX-RP-C-0002 (Revision 1), Dated 28 February 2025 and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include, but not be limited to:

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

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

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

15. Surface Water Drainage Management Plan

Prior to the commencement of the development on site, details of a Surface Water

Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- i. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- ii. Details of any control structure(s) and surface water storage structures
- iii. Details of how surface water runoff from the site will be managed during the construction Phase
- iv. Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

16. Surface Water Drainage Management and Maintenance Plan

The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted and approved by the Local planning Authority; the plan shall include details of the following:

- i. A plan clearly identifying the arrangements for the adoption of the surface water system by any public authority or statutory undertaker (i.e s104 Agreement) and any other arrangements to secure the operation of the scheme throughout its lifetime.
- ii. Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

Reason: To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

17. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

18. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

REASON FOR APPROVAL

This application is acceptable as the proposed community building and associated works is

in full accordance with the relevant national and local planning policies.

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

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

INFORMATIVES

Informatives: Highways Related Matters

Interference or Alteration of the Highway

Interference or alteration of the highway requires a licence under the 1980 Highways Act. Connections to public sewers in the highway require a licence under 1991 New Roads and Street Works Act. The applicant should contact the Highway Authority (tel: 01642 728156) before any work commences on site, allowing a minimum of 7 days notice, or 30 days in the case of a NRASWA licence, if either or both of these licences are required

Formation of Access to Unclassified Road

Planning permission does not automatically include Highway Authority Permission. While planning permission is not required for a new/amended access onto an unclassified road the permission of the Highway Authority to carry out works in the highway is required. This application includes the formation of an access onto an existing access road which is unclassified. The applicant is strongly advised to contact the Highway Authority (tel: 01642 728156) prior to any work commencing on site so that this access can be discussed.

Highways Consent/Appropriate Licences

The permission hereby granted should not be construed as authority to place signage, skips, scaffolding, hoarding or building materials within the public highway nor allow cranes/structures to oversail the public highway. Highways consent and the appropriate licence(s) are required prior to these activities.

Further information can be found at: <https://www.middlesbrough.gov.uk/parking-roads-and-footpaths/roads-and-highways/highway-licences> or contact the Highway Authority (tel: 01642 728153).

Informative: Drainage Related Matters

Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas

Permeable Surfacing

Guidance on permeable surfacing of front gardens is available on the Communities and Local Government Website: www.communities.gov.uk

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to community development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be significant.

Biodiversity net gain has been taken into account in relation to this report and is detailed above.

The proposed development is not in scope for Nutrient Neutrality.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Specifically, considerations around designing out opportunity for crime and disorder have been detailed within the report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

Financial Implications:

None

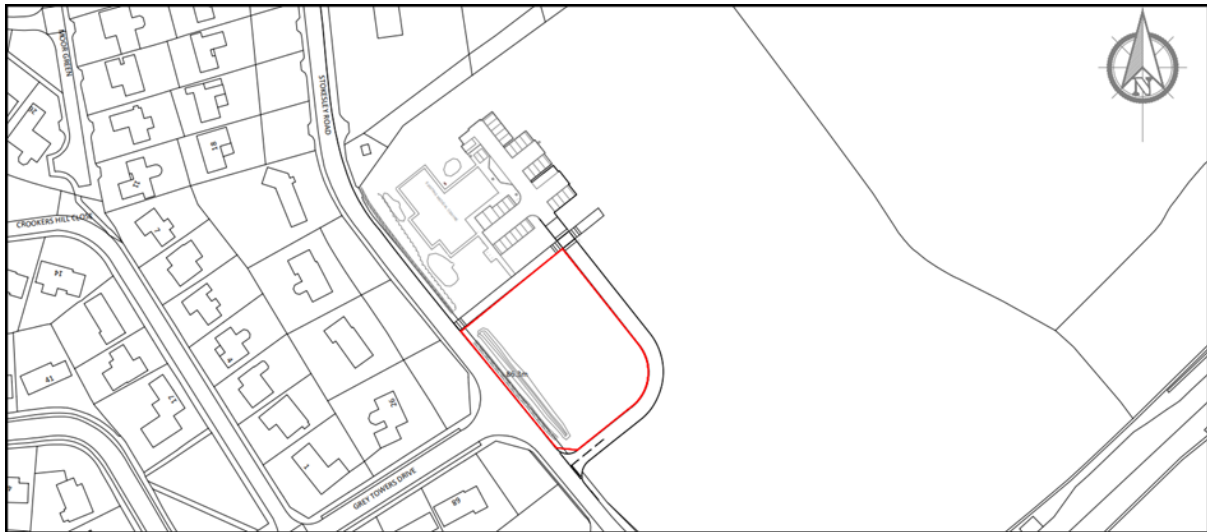
Background Papers

None

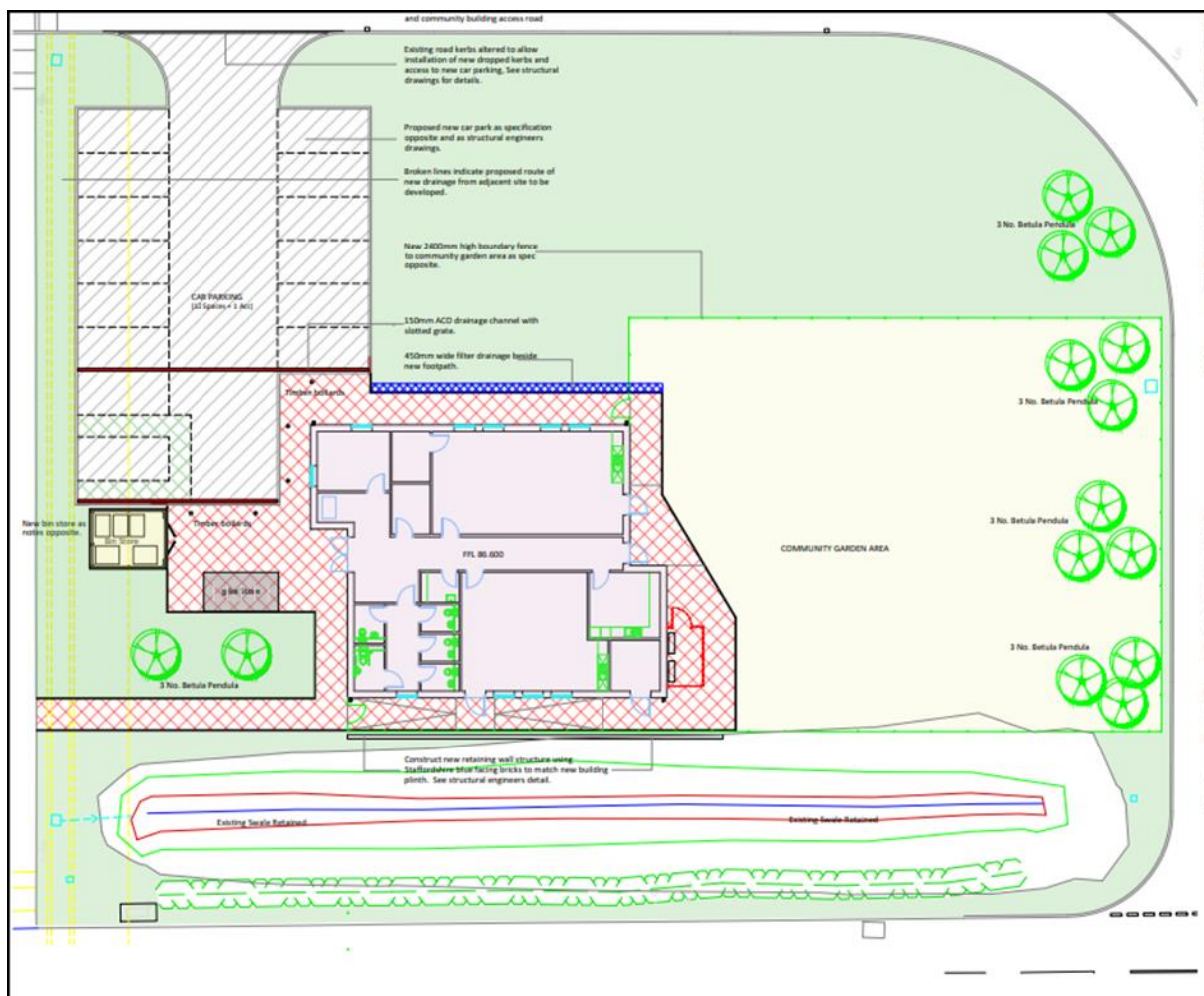
Case Officer: Peter Wilson

Committee Date: 3rd July 2025

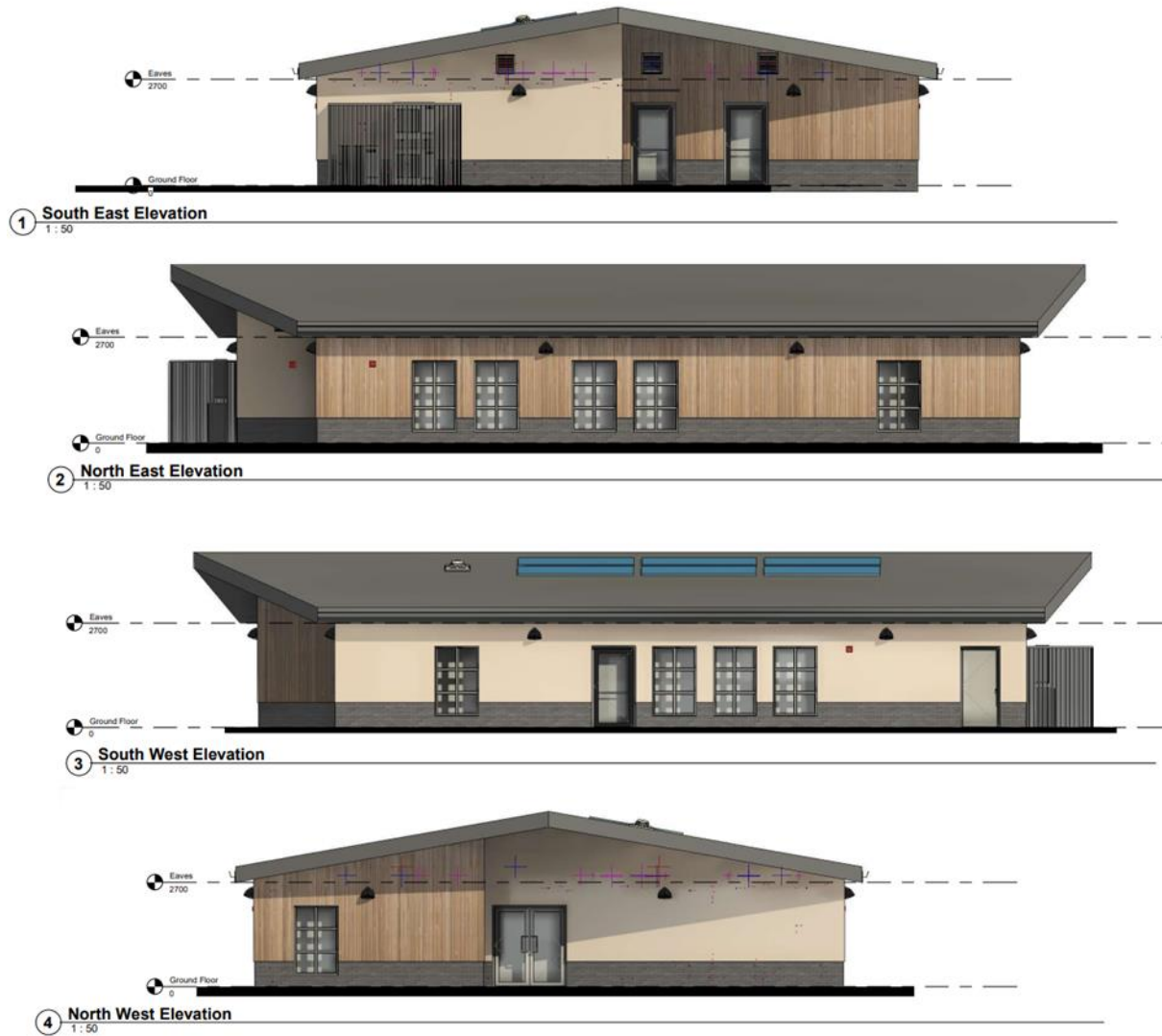
Location Plan



Proposed Site Plan



Proposed Elevations



Planning Committee 3rd July 2025 Weekly List Updates

Applications Registered 26 th – 30 th May			
25/0271/FUL	Two storey extension to rear	8, Glenfield Drive, Middlesbrough, TS5 7PX	
25/0286/FUL	Extension of cricket court including training nets	Middlesbrough Rugby And Cricket Clubs, Green Lane, Middlesbrough, TS5 7SL	
25/0305/DIS	Discharge of conditions 3(Gateway entrance), 7 (Site contaminations), 12(Landscape management plan) 17 (Construction of Roads and Footways Prior to Occupation of Dwellings) & 23 (Bin collection & stand area) on planning application 24/0356/VAR	Former St David's School, Middlesbrough, Former St David's School, 1 St David's Way, Middlesbrough, TS5 7EU	
25/0306/COU	Change of use from student accomodation (C4) to Air BNB (C1)	Jayden House, Granville Road, Middlesbrough, TS1 3PE	
25/0301/PNH	Single storey extension to rear (Length 6m, Height 3.44m, Eaves 2.557m)	95, Penistone Road, Middlesbrough, TS3 0EE	
25/0308/TPO	Reduce height of 1no. Sycamore to 8m	5 Torbay Close, Middlesbrough	
25/0299/FUL	Single storey rear extension	15, The Crescent, Middlesbrough, TS5 6SG	
25/0302/FUL	Part demolition of retrospective erection of single storey extension to rear	4, Marlsford Grove, Middlesbrough, TS5 8PH	
25/0303/FUL	Retrospective single storey extension to side and rear (Demolition of existing single storey extension to rear)	1 Marton Avenue, Middlesbrough, TS4 3SQ	
25/0304/AMD	Non-material amendment to planning application 25/0071/FUL to alter the layout of single storey extension	3, Woodhay Avenue, Middlesbrough, TS5 4QD	
Applications Registered 2 nd – 6 th June			
25/0277/COU	Change of use from dwelling to 4 bed HMO	9, Chesham Street, Middlesbrough, TS5 6BS	
25/0309/FUL	Installation of 2no. containers	1A, SHAW TRUST, Letitia Street, Middlesbrough, TS5 4BE	
25/0310/FUL	Ground floor extension to garage, First floor extension over existing garage, single storey extension to rear, and first floor extension to rear	22 Sandy Flatts Lane, Middlesbrough, TS5 7YY	
25/0246/TPO	Pollard 1no. tree to rear	97A, The Grove, Middlesbrough, TS7 8AN	
25/0280/COU	Change of use from dwelling (C3) to 3 bed HMO (C4)	50, Outram Street, Middlesbrough, TS1 4EG	
25/0311/PNH	Single storey extension to rear (Length 6m, Height 3.7m, Eaves 2.2m)	15, Ridley Avenue, Middlesbrough, TS5 7AL	
25/0313/FUL	Single storey extension to front	7, Cremorne Close, Middlesbrough, TS7 8RE	
25/0314/TCA	Crown lift 1no. Cherry, crown lift & prune 1no. Apple and 1no. Cherry Tree	CONSTANTINE COURT, Park Road North, MIDDLESBROUGH, TS1 3GA	
25/0297/FUL	Test aplication web comments	1Test Street, Test, Test	
25/0318/DIS	Part discharge of condition 15 (Land contamination) to plots 10 to 14 and 73 to 87 on planning application 20/0735/FUL	Former Milford House, Portland House, Northfleet Avenue & Jupiter Court, Admirals Avenue, Middlesbrough	
25/0315/FUL	Retrospective erection of garage to side	1, Pennyman Way, Middlesbrough, TS8 9BL	

25/0319/RCON	Application for the approval of reserved matters (appearance, landscaping, layout, access and scale) following Outline Planning Permission R/2020/0821/ESM in respect of a data centre campus comprising data halls (Use Class B8), office accommodation, substation; battery stores and new access arrangements, car and cycle parking, landscaping, infrastructure and associated works	LAND BOUNDED BY EDGE OF NWL BRAN SANDS TREATMENT PLANT AND FORMER ICI LANDFILL TO SOUTH WEST; REDCAR BULK TERMINAL TO NORTH WEST LINE OF VEGETATION TOD POINT ROAD	
25/0320/FUL	Two storey extension to side	43, Cranbrook, Middlesbrough, TS8 9XH	
Applications Registered 9th – 13th June			
25/0290/FUL	Retrospective installation of 10no. Solar panels to the roof	51, Applegarth, Middlesbrough, TS8 0UY	
25/0322/TCA	Crown lifting works to 1no. Hickory Tree	8, Orchard Road, Middlesbrough, TS5 5PW	
25/0316/FUL	Retrospective replacement of timber sash windows to UPVC windows	3, Linden Grove, Middlesbrough, TS5 5NF	
25/0323/CLD	Certificate of lawful use for 4 bed HMO	3, The Village, Stokesley Road, Middlesbrough, TS7 8BD	
25/0298/FUL	Installation of Locomotive	Roundabout at, Riverside Park Road & Ironmasters Way	
25/0326/FUL	Two storey extension to side (Demolition of existing single storey extension)	6, Ruskin Avenue, Middlesbrough, TS5 8PJ	
25/0324/CLU	Certificate of lawful use from Dwelling (C3) to Residential institution (C2)	Hillside, Stokesley Road, Hemlington, Middlesbrough, TS8 9DY	
25/0327/DIS	Discharge of conditions 20 (Traffic Regulation Order) and 29 (Renewable energy) on planning application 22/0524/MAJ	Land at Ford Riding Centre, Nunthorpe, Middlesbrough	
25/0330/DIS	Discharge of condition 5 (Method of works statement) on planning application 24/0371/FUL	Land at Newham Hall, Coulby Newham	
Applications Registered 16th – 20th June			
25/0332/CLD	Certificate of lawful development for replacement of existing garage roof	9, Chester Street, Middlesbrough, TS1 4NW	
25/0331/FUL	Single storey extension to rear	26, Glaisdale Avenue, Middlesbrough, TS5 7PF	
25/0334/DIS	Part discharge of condition 24 (Contaminated land validation report) on planning application 24/0496/VAR	Cleared site known as Grove Hill. Bound	
25/0336/CLU	Certificate of lawful use for HMO	22, Acton Street, Middlesbrough, TS1 3NG	
25/0339/CLU	Certificate of lawful use for House in Multiple Occupation	62, Acton Street, Middlesbrough, Middlesbrough, TS1 3NA	
25/0340/CLU	Certificate of lawful use for House in Multiple Occupation	21, Upton Street, Middlesbrough, TS1 3NE	
25/0279/TCA	Fell 1no. Oak tree to rear	109, Roman Road, Middlesbrough, TS5 5QB	
25/0321/MAJ	Erection of 205 dwellings including associated infrastructure	Land at Nunthorpe Grange, Nunthorpe Bypass, Middlesbrough, TS7 0NG	

25/0335/FUL	Replacement of upvc windows and timber door at first floor with new sash windows and timber door	57, The Avenue, Middlesbrough, TS5 6QU	
25/0337/FUL	Single storey extension to rear (Demolition of existing conservatory)	36, Barberry, Middlesbrough, TS8 0XG	

This page is intentionally left blank

Start Date

24-May-2025

to

23-Jun-2025

PAFRPTCOM1A

Agenda Item 7

Planning Ref	Decision Date	Decision
25/0205/FUL Company / Surname Proposal Address	27-May-2025 Mr Karwin Ahmed Single storey extension to rear (Demolition of existing extension) Darnholme, Ladgate Lane, Middlesbrough, TS4 3SF	Approve with Conditions
25/0217/FUL Company / Surname Proposal Address	27-May-2025 Buzz Group Limited Retrospective Installation of 4no. parcel lockers Buzz Bingo, Longlands Road, Middlesbrough, TS3 6HB	Approve with Conditions
25/0231/TPO Company / Surname Proposal Address	27-May-2025 Mr Francis Cormican Removal of 5no. Ash trees and reduction of 1no. Sycamore 36, Seamer Road, Middlesbrough, TS8 9DG	Approve with Conditions
25/0254/SCON Company / Surname Proposal Address	27-May-2025 Stockton Council Erection of 2no. industrial buildings Wilton Engineering Services Limited, Port Clarence Offshore Base, Port Clarence Road	No Objections
25/0161/FUL Company / Surname Proposal Address	28-May-2025 Mr & Mrs Chris & Sophie Rae Single storey extension to rear including raised patio area (Demolition of exist 35, Worsley Crescent, Middlesbrough, TS7 8LU	Approve with Conditions
25/0179/FUL Company / Surname Proposal Address	28-May-2025 Karim Erection of canopy to side 278 - 280, Linthorpe Road, Middlesbrough, TS1 3QS	Refused
24/0382/FUL Company / Surname Proposal Address	30-May-2025 Ashleigh Boyce Construction of a micro energy storage facility Land On The North West And South East Sides Of The A19, Middlesbrough, TS5 4QL	Refused
24/0385/FUL Company / Surname Proposal Address	30-May-2025 Ashleigh Boyce Construction of a micro energy storage facility Land On The East Side Of Marton Road, Middlesbrough, TS4 3SE	Refused
24/0386/FUL Company / Surname Proposal Address	30-May-2025 Ashleigh Boyce Construction of a micro energy storage facility. Land At The Vale, Middlesbrough, TS5 6RX	Refused
25/0107/FUL Company / Surname Proposal Address	30-May-2025 Ramsay Healthcare UK Operations Limited Single storey extension at the front, first floor extensions at the sides and pa Tees Valley Hospital Building, Church Lane, Middlesbrough	Approve with Conditions
25/0126/FUL Company / Surname Proposal Address	03-Jun-2025 Hyder Latif Single storey extension to rear (Demolition of existing extension to rear) 17, Farley Drive, Middlesbrough, TS5 8QT	Approve with Conditions
24/0457/FUL Company / Surname Proposal Address	04-Jun-2025 Abdul Shakoor Widening of the entrance to provide a vehicle access with brick pillars, erectio 26, Eastbourne Road, Middlesbrough, TS5 6QW	Approve with Conditions
25/0287/TCA Company / Surname Proposal Address	05-Jun-2025 Mr Anthony Rovsardi Fell 1no. Birch tree to rear 10, Cambridge Road, Middlesbrough, TS5 5NQ	No Objections
25/0167/FUL Company / Surname Proposal Address	06-Jun-2025 Lithia Group Ltd Erection of a prefabricated, steel-framed, clad structure Reg Vardy Plc, South Bank Road, Middlesbrough, TS3 6AS	Approve with Conditions
25/0187/FUL Company / Surname Proposal Address	09-Jun-2025 Mr Gurmeth Singh Second floor extension including dome to roof 23 Lorne Street, Middlesbrough, TS1 5QY	Approve with Conditions

Page 55

25/0188/FUL	09-Jun-2025	Approve with Conditions
Company / Surname	Mr Gurmeth Singh	
Proposal	Extension to create a 2nd floor including dome to roof including emergency escap	
Address	23 Lorne Street, Middlesbrough, TS1 5QY	
25/0201/FUL	09-Jun-2025	Approve with Conditions
Company / Surname	John Glliford	
Proposal	Proposed loft conversion including extension to front	
Address	3 Beck Street, Middlesbrough, TS5 8FN	
25/0229/ADV	09-Jun-2025	Approve with Conditions
Company / Surname	Story Homes Ltd	
Proposal	Installation of 2no. freestanding signs mounted on support collumns	
Address	LAND AT NUNTHORPE GRANGE, NUNTHORPE, TS1 9FT	
25/0214/FUL	10-Jun-2025	Refused
Company / Surname	Mrs Helen Bramley	
Proposal	Single storey extension to side	
Address	22, Newham Avenue, Middlesbrough, TS5 7PN	
25/0244/FUL	10-Jun-2025	Approve with Conditions
Company / Surname	Mr Graham Frankland	
Proposal	Single storey extension to rear	
Address	10, St Cuthbert Avenue, Middlesbrough, TS7 8RG	
21/1110/FUL	11-Jun-2025	Refused
Company / Surname	Mahboob Khaw	
Proposal	PROPOSED CONVERSION OF FLAT TO 2NO SELF CONTAINED FLATS	
Address	A&M BOUTIQUE, Stonehouse St,, Middlesbrough, TS5 6NS	
25/0232/FUL	16-Jun-2025	Approve with Conditions
Company / Surname	Mr Cameron Hawes	
Proposal	Replacement of roof (including removal of roof vents)	
Address	1-31 Bellamy Court, Pallister Park, Middlesbrough, TS3 8RL	
25/0160/FUL	17-Jun-2025	Refused
Company / Surname	March	
Proposal	Single storey extension to rear (Demolition of existing conservatory)	
Address	185, Evesham Road, Middlesbrough, TS3 0AS	
25/0294/DIS	17-Jun-2025	Full Discharge Conditions
Company / Surname	Barratt David Wilson North East	
Proposal	Discharge of condition 7 (Biodiversity gain plan) on planning application 24/005	
Address	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW	
25/0127/DIS	18-Jun-2025	Full Discharge Conditions
Company / Surname	Helen Green	
Proposal	Discharge of conditions 15 (Bio-diversity net gain plan) & 16 (Bio-diversity ne	
Address	Land at Newham Hall, Coulby Newham	
25/0220/ADV	18-Jun-2025	Approve with Conditions
Company / Surname	Peter Brookes	
Proposal	4no. Internally illuminated Fascia 'Odeon' & 'IMAX' signage (Removal of Cineworl	
Address	Middlesbrough Leisure Park	
25/0253/DIS	18-Jun-2025	Part Discharge Conditions
Company / Surname	Esh Living	
Proposal	Part discharge of condition 24 (Contaminated Land Validation Report) on planning	
Address	Cleared site known as Grove Hill. Bound	
25/0267/DIS	18-Jun-2025	Part Discharge Conditions
Company / Surname	Stonebridge Homes LTD	
Proposal	Discharge of conditions 12 (Landscape scheme & management plan) 16 (Recreation)	
Address	Land at Ford Riding, Nunthorpe, Middlesbrough	
25/0334/DIS	18-Jun-2025	Part Discharge Conditions
Company / Surname	Esh Living	
Proposal	Part discharge of condition 24 (Contaminated land validation report) on planning	
Address	Cleared site known as Grove Hill. Bound	
25/0194/FUL	19-Jun-2025	Approve with Conditions
Company / Surname	Hudson Calvert	
Proposal	Single storey extensions to rear and side	
Address	4, Hilderthorpe, Nunthorpe, Middlesbrough, TS7 0PT	
25/0216/FUL	19-Jun-2025	Approve with Conditions
Company / Surname	Glen Lang	
Proposal	Proposed Bedroom window to side	

Address	8, The Birches, Middlesbrough, TS8 0UA	
24/0235/FUL	20-Jun-2025	Approve with Conditions
Company / Surname	Amar Hussain	
Proposal	Single storey side and rear extension	
Address	7, Westbourne Road, Middlesbrough, TS5 5BN	
25/0175/FUL	20-Jun-2025	Approve with Conditions
Company / Surname	Andrew Hutchinson	
Proposal	Single storey extension to rear	
Address	41 Malvern Drive,	
25/0258/FUL	20-Jun-2025	Approve with Conditions
Company / Surname	Lidl Great Britain Limited	
Proposal	Retrospective erection of 1no. click & collect locker	
Address	LIDL, Cargo Fleet Lane, Middlesbrough, TS3 8AL	
25/0202/FUL	23-Jun-2025	Approve with Conditions
Company / Surname	Mr & Mrs Craig Riley	
Proposal	Part two part single storey extension to side (demolition of existing offshoot)	
Address	22, Grassington Road, Middlesbrough, TS4 3ET	
25/0257/FUL	23-Jun-2025	Approve with Conditions
Company / Surname	Lidl Great Britain Ltd.	
Proposal	Retrospective erection of 1no. click & collect facility	
Address	Lidl Supermarket, Newport Road, Middlesbrough, TS1 5PR	

Total Decisions	36	Total Approvals	29	Total Refusals	7
-----------------	-----------	-----------------	-----------	----------------	----------

This page is intentionally left blank

Appeal Decision

Site visit made on 2 May 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 5th June 2025

Appeal Ref: APP/W0734/W/25/3360766

5 Dell Close, Middlesbrough TS7 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Grant against the decision of Middlesbrough Council.
 - The application Ref is 24/0445/COU.
 - The development proposed is change of use of open space to private garden including 1.8m high timber fence to front and side and 1.2m timber fence to the rear.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is retrospective as the proposed development appears to have been mostly completed. From my site visit, the development appeared to be similar to that shown on the drawings refused by the Council. I have considered the appeal based on the drawings.

Main Issues

3. The main issues in determination of the appeal are the effect of the development on the Green Wedge and Primary Open Space and on the character and appearance of the area.

Reasons

4. Dell Close is within a predominantly residential estate. It is a short cul-de-sac with a mix of properties and frontages and to its end is Marton West Beck Valley and the Fairy Dell woodland.
5. The appeal site is the fence enclosed side garden and the planted area to the road at 5 Dell Close (No 5) which is located to the end of the cul-de-sac. The area was formerly a small open grassland area.

Green Wedge and Primary Open Space

6. The main parties agree that the appeal site and the surrounding grassland are designated as 'Primary Open Space' and part of the 'Green Wedge' as shown on the Housing Local Plan Proposal Map 2014. I see no reason to disagree with this.
7. The development's garden retains some of the green character and openness of the former grassland area and, with the addition of the front hedgerow, a biodiversity net gain is achieved. However, with its enclosed form and greater sense of formality and domestication, the development is a significant deviation

from the naturalised and open aspect that existed when it was a grassland area and part of the adjacent Primary Open Space and the Green Wedge.

8. Notwithstanding that the development is small, it still adversely affects the visual amenity of the Primary Open Space and the Green Wedge, prevents public access to the appeal site's land and reduces the separation between the Green Wedge and No 5's former development boundary. It provides no replacement open space of a similar or improved area and quality. The development does not complement the function of the open space, positively contribute to it or provide any notable community benefits.
9. I appreciate that the development does not impact on the overall accessibility or green links of the open space and does not create an undue nuisance or disturbance to occupiers of neighbouring properties. However, these are neutral factors which do not justify or outweigh the harmful incremental loss of the open space that has occurred.
10. Reference is made that the development contributes and complements the function of the open space in a similar way to other enclosed gardens on Dell Close. However, due to the development's intrusive form, prominent end location and its relationship to the open space, it is not directly comparable to the other gardens and does not change my view on the adverse effects the development has.
11. Reference is also made to the 2019 outline planning application for three dwellings to the west of No 5. In this application, the planning officer recognised conflict with Middlesbrough saved Local Plan Policies E2 and E7, but considered the overall scale of the scheme did not have a significant impact on the overall purpose of the open space. However, as full details of the planning balance for this application have not been provided, and the scheme was significantly different to the development before me, I am not convinced that it is directly comparable. In any event, the application was both refused by the Planning Committee and at appeal. As such this does not change my view on the harm I have found to the open space.
12. In relation to the appeal (APP/W0734/W/19/3235859) for the above application, the appellant submits that the 'important visual transition' between the built form of Dell Close and the entrance to the Primary Open Space and the Green Wedge referred to by the Inspector continues to be provided by the development. However, in this regard the Inspector concluded that the scheme's resultant open space would not be of a similar or improved area and quality as required by Marton West Neighbourhood Plan (WMNP) Policy MW3. The development causes similar harm and also conflicts with this policy. It therefore harms the 'important visual transition'.
13. Consequently, the development would harm the Green Wedge and Primary Open Space. It would be contrary to Middlesbrough saved Local Plan Policies E2 and E7 and Policies MW1 and MW3 of the WMNP. These policies, amongst other matters, seek to safeguard the Green Wedge and Primary Open Space from development.

Character and appearance

14. Without the development, the typical mix of property frontages on Dell Close are open gardens and driveways. Some front boundaries have been landscaped with planting and hedging and some low height front and side boundary fencing exists. These modest features give the street an attractive, open and spacious aspect which allows pleasant views into and out of the open space.

15. Notwithstanding this, the development's 1.8-metre-high close boarded timber front and side fences are visually dominant in views from both the street and from the open space. They restrict views of the green character of the development's garden and the surrounding open space. While the fencing rounds off and aligns the end of the properties on Dell Close to a degree, it still appears as an incongruous feature that intrudes and harms the street view and open space views. Even with the front hedge which, once established, will provide some softening of the front fence's intrusion, the visual harm will not be addressed, and the hedge will not prevent the harm caused by the side fence.
16. While I appreciate that there are various examples of high boundary fencing and walling within the surrounding residential estate, these are not representative of Dell Close. Furthermore, from the limited information provided, the examples do not appear to have the same open space relationship that exists at the development. Indeed, while I saw some high fences and walls located to the back of the footpaths, enclosing gardens and beside green space, none were directly comparable to the development. The examples therefore do not change my view on the harm the development causes.
17. As a result of the above, the development is detrimental to the character and appearance of the surrounding area. It would be contrary to Middlesbrough Core Strategy Policies CS4, CS5 and DC1 and WMNP Policies MW3 and MW6 which, when read together, seek to secure developments which deliver a high-quality design that reflects and enhances the character and appearance of the area.

Other Matters

18. There has been some support at the application stage from interested parties regarding the benefits the development has had in improving the appearance of the overgrown and untidy former grassland area, reducing dog fouling of the area and enhancing privacy and security. However, it would not be unexpected for a naturalised open space area to be overgrown and untidy in appearance. No compelling evidence has been presented to demonstrate the area was a 'wasteland' and 'eyesore' as claimed. Furthermore, no substantive evidence has been provided to show dog fouling was a significant problem in the area or that alternative and less intrusive options could not have been used to alleviate any such problems. Supporting evidence has also not been provided to show the area caused significant privacy or security issues. Overall, these raised benefits do not outweigh the harm caused by the development.

Conclusion

19. For the reasons given above and having regard to the matters that have been raised, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR

This page is intentionally left blank