

## PLANNING AND DEVELOPMENT COMMITTEE

<b>Date:</b> Thursday 9th October, 2025 <b>Time:</b> 1.30 pm <b>Venue:</b> Mandela Room
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### 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 - 4 September 2025 3 - 8

5. Schedule of Remaining Planning Applications to be Considered by Committee 9 - 96

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Item 1 – Turford Avenue Social Club – Page 11

Item 2 – Church Halls, Kings Road – Page 33

Item 3 – 41 Bow Street – Page 43

Item 4 – 27 Wicklow Street – Page 63

Item 5 – 1 Pennyman Way – Page 81

6. Applications Approved by the Head of Planning 97 - 100

7. Weekly Update List - Applications Received 101 - 104
8. Planning Appeals 105 - 114
- Appeal Decision – 38 Minsterley Drive, TS5 8QR  
Appeal Decision – 173 Low Gill View, TS7 8AX  
Appeal Decision – 15 Albert Terrace, TS1 3PA
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 1 October 2025

#### MEMBERSHIP

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

#### **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](mailto:Joanne_McNally@middlesbrough.gov.uk)**

## PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 4 September 2025.

**PRESENT:** Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Branson, D Coupe, M McClintock, I Morrish, J Ryles, M Saunders and G Wilson

**OFFICERS:** A Glossop, R Harwood, J McNally, S Pearman and S Thompson

### 25/17 WELCOME, INTRODUCTION AND FIRE EVACUATION PROCEDURE

The Chair welcomed everyone to the meeting, introductions were made and the Fire Evacuation Procedure explained.

### 25/18 DECLARATIONS OF INTEREST

Name of Councillor	Type of Interest	Item/Nature of Interest
Councillor D Coupe	Non Pecuniary	Agenda Item 4, Item 1 – Ward Councillor
Councillor I Morrish	Non Pecuniary	Agenda Item 4, Item 1, relative works for Persimmon
Councillor D Branson	Non Pecuniary	Agenda Item 4, Item 1, Ward Councillor in area being developed

### 25/19 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 3 JULY 2025

The minutes of the Planning and Development Committee held on 3 July 2025 were submitted and approved as a correct record.

### 25/20 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.

**24/0463/RES, Hemlington Grange Phase 3B & 4B, Middlesbrough, Reserved Matters application (Phase 3b and 4b) for the erection of 225 no. dwellings, landscaping, SUDs basins and associated infrastructure on application ref. M/FP/0082/16/P**

Members were advised that permission was sought for the erection of 225 dwellings on the Hemlington Grange housing development site.

The site was located within the wider Hemlington Grange site which had outline consent for approximately 1200 dwellings. The site was currently under construction with the majority of the approved dwellings complete.

This application sought reserved matters consent for the last two phases, phases 3b and 4b.

The Planning Officer stated that the site was allocated for housing in the Local Plan. The application site was Phase 3b and 4b of the wider site which benefited from outline consent for residential development therefore the principal of residential dwellings on this site was deemed as acceptable.

Members were advised that it was considered that the proposed development would provide a good mix of dwelling types which were of a high-quality design and materials, in an attractive landscaped setting with an appropriate layout that would complement the earlier phases of the development. The Planning Officer informed Members that the development would not result

in a significant detrimental impact on the amenities of existing local residents and provided good sustainable transport links.

It was advised that following a consultation exercise a petition was received in objection to the development. The petition was signed by 28 residents from 16 properties. Further objections were received from residents from 9 properties including the lead petitioner.

The Planning Officer confirmed that Stainton and Thornton Community Council and Stainton and Thornton Parish Council had been consulted on the application and had no objection to the principle of the development as the site fell within the Housing Local Plan adopted in 2014 as Policy H23 Hemlington Grange.

Concerns were raised regarding green corridors and sections of woodland being removed. The Planning Officer confirmed that the masterplan approved as part of the hybrid application gave outline consent for the phases subject of this application and clearly identified the green corridors required in part g of the allocation policy.

The proposed development included the green corridors approved in the masterplan. The masterplan also clearly identified the development parcels. The area of woodland referred to was an area of self-seeded vegetation and trees that had grown in the development parcel, outside of the green corridors.

It was also raised that the accompanying paperwork for the meeting, committee report, page 2 stated that the proposed 225 dwellings included 36 three-storey three bed dwellings and 36 three-storey four bed dwellings. The adopted Stainton and Thornton Neighbourhood Plan 2021-2035 Policy ST8: Design Principles for New Residential Developments Part 1.5 be 2.5 storeys or less unless there was a clear design justification for developments in excess of two storeys. The Planning Officer confirmed that in relation to house types all properties within the development which had 3 floors had the third floor located within the roof space and was therefore classed as 2.5 storey dwellings in line with the Neighbourhood Plan.

The Planning Officer advised that consultations were sent to Ward Councillors from Stainton and Thornton, Hemlington and Coulby Newham and no responses were received.

Members were advised that following the completion of the committee report further comments were received from Natural England who had objected to the proposal for the following reasons:

- Have an adverse effect on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site
- Damage or destroy the interest features for which the Teesmouth and Cleveland Coast Site of Special Scientific Interest had been notified
- Further evidence had been requested that the mitigation land proposed offsite from the development had been used to farm pigs for at least 6 of the previous 10 years
- The applicant had provided information from the mitigation landowner which provided sufficient evidence that the farm had farmed pigs for over 10 years however Natural England's view was that this did not provide sufficient evidence that the mitigation land proposed had been used to rear pigs for at least 6 of the previous 10 years

The Planning Officer advised Members that the objection from Natural England did not alter the planning assessment in relation to the mitigation, information and evidence that had been submitted by the applicant. The officer recommendation is for approval of the application subject to conditions and legal agreements to secure the required nutrient neutrality mitigation.

A Member stated that residents had assumed wrongly that the woodland would remain and that it was home to wildlife such as deer, badgers and frogs.

A Member queried whether there would be community facilities on the site it was advised that there was established community facilities in Coulby Newham that would serve Hemlington Grange. It was advised that there was one children's play area on site and a number of children's play areas along the corridors.

**ORDERED** that the application be approved subject to the conditions detailed in the report

and legal agreements to secure the required nutrient neutrality mitigation.

**25/0280/COU, 50 Outram Street, Middlesbrough, TS1 4EG, Change of use from dwelling (C3) to 3 bed HMO (C4)**

Members were advised that the application sought planning approval to convert the existing dwellinghouse to a bedroom HMO.

The application site was a 2 storey, 2 bedroom, mid terrace property that was located on Outram Street just off Parliament Road.

Members were advised that an objection had been received from a local Ward Councillor which included impacts on area character or overall nature of the scheme as a result of layout, density, design and visual appearance, highways, overlooking and loss of privacy, capacity of physical infrastructure and incompatible or unacceptable uses.

The Development Control Manager advised that the Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses sets out a number of criteria that would be of relevance to the proposed development such as the building should be capable of providing the number of units proposed to an acceptable standard of accommodation, with adequate levels of privacy and amenity, meeting the Government's Technical Housing Standards. In addition, there should be adequate provision and access to parking (cycle/and or vehicle), refuse storage and collection, and amenity space were deemed necessary.

Members heard that the existing floor plans did not label the rooms although based on the plans it appeared that the existing property comprised on the ground floor of a living room, dining room, kitchen and bathroom along with 2 bedrooms situated on the first floor. The property had limited outdoor amenity space to the rear, being a very slender rear yard and due to the property being street terrace had no front garden or parking associated with it.

Members were advised that the proposals showed the ground floor to be partitioned to create a bedroom to the front with the window directly onto the pavement with the dining room, kitchen and bathroom to remain a communal space. A further 2 bedrooms would be located on the first floor. Members were advised to note that none of these bedrooms would have an en-suite and the only bathroom would be the relatively small existing bathroom on the ground floor which was served directly off the kitchen. Members were advised of a wording error within the report relating to the Council's interim policy whereby it was reported that the interim policy stated that two and three storey dwellings must include enough space for one bathroom and one additional W.C or shower room and as a result this application was contrary to the policy. The Development Control Manager advised that this was in fact text taken from the Government's Nationally Described Space Standards. The Development Control Manager also advised that the property had a particularly small rear yard with alleyway behind which allowed rear access.

Members were advised that all of the bedrooms had windows and thereby served by natural light and rooms were presented and laid out well, with bedrooms large enough for basic furniture. However, it was noted that the kitchen was too small to act as a dining kitchen and the dining room was too small to also act as a communal living room, when taking into account movement space between doors. The lack of larger communal space or a separate communal living room placed likely demands on the bedrooms also doubling as a living room / living space for each of the future occupiers and although they are of a suitable size for a single person's bedroom, they were considered to be too limited to also reasonably provide the function of a living room given the need for movement space within. In addition, the lack of a separate W.C and the bathroom being served off the kitchen was considered to be a relatively poor provision.

The Development Control Manager stated that the proposed conversion was therefore considered to be lacking somewhat in these regards, being contrary to Local Plan Policy and contrary to paragraph 135a of the NPPF, which stated that it should be ensured that developments "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;"

Members were advised that there was no bin provision in the rear alley and secure cycle

storage and recreational space could not be achieved. The Council's Interim Policy on the conversion and sub-division of dwellings required that "the proposed development would provide adequate provisions of, and access to, parking (cycle and/or vehicle, as appropriate), refuse storage and collection, and amenity space were deemed necessary"

Members discussed the lack of amenities and lack of provisions in the application.

**ORDERED**, that the application be refused for the following reasons the proposed HMO does not provide an acceptable standard of accommodation and adequate means of amenity contrary to the Council's Interim Conversion Policy, Local Plan Policies and para. 135 of the National Planning Policy Framework.

25/21

#### **WEEKLY UPDATE LIST - APPLICATIONS RECEIVED**

The Development Control Manager submitted details of new planning applications that had been received on a weekly basis over the past 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 Development Control Manager advised that if Members felt that an application ought to be considered by the Committee, he should be advised accordingly.

In light of the legislative changes a Member queried how a property was identified as previously being used as a HMO. The Development Control Manager advised that prior to 8 April 2025 visits could take place to see if a property was operating as a HMO. Officers now had to rely on evidence such as Council Tax bills, tenancy agreements, photographs and rent adverts.

Agreed as follows:

- Members noted the information provided

25/22

#### **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).

Agreed as follows:

- Members noted the information presented

25/23

#### **PLANNING APPEALS**

The Development Control Manager provided an update on various Planning Appeals that had been considered by the Planning Inspectorate.

Agreed as follows:

- Members noted the information provided

25/24

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

The Development Control Manager presented planning statistics for the period of April 2024-March 2025 to the committee. The Development Control Manager advised the Committee that the statistics would be presented to Members in April each year. The data included the number of planning applications received, applications determined, applications approved, and applications refused. It also included data on planning appeals and enforcement action.

Agreed as follows:

- Members noted the information presented

- Data to be circulated to Members by the Democratic Services Officer

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## Planning & Development Committee Schedule - 09-Oct-2025

Town Planning applications which require special consideration

1	Reference No: 25/0190/MAJ  Ward: Brambles/Thorntree	Applicant: Mr Steve Owen  Agent: Total Planning Solutions (UK Ltd	Description: Erection of 10no. bungalows including associated works and landscaping  Location: TURFORD AVENUE SOCIAL CLUB, Turford Avenue, MIDDLESBROUGH, TS3 9AT
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2	Reference No: 25/0379/FUL  Ward: North Ormesby	Applicant: Mr Daban Hussein  Agent:	Description: Retrospective - Replacement of windows and doors and Roof Replacement  Location: Church Halls, Kings Road, Middlesbrough, TS3 6NH
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3	Reference No: 25/0416/COU  Ward: Newport	Applicant: SKW Capital LTD  Agent: Origin Planning Services	Description: Retrospective Change of use from dwelling (C3) to HMO (C4)  Location: 41, Bow Street, Middlesbrough, TS1 4BU
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4	Reference No: 25/0417/COU	Applicant: SKW Capital Ltd	Description: Retrospective change
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	Ward: Newport	Agent: Origin Planning Services	<p>of use from dwelling (C3) to HMO (C4)</p> <p>Location: 27, Wicklow Street, Middlesbrough, TS1 4RG</p>
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5	<p>Reference No: 25/0433/FUL</p> <p>Ward: Stainton And Thornton</p>	<p>Applicant: Mr Ed Walker</p> <p>Agent: Mr Mike Brown</p>	<p>Description: Retrospective erection of detached garage to side and single storey extension</p> <p>Location: 1, Pennyman Way, Middlesbrough, TS8 9BL</p>
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**APPLICATION DETAILS**

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<b>Application No:</b>	25/0190/MAJ
<b>Location:</b>	Land of the former Turford Avenue Social Club, Turford Avenue, Middlesbrough, TS3 9AT
<b>Proposal:</b>	Erection of 10no. bungalows including associated works and landscaping
<b>Applicant:</b>	Mr Steve Owen
<b>Agent:</b>	Fahim Farooqui, Total Planning Solutions (UK Ltd
<b>Ward:</b>	Brambles/Thorntree
<b>Recommendation:</b>	Approve Conditionally

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**SUMMARY**

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Planning permission is sought for the construction of ten bungalows on the site of the former Turford Avenue Social Club.

The principle of the proposed development is considered to be acceptable, being residential development in an area with established residential properties. The design, layout and arrangement of the bungalows are all deemed to be of a good quality that is in accordance with the relevant local and national policies.

Neighbouring properties and technical services have been consulted and no objections have been raised.

Given the above, it is the officer view that the development sought by the application be approved conditionally.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is a roughly rectangular-shaped site located on the eastern side of Turford Avenue. It is the site of the former Turford Avenue social club, which has since been demolished and the site cleared. Burnholme Avenue wraps around the north and east of the site, with the southern boundary being shared with an adjacent place of worship (the Church of Jesus Christ of Latter-day Saints).

Planning permission is sought for the construction of ten single-storey dwellings with associated hardstanding and landscape works.

The layout can be described as two lines of residential properties, which are positioned back-to-back with the front elevations facing east and west. Two pairs of semi-detached properties and a detached property would face west onto Turford Avenue and the same would face east onto Burnholme Avenue.

The proposals would provide two off-street parking spaces per dwelling.

Boundary treatments would be varied across the site, with decorative low brick wall and railings fronting all properties, 2.0-metre high timber fencing to separate rear gardens and 1.0 metre high timber fencing round the BNG planting area.

The dwellings would be constructed in traditional materials to complement the surrounding residential properties.

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## PLANNING HISTORY

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There is no relevant planning history with the application site.

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- 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
- H11 Housing Strategy
- CS17 Transport Strategy

Tees Valley Joint Minerals & Waste DPDs (2011)

- MWC4 Safeguarding of Minerals Resources from Sterilisation
- MWP1 Waste Audits

Core Strategy DPD (2008)

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

Supplementary Planning Documents

- Middlesbrough Urban Design SPD

Other Relevant Policy Documents

- Tees Valley Design Guide and Specification – Residential and Industrial Estates Development

In addition to this, the Council is reviewing its Local Plan and the Publication Local Plan (PLP), approved by the Council on 5 March 2025. The National Planning Policy Framework 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 National Planning Policy Framework. It is considered that some weight may be given to PLP policies in the determination of any subsequent planning application. The following policies from the PLP are considered to be applicable.

ST1 – Development Strategy  
ST2 – Spatial Strategy  
CR1 – Creating Quality Places  
CR2 – General Development Principles  
CR3 – Sustainable and High Quality Design

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

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### **Public Consultation**

The application was subject to the standard notification of neighbouring properties, which included a letter drop to 47 different addresses. Site notices were also displayed at strategic locations around the site. After the consultation period, there were no comments, objections or other representations received.

#### Summary of Public Responses

Number of original neighbour consultations	47
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

Although no representations were submitted by any neighbouring property, Councillor Graham Wilson requested that the application be considered by Members of the Planning Committee. The request was ultimately accepted.

### **Responses from Internal Technical Consultees**

#### MBC Planning Policy – No objections

The principle of residential development on this site accords with the relevant Development Plan Policies.

#### MBC Environmental Health – No objections

No issues subject to a condition relating to a site investigation and any necessary remediation works.

MBC Waste Policy – No objections  
No objections to the proposed scheme.

MBC Highways – No objections  
No objections with the proposed scheme, which is likely to result in fewer vehicle movements and parking demand than the previous social club. Conditions recommended for car and cycle parking to be laid out, and a method of works statement to be provided.

### **Responses from External/Statutory Consultees**

Northern Gas Networks – No objections  
No objections, although in the event of planning approval, the promoter of the works should discuss the proposals in detail as they may affect apparatus.

Northumbrian Water – No comments received

Natural England – No objections  
No objections subject to appropriate mitigation being secured.  
It is considered that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth & Cleveland Coast Special Protection Area and Ramsar Site
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

Cleveland Fire Brigade – No objections  
Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.  
Recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Secured By Design – No objections  
Recommends that the applicant actively seek Secured by Design accreditation. If full accreditation is not achievable, some of the measures to reduce the opportunities for crime and anti-social behaviour should be incorporated.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### Principle of Residential Development

1. Within the Council's Local Plan and on the adopted Proposals Map, the application site is not allocated for any specific purpose. The application for 10 dwellings and associated works shall be considered against the relevant Development Plan policies.

2. Policy H1 advises that windfall development need to be sited within the urban area, satisfy the requirements for sustainable development contained in Policy CS4 and demonstrate how they contribute to the spatial vision and objectives of the Housing Local Plan. The application site, which has recently been cleared having previously accommodated a social club, is located within the urban area within an area of established

residential properties to the north and east as well as various institutional uses (places of worship, educational establishments) to the south.

3. Objective 1 of the Housing Local Plan is to stabilise population decline through the creation of sustainable communities that create an attractive environment to retain the population in the town. The application site has been vacant and neglected for a number of years and is considered to detract from the visual amenity of the area. The redevelopment of the site will bring back a level of security to the land and is expected to significantly improve the local environment. It is considered that the proposals would comply with the requirements of H1 and the relevant Objective of the Local Plan.

4. Policy H11 sets out the housing strategy for the borough. In East Middlesbrough, the policy seeks to diversify tenure and mix to create a more balanced housing stock. It is noted that East Middlesbrough is an area of predominantly social housing. The proposed development for bungalows will assist in creating a more balanced housing stock in the local area and in diversifying an area of predominantly social housing. Policy H11 is deemed to be complied with.

5. Moreover, H12 sets out the need to supply good quality affordable housing in the town. However, this Policy relates to housing developments within the wards of Acklam, Brookfield, Coulby Newham, Hemlington, Kader, Ladgate, Marton, Marton West, Nunthorpe and Stainton & Thornton. Given the location of the application, this Policy is considered not to be applicable.

6. The site is identified on the Proposals Map as being within the safeguarding area for salt and gypsum. Policy MWC4 allows non-mineral development where the need for development outweighs the need for the mineral resources. The development of housing and regeneration of a vacant site is considered to outweigh the need for the minerals, which are a relatively widespread resource.

7. Policy CS4 requires all development to contribute to achieving sustainable development, which includes, where relevant, (criterion g) being located so that services and facilities are accessible on foot, bicycle, or by public transport, (criterion h) making the most efficient use of land with priority being given to development on previously developed land, in particular vacant sites, and (criterion j) ensuring that green infrastructure is protected. The application site is previously-developed land and is located within recognised walking distances of Marshall Avenue Local Centre and bus stops along Longlands Road and Cargo Fleet Lane.

8. Given the above considerations, it is deemed that the principle of residential development on the site is acceptable and in line with the relevant criteria of local Policies H1, H11 and CS4.

#### Appraisal of Proposed Development

9. Paragraph 135 of the National Planning Policy Framework states that 'planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate landscaping; are sympathetic to local character, including the surrounding built environment and landscape setting; and, establish a strong sense of place, using building types and materials to create attractive and distinctive places to visit'.

10. Policy CS5 requires all development proposals to secure a high standard of design that is well integrated with the immediate and wider context, create a safer and attractive



environment, and to ensure a quality of new development that enhances the built and natural environment. Policy CS4 requires all development proposals to deliver development of a high quality design that contributes to improvements in the quality of the townscape. Core Strategy Policy DC1 attaches great importance to the visual appearance and layout of development and its relationship with the surrounding area in terms of scale, design, amenities of occupiers of nearby properties and the use of materials. With many residential properties in the area, albeit some to the west that are under construction, it is important that the potential impacts on nearby occupiers are deemed to be acceptable.

11. The proposal includes one type of house design, which accommodates two bedrooms and has an internal floorspace measuring 63 square metres. As the nationally described space standards require three-person two-bedroom bungalows to provide a minimum of 61 square metres of space, the proposed bungalows are considered to be compliant.

12. For plots 1-4 and 6-9, the house type forms semi-detached properties, whereas for plots 5 and 10, it is a detached property. The computer generated imagery in the supporting documents show the dwellings to have a fairly traditional appearance, with brickwork elevations and gable roof detailing. Whilst there are no particular design features or specific detailing, the dwellings are considered to have a level of quality that could be supported in this area. A condition is recommended requiring samples of the proposed materials to be used in the construction of the dwellings to be submitted for approval prior to development taking place.

13. To the front of the dwellings, there are decorative brick walls fronting the roads, with railings in between pillars. In the rear gardens, standard timber fencing lines separates the boundaries. Each property has a moderate sized garden which is shown to be finished with soft landscaping. It is considered that all hard and soft landscaping within the site could be secured by condition.

14. When considering a proposed development of this size and scale, the potential impact of the development on the character and appearance of the area must be taken into account, which should be maintained or enhanced. The existing site, which comprises of a neglected and vacant plot of land within a relatively dense urban environment, is deemed to be having a detrimental effect upon the area. The key aspects would be along Turford Avenue and Burnholme Avenue where five dwellings would face onto the respective highways.

15. The western side of the application site faces Turford Avenue where five dwellings would continue the run of properties that face the highway, which is considered to be an acceptable arrangement. The additional vehicular movements along Turford Avenue would bring about a more active street frontage, without creating excessive movements.

16. The eastern side of the application site faces onto a road that has a rear alley feel to it, as it only provides access to rear gardens and garages of existing properties along Marshall Avenue and Burnholme Avenue. The rear boundaries of existing properties to the north and east face the development site, where two-metre-high close boarded timber fencing create a somewhat closed and inactive streetscene. The layout of five new dwellings fronting this closed environment is likely to improve natural surveillance for existing and future residents and create a generally safer environment through additional pedestrian and vehicular movement.

17. However, given the location of the proposed bungalows along Burnholme Avenue being within this closed environment, it is considered that certain Secured by Design principles should be incorporated across the site as a minimum in order to provide appropriate levels of security for future residents. A condition is, therefore, recommended requiring particular Secured by Design measures to be met for windows/doors and lighting.

18. Although there are few bungalows in the local area to provide an appropriate comparison, the footprint of the individual dwellings would be deemed acceptable and not out of character with the footprints of houses in the area. The proposed development is at a moderate density and reflects the densities of housing estates in the area. The introduction of new housing would be considered to significantly enhance the appearance of the site within the local area as well as the respective street frontages.

19. In addition to the policies, the Council's Urban Design SPD provides guidance for development proposals and advises on their general layout and appropriate separation distances in order to safeguard the privacy and outlook of primary room windows. Amongst these required distances, the SPD advises a minimum unobstructed distance of 14 metres between principal room windows where buildings are single storey, which is the case here. It states that new development should look to strengthen and reinforce the locally distinctive identity, avoiding bland and contextless design that may lead to 'anywhere' developments.

20. In the proposed scheme, the proposed dwellings are roughly positioned back-to-back in two linear rows. The rear elevations of Plots 1-5 along Turford Avenue would be separated from the rear elevations of Plots 6-10 along Burnholme Avenue by a distance of approximately 16 metres. With this separation distances being in excess of the recommended standards, it is the planning view that these are acceptable and should result in a development offering good levels of living conditions for future residents. To the north and east are existing houses along Marshall Avenue and Burnholme Avenue respectively, whereby the separation distances are well in excess of the required standards which is considered to safeguard residential amenity of existing occupiers. Separation distances between the proposed dwellings and the existing dwellings in the area are in line with the Design Guide.

#### Future Permitted Development Rights

21. Officers have worked proactively with the developer to achieve the current scheme and get it to a position in which the proposals can be supported. To ensure the proposals remain in an acceptable form and layout, consideration is given to removing various permitted development rights within the General Permitted Development Order.

22. With tandem parking arranged to the side of most units, it is considered that the permitted development right to extend beyond the side elevation (Class A, paragraph j) should be restricted by condition. The ability to extend to the side would be considered to significantly compromise the approved parking arrangements and potentially lead to the construction of hardstanding at the front and removal of soft landscaping, which would be deemed detrimental to the visual amenities of the area. In a similar vein, permitted development rights to introduce areas of hardstanding to the front (Class F) are also recommended to be restricted by condition.

23. Given the density of plots and relatively small footprints of each house, it is considered necessary to restrict the right to extend beyond the rear elevation of each house by up to 6 metres and 8 metres (Class A, paragraph g). The right to extend up to 3 metres (Class A, paragraph f) is deemed to be acceptable and should enable residential amenities to be reasonably safeguarded. Similarly, given the relatively small size of the properties, the

permitted development right to introduce dormers (Class B) is also recommended to be restricted as this would reasonably safeguard privacy.

24. The permitted development right to construct outbuildings (Class E) potentially allows unreasonably large extensions in all gardens which are deemed to be moderate in size. Given the relatively dense nature of the development, the construction of large outbuildings in all gardens could be problematic, so it is considered reasonable to restrict this permitted development right also.

#### Highways Considerations

25. Policy CS17 requires development to be located where it will not have a detrimental impact on the operation of the strategic transport network. Policy CS18 requires that the amount of private car parking is restricted in accordance with the Tees Valley Design Guide and Specification.

26. Given the relatively small scale of development and assessing the traffic generation and parking demands associated with the social club that previously occupied the site, it is likely that the development will result in less vehicle movements and parking demand. Each property has an allocation for two off-street parking areas, which is in accordance with the Tees Valley Highways Design Guide standards for developments of this type.

27. Policy CS19 advises that new development should include a package of measures to discourage car use and encourage sustainable transport choices. Given the small scale of development and the sustainable location of the site within range of local facilities and frequent public transport within nationally recognised walking distances, it is not considered necessary to seek a package of measures.

28. As referenced earlier, five dwellings will front and be served from dropped crossings onto Burnholme Avenue and the remaining five served by dropped crossings onto Turford Avenue. Turford Avenue to the front of the proposed dwellings is not public highway and, as such, is not the responsibility of the Highway Authority. No consents are required from the Highway Authority for resurfacing nor for the creation of dropped kerbs or alterations to the highway and these are private matters. Burnholme Avenue is public highway and conditions/informatives are advised to the granting of any planning consent covering the alteration of the highway and the resurfacing of the footways to the site frontage.

29. Overall, with the good links to sustainable transport and the low levels of traffic generation unlikely to impact on the highway network, the proposals would be considered acceptable in highways terms. There are no objections from a highways perspective subject to conditions being imposed to secure car and cycle parking, and a method of works statement.

#### Flood Risk and Drainage

30. The application site is entirely located within Flood Zone 1 which is classified by the Environment Agency as an area which has a low possibility of flooding. A condition is recommended to achieve suitable sustainable drainage across the site.

#### Nutrient Neutrality

31. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (SPA) (and Ramsar Site) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations that discharge or result in nitrogen into the catchment of the

River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development has the ability to exacerbate this impact. Natural England has advised that only development featuring overnight accommodation (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact, although this is generic advice and Natural England have since advised that other development where there is notable new daytime use could also be deemed to have an impact, which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the Planning Authority need to determine applications whilst taking into account all relevant material planning considerations.

32. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area, which is considered 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required, it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.

33. In-scope development generally includes, but is not limited to, new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.

34. The existing or former use of the site is community use, so the proposed development will lead to an increase in population and will have a greater impact with regards to nitrate generation/pollution over and above the existing use. As such, a Likely Significant Effect cannot be ruled out. Appropriate Assessment is required to assess the impact of the proposed development.

35. Employing the Nutrient calculator produced by Natural England identifies that the development would generate 10.15 Kg TN/year. For the proposed development to be considered acceptable, it is necessary for the applicant to demonstrate that they are capable of mitigating the impacts of the development. Throughout the course of the application, the applicant has applied to Natural England for mitigation credits and their application has been successful. The applicant has supplied the Local Planning Authority with a copy of their provisional Nutrient Credit Certificate.

36. The proposed mitigation is considered to be acceptable for this development, subject to the provisional Nutrient Credit Certificate becoming a final Nutrient Credit Certificate. In addition, Natural England has been consulted and has no objections to the proposals subject to the final Nutrient Credit Certificate. It is the planning view that this could be controlled by a pre-commencement condition in the event of approval, which would require a copy of the final Nutrient Credit Certificate to be sent to the Local Planning Authority prior to any works commencing on site.

37. It is considered that the proposed development will not have an unacceptable impact in terms of nitrate generation/pollution as the applicant has been able to demonstrate acceptable mitigation. On this basis, the scheme could be considered acceptable.

Ecology and Biodiversity Net Gain

38. Since April 2024, Biodiversity Net Gain (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% over 30 years, which means that development will result in a more or a better quality natural habitat than there was before development.

39. The application has been supported by a Biodiversity Net Gain Statement and the required Biodiversity Metric tool has been completed. The Metric concludes that the on-site habitat baseline value is 0.06 and the on-site habitat creation would be 0.07, which would represent a 16.37% net gain. The baseline value is calculated based on the sparsely vegetated ground and a self-seeded young Ash tree. An area to the side of Plot 10 is being created for biodiversity net gain purposes and will include tree and mixed shrub planting.

40. Following any approval of the Biodiversity Gain Plan, the local planning authority is required to monitor the implementation of the Gain Plan. Monitoring fees can be sought from the developer to enable the planning authority to carry out its legislative duties. However, it is not appropriate to use planning conditions to secure funding for delivering or monitoring biodiversity net gain. Monitoring costs need to be secured through legal agreements. In this case, it is understood that a legal agreement is being drafted to secure the fees required for the Council to be able to monitor the biodiversity.

41. In light of the above, it is the Officer view that the development is capable of providing the net gain required, through on-site habitat provision, 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.

Conclusion

42. Overall, it is considered that the proposals are for a quality sustainable development, which will assist economic growth in the town and through providing bungalows in this part of Middlesbrough, adds to the local housing stock. It has been shown that this site is considered to be a suitable site for residential development and the design and layout of the proposals has been appraised as being largely in line with local policy and guidance.

43. It is considered that the proposals will have a positive impact on the character of the area and not affect any existing nearby residents. On balance, the proposals are deemed not to conflict with local or national planning policies, and there are no technical reasons why the proposed development should be refused.

44. The officer view is to approve conditionally.

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**RECOMMENDATIONS AND CONDITIONS**

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## Approve with Conditions

1. Time Limit

The development hereby permitted shall begin not later than three years from the date of this decision.



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

2. Approved Plans

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

- a) Location Plan, Proposed Bungalow House Types, Proposed Site Layout (drawing reference TPS001A – 10 Bungalows, received 7th August 2025)
- b) Proposed Site Layout (drawing reference TPS002A – Ex and Prop Site Plans, received 7th August 2025)

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

3. Samples of Materials

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

Reason: To ensure the use of satisfactory materials.

4. Site Investigation and Remediation

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

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

5. Sustainable Drainage Systems

Before the construction of the development hereby permitted commences, a scheme for a Sustainable Drainage System (SuDS) and management plan, which shall sustainably drain surface water, minimise pollution, manage the impact on water quality and prevent water from flowing onto the public highway, shall be submitted to and approved in writing by the Local Planning Authority and thereafter to be fully implemented in line with the agreed programme of works.

Reason: In the interests of highway safety, to minimise the risk of flooding and to secure a sustainable development in accordance with local policy CS4 and the general principles of the National Planning Policy Framework.

6. Secured by Design Measures

The development hereby approved shall be built in accordance with Secured by Design principles and incorporate the following as a minimum:

- a) All doors and windows are recommended to be tested and certified PAS24:2020/2016 standards (or equivalent).

Item No:

- b) Dusk till dawn lighting on front elevations, all elevations with doors and where there is parking to the side of properties.

Details of the above shall be submitted as a scheme to and approved in writing by the Local Planning Authority and the development shall be carried out wholly in accordance with the agreed scheme before first occupation and retained for the lifespan of the development.

Reason: In the interests of the amenities of the area and nearby residents having regard for Policy CS5 of the Local Plan and section 12 of the NPPF.

7. Details of Soft Landscaping

Prior to the occupation of the dwellings hereby approved, a detailed scheme for tree planting and associated soft landscaping works (based on the indicative landscaping proposals on the approved plans) shall be submitted to and approved in writing by the Local Planning Authority.

The detailed scheme shall include details of the proposed trees and plants (prioritising native species) to be planted, including their species, size and location, as well as an implementation and maintenance programme. The tree planting and associated landscaping works shall take place during the first available planting season (October-March) following the completion of building works on the site. 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.

8. 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.

9. Nutrient Mitigation Scheme – Credits or Suitable Alternative

Prior to the commencement of the development hereby approved, a copy of the signed Final Credit Certificate from Natural England shall be submitted to and approved in writing by the Local Planning Authority. If the final credit certificate cannot be obtained for any reason, full details and specifications of an alternative Nutrient Neutrality Mitigation Scheme, including any long term maintenance and monitoring details, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) prior to any commencement of works on site. Thereafter the development shall be carried out in accordance with the approved Nutrient Neutrality Mitigation Scheme.

Reason: To ensure the appropriate mitigation of nutrients to protect the Teesmouth

and Cleveland Coast Special Protection Area in accordance with the requirements of Regulation 63 of the Habitats Regulations.

10. Car and Cycle Parking Laid Out

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

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

11. 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.

12. PD Rights Removed – Extensions/Alterations/Outbuildings

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), with regard to all properties hereby approved:

- no alterations, enlargement or extension beyond the rear elevations that extend by more than 3 metres shall be permitted (Class A, paragraph f),
  - no alterations, enlargement or extension to the side external elevations shall be permitted (Class A, paragraph j),
  - the roofs shall not be extended or materially altered in external appearance in any way, including the construction of dormer windows and roof lights (Class B and Class C),
  - no ancillary buildings shall be constructed within the curtilage of the property (Class E),
- without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to retain adequate in curtilage parking provision in the interests of amenity and highway safety having regard for policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

13. Hardstanding PD Rights Removed

Notwithstanding the provisions of the Town & Country Planning (General Permitted



Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no hardstanding shall be constructed at the front of the residential dwellings hereby permitted, without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of residential amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

14. 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.

15. Biodiversity Net Gain Maintenance Plan

The development hereby permitted shall be carried out in accordance with the approved Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development and the Biodiversity Gain Plan shall be implemented in full.

No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Local Planning Authority during years 1, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed to be undertaken to address a shortfall in predicted levels of gain.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with paragraphs 180 and 186 of the National Planning Policy Framework.

## **REASON FOR APPROVAL**

The proposed development of 10 dwellings with associated works on the site of the former Turford Avenue social club is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposals meet the National Planning Policy Framework, and the policies regarding housing, sustainable development, the efficient use of land, appropriate scales of development, the protection of open spaces of different characters and uses, good quality design, and transport and accessibility, whilst proposing a residential development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the Brambles Farm area.

Issues of principle regarding the layout and design of the residential scheme and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

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## INFORMATIVES

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

### Informatives – Highways related matters

#### Dropped Kerb - S184

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

#### Street Furniture

Any street furniture that necessitates relocation requires early discussion to take place with the Highway Authority (tel: 01642 728156) and this work will be carried out at the cost of the applicant.

### Informative: Cleveland Fire Brigade

Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

Recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

### Informative: Secured by Design Matters

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. It is recommended that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist.

All doors and windows are recommended to be tested and certified PAS24:2020/2016 standards (or equivalent). Any roof lights proposed in the bungalows, within certain criteria are likewise to be to this standard.

The Residential Guide referenced above outlines the requirements. This includes garage doors. All are to be dual certified for both fire and security.

Dusk till dawn lighting is recommended to each elevation with an external door-set. This also includes garage doors. Any in curtilage side parking which extends beyond halfway of depth of property is also recommended to have one.

All areas provided for parking should be lit and surveyed.

Further information on the Secured By design initiative can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

#### 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](http://www.communities.gov.uk)

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## IMPLICATIONS OF THE DECISION

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### **Environmental Implications:**

The proposal relates to residential 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 in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

### **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:** 9<sup>th</sup> October 2025

**Location Plan:**

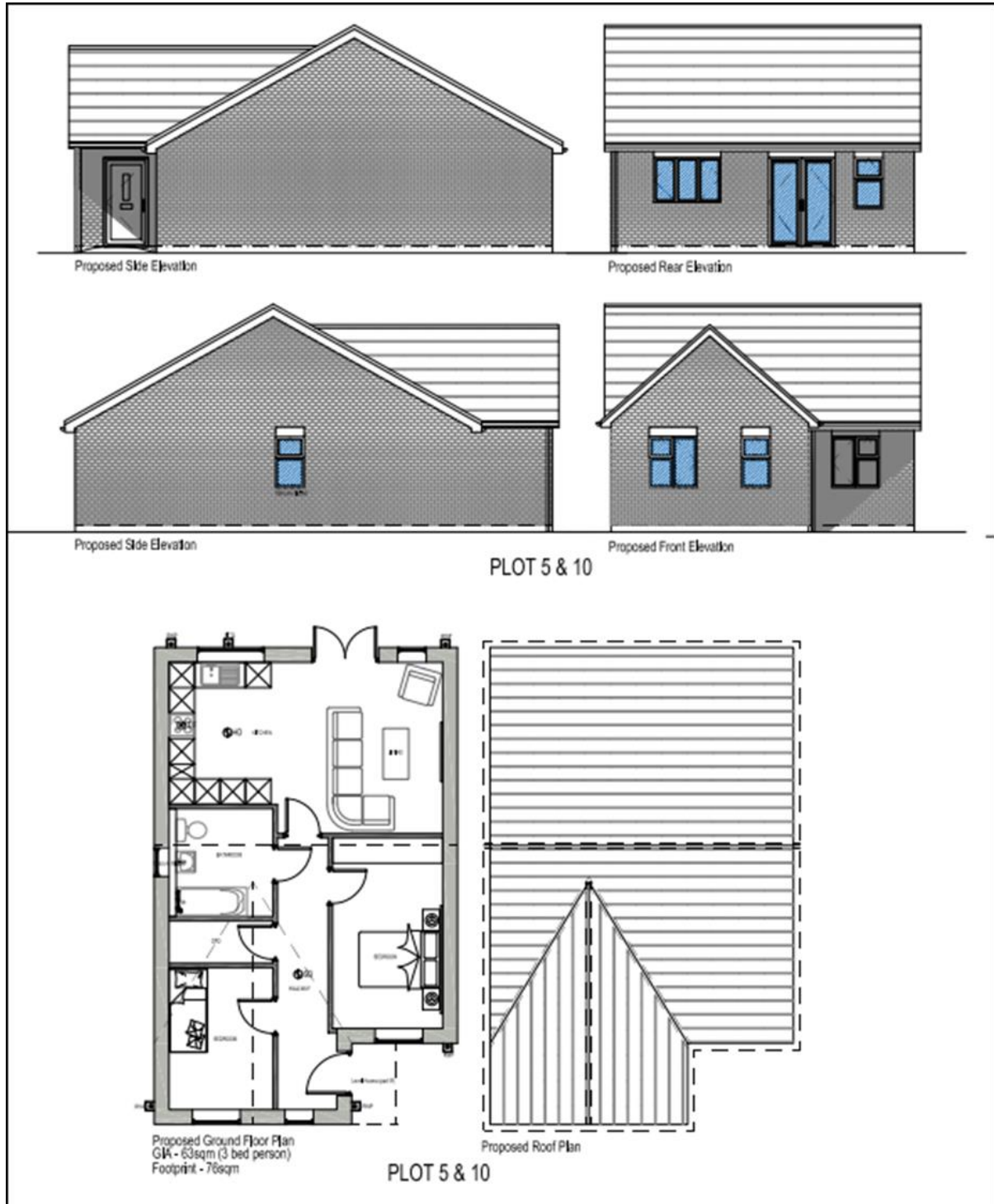




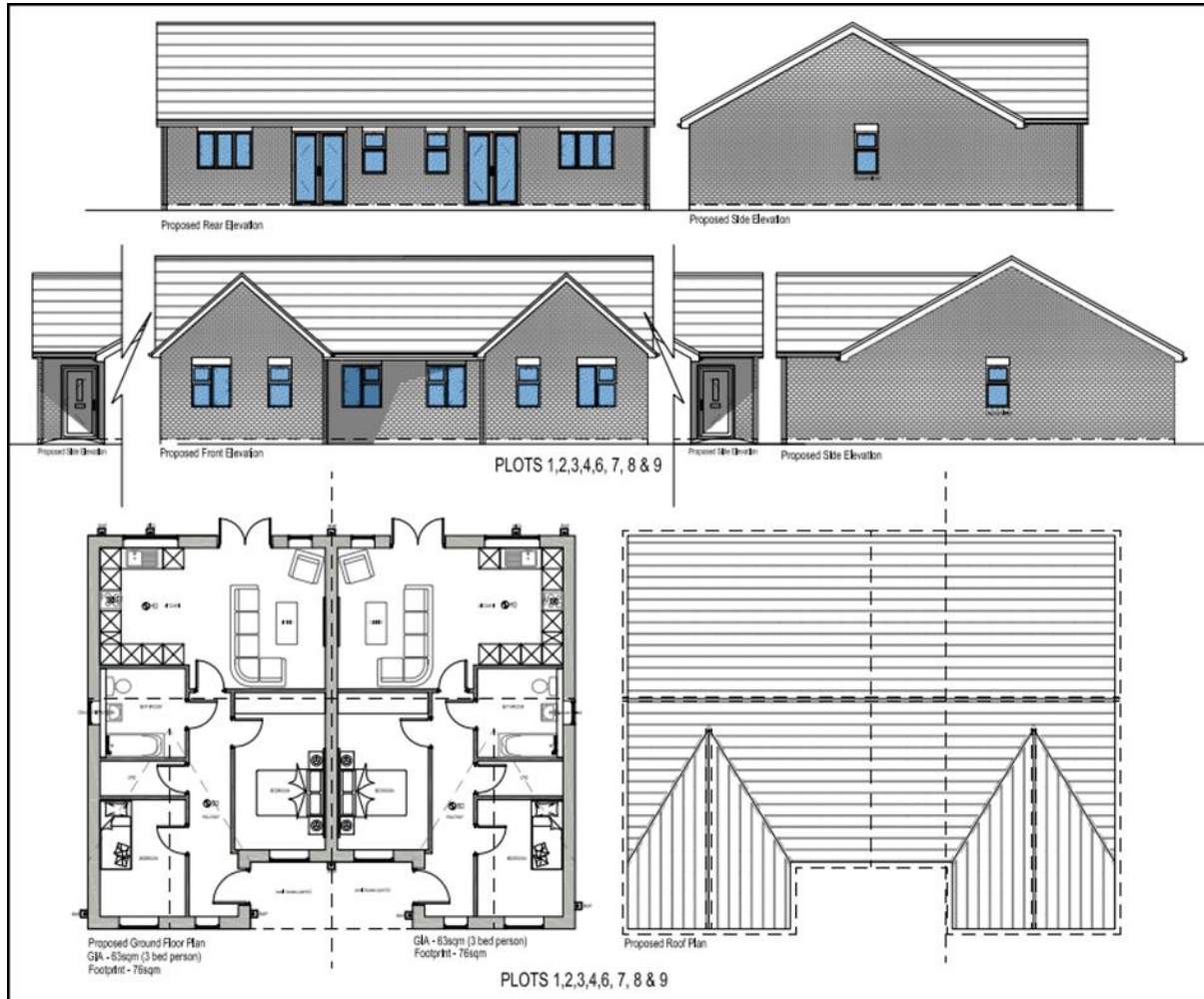
**Proposed Site Plan:**



**Proposed Elevations 1**



**Proposed Elevations 2**





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**APPLICATION DETAILS**

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<b>Application No:</b>	25/0379/FUL
<b>Location:</b>	Church Halls, Kings Road, Middlesbrough, TS3 6NH
<b>Proposal:</b>	Retrospective - Replacement of windows and doors and Roof Replacement
<b>Applicant:</b>	Mr Daban Hussein
<b>Agent:</b>	Robert Sunley
<b>Ward:</b>	North Ormesby
<b>Recommendation:</b>	Approve Conditionally

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**SUMMARY**

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The application seeks retrospective planning approval for external alterations to the building including replacement of the natural slate roof with artificial slate tiles, replacement of timber-framed, single-glazed, vertical sliding sash windows with uPVC-framed, double-glazed, casement windows and replacement of timber doors with steel-faced timber doors.

Objections were received from a number of residents highlighting issues regarding impacts on the streetscene, character and appearance of the area, use of inappropriate materials given the age of the building, roof construction, safety concerns, use of the building and parking concerns.

Whilst works could have been done more sensitively and not retrospectively, overall, the energy efficiency of the building has been improved along with its condition as a result of the works, and the works will enable a viable use, supporting the building's longer term conservation. Bringing the building back into use after being unused for such a long period of time will also be positive to the streetscene and surrounding area. In addition, the works will not unduly impact residents with regards to outlook, privacy and amenity or result in any highway implications.

On balance the works are deemed a satisfactory form of development in accordance with relevant policy guidance.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The building is an early Edwardian church hall in the suburb of North Ormesby, north-east of Middlesbrough's central core. It's sited on the corner of Derwent and Jubilee Street, off Kings Road, surrounding uses are primarily residential terraced streets, with some commercial uses.

The application seeks retrospective planning approval for external alterations to the building including window and door replacements and new roof covering.

The LPA is aware that since the application was submitted further unauthorised works have been carried out to the building as external grills have been added to the ground floor windows. The grills do not form part of this application and as such will not be considered. The owner has been notified and informed that the grills must be removed from the building to avoid enforcement action being taken.

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## PLANNING HISTORY

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No relevant planning history

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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

**Core Strategy DPD (2008)**

CS4 - Sustainable Development

CS5 - Design

DC1 - General Development

**Supplementary Planning Documents**

Middlesbrough's Urban Design SPD (2013)

**Other Relevant Policy Documents**

Publication Local Plan (2025)

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### Public Responses

Number of original neighbour consultations	24
Total numbers of comments received	8
Total number of objections	8
Total number of support	0
Total number of representations	8

Objections were received from the following residents –

Mr Stephen McCulloch - 14, Herbert Street

Ms Susan Iyayi – 17 Conyers Way

Ms Judith Regan – 12 Oakfield Road  
Jackie Reilly - Day Centre, Derwent Street  
Mr Ashley Waters – 47 West Terrace  
Mr Michael McMullen – 4 James Street  
Mr David Smith – 3 Oakfield Road  
Miss Katie Fielden – 6 Thorntree Avenue

Comments received are summarised below for the purpose of the report although comments can be viewed in full via the following link –  
<https://share.google/lvnuPGK6pUbAtnl5p>

- Impacts on access and parking
- Inappropriate use of materials for the age of the building
- Impacts on the streetscene & character and appearance of the area
- Use of the building
- Roof construction/safety concerns
- Complaints regarding the works being carried out without planning approval and application being made retrospectively

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## PLANNING CONSIDERATION AND ASSESSMENT

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### **2024 National Planning Policy Framework (NPPF)**

(Para. 210.) In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness

(Para. 216.) The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **Policy**

Policies CS4, CS5 and Policy DC1 are the relevant policies which will be considered in this case.

Policy CS4 requires developments to contribute to achieving sustainable development by protecting and enhancing Middlesbrough's historic heritage and townscape character. CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal.

In addition to this, the Council is reviewing its Local Plan. The Publication Local Plan (PLP) was approved by the Council on 5 March 2025 and was subject to a period of consultation from 11 March 2025 to 23 April 2025 so that formal representations could be made. The

National Planning Policy Framework 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 National Planning Policy Framework. It is considered that some weight may be given to PLP policies in the determination of any subsequent planning application.

Policy HI3 Non-Designated Heritage Assets and the Local List, is of relevant and set out that *...Other buildings and features of design and architectural interest not included on the Local List may be considered non-designated heritage assets and therefore will also be subject to these requirements.*

Where a development would result in harm to a non-designated asset, a balanced judgement will be made, having regard to the scale of any harm or loss and the significance of the asset. A Heritage Impact Assessment will be required to inform the decision.

A Heritage Impact Assessment (HIA) has not been submitted as part of the application however, as the site is not listed, locally listed or within a conservation area and given that the emerging local plan has not yet been adopted and thereby holds limited a HIA would not be considered essential in this case.

### **Heritage Assets**

North Ormesby was laid out circa 1860 by James White Pennyman and was constructed, like Middlehaven (Middlesbrough's original town centre), with a central marketplace and the church facing into it, with a planned grid of streets. North Ormesby was included in Middlesbrough in 1913. The application building is a former Methodist Church Hall, as evidenced by its architecture and by text inscribed above the double doorway to Derwent Street.

The building has had no formal historic environment designation, such as it being a Listed Building, within a Conservation Area or on Middlesbrough's Local List. It can be classed as a non-designated heritage asset (as identified in national planning policy), which carries some weight in the planning process. Using Historic England's Conservation Principles document, this non-designated heritage asset status can be assigned for the following reasons:

- **Evidential Value:**

Evidential value derives from the potential of a place to yield evidence about past human activity. Built during the late Edwardian era, its quiet design without ostentation, red brick with brick specials around apertures, evidences its original use, ancillary to an ecclesiastical use. Its traditional materials, simple features and architectural design provide evidence of the North Ormesby Methodist community's former need for and use of the building, ancillary to the now demolished North Ormesby Methodist Chapel on the corner of Kings Road and Derwent Street

- **Communal Value:**

Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Concerns about changes to the building from local residents appear to demonstrate the value they place on the building, its former use and the contribution it makes to their local area.

### **Proposal**

This retrospective application applies to retain external changes made recently to the building as follows:

- Replacement of the natural slate roof with artificial slate tiles.

- Replacement of timber-framed, single-glazed, vertical sliding sash windows with uPVC-framed, double-glazed, casement windows.
- Replacement of timber doors with steel-faced timber doors.

These changes have eroded much of the visual character of the building externally. However, the building has been unused and boarded up since at least 2009, having been vacant for many years, repair and maintenance, is positive. Whilst these repair works could have been done more sensitively (continuing the use of natural slate for the roof and the installation of timber-framed, double-glazed windows), the lack of formal designation for the building make seeking improvement that impacts character and appearance but is not required for achieving a secure or weathertight building, difficult in built conservation terms.

This development has not resulted in the entire loss of the evidential value it provides of its original use or the communal value that can be found in the building's retention and they should improve energy efficiency, sustain the building and contribute to its continued survival, unlike the Methodist Chapel it originally supported which has been lost with the land now operating as a hand car wash.

Whilst modern materials have changed the appearance of the property visually to some degree, the roof style, and overall widow and door opening sizes and placements will remain largely unchanged.

Overall, the energy efficiency of the building has been improved along with its condition as a result of the works, and whilst it could have been done more sensitively and not retrospectively, the works will enable a viable use, consistent with the building's conservation. Bringing the building back into use after being unused for such a long period of time will also be positive to the streetscene and surrounding area. On balance the requirements of Policies CS4, CS5 and DC1 are considered to be adhered to.

#### **Impacts on privacy and amenity**

Works relate to new windows and doors and replacement roof covering only. As there will be no extension or projection beyond the elevations building lines and separation distance between neighbours will be retained and thereby will not pose any significant impacts in terms of outlook or loss of privacy and amenity. The proposal is therefore compliant with Policy DC1 as the proposal will not significantly impact the amenity of any of the adjacent neighbouring properties.

#### **Highway related matters**

The application relates to external works to the property only, as such the development will not result in any notable impact on the local highway network in relation to safety or capacity. The development is considered to be in accordance with the requirements of Local Plan Policy DC1.

#### **Other matters**

Concerns were raised with regards to works proceeding without approval and the application being made retrospectively. Whilst officers would not encourage that works are carried out before permission is in place, planning legislation does allow for retrospective applications to be submitted. The fact that an application is retrospective would not have any bearing on the decision which has to be judged against the Local Development Plan taking into account material planning consideration. However, any works that are carried out without approval is at the owners own risk and the fact that works have taken place carries no weight in favour of the proposals.



Concerns were also raised with regards to the roof construction and weight of the roof tiles given the change in materials. Whilst this has been raised during the course of the application it is a matter that falls outside of the planning remit. Building Control would oversee building regulations in terms of construction, ensuring structural safety, fire resistance, energy efficiency, and health and safety for users. Such matters are currently being dealt with by the appropriate service.

Residents have also expressed their concerns with regards to the building being used as a mosque. The last use of the building was as a church hall which falls within use class F1. A place of worship falls within the same use class category and therefore would be a permitted change not requiring consent. An application for change of use is not required and thereby the use of the building cannot be considered.

### **Conclusion**

Bringing the building back into use after such a long period of time will be positive to the streetscene and surrounding area. In addition, the works will not unduly impact residents with regards to outlook, privacy and amenity or result in any highway implications. Whilst this development has resulted in harm to a non-designated heritage asset, the scale of harm is medium to low, it could be reduced in future with sensitive repair and maintenance and has improved the condition and energy efficiency of the building. A balanced judgment, as required by Policy HI3 of the 2025 Emerging Publication Draft Middlesbrough Local Plan, focuses on this development having resulted in a secure and weathertight building, that could enable a viable use, consistent with the building's conservation, as required by paragraphs 210 and 216 of the 2024 National Planning Policy Framework (NPPF). The works deemed a satisfactory form of development in accordance with relevant policy guidance and there are no material considerations that indicate that the development should be refused.

Officer recommendation is to approve subject to the following standard condition.

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## **RECOMMENDATIONS AND CONDITIONS**

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Approve subject to the following conditions;

1. **Approved Plans - Retrospective**

The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:

- a. Location plan received 24th July 2025
- b. Proposed elevations Dwg no. KRM 03A received August 2025
- c. Proposed elevations Dwg no. KRM 04A received 6th August 2025

This approval only relates to the details on the above plans and specifications, it does not relate to any other works.

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

**REASON FOR APPROVAL**

This application is satisfactory in that the roof, window and door replacements 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 the NPPF. In addition the alterations accord with the local policy requirements (Policies CS4, CS5 and DC1 of the Council's Local Development Framework and HI3 of the Council's Emerging Local Plan).

In particular the alterations are designed so that their appearance is complementary to the existing building and will not have a detrimental impact on the amenity of any adjoining or nearby resident. The alterations will not prejudice the character and appearance of the area and will not significantly affect any landscaping nor prevent adequate and safe access to the building.

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

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**INFORMATIVES**

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None

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**IMPLICATIONS OF THE DECISION**

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**Environmental Implications:**

The application relates to alterations to a former church hall, 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.

**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. 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: Joanne Lloyd

Committee Date: 9<sup>th</sup> October 2025

**Appendices**

1. Location plan



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### APPLICATION DETAILS

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<b>Application No:</b>	25/0416/COU
<b>Location:</b>	41, Bow Street, Middlesbrough, TS1 4BU
<b>Proposal:</b>	Retrospective Change of use from dwelling (C3) to HMO (C4)
<b>Applicant:</b>	SKW Capital LTD
<b>Agent:</b>	Origin Planning Services
<b>Ward:</b>	Newport
<b>Recommendation:</b>	Refuse and Enforce

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### SUMMARY

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The application is for the conversion of a mid-terraced property at 41 Bow Street from a two-bedroom residential dwelling into a 4-bed House in Multiple Occupation (HMO). Permission is sought retrospectively.

The application site is located within a predominantly residential street and forms part of a triangular block. The dwellings front Bow Street with alley way access at the rear.

There has been an objection from the Ward Councillor relating to impact on character and appearance of the area, the proposals resulting in a poor standard of accommodation, highway issues, drainage and the proposal being of an incompatible use. There have been no comments received as part of the neighbour consultations.

The proposal is considered to be acceptable in principle however officer concerns relate to living conditions for future occupiers. Two out of the four internal bedroom spaces do not accord with the Nationally Described Space Standards. The communal accommodation including rear amenity space would be of limited size and poor layout, causing a poor standard of living. The proposal is therefore contrary to the Council's adopted Interim Policy on the Conversion and Sub-Division of buildings for residential use.

Development proposals are considered to unlikely materially change the demand for on-street car parking which is provided within streets surrounding the property.

The proposed HMO accommodation fails to provide an acceptable standard of accommodation and adequate means of amenity for future occupiers. The proposal is therefore contrary to the Council's Conversion Policy, Policy DC1 and Para 135 of the

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NPPF. As the accommodation has already been converted / in use, the recommendation is to refuse and enforce.

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### SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application site is located within a predominantly residential area with the properties along Bow Street formed as terraces. The properties front the public footway and are two-storey in scale. Design details such as ground floor bay windows are consistent along the street along and the terrace comprises render.

The proposal is for the change of use only and does not contain any external alterations or extensions to the property. All bedrooms contain an en-suite. Bin storage and cycle spaces are provided to the rear.

Permission is sought retrospectively.

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### PLANNING HISTORY

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None relevant

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### PLANNING POLICY

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

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

#### Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)

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- 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
- H3 – Inner Middlesbrough (Gresham, Acklam Green, Grove Hill)
- H11 – Housing Strategy
- H17 – Gresham/Jewels Street Area
- CS17 – Transport Strategy

Tees Valley Joint Minerals & Waste DPDs (2011)

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- MWC1 – Minerals Strategy
  - MWC4 – Safeguarding of Minerals Resources from Sterilisation
- Core Strategy DPD (2008)
- CS4 – Sustainable Development
  - CS18 – Demand Management
  - CS19 – Road Safety
  - DC1 – General Development
- Other Relevant Policy Documents
- Publication Local Plan (2025)
  - Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses (2019)
  - 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>

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## CONSULTATION AND PUBLICITY RESPONSES

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### Consultee Responses

#### **MBC Policy – No objection in principle subject to planning considerations**

(in summary)

In principle, the proposed change of use is considered acceptable. However, in determining whether the proposal accords with the adopted Development Plan, consideration must be given to all the relevant provisions of the policies noted above. With respect to this application, it is suggested that careful consideration is given to whether the development would provide an acceptable standard of accommodation for occupants.

In addition to the policies in the adopted Local Plan, it is advised that consideration is given to the relevant Publication Local Plan (PLP) policies highlighted above. In accordance with paragraph 49 of the NPPF, decision-makers 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. The weight that can be attached to these policies will depend on the stage of the preparation that the PLP has reached when the application is determined. Currently, some weight should be given to PLP policies.

#### **MBC Highways – No objections**

Development proposals seek consent for the change of use of an existing 2 bedroomed residential property into a 4 bed HMO. The property currently has no off-street parking and none is provided through the application.

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There are no direct parking standards for HMO's within the Tees Valley Highway Design Guide, however other factors can be taken into account. Census data for this ward demonstrates that a little over 50% of residents do not own a car and the site is sustainably located. Based upon a 4 bed HMO this means that it is realistic to assess that only 2 residents may own a vehicle. The existing size and use of the property as a residential dwelling is also likely to create a demand for car parking, albeit potentially only a single vehicle.

Development proposals would therefore be likely to not materially change the demand for on-street car parking. On-street parking is available within streets surrounding the property and the increased demand generated by the proposals could be accommodated.

No objections raised.

### **MBC Environmental Health (Housing) – Comments**

The building contains 2 rooms that give concern with regard to the available space for the safe use of the accommodation. They measure 5m<sup>2</sup>. There are a number of legislative provisions that relate to such matters once the building is occupied. These include

The Housing Act 2004, in particular, the housing health and safety provisions which seek among other things to address crowding and space in dwellings and Houses in Multiple Occupation.

The Housing Act 1985 which sets down absolute minimum statutory overcrowding standards giving minimum room size requirements.

Houses in Multiple Occupation if licensable are addressed through the licensing procedure, if they are non-licensable can be addressed under the provisions of section 139 of The Housing Act 2004

### **MBC Waste Policy – No comments**

No comments to make

### **MBC Environmental Protection – No comments**

No comments to make

### **Councillor Jill Ewan – Objection**

(in summary)

Impacts on area character or overall nature of scheme as a result of layout, density, design, visual appearance



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This is a longstanding family area. The house had two upstairs bedrooms, one single and one double, an upstairs bathroom, two reception rooms, one with its window looking straight out onto the street with no garden. With appropriate refurbishment, if necessary, it would have been suitable for occupation by a small household.

The kitchen is small and has no seating area. It is unlikely to have sufficient cupboard space to meet the requirements for food storage in a HMO accommodating four or five people. The only seating on the plans is the two seater sofa in the upstairs living room, so it appears that residents are expected to carry their meals upstairs and eat them, two people at a time, in the living room or carry them to their bedrooms and sit on their beds to eat.

Outdoor space is limited and the plans show most of it occupied by four cycles and four bins. The plans, showing four single beds, appear to envisage four occupants

The house as currently configured seems to provide extremely poor HMO accommodation, not meeting the HMO standards, whereas it could have provided a satisfactory home for a small family.

#### Highway issues: traffic generation, vehicular access, highway safety

Because of the nature of terraced houses opening onto the street, parking on the street is in short supply. In normal family use, households living in such a house might have an average of one car. With up to four adults in this house, there could potentially be up to four parking spaces needed. There are shops and business and community premises nearby and it has been necessary for the Council to introduce residents' parking along the whole of Bow Street and Clifton Street, 8am to 6pm, permit holders or 45 minutes, no return within two hours.

#### Overlooking and loss of privacy

The plans show a downstairs ensuite bedroom with its window directly onto the street. This means that there will be no privacy for the occupants of that bedroom unless they keep curtains closed all the time they are in their bedroom, which would be unpleasant and, unhealthy when using the room in daytime. From inspection, on Friday 7 September, the house appeared to be occupied, with lights on, and dark coloured curtains were drawn. A room like this provides no natural surveillance of the street.

#### Capacity of physical infrastructure (roads/drainage)

Are the drains adequate for four ensuite rooms?

#### Incompatible or unacceptable uses:

The house is in an area near to where prostitutes ply their trade. Downstairs ensuite rooms might make the house desirable for them to rent.

## Public Responses

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Number of original neighbour consultations	4
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

No responses received

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### PLANNING CONSIDERATION AND ASSESSMENT

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1. The main considerations with this proposal are the principle of the development, the ability for the proposed accommodation to provide a suitable standard of accommodation for the occupiers without having adverse impacts on the character and appearance of the street scene, privacy, amenity and highway safety.

#### **Policy Context**

2. The application site concerns land located in the Gresham/Jewels Street area of Inner Middlesbrough and it is not allocated for a specific use in the adopted Local Plan. Policies H1, H3, H11, and H17 are therefore relevant to the application.
3. Policy H3 identifies Inner Middlesbrough as an area where the regeneration of older housing areas is a priority. Further to this, Policy H17 identifies a programme of redevelopment in the Gresham/Jewels Street area. Collectively, Policies H1 and H11 establish the spatial and housing strategies of the borough. In particular, Policy H11 seeks to ensure that housing development contributes towards the delivery of a balanced and sustainable housing stock that meets the needs of Middlesbrough's current and future population. In determination of the application the loss of a two-bed dwellinghouse will need to be balanced against the provision of a four-bed HMO.
4. Policy CS4 requires all development to contribute towards the achievement of sustainable development principles. In addition to the provisions noted below, this includes making the most efficient use of land, with priority given to previously developed land.
5. Policies CS17, CS19, and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. Collectively, Policies CS4, CS18, and CS19 encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use.
6. The Publication Local Plan (PLP) was approved by the Council on the 5th March 2025 and has been subject to a period of public consultation. The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in

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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 National Planning Policy Framework.

7. Policies HO8 and HO9 of the Publication Local Plan are relevant. Policy HO9 (HMOs) states that, to create mixed and balanced communities and to protect residential amenity, development for HMO's will be expected to comply with a number of criteria. This includes the property being located where increased traffic and activity would not be detrimental to local amenity, the intensity of the proposed use not adversely affecting the character and function of the surrounding area, the proposal not resulting in an over concentration of HMOs within the locality, and the provision of a good standard of accommodation.
8. The Council has an interim policy on the Conversion and Sub-Division of Buildings for Residential Use. This policy sets out criteria that proposals seeking to convert properties into smaller residential units should meet. This includes the building being capable of providing the number of units proposed to an acceptable standard of accommodation, the proposed use not leading to an unacceptable change in the character of the area, providing adequate levels of privacy and amenity, and meeting the Government's Technical Housing Standards. These standards require a minimum of 37 square metres of internal floor space for a one-bedroom unit. In addition, the Policy requires adequate provision of parking (cycle/and or vehicle as appropriate) refuse storage and collection, and amenity space.
9. Policy DC1 and PLP Policy HO8 identify that development must not unduly affect the amenity of nearby properties and the surrounding environment. Consideration should therefore be given to whether the proposal may lead to an intensification of use that would detrimentally impact the occupiers of neighbouring properties.
10. In accordance with paragraph 49 of the NPPF, decision-makers 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. The weight that can be attached to these policies will depend on the stage of the preparation that the PLP has reached when the application is determined. Currently, some weight should be given to PLP policies.

### **Planning Considerations**

#### **Principle of Use**

11. The proposal relates to the change of use of a two-bed mid-terrace dwellinghouse (class C3) at 41 Bow Street to a four-bed HMO (class C4). The application site concerns land located in the Gresham/Jewels Street area of Inner Middlesbrough and it is not allocated for a specific use in the adopted Local Plan.
12. No objections are raised by the Council's Policy Team in terms of the principle of the change of use however in determining whether the proposal accords with the

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adopted Development Plan, consideration must be given to all the relevant provisions above within the policy context. With respect to this application, it is suggested that careful consideration is given to whether the development would provide an acceptable standard of accommodation for occupants. These and other material considerations are discussed in more detail below. In view of this, there is no objection in principle subject to the consideration of planning issues.

### **Impact on the character and appearance of the area**

13. No significant external changes are proposed to the property, as such the property will appear unchanged within the streetscene presenting itself as one property as it had done previously and therefore will have no impact upon the appearance of the streetscene.
14. The loss of the dwelling is to be balanced against the use as an HMO but both are residential uses in a predominantly residential so the proposal would be in keeping with these use types. As such the proposed development would accord with Policies DC1 and CS5 of the Local Plan.

### **Impact on neighbouring privacy and amenity**

15. Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
16. When properties are sub-divided, and the use intensified there is potential for noise transference between adjoining properties. It is a requirement of Building Regulations that adequate noise insulation measures are provided to attenuate noise transference. However, it is not anticipated that noise levels will significantly rise given that the occupant levels will be similar. The proposal involves no external alterations to the building and as such will not alter the existing separation distances between the application site and the neighbouring properties.
17. The proposal will not provide any additional extensions or alter the existing window arrangements and so is considered to have no additional significant impacts in terms of loss of privacy or loss of amenity to the neighbouring properties. In this respect, the proposal is considered to accord with Core Strategy Policy DC1 (c) and the Council's Urban Design SPD.

### **Living conditions for future occupiers**

18. Paragraph 135 of the National Planning Policy Framework (NPPF) sets out that consideration should be given to development providing a '*...high standard of amenity for existing and future users*'.
19. The Council's adopted *Interim Policy on the Conversion and Sub-division of Buildings for Residential Use* identifies key criteria requirements which include the building being capable of providing the number of units or use proposed to an acceptable

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standard of accommodation providing adequate levels of privacy and amenity for existing and future residents and meeting the Governments Housing Standards. The Interim Policy also establishes that developments should provide adequate provision for and access to parking (cycle and vehicles) refuse storage and collection and amenity space where deemed necessary.

20. The proposal would see the loss of the existing ground floor living and dining rooms in order to become 2x bedrooms (measuring 5m<sup>2</sup> and 8 m<sup>2</sup>). The first floor already contains two bedrooms and these are to be retained but each would have an en-suite added. These first floor bedrooms measure 5m<sup>2</sup> and 10m<sup>2</sup>. The existing family bathroom would be lost to become a living room. Each of the bedrooms would contain an en-suite. The existing rear yard is of an 'L' shaped layout owing to an existing single storey outshoot with an alleyway behind which allows rear access.
21. Planning officers including Planning Policy acting as consultee have raised concerns regarding the lack of privacy and amenity space that has been provided for residents occupying the property.
22. With regards to HMO accommodation the LPA are of the view that unless the bed space is big enough to act as a living room, a living room separate to the kitchen / diner space should also be provided so that occupants have somewhere to sit during the day / evening. Occupants should not be reliant on small individual bedrooms to sit and relax and therefore a separate living room is considered to be important.
23. Two of the bedrooms fall below the Technical Housing Standard of 7.5m<sup>2</sup> for a single bedroom, being only 5m<sup>2</sup>. With the remaining bedrooms being 8m<sup>2</sup> and 10m<sup>2</sup>, whilst they meet the space standard, they only just exceed this amount and therefore suggest a cramped living arrangement. A small area for storage space is provided but the remaining usable floorspace is very limited, and looks unlikely to accommodate wardrobes or desk/office equipment without compromising useability. The en-suite rooms are also small and there is no main shared bathroom within the building.
24. The kitchen is a galley style which would not accommodate dining facilities and whilst a separate lounge area is included, it would only hold enough seating for perhaps only 1-2 individuals (being 5m<sup>2</sup> in size). Taking into account the small bedrooms, the overall provision for 4 unrelated occupants is considered to be somewhat lacking. Furthermore, storage space is very limited in the bedrooms with no additional storage room provided within the property. This again raises concern for the property to provide primary habitable accommodation for 4 unrelated adults who are likely to have a greater degree of need / space than is proposed.
25. Given the number of bedrooms within the house and their limited size, it is considered that the internal amenity space for occupants is not sufficient. It is considered that on this basis the proposed development does not provide an acceptable level of accommodation for occupants. The Council's conversion policy offers some flexibility with regards to nationally prescribed space standards given

## COMMITTEE REPORT

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that rooms are intended for shared HMO use, however the room sizes in conjunction with amenity provision fall too far short in this instance.

26. Looking more at the specific arrangement of rooms, all bedrooms have windows and are thereby served by natural light. The ground floor bedroom is served by a large bay window on the principal elevation but this bedroom is located at the front of the property, overlooking the footpath with no defensible space, which would result in poor amenity and privacy issues for the occupier. Due to the small size of the room and the position and angle of the en-suite, the bed will be extremely close to this window, exacerbating these privacy issues. Bedrooms at the ground floor front of properties are also likely to have curtains shut for long periods of time also whereas a living/communal room would create an active frontage, which is encouraged by the Middlesbrough Urban Design Guide. This is contrary to the interim conversion policy.
27. It is noted that a recent appeal decision was received on 23 July 2025 for 78 Acton Street which allowed the change of use from a 2-bed dwelling to 3-bed HMO (Appeal Ref: APP/W0734/W/25/3365937). This proposal also had a ground floor bedroom to the front of the property which the Council raised concern with. In respect to these living conditions, the Inspector noted that:

*'During the site visit, it was observed that many properties on Acton Street have similar front-facing rooms. The use of blinds or net curtains is a feature of the street scene and is a common and effective means of maintaining privacy while preserving outlook. The street is a quiet, one-way residential road with limited footfall and traffic, further mitigating concerns.'*

*'The occupiers would also have access to a communal living room and kitchen, providing alternative spaces for relaxation and socialising. These shared areas help to offset any potential limitations associated with the front bedroom.'*

28. Whilst these comments are noted, looking more closely at the proposal for 78 Acton Street, this benefitted from a larger communal area and would also serve one less resident than the proposal currently under discussion here. The proposal relating to 41 Bow Street would see a more intensified use with a layout which would result in residents spending more time in bedrooms. As such it is considered that observations made by the Inspector regarding front bedrooms being offset would not be entirely applicable in this context, and these individual aspects of HMO's combine with other aspects which are of concern and cumulatively result in poor accommodation. Therefore the proposal in this case would still result in concerns with this arrangement.
29. To the rear, the ground floor bedroom's only window would face out on the yard and be adjacent to the kitchen door which is the only rear entrance to the dwelling, as such there are concerns this would also lead to very limited privacy for the occupier of that bed space and result in regular disturbance impacts.
30. Refuse/recycling provisions will be located at the rear of the property within the yard, and so is cycle storage. However, it is not indicated whether this is secure / covered storage (appropriate for overnight accommodation). The cycle and bin storage take



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up a large proportion of the rear yard, reducing its usability and amenity for residents. Adding necessary cover / enclosed cycle parking would result in that provision having a significant adverse impact on the use of any outdoor amenity space being achievable.

31. In view of the above, the HMO accommodation does not meet the requirements of the Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses and Policy HO9 of the Publication Local Plan in terms of size, space and usability and amenity. The proposal is not considered to provide a level of accommodation suitable for long term accommodation and would therefore be contrary to Paragraph 135 of the NPPF.

### **Highways/parking/traffic safety**

32. The Council's Highway Officer raised no objections to the proposal, stating that there are no direct parking standards for HMO's within the Tees Valley Highway Design Guide, however other factors can be taken into account. Census data for this ward demonstrates that a little over 50% of residents do not own a car and the site is sustainably located. Based upon a 4 bed HMO this means that it is realistic to assess that only 2 residents may own a vehicle. The existing size and use of the property as a residential dwelling is also likely to create a demand for car parking, albeit potentially only a single vehicle.
33. In agreement with these comments, it is considered that development proposals would therefore be likely to not materially change the demand for on-street car parking. On-street parking is available within streets surrounding the property.
34. As a result, the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

### **Nutrient Neutrality**

35. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees.
36. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to wastewater from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may



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require mitigating. As with all planning applications, each has to be considered on its own merits.

37. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
38. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in scope unless they have other (non-sewerage) water quality implications.
39. The application seeks planning approval to convert the existing residential accommodation providing four ensuite HMO bedrooms. As the accommodation is shared there will be no increase to the number of self-contained units in this case and as such the proposal falls out of scope and therefore mitigation does not need to be provided in this instance.

### **Conclusion**

40. Taking all of the above into account it is considered that on balance, the HMO accommodation does not meet the requirements of the Councils Conversion Policy in terms of size, space and usability and amenity, and does not provide a level of accommodation suitable for long term accommodation. It would represent a reduced quality and intensification of accommodation for a property which is already very limited in its provisions. This is fundamentally against the Local Plan aspirations / policy expectations and the thrust of National Planning Guidance and there are no material planning considerations which would outweigh these matters.
41. Decisions to approve can be made where they are contrary to the Local Plan and other adopted planning guidance where there are material planning considerations which indicate otherwise, however, in this instance, there are no material planning considerations which suggest a decision away from established Policy and guidance should be taken. The site specific impacts have been considered as part of this assessment.
42. The application therefore has to be determined against these established policies and in view of the above, the application is therefore recommended for refusal.

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### RECOMMENDATIONS AND CONDITIONS

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Refuse and Enforce

#### 1. Reason for Refusal

In the opinion of the local planning authority the proposed HMO accommodation fails to provide an acceptable standard of accommodation and adequate means of amenity for future occupiers. The proposal is therefore contrary to the Council's Conversion Policy, Policy DC1 and Para 135 of the NPPF.

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### INFORMATIVES

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#### Informative: Enforcement Action

In view of the decision to refuse the application, the council intends to enforce against the use of the unit as an HMO and any development works associated with the use which would constitute a breach of planning regulations. It is therefore recommended that unauthorised works are remediated within 6 months of the date of this decision and any unauthorised use which has taken place thus far is ceased.

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### IMPLICATIONS OF THE DECISION

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#### **Environmental Implications:**

The proposal relates to residential 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.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

#### **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:**

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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.

Discussions involving the safety of occupants has been included within the planning assessment.

### **Financial Implications:**

None

### **Background Papers**

Appeal Decision relating to LPA Ref: 25/0070/COU. 78, Acton Street, Middlesbrough, TS1 3NA. Appeal Ref: APP/W0734/W/25/3365937

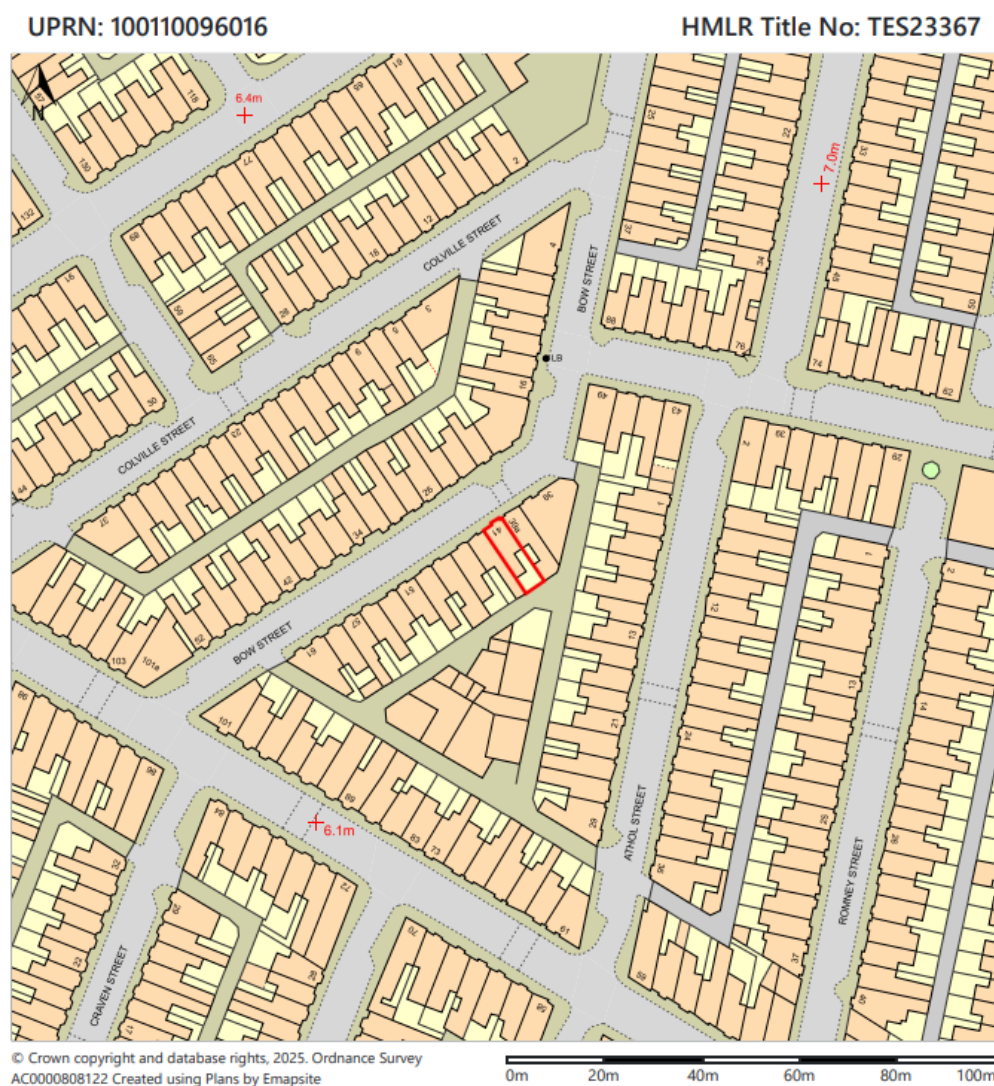
Case Officer: Victoria Noakes

Committee Date: 9<sup>th</sup> October 2025

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**Appendix 1 – Location Plan**



Scale: 1:1250

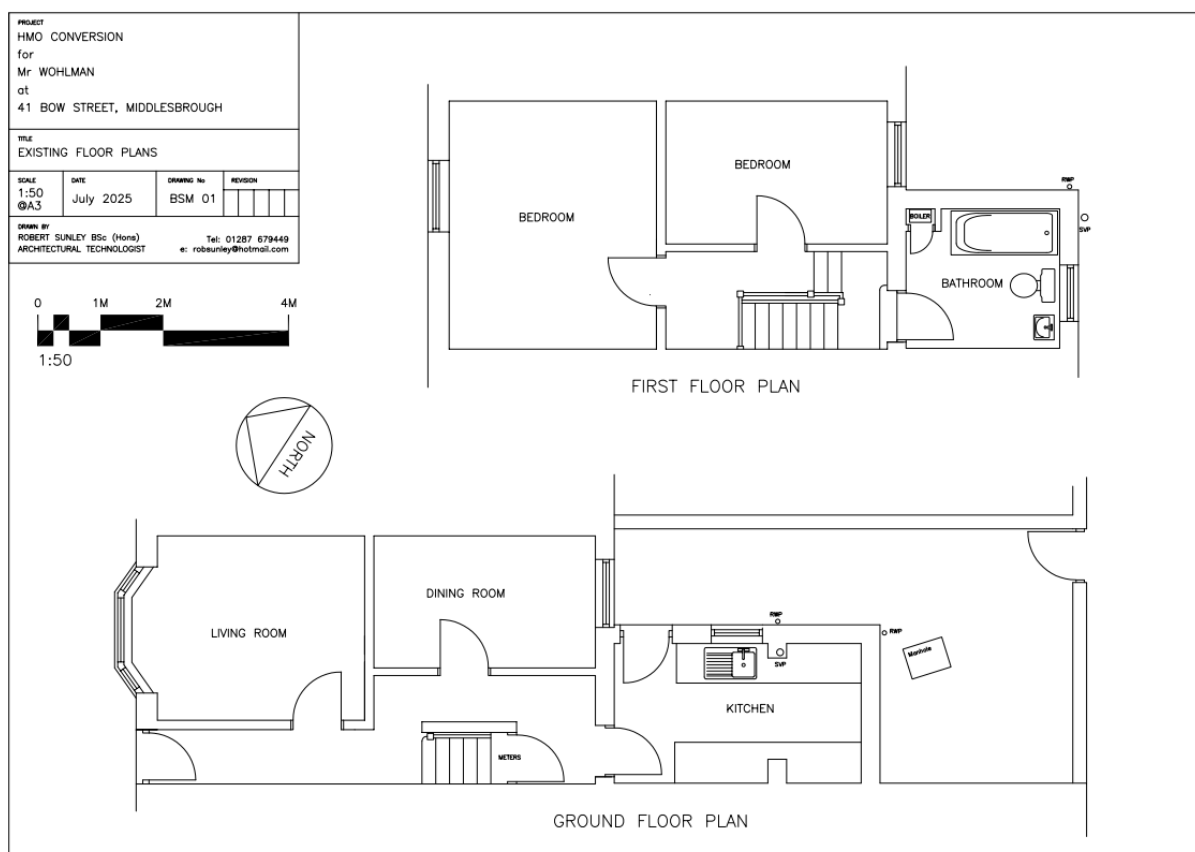
Paper Size: A4

Notes:

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### Appendix 2 – Existing Floorplan

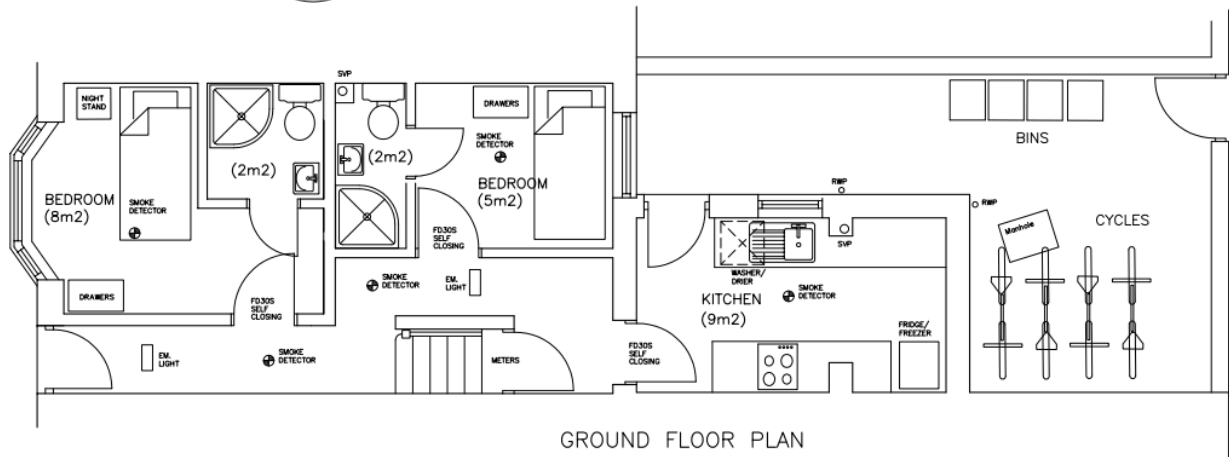
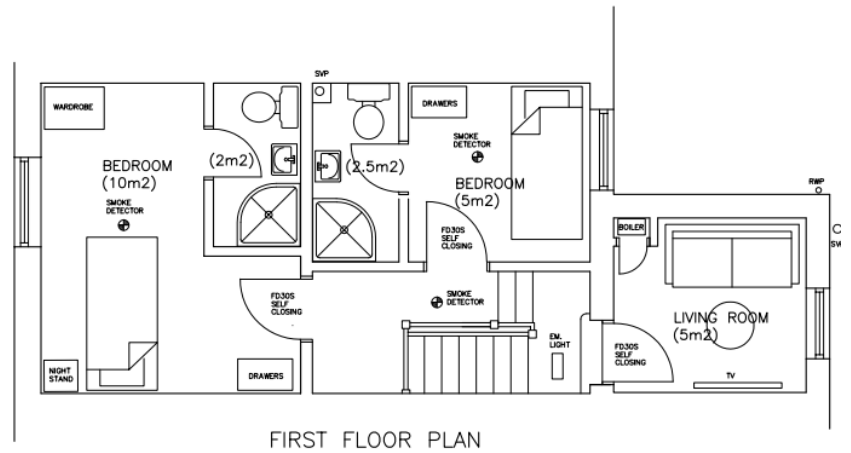


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**Appendix 3 – Proposed Floorplan**

MIDDLESBROUGH			
PLANS			
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ms)	Tel: 01287 679449		
3GIST	e: robsunley@hotmail.com		





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**APPLICATION DETAILS**

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<b>Application No:</b>	25/0417/COU
<b>Location:</b>	27, Wicklow Street, Middlesbrough, TS1 4RG
<b>Proposal:</b>	Retrospective change of use from dwelling (C3) to HMO (C4)
<b>Applicant:</b>	SKW Capital Ltd SKW Capital Ltd
<b>Agent:</b>	Miss Emily Andrews, Origin Planning Services
<b>Ward:</b>	Newport
<b>Recommendation:</b>	Refuse and Enforce

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**SUMMARY**

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The application is for the conversion of a mid-terraced property at 27 Wicklow Street from a two-bedroom residential dwelling into a 4-bed House in Multiple Occupation (HMO). Permission is sought retrospectively.

The application site is located within a predominantly residential street. The dwellings front Wicklow Street with alley way access at the rear.

There has been an objection from the Ward Councillor relating to impact on character and appearance of the area, the proposals resulting in a poor standard of accommodation, highway issues, drainage and the proposal being of an incompatible use. There have been no comments received as part of the neighbour consultations. .

The proposal is considered to be acceptable in principle however officer concerns relate to living conditions for future occupiers. The internal bedrooms spaces would be small in footprint. The communal accommodation including rear amenity space would be of limited size and poor layout, causing a poor standard of living. The proposal is therefore contrary to the Council's adopted Interim Policy on the Conversion and Sub-Division of buildings for residential use.

Development proposals are considered unlikely to not materially change the demand for on-street car parking which is provided within the streets surrounding the property.

The proposed HMO accommodation fails to provide an acceptable standard of accommodation and adequate means of amenity for future occupiers. The proposal is therefore contrary to the Council's Conversion Policy, Policy DC1 and Para 135 of the NPPF. As the accommodation has already been converted / in use, the recommendation is to refuse and enforce.

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

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The application site is located within a predominantly residential area with the properties along Wicklow Street formed as terraces. The properties front the public footway and are two-storey in scale. Design details such as ground floor bay windows are consistent along the street along and the terrace comprises render.

The proposal is for the change of use only and does not contain any external alterations or extensions to the property. All bedrooms contain an en-suite. Bin storage and cycle spaces are to the rear.

Permission is sought retrospectively.

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## **PLANNING HISTORY**

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None relevant

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## **PLANNING POLICY**

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

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

### Middlesbrough Local Plan

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

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- 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
- H3 – Inner Middlesbrough (Gresham, Acklam Green, Grove Hill)
- H11 – Housing Strategy
- H17 – Gresham/Jewels Street Area
- CS17 – Transport Strategy

#### Tees Valley Joint Minerals & Waste DPDs (2011)

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

#### Core Strategy DPD (2008)

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

#### Other Relevant Policy Documents

- Publication Local Plan (2025)
- Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses (2019)
- 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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Consultee Responses**

#### **MBC Policy – No objection in principle subject to planning considerations**

(in summary)

In principle, the proposed change of use is considered acceptable. However, in determining whether the proposal accords with the adopted Development Plan, consideration must be given to all the relevant provisions of the policies noted above. With respect to this application, it is suggested that careful consideration is given to whether the development would provide an acceptable standard of accommodation for occupants.

In addition to the policies in the adopted Local Plan, it is advised that consideration is given to the relevant Publication Local Plan (PLP) policies highlighted above. In accordance with paragraph 49 of the NPPF, decision-makers 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. The weight that can be attached to these policies will depend on the stage of the preparation that the PLP has reached when the application is determined. Currently, some weight should be given to PLP policies.

#### **MBC Environmental Health – No comments to make**

Environmental protection have no comments to make in relation to this application.

#### **MBC Environmental Health (Housing) – Comments**

The building contains a room or rooms that give concern with regard to the available space for the safe use of the accommodation. There are a number of legislative provisions that relate to such matters once the building is occupied. These include

The Housing Act 2004, in particular, the housing health and safety provisions which seek among other things to address crowding and space in dwellings and Houses in Multiple Occupation.

The Housing Act 1985 which sets down absolute minimum statutory overcrowding standards giving minimum room size requirements.

Houses in Multiple Occupation if licensable are addressed through the licensing procedure, if they are non-licensable can be addressed under the provisions of section 139 of The Housing Act 2004

### **MBC Highways – No objection**

Development proposals seek consent for the change of use of an existing 2 bedroomed residential property into a 4 bed HMO. The property currently has no off-street parking and none is provided through the application.

There are no direct parking standards for HMO's within the Tees Valley Highway Design Guide, however other factors can be taken into account. Census data for this ward demonstrates that a little over 50% of residents do not own a car and the site is sustainably located. Based upon a 4 bed HMO this means that it is realistic to assess that only 2 residents may own a vehicle. The existing size and use of the property as a residential dwelling is also likely to create a demand for car parking, albeit potentially only a single vehicle.

Development proposals would therefore be likely to not materially change the demand for on-street car parking. On-street parking is available within streets surrounding the property and the increased demand generated by the proposals could be accommodated.

No objections raised

### **MBC Waste Policy – No comments**

No comments to make

### **Councillor Jill Ewan - Objection**

(in summary)

#### **Impacts on area character or overall nature of scheme as a result of layout, density, design, visual appearance**

This is a longstanding family area. The house had two double upstairs bedrooms, a downstairs bathroom accessed through the kitchen and two reception rooms, one with its window looking straight out onto the street with no garden. With appropriate refurbishment, if necessary, it would have been suitable for occupation by a small family.

The applicant has installed ensuite shower rooms into both bedrooms and also into what were the two reception rooms, to make two more bedrooms. The front upstairs bedrooms are shown as 10 sq.m. This meets the HMO standard for a double room and the plans show double beds in the rooms. The front downstairs bedrooms are shown as 7 sq.m. This meets the HMO standard for a single room.

The kitchen is small and has seating for only two people. It is unlikely to have sufficient cupboard space to meet the requirements for food storage in a HMO accommodating four to six people.

Outdoor space is just a narrow strip, wide enough to park two bicycles. The plans, showing beds for six people, appear to envisage four to six occupants and the To Let advertisement (now taken down) referred to double and single rooms. There is very limited space for sitting outdoors, keeping bicycles, drying washing or keeping recycling and food waste or anything else prior to collection. The plans show four bicycles occupying most of the back yard.

Highway issues: traffic generation, vehicular access, highway safety

Because of the nature of terraced houses opening onto the street, parking on the street is in short supply. In normal family use, households living in such a house might have an average of one car. With up to six adults in this house, there could potentially be up to six parking spaces needed. When I visited on the evening of Friday 5 September, I parked outside 33 Wicklow Street and every parking space from 31 to 1 Wicklow Street was occupied. That, from memory, would be typical.

Overlooking and loss of privacy

The plans show a downstairs ensuite bedroom with its window directly onto the street. This means that there will be no privacy for the occupants of that bedroom unless they keep curtains closed all the time they are in their bedroom, which would be unpleasant and, unhealthy when using the room in daytime. From inspection, on Friday 7 September, the house appeared to be occupied, with lights on, and dark coloured curtains were drawn. A room like this provides no natural surveillance of the street.

Capacity of physical infrastructure (roads/drainage)

Are the drains adequate for four ensuite rooms?

Incompatible or unacceptable uses:

The house is in an area near to where prostitutes ply their trade. Downstairs ensuite rooms might make the house desirable for them to rent.

## Public Responses

Number of original neighbour consultations	7
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

No responses received

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The main considerations with this proposal are the principle of the development, the ability for the proposed accommodation to provide a suitable standard of



accommodation for the occupiers without having adverse impacts on the character and appearance of the street scene, privacy, amenity and highway safety.

### **Policy Context**

2. The proposal relates to the change of use of a two-bed mid-terrace dwellinghouse (class C3) at 27 Wicklow Street to a four-bed HMO (class C4). The application site concerns land located in the Gresham/Jewels Street area of Inner Middlesbrough and it is not allocated for a specific use in the adopted Local Plan. Policies H1, H3, H11, and H17 are therefore relevant to the application.
3. Policy H3 identifies Inner Middlesbrough as an area where the regeneration of older housing areas is a priority. Further to this, Policy H17 identifies a programme of redevelopment in the Gresham/Jewels Street area. Collectively, Policies H1 and H11 establish the spatial and housing strategies of the borough. In particular, Policy H11 seeks to ensure that housing development contributes towards the delivery of a balanced and sustainable housing stock that meets the needs of Middlesbrough's current and future population. In determination of the application the loss of a two-bed dwellinghouse will need to be balanced against the provision of a four-bed HMO.
4. Policy CS4 requires all development to contribute towards the achievement of sustainable development principles. In addition to the provisions noted below, this includes making the most efficient use of land, with priority given to previously developed land.
5. Policies CS17, CS19, and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. With respect to parking, the Tees Valley Design Guide and Specification provides detailed guidance on parking standards, including the appropriate level of provision for different types of land use and the design of car parking spaces. In terms of this proposal, it is noted that there is no on-site car parking provision. It appears that car parking would only be available in the form of unallocated on-street space, which looks to be the case for the other residential properties located along Wicklow Street. In relation to these matters, it is suggested that comments from the Council's Highways Officer are sought and considered in determination of the application.
6. Collectively, Policies CS4, CS18, and CS19 encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use. The proposal includes the provision of "secure cycle storage" for four bicycles in the rear yard. While its location is indicated on the proposed floor plans, no details have been submitted regarding the particular form that this secure cycle storage would take. It is suggested that these details are clarified with the applicant. In relation to sustainable travel, it is also acknowledged that 27 Wicklow Street is located a relatively short walk from Parliament Road Local Centre, the Town Centre, and Teesside University. The site is approximately 11 minutes' walk from bus stops on Linthorpe Road, where numerous bus services can be accessed. Middlesbrough Bus Station and Railway Station are also approximately 17 and 24 minutes' walk away from the site respectively.

7. Policy DC1 identifies that development must not unduly affect the amenity of nearby properties and the surrounding environment. Consideration should therefore be given to whether the proposal may lead to an intensification of use that would detrimentally impact the occupiers of neighbouring properties.
8. The Publication Local Plan was approved by the Council on the 5th March and has been subject to a period of public consultation. The National Planning Policy Framework 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 National Planning Policy Framework.
9. Policies HO8 and HO9 of the Publication Local Plan are relevant. Policy HO9 (HMOs) states that to create mixed and balanced communities and to protect residential amenity, development for HMO's will be expected to comply with a number of criteria including the property is located where increased traffic and activity would not be detrimental to local amenity, the use would not adversely affect the character and function of the surrounding area, the proposal would not result in an over concentration of HMOs with the locality and the it provides a good standard of accommodation.
10. The Council has an interim policy on the Conversion and Sub-Division of Buildings for Residential Use. This policy sets out criteria that conversion of properties into smaller residential units should meet. This includes that the building is capable of providing the number of units proposed to an acceptable standard of accommodation, the proposed use would not lead to an unacceptable change in the character of the area, providing adequate levels of privacy and amenity, and meeting the Government's Technical Housing Standards. These require a minimum of 37 sqm internal floor space for 1 bedroom unit.
11. In addition, the Policy requires that proposals for such accommodation provide adequate provision of, and access to parking (cycle/and or vehicle, as appropriate) refuse storage and collection and amenity space were deemed necessary. In determination of the application, it is therefore suggested that careful consideration is given to the extent to which the proposed development would provide an acceptable level of accommodation for occupants, including adequate levels of privacy and amenity.
12. In addition to the policies in the adopted Local Plan, it is advised that consideration is given to the relevant Publication Local Plan (PLP) policies highlighted above. In accordance with paragraph 49 of the NPPF, decision-makers 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. The weight that can be attached to these policies will depend on the stage of the preparation that the PLP has reached when the application is determined. Currently, some weight should be given to PLP policies.

### **Planning Considerations**

### **Principle of Use**

13. The proposal relates to the change of use of a two-bed mid-terrace dwellinghouse (class C3) at 27 Wicklow Street to a four-bed HMO (class C4). The application site concerns land located in the Gresham/Jewels Street area of Inner Middlesbrough and it is not allocated for a specific use in the adopted Local Plan.
14. No objections are raised by the Council's Policy Team in terms of the principle of the change of use however in determining whether the proposal accords with the adopted Development Plan, consideration must be given to all the relevant provisions above within the policy context. With respect to this application, it is suggested that careful consideration is given to whether the development would provide an acceptable standard of accommodation for occupants. These and other material considerations are discussed in more detail below. In view of the above, there is no objection in principle subject to assessment of relevant planning issues.

### **Impact on the character and appearance of the area**

15. No significant external changes are proposed to the property, as such the property will appear unchanged within the streetscene presenting itself as one property as it had done previously and therefore will have no impact upon the appearance of the streetscene.
16. The loss of the dwelling is to be balanced against the use as an HMO but both are residential uses in a predominantly residential so the proposal would be in keeping with these use types. As such the proposed development would accord with Policies DC1 and CS5 of the Local Plan.

### **Impact on neighbouring privacy and amenity**

17. Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
18. When properties are sub-divided, and the use intensified there is potential for noise transference between adjoining properties. It is a requirement of Building Regulations that adequate noise insulation measures are provided to attenuate noise transference. However, it is not anticipated that noise levels will significantly rise given that the occupant levels will be similar. The proposal involves no external alterations to the building and as such will not alter the existing separation distances between the application site and the neighbouring properties.
19. The proposal will not provide any additional extensions or alter the existing window arrangements and so is considered to have no additional significant impacts in terms of loss of privacy or loss of amenity to the neighbouring properties. In this respect, the proposal is considered to accord with Core Strategy Policy DC1 (c) and the Council's Urban Design SPD.

### **Living conditions for future occupiers**

20. Paragraph 135 of the National Planning Policy Framework (NPPF) sets out that consideration should be given to development providing a '*...high standard of amenity for existing and future users*'.
21. The Council's adopted Interim Policy on the Conversion and Sub-division of Buildings for Residential Use identifies key criteria requirements which include the building being capable of providing the number of units or use proposed to an acceptable standard of accommodation providing adequate levels of privacy and amenity for existing and future residents and meeting the Governments Housing Standards. The Interim Policy also establishes that developments should provide adequate provision for and access to parking (cycle and vehicles) refuse storage and collection and amenity space where deemed necessary.
22. The proposal would see the loss of the existing ground floor living and dining rooms in order to become 2x single bedrooms (both measuring 7m<sup>2</sup>). The first floor already contains two bedrooms and these are to be 2x double bedrooms (both measuring 10m<sup>2</sup>) however the existing family bathroom would become a living room on the ground floor. Each of the bedrooms would contain an en-suite. The existing rear yard is a small strip with an alleyway behind which allows rear access.
23. Planning officers including Planning Policy acting as consultees have raised concerns regarding the lack of privacy and amenity space that has been provided for residents. All four bedrooms include an en-suite shower room, with the ground floor and first floor bedrooms each providing 7 and 10 square metres in floorspace respectively (excluding en-suite). In terms of the Technical Space Standards, this requires 7.5m<sup>2</sup> for a single bedroom and 11.5m<sup>2</sup> for a double bedroom. The proposed bedrooms fall slightly below of this, suggesting a cramped arrangement and over-intensification of use.
24. On the ground floor, a kitchen of 8 square metres and a separate living room of 6 square metres are provided. The kitchen is of a galley style with room for limited dining facilities and whilst a separate lounge area is included, it would hold enough seating for perhaps only 1-2 individuals. This again raises concern for the property to provide primary habitable accommodation for this number of unrelated adults who are likely to have a greater degree of need / space than is proposed.
25. With regards to HMO accommodation the LPA are of the view that unless the bed space is big enough to act as a living room, a living room separate to the kitchen / diner space should also be provided so that occupants have somewhere to sit during the day / evening. Occupants should not be reliant on small individual bedrooms to sit and relax and therefore a separate living room is considered to be important. Given the number of bedrooms proposed, and also taking into account the relatively limited size of the bedrooms, it is questioned whether the proposal would provide a sufficient amount of communal living space for the residents.
26. Looking more at the specific arrangement of rooms, all bedrooms have windows and are thereby served by natural light. Having reviewed the proposed floor plans, it is noted that the 'front' ground floor bedroom window directly fronts onto the footway along Wicklow Street. This would leave no defensible space, which would result in poor amenity and privacy issues for the occupier. Due to the small size of the room and the position and angle of the en-suite, the bed will be extremely close to this

window, exacerbating these privacy issues. Bedrooms at the ground floor front of properties are also likely to have curtains shut for long periods of time also whereas a living/communal room would create an active frontage, which is encouraged by the Middlesbrough Urban Design Guide. This is contrary to the interim conversion policy.

27. It is noted that a recent appeal decision was received on 23 July 2025 for 78 Acton Street which allowed the change of use from a 2-bed dwelling to 3-bed HMO (Appeal Ref: APP/W0734/W/25/3365937). This proposal also had a ground floor bedroom to the front of the property which the Council raised concern with. In respect to these living conditions, the Inspector noted that:

*'During the site visit, it was observed that many properties on Acton Street have similar front-facing rooms. The use of blinds or net curtains is a feature of the street scene and is a common and effective means of maintaining privacy while preserving outlook. The street is a quiet, one-way residential road with limited footfall and traffic, further mitigating concerns.*

*The occupiers would also have access to a communal living room and kitchen, providing alternative spaces for relaxation and socialising. These shared areas help to offset any potential limitations associated with the front bedroom.'*

28. Whilst this is noted, looking more closely at the proposal for 78 Acton Street, this property benefitted from a larger communal area and would also serve one less resident than the proposal currently under discussion here. The proposal relating to 27 Wicklow Street would see a more intensified use with a layout which would result in residents spending more time in bedrooms. As such it is considered that observations made by the Inspector offsetting front bedrooms by overall communal space would not be entirely applicable in this context. Therefore the proposal in this case would still result in concerns with this arrangement.
29. In addition, the rear ground floor bedroom window directly faces onto the rear yard of the property, perpendicular to the kitchen window. As such there are concerns this would also lead to privacy, safety and disturbance impacts.
30. While there is a rear yard, which could provide outdoor communal space, the proposed floor plans indicate that there would be limited usable outdoor space available once bicycle and bin storage areas are accounted for. It is not indicated whether this is secure / covered storage (appropriate for overnight accommodation). The cycle and bin storage take up a large proportion of the rear yard, reducing its usability and amenity for residents. Adding necessary cover / enclosed cycle parking would result in that provision having a significant adverse impact on the use of any outdoor amenity space being achievable.
31. Given the number of bedrooms within the house and their limited size, it is considered that the internal amenity space for occupants is not sufficient. It is considered that on this basis the proposed development does not provide an acceptable level of accommodation for occupants. The Council's conversion policy offers some flexibility with regards to nationally prescribed space standards given that rooms are intended for shared HMO use, however the room sizes in conjunction with amenity provision fall too far short in this instance.



32. In view of the above, the HMO accommodation does not meet the requirements of the Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses and Policy HO9 of the Publication Local Plan in terms of size, space and usability and amenity. The proposal is not considered to provide a level of accommodation suitable for long term accommodation and would therefore be contrary to Paragraph 135 of the NPPF.

### **Highways/parking/traffic safety**

33. The Council's Highway Officer raised no objections to the proposal, stating that there are no direct parking standards for HMO's within the Tees Valley Highway Design Guide, however other factors can be taken into account. Census data for this ward demonstrates that a little over 50% of residents do not own a car and the site is sustainably located. Based upon a 4 bed HMO this means that it is realistic to assess that only 2 residents may own a vehicle. The existing size and use of the property as a residential dwelling is also likely to create a demand for car parking, albeit potentially only a single vehicle.
34. In agreement with these comments, it is considered that the development proposals would therefore be likely to not materially change the demand for on-street car parking. On-street parking is available within streets surrounding the property.
35. As a result, the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

### **Nutrient Neutrality**

36. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees.
37. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to wastewater from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits.
38. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations. The Local Planning Authority must consider the nutrient impacts of any development

within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in scope unless they have other (non-sewerage) water quality implications.

39. The application seeks planning approval to convert the existing residential accommodation providing four ensuite HMO bedrooms. As the accommodation is shared there will be no increase to the number of self-contained units in this case and as such the proposal falls out of scope and therefore mitigation does not need to be provided in this instance.

### **Conclusion**

40. Taking all of the above into account it is considered that on balance, it is considered that the HMO accommodation does not meet the requirements of the Councils Conversion Policy in terms of size, space and usability and amenity, and does not provide a level of accommodation suitable for long term accommodation. It would represent a reduced quality of accommodation for a property which is already very limited in its provisions. This is fundamentally against the Local Plan aspirations / policy expectations and the thrust of National Planning Guidance and there are no material planning considerations which would outweigh these matters.
41. Decisions to approve can be made where they are contrary to the Local Plan and other adopted planning guidance where there are material planning considerations which indicate otherwise, however, in this instance, there are no material planning considerations which suggest a decision away from established Policy and guidance should be taken. The site specific impacts have been considered as part of this assessment.
42. The application therefore has to be determined against these established policies and in view of the above, the application is therefore recommended for refusal.

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### **RECOMMENDATIONS AND CONDITIONS**

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#### **Refuse and Enforce**

1. Reason for Refusal  
In the opinion of the local planning authority the proposed HMO accommodation fails to provide an acceptable standard of accommodation and adequate means of



amenity for future occupiers. The proposal is therefore contrary to the Council's Conversion Policy, Policy DC1 and Para 135 of the NPPF.

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## INFORMATIVES

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### Informative: Enforcement Action

In view of the decision to refuse the application, the council intends to enforce against the use of the unit as an HMO and any development works associated with the use which would constitute a breach of planning regulations. It is therefore recommended that unauthorised works are remediated within 6 months of the date of this decision and any unauthorised use which has taken place thus far is ceased.

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## IMPLICATIONS OF THE DECISION

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### **Environmental Implications:**

The proposal relates to residential 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.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

### **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.

Discussions involving the safety of occupants has been included within the planning assessment.

**Financial Implications:**

None

**Background Papers**

Appeal Decision relating to LPA Ref: 25/0070/COU. 78, Acton Street, Middlesbrough, TS1 3NA. Appeal Ref: APP/W0734/W/25/3365937

Case Officer: Victoria Noakes

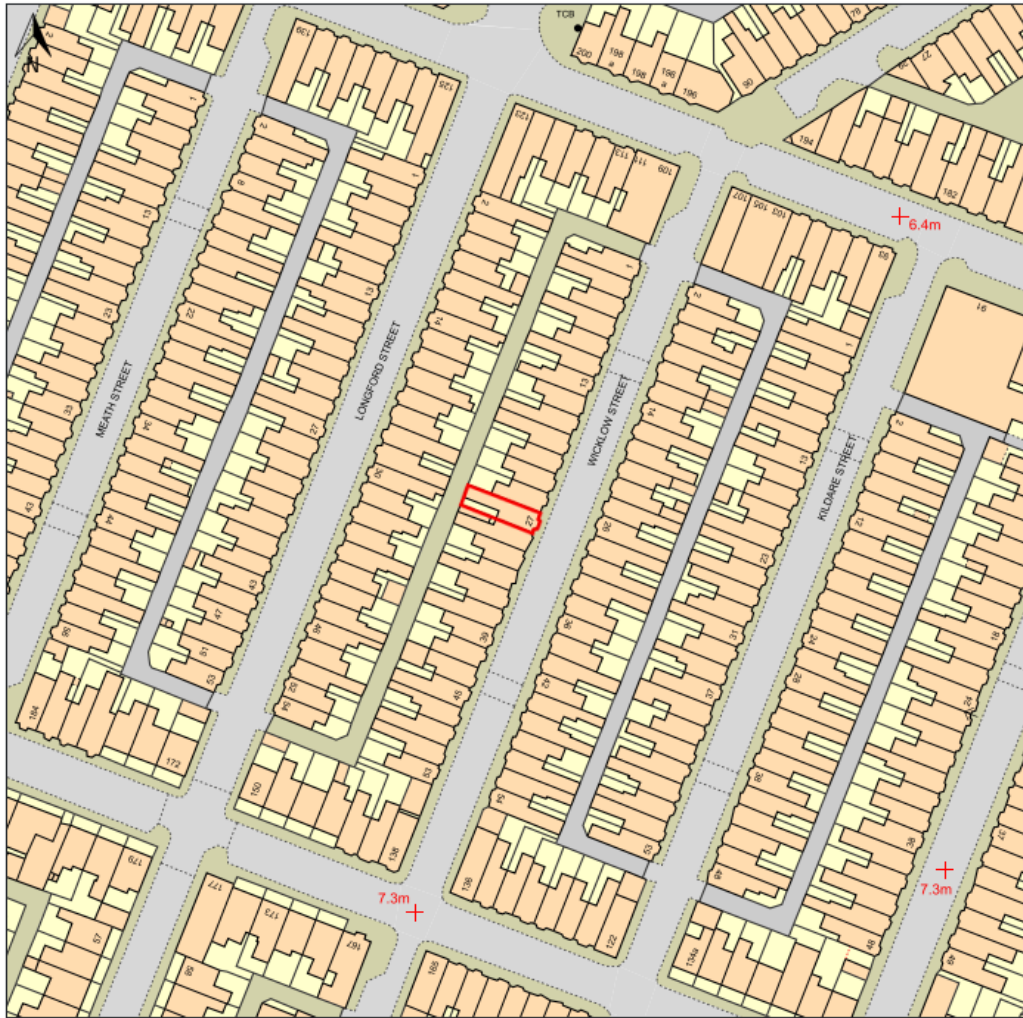
Committee Date: 9<sup>th</sup> October 2025

**Appendix 1 – Location Plan**

27, WICKLOW STREET, MIDDLESBROUGH, MIDDLESBROUGH, TS1 4RG

UPRN: 100110144326

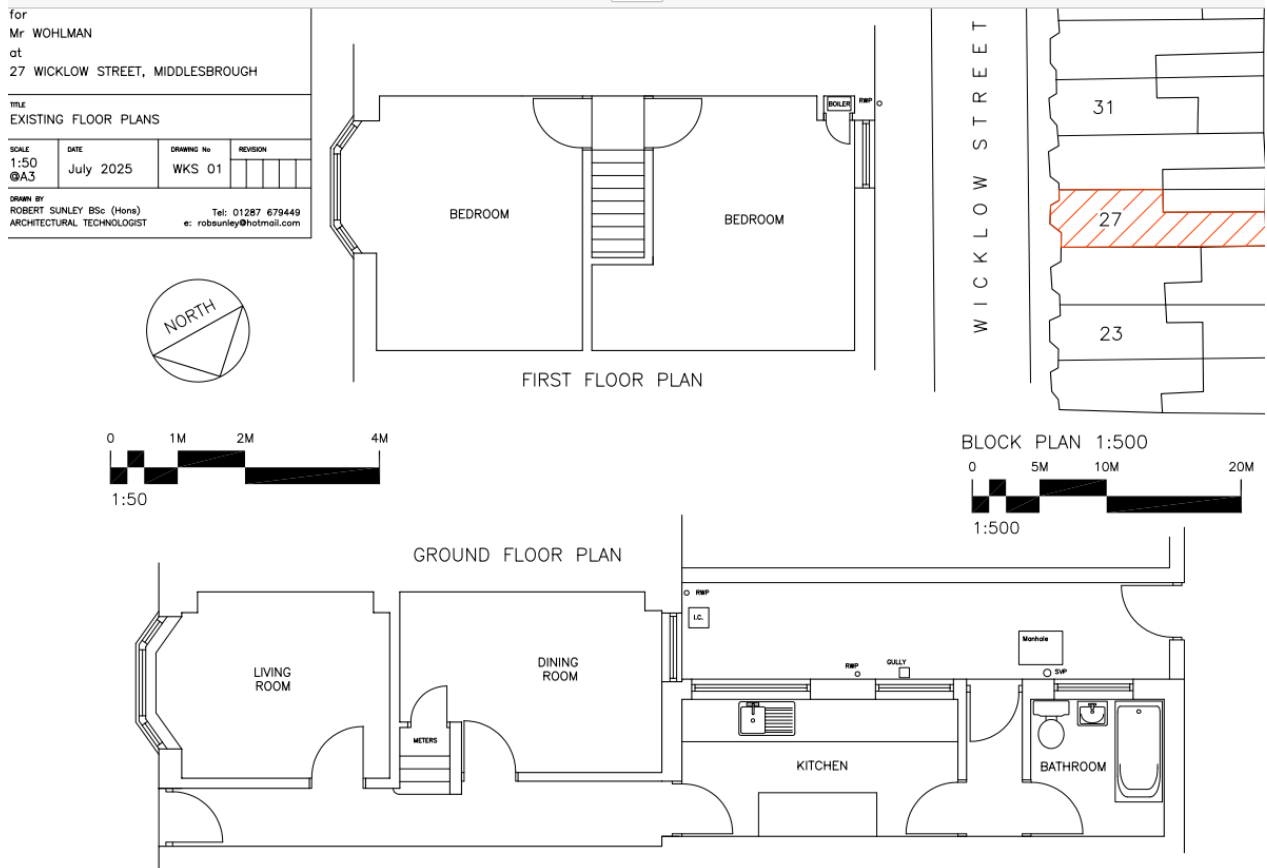
HMLR Title No: CE22304



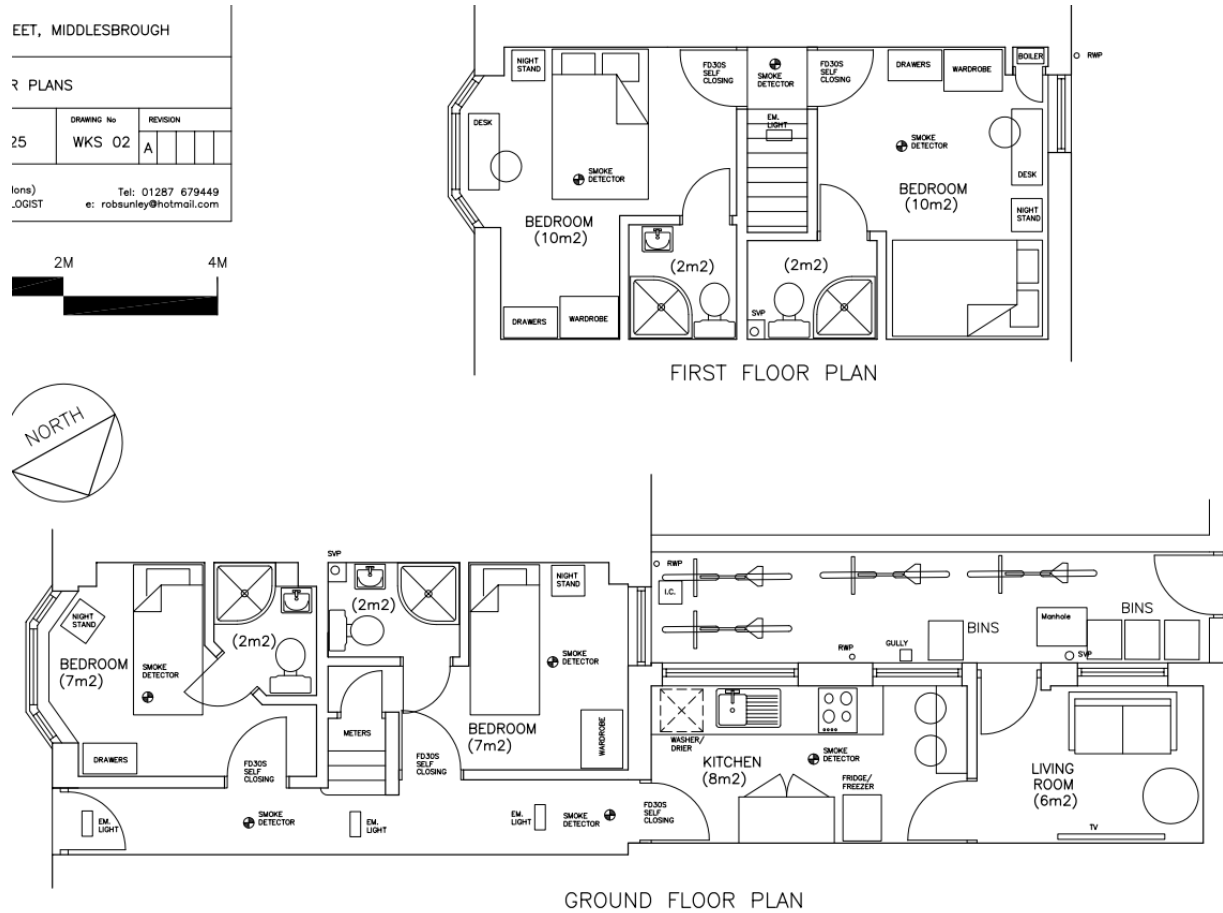
© Crown copyright and database rights, 2025. Ordnance Survey  
AC0000808122 Created using Plans by Emapsite

0m 20m 40m 60m 80m 100m

## Appendix 2 – Existing Floorplans



## **Appendix 3 – Proposed Floorplans**



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**APPLICATION DETAILS**

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<b>Application No:</b>	25/0433/FUL
<b>Location:</b>	1, Pennyman Way, Middlesbrough, TS8 9BL
<b>Proposal:</b>	Retrospective erection of detached garage to side and single storey extension
<b>Applicant:</b>	Mr Ed Walker
<b>Agent:</b>	Mr Mike Brown
<b>Ward:</b>	Stainton And Thornton
<b>Recommendation:</b>	Approve subject to conditions

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**SUMMARY**

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The application seeks retrospective approval for a single storey rear extension and a detached garage to the front/side of the existing dwelling.

This application follows a previous refusal for the erection of a detached garage which was of notable height and was to be rendered. This element has now been amended and is of a reduced height, comprising brickwork to the front elevation.

As originally submitted, this application also sought planning consent for a rear dormer, also retrospectively. Due to it being contrary to the Council's adopted design guidance, in relation to its design, scale and impact on the character and appearance of the area, it has since been removed from this proposal. The plans and description have been amended to omit this. It is intended this will be dealt with separately.

Following the consultation exercise, objections were received from nearby residential properties. These highlighted concerns relating to the scale and appearance of the development in that it would be out of keeping with the host property and streetscene, resulting in overdevelopment of the site. Concerns have also been raised regarding loss of privacy and overlooking to nearby residents.

Taking into account the removal of the dormer proposal and the reduced height of the garage, this would on balance not harmfully dominate the host property or wider street scene and would also have no significant detrimental impact on adjacent properties. Whilst there would be some impact, it would not be so significant as to warrant refusal of the scheme. As such the scheme is able to accord with relevant Local Plan Policies CS5 and DC1 and the provisions of the Council's Design SPD.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application property is a single-storey semi-detached dwelling with a detached single storey garage to the side/rear. It is located within an established residential area comprising predominantly of semi-detached single storey properties, although some detached dwellings are evident. These are generally set back from the road. The property sits on the boundary with Pennyman Way and High Rifts. It is noted that High Rifts sits lower down and predominantly consists of detached single storey dwellings.

Similar design details are evident such as subservient gables to the front properties along Pennyman Way as well as bay windows.

This retrospective application seeks permission for the following elements:

-Rear single storey extension (projecting 3.2m from the rear wall with a width of 3.6m and height of 2.9m)

-Detached pitched-roof garage (measuring 8m in length, 3.6m in width with an eaves height of 2.1m and ridge height of 3.3m)

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## PLANNING HISTORY

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**25/0315/FUL:** Retrospective erection of garage to side – Refuse and enforce- 31/07/2025

**Refused for the following reason:**

In the opinion of the Local Planning Authority, the proposed garage by reason of its design, appearance, position and scale would result in a dominant addition which fails to respect the character and appearance of the host property and street scene. The proposal is therefore deemed contrary with Local Plan Policies DC1 and CS5.

**24/0283/CLD** - Certificate of lawful development for single storey extension to rear, dormer window to rear and rooflights to front – APPROVE - 23/08/2024. Current dormer as built does not comply with permitted development allowances and so does not adhere to the details submitted with the Certificate of lawful development.

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## PLANNING POLICY

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

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

Middlesbrough Local Plan



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

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

#### Core Strategy DPD (2008)

DC1 - General Development, CS5 – Design

#### Emerging/Publication Local Plan (2025)

Policies CR1, CR2, and CR3 – collectively require all development proposals to be sustainable, well-designed, and of a high quality.

Other relevant policy documents  
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>

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## CONSULTATION AND PUBLICITY RESPONSES

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### Public Responses

Number of original neighbour consultations	14
Total numbers of comments received	0
Total number of objections	10
Total number of support	0
Total number of representations	10

The issues raised within the objections are summarised below:

- Development not in keeping
- Inappropriate height and scale in the street
- Garage out of proportion with host dwelling
- Prominent development
- Overbearing
- Overlooking
- Loss of privacy
- Amendments to garage have not overcome previous concerns
- Overdevelopment
- Ongoing works on site

Objections received from:

12 Fawcett Avenue, Middlesbrough, TS8 9AN  
18 Fawcett Avenue, Middlesbrough, TS8 9AR  
2 Pennyman Way, Middlesbrough TS8 9BL  
6 Pennyman Way, Middlesbrough TS8 9BL  
10 Pennyman Way, Middlesbrough TS8 9BL  
11 High Rifts, Middlesbrough TS8 9BE  
13 High Rifts, Middlesbrough TS8 9BE  
16 High Rifts, Middlesbrough TS8 9BE  
15 Meldyke Lane, Middlesbrough TS8 9AU  
6 Thornton Road, Middlesbrough TS8

Amended proposal

Due to the proposal being reduced with the removal of the dormer, it is considered that this would not trigger the need for public re-consultation.

### Consultee Responses

Stainton & Thornton Parish Council – Objection

1 Pennyman Way is semi-detached bungalow occupying a corner site with High Rifts. An application 25/0315/FUL for retrospective planning for a detached garage was refused earlier this year on the grounds that its design, appearance, position and scale would result in a dominant addition which fails to respect the character and appearance of the host property and street scene.

Whilst the height of the garage in the above application has been reduced by approximately half a metre, the length and footprint remain the same and still dominates the street scene. The garage appears to be positioned very close to the property boundary and because of the material used in its construction (blocks rather than brick), in order to render the garage, significant disruption to the neighbour's fence and garden would be envisaged in order to achieve this.

Overall, the proposed development would have a detrimental impact on the amenity/character of the area and is an overdevelopment of the site.

I would ask that these comments be taken into consideration and reject the application.

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**PLANNING CONSIDERATION AND ASSESSMENT**

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**Details of proposal**

1. The proposal relates to the following elements;
  - Erection of a detached garage
  - Erection of a rear single storey rear extension
  - Installation of first floor window to the side of the dwelling
2. As originally submitted, a rear dormer was also proposed but due to concerns regarding its appearance and scale, this has subsequently been removed from the proposal. Plans have been amended to omit this from the scheme.
3. The main considerations for this proposal are the impacts on the character and appearance of the dwelling and street scene and the impacts on the privacy and amenity of the neighbouring properties. These matters are considered as follows

**Impact on the character and appearance of the area**

4. The proposal relates to the erection of a single storey extension and detached garage only. As mentioned above, the dormer to the rear has been removed from the description and plans so does not form part of the proposal.
5. Each of these elements will be discussed in turn below:

**Rear single storey extension**

6. The Middlesbrough Urban Design .SPD (UDSPD), adopted January 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms

and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.

7. The UDSPD recommends that some basic principles are applied to development which is aimed at achieving good quality development, these being; to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit effects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy. Developments should not look out of place in the site or in the street and should enhance, not detract, from the character of the area. Development, which would dominate the street scene, is likely to be resisted. Policies CR1, CR2, and CR3 of the emerging local plan also collectively require all development proposals to be sustainable, well-designed, and of a high quality.
8. Although the rear extension would not impact on the front of the dwelling, nevertheless the requirement for good design is not limited to elements visible from public vantage points. Poor design to the rear of the property where it is visible to neighbours to the side and rear will reduce the appreciation neighbouring properties have of the environment in which they live. This is set out in recent appeal decisions (APP/W0734/D/23/3317384, 20/3260409 & 19/3242426). The character of the area comprises of all spaces seen at the principle elevation or at the rear.
9. With regards to design, the extension comprises render which is considered appropriate given that it appears on the host dwelling so would not be entirely out of keeping. It would contain a flat roof design which the Council's Design SPD does advise against. The adopted Middlesbrough Urban Design SPD at para 5.4h specifically references flat roofs and provides guidance suggesting that;

*'Flat roofs should be avoided, as they are usually inappropriate in design terms. Where the enlarged part of the house has more than one storey, the roof pitch shall, as much as possible, be the same as the original house'.*

10. It is recognised however that the original character of some properties includes flat roofs, typically 1970's properties and in some cases, small dormer roofs to more traditional properties. It is also recognised that flat roofs have had a renaissance in that they have become a popular choice, albeit, many of them being of a higher quality design appearance through the inclusion of parapet's, roof lanterns, hidden gutters, prominent overhang's etc.
11. Where there is sufficient positive design away from what is typically deemed to be a 1970's style flat roof, and where the proposal will neither dominate or contrast negatively with the host property and immediate surroundings, such proposals may be able to be supported without being contrary to the underpinning stance of the adopted UDSPD which is to achieve good design.
12. In this instance, the flat roof would contain a parapet which is considered a higher quality design detail. The extension's modest scale and width would also mean the flat roof would not have an unduly dominating impact on the rear of the host property. As such it is considered that this design does go sufficiently far to prevent it being contrary to the adopted urban design SPD guidance taking into account site specific character. As a result it would not be contrary to the general Local Plan Policy

requirement for good design, the NPPF and the more specific design guidance of the SPD.

13. In terms of scale, para 5.4c of the adopted Urban Design SPD advises that extensions should be subservient to the host property, being of a scale appropriate to the existing building and not of an overbearing nature, guiding that oversized extensions can completely change the character of an area and should be avoided. The extension contains an acceptable projection from the rear wall (approx.3.2m) and would only extend across part of the width of the rear elevation (by approx. 3.6m), combining this with the single storey height of 2.9m, it is considered that the extension would display appropriate subservience and would not dominant the dwelling. Adequate rear curtilage is also retained so that the extension would not overwhelm the plot.

#### Detached Garage

14. The previously refused garage measured 8m x 3.6m in plan with an eaves height of 2.8m and ridge height of 4.2m, situated to the front/side of the host property. It was to be rendered and contain a pitched roof. It also replaced an existing garage within this location but sits in a more forward position within the plot. As such, if completed, would be highly visible within the street scene settings of both Pennyman Way and High Rifts.
15. Under the previous application, harm was identified by officer's that the replacement garage would form a dominant addition within the street and was not subservient to the host dwelling by way of its appearance and scale. Refusal of the earlier scheme was on this basis.
16. It is however important to note that it was also recognised that the application property and its garage location differ to nearby properties along Pennyman Way. Predominantly within the road, garages are more concealed from public view and sit towards the rear of the driveway, whereas the application property's garage has historically been to the side of the host dwelling, within an open position. As such, there is no objection to the principle of a replacement garage in this location given the constraints of the plot, but care has to be taken to ensure any new addition would harmonise well with the host dwelling and wider street scene.
17. The revised garage would be of a similar position and of a comparable footprint to the addition which was refused but attempts have been made to ensure appropriate integration with host dwelling and the street. Firstly, the height has been reduced and now sits at 2.1m to the eaves and 3.3m to the ridge. A front facing window has also been removed from the structure which helps create a visually lower profile. Whilst the overall scale would be towards the upper limit of what would likely be acceptable in planning terms, on balance it is considered that the revised scheme appears less of a dominant structure and would no longer result in competing form with the host dwelling.
18. In terms of impact on the street scene, it was mentioned above that there is no objection from officers to a replacement garage to the side/front of the dwelling. To this end, built form within this position would naturally be more visible and as such appropriate appearance and scale would need to ensure a harmonious addition. With particular reference to garages, the Council's adopted Urban Design SPD states that garages should normally be constructed of materials to match the adjacent home.

Brick has replaced the render to the front elevation which appears more in keeping with the initial appearance of the street scene. The sides would be rendered but render is also featured within the street so this would not be entirely out of character in this regard. Screening would be achieved by the boundary fence to ensure that the garage would not appear unduly dominating, combined with its lower height.

19. It is noted that the revised proposal would still result in a more noticeable change in the public realm compared to the now-demolished flat roof garage but on balance, the impact would not be of such a degree which would warrant refusal of the scheme. Combining the reduction in scale as well as the change to the materials, it is considered that improvements have been made overall in terms of impact of the garage on the street. It is therefore considered that the previous refusal reasons relating to the garage have been adequately overcome.
20. In view of the above, the development as a whole is considered to be in accordance with the requirements of policies CS5, DC1 and the Middlesbrough Design Guide SPD 2013.

### **Impact on neighbouring amenity**

21. With regards to impact neighbouring amenity, the Council's Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
22. With specific reference to extensions, the Council's SPD sets out that (in relation to semis or terraced properties where there is an attached neighbour) that a single storey rear extension such as this, should be limited to 3m in projection, or if in excess of 3m, should be set in from the shared boundary by a sufficient distance and with consideration given to roof type, orientation and distances from the boundary and principal windows.
23. In this case, the single storey extension would extend slightly beyond the 3m guidance set out above but there is judged to be appropriate spacing to neighbours either side due to the inset from the boundaries. Combined with the single storey height, it is considered that the extension would not pose concerns of notable overbearing or overshadowing. Fenestration would be to the side and rear but given the ground floor height views from this would look towards the site's boundary treatment. As the extension has a flat roof, it is considered to be pertinent, given its position to adjacent boundaries, to add a condition preventing its use as a balcony, to maintain privacy for adjacent occupiers.
24. A first floor side window is proposed to the existing property but the plans show this to be obscure glazed. A condition is to be added to any planning approval to ensure that this is maintained in perpetuity to mitigate sideward views.
25. With respect to the garage, the Council's SPD sets out that to avoid harm to neighbours, consideration should be given to setting the building off the boundary, using hipped not gable roofs and keeping the overall height to a minimum.
26. The neighbour most impacted is 13 High Rifts and this property sits at a lower level to the application site. In this revised case, the garage is still in close proximity to the neighbour's boundary but this would be parallel to the driveway area serving no. 13,



away from their main dwelling. The plans also show there to be an inset between the boundary and the built form of the garage. Considering the amendments, the garage overall would be a lower height, with screening from the boundary fence and the pitched roof would be sloping away from this neighbouring property. In view of this, the garage would meet the requirements of the SPD and it is also considered there would be no notable impact to a degree of overbearing or overshadowing which would warrant refusal of the application.

27. All other neighbours are considered an appreciable distance away as not be significantly impacted by the elements of the proposal. A condition has been added to ensure that the flat roofs which form part of the proposal are not to be used as a balcony.
28. Overall, it is considered that there would be no undue impact on privacy and amenity and no undue loss of sunlight. The development is considered to be in accordance with the requirements of Policy DC1 in these regards.

#### **Highways/parking/traffic safety**

29. The proposal will not result in any impact on the local highway network in relation to safety or capacity. There are no changes to the number of bedrooms which would trigger the need for further in-curtilage parking to be provided.
30. The development is considered to be in accordance with the requirements of policy DC1 in this regard.

#### **Residual matters**

31. Objections highlighted that the works have begun on site however the retrospective nature has no bearing on the assessment of the proposal in favour or otherwise. Any works carried out which require planning permission is at the owner's own risk and subject to Enforcement action should the correct permissions not be obtained. It is also noted that any works carried out already in situ would have to be altered to be in accordance with the approved plans in terms of materials, scale and appearance. If the development does not accord with the approved plans then again, Enforcement intervention would be necessary. In relation to the dormer which was originally shown on the plans, this has been removed from the proposal so any existing works which require planning permission would still be subject to Enforcement action.
32. Issues regarding access for maintenance and possible damage to foundations are not material planning considerations and cannot be taken into account when assessing the proposal. Similarly, any impact on land outside the applicant's ownership i.e neighbouring boundaries or issues of access would become a civil matter.

#### **Conclusion**

33. Taking all of the above into account it is considered that the proposal will not cause significant harm to the amenities of the neighbours or to the character and appearance of the dwelling, street or the surrounding area. It is the LPA's view that previous refusal reasons have been adequately overcome.
34. The application is therefore recommended for approval.



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## RECOMMENDATIONS AND CONDITIONS

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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) Existing Plans including Location Plan – Drawing no. 001, date received 27 August 2025

b) Proposed Plans and Elevations (amended) – Drawing no. 002 Rev A, date received 26 September 2025

c) Proposed Garage Elevations – Drawing no. 003, date received 27 August 2025

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 plans, 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. Drainage

Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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.

5. No Use of Flat Roof

Any flat roofs hereby permitted shall not be used as a balcony, roof garden or similar amenity space without planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of the area and nearby residents having regard for Policy DC1 of the Local Plan and section 12 of the NPPF.

6. Windows - Opaque and Restricted

The first-floor side (gable) window hereby approved must be opaque glazed to a minimum of level 3 and must be restricted opening at a height of 1.7m from the internal floor level. The opaque glazing and restricted opening must be implemented on installation and retained for the lifetime of the building.

Reason: In the interests of the amenities of residents and to ensure a satisfactory form of development having regard for Policy DC1 of the Local Plan.

Reason for Approval

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the site location and there will be no demonstrable adverse impact on adjacent residential amenity. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

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## INFORMATIVES

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Environmental Construction Management

This informative is aimed at ensuring there are no breaches of environmental legislation on the site throughout the construction phase of the development and contractors and developers should adhere to the following advice. For any further information and advice relating to environmental construction management please contact the authorities Environmental Protection Service.

- All demolition, construction works and ancillary operations, including deliveries to and dispatch from the site should be restricted to between the hours:
  - o 08.00 to 18.00 Monday to Friday
  - o 09.00 to 13.00 Saturday
  - o Not at all on Sundays and Bank Holidays.
- All work should be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
- Best practicable means should be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Information on the control of dust from construction sites can be found using the following link. [Construction-Dust-Guidance-Jan-2024.pdf \(iaqm.co.uk\)](#)
- All plant and machinery should be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines should be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturers instructions.
- There should be no bonfires on the site

Planning Approval relates to the described works only

It should be noted that this application is solely for the development set out in the description and no other works to the property which may require planning permission.

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## IMPLICATIONS OF THE DECISION

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### **Environmental Implications:**

The proposal relates to householder 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.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

### **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.

There are no community safety implications raised

**Financial Implications:**

None

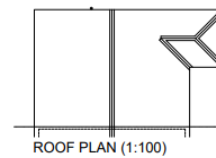
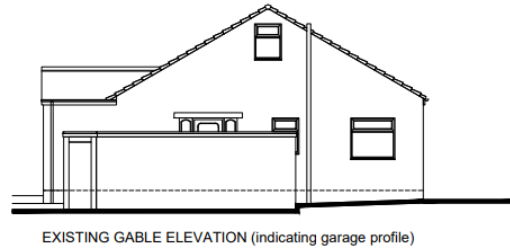
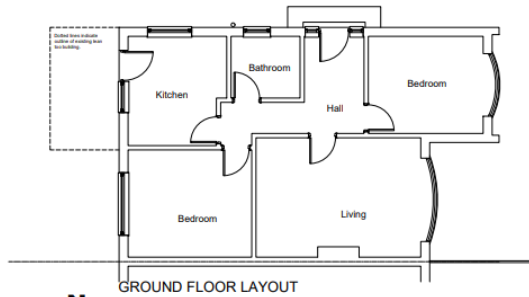
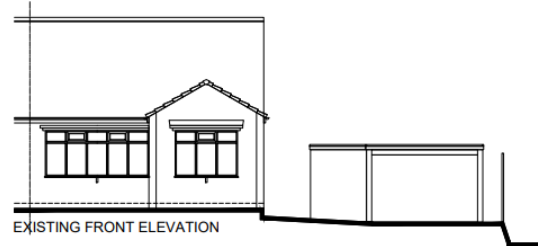
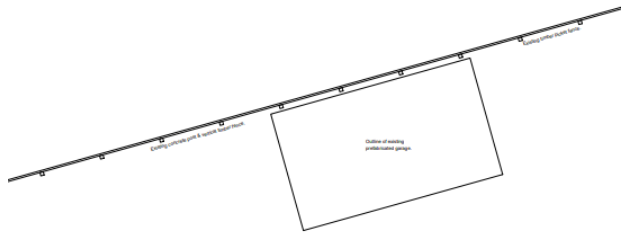
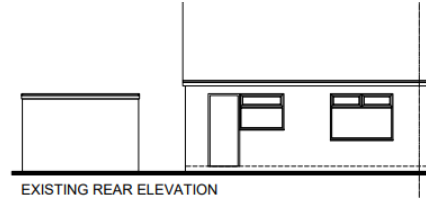
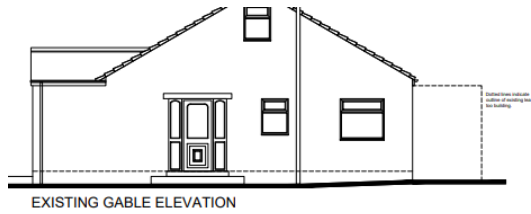
**Background Papers**

None

Case Officer: Victoria Noakes

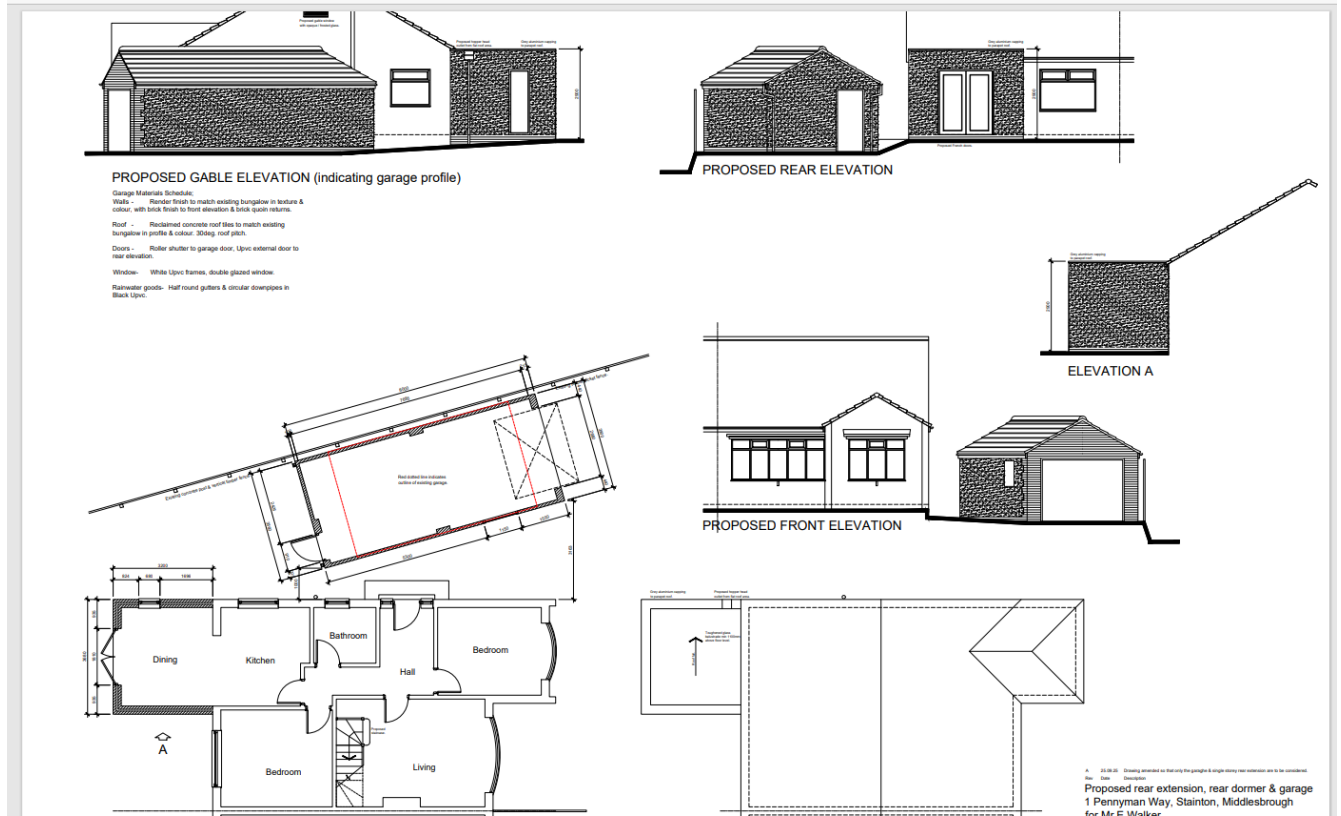
Committee Date: 9<sup>th</sup> October 2025

**Appendix 1 – Location Plan and Existing Plans**

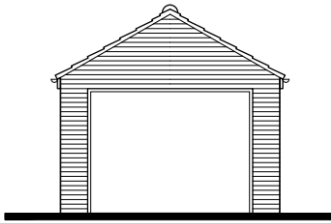


Proposed Garage  
1 Pennyman Way, Staint  
for Mr E Walker  
EXISTING PLANS & ELE  
Scale 1:50.100@A1 Au

**Appendix 2 – Proposed Plans and Elevations**



**Appendix 3 – Proposed Garage Elevations**



FRONT ELEVATION

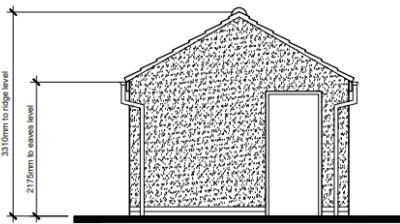
Garage Materials Schedule;  
Walls - Render finish to match existing bungalow in texture & colour, with brick finish to front elevation & brick quoin returns.

Roof - Reclaimed concrete roof tiles to match existing bungalow in profile & colour. 30deg. roof pitch.

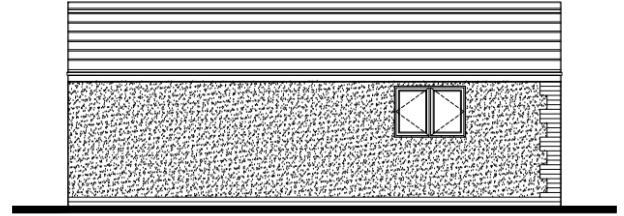
Doors - Roller shutter to garage door, Upvc external door to rear elevation.

Window- White Upvc frames, double glazed window.

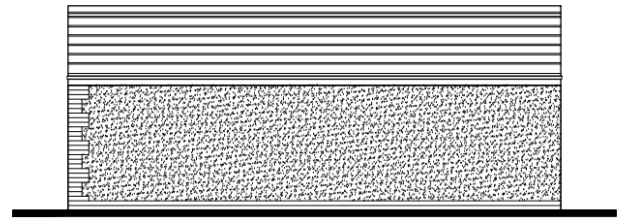
Rainwater goods- Half round gutters & circular downpipes in Black Upvc.



REAR ELEVATION



SIDE ELEVATION (facing house)



SIDE ELEVATION (facing boundary fence)



Start Date	24-Aug-2025	to	26-Sep-2025	PAFRPTCOM1A
Planning Ref	Decision Date	Decision	Agenda Item 6	
<b>25/0331/FUL</b> Company / Surname Proposal Address	<b>26-Aug-2025</b> Ms Susanne Dean Single storey extension to side 26, Glaisdale Avenue, Middlesbrough, TS5 7PF	<b>Approve with Conditions</b>		
<b>25/0366/FUL</b> Company / Surname Proposal Address	<b>26-Aug-2025</b> Cleveland Cable Company (Holdings) Ltd Installation of security fence, vehicle and pedestrian gates and reposition of e UNIT 1, LLOYDS BANKING GROUP, Romaldkirk Road, Middlesbrough, TS2 1XA	<b>Approve with Conditions</b>		
<b>24/0530/MAJ</b> Company / Surname Proposal Address	<b>29-Aug-2025</b> Torison Care LTD Erection of three-storey residential care home with associated parking, landscap Land off Cropton Way, Coulby Newham, Middlesbrough, TS8 0TL	<b>Approve with Conditions</b>		
<b>25/0247/TPO</b> Company / Surname Proposal Address	<b>29-Aug-2025</b> IG Environmental Services T2 Lime Remove The tree works are proposed to stop the influence of the tree(s) 25, The Grove, Middlesbrough, TS7 8AF	<b>Refused</b>		
<b>25/0248/TPO</b> Company / Surname Proposal Address	<b>29-Aug-2025</b> IG Environmental Services Removal of 1no. Lime and 1no. Oak tree to front 27, The Grove, Middlesbrough, TS7 8AF	<b>Refused</b>		
<b>25/0333/TPO</b> Company / Surname Proposal Address	<b>29-Aug-2025</b> James Cook Hospital Removal of 2no. Swedish Whitebeams, crown reduction works to 1no. Horse Chestnut James Cook Hospital, Marton Road, Middlesbrough, TS4 3BW	<b>No Objections</b>		
<b>25/0341/FUL</b> Company / Surname Proposal Address	<b>29-Aug-2025</b> South Tees Hospitals NHS Foundation Trust Permanent installation of 60,000L hot water thermal store JAMES COOK UNIVERSITY HOSPITAL, Marton Road, Middlesbrough, TS4 3BW	<b>Approve with Conditions</b>		
<b>25/0359/FUL</b> Company / Surname Proposal Address	<b>29-Aug-2025</b> Green Single storey extension to rear and side (Demolition of existing conservatory) 69, Lynmouth Close, Middlesbrough, TS8 9NH	<b>Approve with Conditions</b>		
<b>25/0236/COU</b> Company / Surname Proposal Address	<b>01-Sep-2025</b> AV Dawson Limited Change of use of the land for open storage (Use Class B8) Land to the west of Riverside Park Road.	<b>Approve with Conditions</b>		
<b>25/0389/DIS</b> Company / Surname Proposal Address	<b>02-Sep-2025</b> Claire Bell Discharge of condition 5 (Method of works statement) on planning application 24/ Land at Newham Hall, Coulby Newham	<b>Full Discharge Conditions</b>		
<b>25/0363/CLU</b> Company / Surname Proposal Address	<b>02-Sep-2025</b> NSP Ventures LTD Certificate of lawful use for HMO (C4) 13, Holly Street, Middlesbrough, TS1 3ED	<b>Approve</b>		
<b>23/0544/MAJ</b> Company / Surname Proposal Address	<b>03-Sep-2025</b> Shannon Erection of 18no bungalows with associated access and landscaping works Land off Hemlington Lane	<b>Refused</b>		
<b>25/0206/DIS</b> Company / Surname Proposal Address	<b>03-Sep-2025</b> Mr Wayne Spriggs Part discharge of conditions 3 (Materials) and discharge of condition 4 (Hardsta Cleveland Cottage, Brass Castle Lane, Nunthorpe, Middlesbrough, TS8 9ED	<b>Part Discharge Conditions</b>		
<b>25/0307/DIS</b> Company / Surname Proposal Address	<b>03-Sep-2025</b> Mr Thomas Atha Discharge of condition 3 (Boundary Treatments) on planning application 22/0623/D 374, Dorman House, Linthorpe Road, Middlesbrough, TS6 5BT	<b>Full Discharge Conditions</b>		
<b>25/0370/ADV</b> Company / Surname Proposal Address	<b>03-Sep-2025</b> Ryan Reynolds Erection of 4no. internally illuminated fascia signs, 1no. internally illuminate Reg Vardy Plc, South Bank Road, Middlesbrough, TS3 6AS	<b>Approve with Conditions</b>		

<b>25/0400/AMD</b>	<b>04-Sep-2025</b>	<b>Approve</b>
Company / Surname	Stonebridge Homes LTD	
Proposal	Non-material amendment to planning application 22/0524/MAJ to alter placement of	
Address	Land at Ford Riding Centre, Nunthorpe, Middlesbrough	
<b>24/0390/FUL</b>	<b>05-Sep-2025</b>	<b>Refused</b>
Company / Surname	Tanveer Hussain	
Proposal	Single storey Summer room in rear garden	
Address	47, Harrow Road, Middlesbrough, TS5 5NS	
<b>25/0328/FUL</b>	<b>05-Sep-2025</b>	<b>Refused</b>
Company / Surname	Mustaq	
Proposal	Retrospective replacement roof tiles, reinstatement of chimney, widening drivewa	
Address	15, Cornfield Road, Middlesbrough, TS5 5QJ	
<b>25/0356/FUL</b>	<b>05-Sep-2025</b>	<b>Approve with Conditions</b>
Company / Surname	Stephen Fleming	
Proposal	Joint application for two single storey extensions to rear of attached, semi det	
Address	1 Cradley Drive & 87 Malvern Drive, Middlesbrough, TS5 8HG	
<b>25/0381/FUL</b>	<b>05-Sep-2025</b>	<b>Approve with Conditions</b>
Company / Surname	Mr Taj Khan	
Proposal	Single storey extension to rear	
Address	10, Britain Avenue, Middlesbrough, TS5 7AT	
<b>25/0169/VAR</b>	<b>08-Sep-2025</b>	<b>Approve with Conditions</b>
Company / Surname	RAFAKAT ALI	
Proposal	Variation of condition 2 (Approved plans) on planning application 23/0252/FUL to	
Address	27, Cornfield Road, Middlesbrough, TS5 5QJ	
<b>25/0439/DIS</b>	<b>08-Sep-2025</b>	<b>Full Discharge Conditions</b>
Company / Surname	Middlesbrough Council	
Proposal	Discharge of condition 3 (Traffic management and works methodology) on planning	
Address	Roundabout, Riverside Park Road, Ironmasters Way, Middlesbrough, TS2 1NL	
<b>25/0386/CLU</b>	<b>09-Sep-2025</b>	<b>Approve</b>
Company / Surname	Mr Kal Patel	
Proposal	Certificate of lawful use for 5 bed HMO	
Address	13, Surrey Street, Middlesbrough, TS1 4QD	
<b>25/0336/CLU</b>	<b>10-Sep-2025</b>	<b>Approve</b>
Company / Surname	Student Property Investments Ltd	
Proposal	Certificate of lawful use for HMO	
Address	22, Acton Street, Middlesbrough, TS1 3NG	
<b>25/0406/CLU</b>	<b>11-Sep-2025</b>	<b>Approve</b>
Company / Surname	Lauren Beeforth	
Proposal	Certificate of lawful use for 4 bed HMO	
Address	95, Harford Street, Middlesbrough, TS1 4PW	
<b>25/0407/CLU</b>	<b>11-Sep-2025</b>	<b>Approve</b>
Company / Surname	Lauren Beeforth	
Proposal	Certificate of lawful use for 5 bed HMO	
Address	44, Outram Street, Middlesbrough, TS1 4EG	
<b>25/0408/CLU</b>	<b>11-Sep-2025</b>	<b>Approve</b>
Company / Surname	Lauren Beeforth	
Proposal	Certificate of lawful use for 6 bed HMO	
Address	29, Kensington Road, Middlesbrough, TS5 6AJ	
<b>25/0144/VAR</b>	<b>15-Sep-2025</b>	<b>Refused</b>
Company / Surname	CVS (UK) Ltd	
Proposal	Variation of condition 3 (Use class restriction) on planning application 21/0565	
Address	Unit 3, South Bank Road, Middlesbrough, Middlesbrough, TS3 8AN	
<b>25/0358/FUL</b>	<b>15-Sep-2025</b>	<b>Refused</b>
Company / Surname	EG On The Move Limited	
Proposal	Construction of drive-thru coffee shop (Use class E) with associated works	
Address	Site on the corner of Acklam Road & Burlam Road	
<b>25/0398/ADV</b>	<b>15-Sep-2025</b>	<b>Approve with Conditions</b>
Company / Surname	Smart Outdoor Limited	
Proposal	Installation of 2no. internally illuminated totem signs	
Address	PARKWAY CENTRE, Dalby Way, Middlesbrough, TS8 0TJ	
<b>25/0326/FUL</b>	<b>18-Sep-2025</b>	<b>Approve with Conditions</b>
Company / Surname	Murphy	
Proposal	Two storey extension to side (Demolition of existing single storey extension)	

Address	6, Ruskin Avenue, Middlesbrough, TS5 8PJ		
<b>25/0392/ADV</b>	<b>18-Sep-2025</b>	<b>Approve with Conditions</b>	
Company / Surname	Patel		
Proposal	Installation of 23no. advertisements, including 7no. internally illuminated sign		
Address	KFC, Heath Road, Middlesbrough, TS3 6AT		
<b>25/0457/AMD</b>	<b>19-Sep-2025</b>	<b>Approve</b>	
Company / Surname	C/O Agent		
Proposal	Non-material amendment to planning application 22/0693/MAJ to alter the wording		
Address	Hall Farm, Old Stokesley Road, Middlesbrough, TS7 0NP		
<b>25/0343/COU</b>	<b>22-Sep-2025</b>	<b>Refused</b>	
Company / Surname	Shaun Griffiths		
Proposal	Retrospective change of use from 4 bed dwelling (C3) to 5 bed HMO (C4)		
Address	31, Midville Walk, Middlesbrough, TS3 0RA		
<b>25/0395/FUL</b>	<b>22-Sep-2025</b>	<b>Approve with Conditions</b>	
Company / Surname	Mr & Mrs Christopher & Jane Moloney		
Proposal	Two storey extension to side		
Address	102, Lansdowne Road, Middlesbrough, TS4 2QS		
<b>25/0396/FUL</b>	<b>22-Sep-2025</b>	<b>Approve with Conditions</b>	
Company / Surname	Mr & Mrs Peter & Abigail Watt		
Proposal	Installation of raised patio and steps from Juliet Balcony		
Address	24 Marlborough Road, Middlesbrough, TS7 8LB		
<b>25/0425/TCA</b>	<b>22-Sep-2025</b>	<b>No Objections</b>	
Company / Surname	Rita Watson		
Proposal	Fell 2no. Conifers in front garden		
Address	89, The Grove, Middlesbrough, TS7 8AN		
<b>25/0446/DIS</b>	<b>23-Sep-2025</b>	<b>Part Discharge Conditions</b>	
Company / Surname	Esh Living		
Proposal	Part discharge of condition 24 (Contaminated land validation report) to plots M1		
Address	Cleared site known as Grove Hill. Bound		
<b>25/0443/DIS</b>	<b>23-Sep-2025</b>	<b>Full Discharge Conditions</b>	
Company / Surname	Mrs Cheryl Barber		
Proposal	Discharge of conditions 6 (Road noise assessment) & 7 (Noise assessment adjacent		
Address	73, Borough Road, Middlesbrough, TS1 3AA		
<b>25/0404/AMD</b>	<b>24-Sep-2025</b>	<b>Approve with Conditions</b>	
Company / Surname	Middlesbrough Council		
Proposal	Non-material amendment to planning application 25/0189/FUL to extend opening hou		
Address	Vacant land adjacent to New Medical Centre, Stokesley Road, Middlesbrough, TS7 0NB		
<b>25/0420/CLU</b>	<b>24-Sep-2025</b>	<b>Approve</b>	
Company / Surname	Julie Bytheway		
Proposal	Certificate of lawful use for barber use of garage		
Address	3, Rose Cottage Gardens, MIDDLESBROUGH, TS8 9FA		
<b>25/0422/VAR</b>	<b>24-Sep-2025</b>	<b>Approve with Conditions</b>	
Company / Surname	Airhive		
Proposal	Variation of Conditions Nos. 2 (Approved Plans) & 3 (Temporary Permission) on pl		
Address	Net Zero Industry Innovation Centre, Tee		
Total Decisions	42	Total Approvals	34
		Total Refusals	8

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PLANNING WEEKLY LIST 24<sup>TH</sup> AUG 25 – 26<sup>TH</sup> SEPT 25

25/0431/DIS	Discharge of conditions 4 (Surface water drainage scheme), 6 (Site investigation), 7 (Waste Audit), 8 (Hard and soft landscaping), 17 (External finishing materials), 20 (roads, footpaths and other adoptable open spaces) and 26 (Boundary treatments) on planning application 20/0658/FUL	Nunthorpe Grange, A1043, Middlesbrough, TS7 0NG	25/08/2025	
25/0426/FUL	Single storey extension including new pitched roof (Demolition of existing garage)	64, Staindrop Drive, Middlesbrough, TS5 8NX	27/08/2025	
25/0434/TCA	Crown lift works to 3no Birch trees, felling of Ash tree, crown lift to Apple and 2no Cherry trees and pruning works to Sycamore	Constantine Court, Park Road North, Middlesbrough, TS1 3GA	27/08/2025	
25/0425/TCA	Fell 2no. Conifers in front garden	89, The Grove, Middlesbrough, TS7 8AN	28/08/2025	22/09/2025
25/0439/DIS	Discharge of condition 3 (Traffic management and works methodology) on planning application 25/0298/FUL	Roundabout, Riverside Park Road, Ironmasters Way, Middlesbrough, TS2 1NL	28/08/2025	08/09/2025
25/0433/FUL	Retrospective erection of detached garage to side and single storey extension	1, Pennymann Way, Middlesbrough, TS8 9BL	29/08/2025	
25/0436/FUL	Single storey bay window extensions to front, single storey extension to rear.	10 Moor Green, Middlesbrough, TS7 0ND	29/08/2025	29/09/2025
25/0440/FUL	Proposed roof over existing two storey extension and single storey extension to rear including alterations to boundary treatment and installation of dropped kerb	159, Guisborough Road, Middlesbrough, TS7 0JQ	29/08/2025	
25/0446/DIS	Part discharge of condition 24 (Contaminated land validation report) to plots M14 and M16 on planning application 24/0496/VAR	Cleared site known as Grove Hill. Bound	01/09/2025	23/09/2025
25/0443/DIS	Discharge of conditions 6 (Road noise assessment) & 7 (Noise assessment adjacent commercial premises) on application 19/0096/COU	73, Borough Road, Middlesbrough, TS1 3AA	02/09/2025	23/09/2025
25/0449/ADV	Installation of 2no. Internally illuminated Totem signs	PARKWAY CENTRE, Dalby Way, Middlesbrough, TS8 0TJ	02/09/2025	
25/0437/COU	Retrospective change of use from vacant land to hand car wash	56 Cargo Fleet Lane, Middlesbrough, TS3 0PL	03/09/2025	
25/0459/CLU	Certificate of lawful use for proposed residential institution (C2)	12, Ennerdale Avenue, Middlesbrough, TS5 7BB	03/09/2025	
25/0467/CLU	Certificate of lawful use for a residential institute (C2)	30, Harrow Road, Middlesbrough, TS5 5NX	03/09/2025	
25/0413/DIS	Discharge of condition 3 (Bio-diversity net gain maintenance plan) and mandatory BNG condition on planning application 24/0347/FUL	Land Adjacent to 74 Ash Hill, Middlesbrough	04/09/2025	
25/0411/FUL	Retrospective installation of hardstanding to create car park	Family Shopper Store, Overdale Road, Middlesbrough, TS3 7EA	04/09/2025	
25/0460/DIS	Discharge of Conditions 3 (Materials), 4 (Boundary Treatment), 5 (Hardstanding Details), 6 (Car Park Management Plan (Signage)), 7, (Car Park Construction Phasing Plan), 12 (Method of Works Statement), 13 (Travel Plan), 15 (Ecology), 19 (Contaminated Land Site Investigation), 20 (Car Park Lighting), 21 (Surface Water Drainage Scheme), 22 (Surface Water Drainage Management Plan) and 23 (Surface Water Drainage Management and Maintenance Plan) on planning application 22/0294/FUL	Dalby House and car park to the south we, Dalby House and Car Park, Dalby Way, Middlesbrough	05/09/2025	
25/0461/FUL	Part single storey part two storey extension to side and rear, conversion of garage to habitable room, conversion of loft including raising of roof, roof lights and 2no. dormers to front	23, Worsley Crescent, Middlesbrough, TS7 8LU	08/09/2025	
25/0456/COU	Change of use from dwelling (C3) to 4 bed HMO (C4)	33, Surrey Street, Middlesbrough, TS1 4QD	08/09/2025	
25/0464/COU	Change of use from a dwellinghouse (Class C3) to a residential care home (Class C2) for three young persons.	441, Acklam Road, Middlesbrough, TS5 7HB	08/09/2025	
25/0429/MAJ	Construction of discount foodstore (Use Class E) with associated works including access, car parking, landscaping and closure of Thackeray Grove	Cleveland College of Art and Design, Green Lane, Acklam, Middlesbrough, TS5 7RU	09/09/2025	
25/0466/DIS	Discharge of conditions 6 (Method of works statement) 14 (Surface water Drainage Scheme), 15 (Surface water Drainage management plan) and 17 (Biodiversity gain plan) on planning application 25/0189/FUL	Vacant Land Adjacent to Medical Centre, Stokesley Road, Middlesbrough, TS7 0NB	09/09/2025	
25/0469/FUL	Single storey extension to rear, part garage conversion to habitable room including pitched roof to garage	23, Reeth Road, Middlesbrough, TS5 5JN	09/09/2025	
25/0470/FUL	Single storey rear extension and conversion of loft to habitable space	12, Gypsy Lane, Middlesbrough, TS7 8NG	09/09/2025	
25/0468/DIS	Discharge of conditions 3 (Method of works statement), 5 (Surface water drainage management plan), 13 (Provision of lit footway/cycleway), 14 (Management and maintenance plan) 19 (Phasing plan) and part discharge of condition 21 (Road safety audit) on planning application 20/0658/FUL	Nunthorpe Grange, A1043, Middlesbrough, TS7 0NG	09/09/2025	
25/0457/AMD	Non-material amendment to planning application 22/0693/MAJ to alter the wording of conditions 7 (Road Traffic Noise Assessment), 11 (Foul Water Drainage), 12 (Surface Water Drainage), 13 (Surface Water Drainage Management Plan), 28 (Details of Road, Footpaths and Open Spaces), and 32 (Archaeological Observation) to allow demolition, site clearance and investigation prior to discharging pre-commencement	Hall Farm, Old Stokesley Road, Middlesbrough, TS7 0NP	10/09/2025	19/09/2025

PLANNING WEEKLY LIST 24<sup>TH</sup> AUG 25 – 26<sup>TH</sup> SEPT 25

25/0458/DIS	Discharge of conditions 10 (Waste Audit) and 31 (Method of works statement) on planning application 22/0693/MAJ	Hall Farm, Old Stokesley Road, Middlesbrough, TS7 0NP	10/09/2025	
25/0465/FUL	Part replacement of flat roof to pitched roof, part conversion of garage to habitable room including replacement windows and door to rear	13, Buxton Avenue, Middlesbrough, TS7 8LP	10/09/2025	
25/0471/PND	Prior notification for the demolition of former Evening Gazette Printworks Buildings	EVENING GAZETTE, THE GAZETTE, Riverside Park Road, Middlesbrough, TS2 1QW	10/09/2025	
25/0473/TELPN	Removal of 3no. antennas to be replaced with 6no. antennas, The relocation of the existing dish, Any other associated ancillary works thereto	Sout West Ironmasters, Intellect Court, Middlesbrough, TS2 1QT	10/09/2025	19/09/2025
25/0472/TELPN	The removal of existing 6no. antennas to be replaced with new 9no. antennas. The removal of existing 1no. cabinet to be replaced with proposed 1no. Cabinet, Any other ancillary thereto.	Goods Yard at Price Buster Warehouse, Lloyd Street, Middlesbrough, TS2 1DL	10/09/2025	19/09/2025
25/0435/FUL	Single storey extension to rear and side (Demolition of existing conservatory and garage)	15, Malvern Drive, Middlesbrough, TS5 8JA	11/09/2025	
25/0478/COU	Retrospective change of use from Retail (Use Class E(a)) to a hot food takeaway (Sui Generis) including 1no. internally illuminated signage and 1no. sign to side	97A, Ayresome Street, Middlesbrough, TS1 4PF	12/09/2025	
25/0481/COU	Change of use from Offices (Use Class E) to a nursery (Use Class F1)	58A, King's Road, Middlesbrough, TS3 6EG	13/09/2025	
25/0450/FUL	Two storey extension to side	St Marys Church Hall, Green Lane, Middlesbrough, TS5 7RX	15/09/2025	
25/0489/TCA	Crown reduction to 2no. Mountain Ash and 2no. Gleditsia trees	6, Seamer Road, Middlesbrough, TS8 9BX	15/09/2025	
25/0488/DIS	Discharge of conditions 3 (Sample of materials) and 13 (Method of works statement) on planning application 24/0530/MAJ	Land off Cropton Way, Coulby Newham, Mid	16/09/2025	
25/0491/AMD	Non-material amendment to condition 12 on planning application to separate site investigation and remediation requirements to planning application 24/0214/MAJ	Land off Cargo Fleet Lane - former Fleet	16/09/2025	
25/0447/VAR	Variation of condition 3 (Permitted use) on planning application 24/0521/COU to increase number of children from 9 to 12	13, Gypsy Lane, Middlesbrough, TS7 8NF	17/09/2025	
25/0451/TPO	Fell 1no. Conifer, 1no. tree and crown lift 1no. Birch	367, Acklam Road, Middlesbrough, TS5 7HA	17/09/2025	
25/0492/FUL	Erection of 1no. self build dwelling	Land South of 38 Applegarth, Coulby Newham, Middlesbrough, TS8 0UY	17/09/2025	
25/0496/VAR	Variation of condition 1 (Approved plans) on planning application 24/0215/VAR to include the instalment of solar panels	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW	17/09/2025	
25/0487/FUL	Construction of 2no. dormers internal alterations to form 5no. bedrooms and erection of external laundry room	Elizabeth House, Elizabeth Terrace North Ormesby, Middlesbrough, TS3 6HE	18/09/2025	
25/0497/AMD	Non-material amendment on planning application 18/0060/FUL to include the instalment of solar panels	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW	18/09/2025	
25/0495/AMD	Non-material amendment to planning application 24/0034/MAJ to alter position of semi-detached plots and utility cabinets	Former St Thomas Church Site, Pallister Avenue, Middlesbrough, TS3 9BE	18/09/2025	
25/0498/RCON	Application for Reserved Matters approval (appearance, landscaping, layout and scale) in respect of a storage/assembly facility with ancillary buildings, parking and servicing pursuant to planning consent R/2020/0357/OOM	LAND AT SOUTH TEES DEVELOPMENT CORPORATION EAST OF SMITHS DOCK ROAD AND WEST OF TEES DOCK ROAD SOUTH	18/09/2025	
25/0486/FUL	Installation of digestate tank, biogas upgrading unit, booster room and ancillary equipment	FORMER D1 OILS SITE, Forty Foot Road, Middlesbrough, TS2 1HG	19/09/2025	
25/0503/FUL	Installation of flat roof to existing offshoot including lantern feature and parapet wall, installation of 1no. window to side and glazed doors to rear (Part demolition of existing offshoot)	11, Reeth Road, Middlesbrough, TS5 5JN	22/09/2025	
25/0505/AMD	Non-material amendment to planning application 24/0127/FUL to alter window size and include roof lights	31, Westbourne Road, Middlesbrough, TS5 5BN	22/09/2025	
25/0260/COU	Retrospective use of counter within kiosk for pizza takeaway (use class Sui Generis)	Service Station with PFS forecourt and k, Roseberry Service Station, Acklam Road, Middlesbrough	23/09/2025	
25/0455/FUL	Retrospective reposition of front door to side, replacement of rear window with glazed double doors, and alterations to windows to side	11, Woodlea, Middlesbrough, TS8 0TX	23/09/2025	

PLANNING WEEKLY LIST 24<sup>TH</sup> AUG 25 – 26<sup>TH</sup> SEPT 25

25/0507/DIS	Discharge of conditions 7 (Street lighting), 8 (Traffic calming), 10 (Landscape scheme), 11 (Landscape management plan) 20 (Surface water drainage system) and 21 (surface water drainage management plan) on planning application 24/0371/FUL	Land at Newham Hall, Coulby Newham	23/09/2025	
25/0500/COU	Change of use from a 6 bed HMO (use class C4) to a 7 bed HMO (use class Sui Generis)	101, Southfield Road, Middlesbrough, TS1 3EZ	24/09/2025	
25/0501/COU	Change of use from 4 self contained flats and 1 bedsit (Use class C3) to an 8 bed HMO (Use class Sui Generis)	103, Southfield Road, Middlesbrough, TS1 3EZ	24/09/2025	
25/0508/FUL	Two storey extension to rear (Demolition of existing single storey extension)	Land Adjacent to Oakfield House, Normanby Road, Middlesbrough	24/09/2025	
25/0509/TPO	Fell 1no. Lime tree to rear	116, Guisborough Road, Middlesbrough, TS7 0JA	24/09/2025	



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## Appeal Decision

Site visit made on 8 August 2025

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 August 2025**

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**Appeal Ref: APP/W0734/D/25/3367758**

**38 Minsterley Drive, Middlesbrough TS5 8QR**

- 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 Saleem Kahn against the decision of Middlesbrough Council.
  - The application Ref is 25/0154/FUL.
  - The development proposed is Erection of Two-Storey Extension to Front of Property
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council changed the description of development from that referenced in the application form. I note that the appellant also uses this on the appeal submission, I have adopted the revised description of development.

### Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the host property and area in general.

### Reasons

4. The appeal site is a semi-detached property within a predominantly residential area. I understand that an application for a larger two-storey front extension was refused in 2023<sup>1</sup>. Whilst I have limited information relating to that refusal the Council confirm that the proposed development is similar although the length of the development has been reduced.
5. Properties within the immediate area have an architectural harmony, despite some having been extended or altered, including the appeal property. The proposed materials would be similar to that used on the existing building and the surrounding properties in an attempt to assimilate the proposed development with the existing property and area in general.
6. Notwithstanding this two-storey front extensions are not common features within the area. The proposed development would unbalance the semi-detached property and due to the projection from the front elevation would create a prominent feature.

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<sup>1</sup> 23/0560/FUL

I find that the proposed development would be an incongruous addition to the host property and streetscene.

7. I find that the development would harm the character and appearance of the host property and area in general. There is conflict with Policies DC1 and CS5 of the Middlesbrough Local Development Framework, Core Strategy (2008) which amongst other things seeks to ensure developments are of high quality and well-integrated with the immediate and wider context.
8. There is conflict with Middlesbrough's Urban Design Guide, Supplementary Planning Document (2013) which provides guidance relating to amongst other things householder development, in relation to front extensions the guidance seeks to prevent conspicuous and inappropriate forms of development.

#### Other Matters

9. The appellant raises concerns relating to the lack of opportunity for the appellant to revise the plans prior to determination, that an incorrect email address was attached to the application and that the decision was made without the appellant being aware of concerns. From the information before me I understand this is an accurate reflection of the situation.
10. The appellant contends that this violates Article 6 of the Human Rights Act (1998). Article 6(1) provides that in the determination of their civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...
11. With this in mind I note that the proposed development was determined within the requisite eight week timeframe. In this appeal the appellant has not been disadvantaged by lack of professional representation. Fundamentally it can be seen from my findings that I agree with the decision made by the Council as such I am not persuaded that there has been a breach in terms of the Human Rights Act.
12. Notwithstanding this the powers of the Secretary of State (SoS) do not breach Article 6 as decisions by the SoS may be subject to judicial review determined by an independent and impartial tribunal.
13. Whilst the administrative error relating to the incorrect email being used is unfortunate this does not outweigh the harm I have identified and justify allowing the proposed development.
14. The appellant has highlighted that the proposed development is required due to the personal circumstances, in terms of medical need. I have had regard to the comments raised. I have not been provided with substantive evidence to demonstrate that the proposed development would be the only way to fulfil the needs of the appellant, I therefore give this limited weight.

#### Conclusion

15. For the above reasons I conclude that this appeal should be dismissed.

*Chris Pipe*

INSPECTOR



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## Appeal Decision

Site visit made on 5 September 2025

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 09 September 2025**

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**Appeal Ref: APP/W0734/W/25/3369902**

**173 Low Gill View, Middlesbrough TS7 8AX**

- 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 Michael Bowe against the decision of Middlesbrough Council.
  - The application Ref is 25/0111/FUL.
  - The development is described as retrospective extension to existing summer house.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application made clear that the scheme had been submitted retrospectively, the development was in place at the time of my site visit I have dealt with the proposal accordingly.

### Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of occupiers of neighbouring properties.

### Reasons

4. The appeal site is a detached property within a predominantly residential area. I observed during my site visit that the neighbouring properties to the rear have detached garages with high pitched roof design.
5. The development is located adjacent the detached garage to the rear of No. 137 Low Gill View, which has a higher roof than the development. During my site visit I observed the development from the rear garden of No. 137. Windows from No. 137 face directly onto rear garden of the appeal site. Whilst the garage at No. 137 screens the development to a degree, the scale and location of the outbuilding is a prominent feature which dominates the outlook from the neighbouring gardens to the rear.
6. The appellant and Council agree that the development is not permitted development due to the height and proximity to the boundary. The design and materials match the original outbuilding which the development extends. Nevertheless, the substantial flat roof outbuilding at a height of 2.99m is prominent and overbearing to the occupiers of the neighbouring properties.

7. The appellant has drawn my attention to an approved development at 13 Gypsy Lane which they consider a similar scenario. I have not been provided with substantive evidence to compare this development to the one before me, therefore I give this limited weight.
8. I find that the development would harm the living conditions of occupiers of neighbouring properties. There is conflict with Policies DC1 of the Middlesbrough Local Development Framework, Core Strategy (2008) which amongst other things seeks to ensure developments are of high quality which have minimal effect on the amenities of occupiers of nearby properties.
9. There is conflict with the Middlesbrough's Urban Design Guide, Supplementary Planning Document (2013) which amongst other things seeks to ensure extensions do not dominate neighbouring properties.

### **Other Matters**

10. The appellant has highlighted that the development is required to support home working and flexible living. I have not been provided with evidence to demonstrate that the development would be the only way to fulfil any need of the appellant. I give this limited weight.

### **Conclusion**

11. For the above reasons I conclude that this appeal should be dismissed.

*Chris Pipe*

INSPECTOR



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## Appeal Decision

Site visit made on 18 June 2025

**by Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 22 August 2025**

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**Appeal Ref: APP/W0734/W/25/3360268**

**15 Albert Terrace, Middlesbrough TS1 3PA**

- 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 Jamie Davison, on behalf of Teesview Developments, against the decision of Middlesbrough Council.
  - The application Ref is 24/0055/COU.
  - The development proposed is change of use of dwellinghouse (C3) to 7 Bed HMO (sui generis) including external alterations to the detached garage.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of dwellinghouse (C3) to 7 Bed HMO (sui generis) including external alterations to the detached garage at 15 Albert Terrace, Middlesbrough TS1 3PA in accordance with the terms of the application, Ref 24/0055/COU, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos: v4d//829194/1120881 (site location plan); 2342-P004D (EXISTING AND PROPOSED BLOCKPLANS); 2342-P001E (PROPOSED PLANS); 2342-P002E (PROPOSED ELEVATIONS); 2342-P003E (PROPOSED OUTBUILDING ELEVATIONS); 2342- P006 (PROPOSED CYCLE STORE).
  - 3) Prior to occupation of the development hereby approved, details of covered and secure cycle parking shall have been submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. No part of the development hereby approved shall be occupied until the areas shown on the approved plans for cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes
  - 4) Prior to occupation of the development hereby approved, details of necessary Traffic Regulation Orders (TRO) to remove the existing property from the residents parking scheme and as such preventing these residents from applying for permits must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed TRO has been initiated.
  - 5) Prior to occupation of the development hereby approved, a signed Final Nutrient Credit Certificate from Natural England, which secures the requisite

nutrient credits required by the development as set out in the Nutrient Credit Certificate document (Start Date 11/10/2024, Ref NM-D-TCC-1284), must be submitted to and approved in writing by the Local Planning Authority.

### **Preliminary Matters**

2. The proposal was amended during the application to reduce the number of bedrooms from 9 to 7 and omit conversion of the outbuilding. In the banner heading, I have therefore referred to the description of development from the decision notice and appeal form, as this accurately reflects the revised scheme.

### **Main Issues**

3. The main issues are:
  - The effect of the proposal on the integrity of European sites, with particular regard to nutrient neutrality;
  - Whether the proposal would provide adequate car parking provision; and
  - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal space provision and layout.

### **Reasons**

#### *Nutrient neutrality*

4. The appeal site is located within the nutrient neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. The Teesmouth and Cleveland Coast SPA is legally underpinned by the Teesmouth and Cleveland Coast SSSI.
5. As the competent authority, I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.
6. The SPA/Ramsar is a wetland comprised of a wide variety of habitats including: intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh, saline lagoons, sand dunes and estuarine and coastal waters on and around the Tees estuary, which has been considerably modified by human activities. These habitats provide feeding and roosting opportunities for an important number of waterbirds.
7. The SPA/Ramsar is designated for the following qualifying features: Avocet, Common tern, Knot, Little tern, Redshank, Ruff, Sandwich tern and assemblages of a wide range of breeding, wintering and passage waterbird species. The conservation objectives of the site are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the habitats, populations and distribution within the site of the qualifying features.
8. The SPA/Ramsar is in unfavourable condition due to nutrients (in this case nitrogen), where new development may have an adverse effect by contributing additional nutrients. Excessive levels of nutrients can cause rapid growth of certain



plants through eutrophication. Dense algal mats can impair waterbird foraging and high concentrations of nutrients in water can impact sensitive fish, epifauna and infauna communities, adversely affecting the availability and suitability of bird breeding, rearing, feeding and roosting habitats. Given the conservation objectives, without adequate mitigation, a net increase in nutrient loads arising from the development would adversely affect the integrity of the SPA/Ramsar.

9. Natural England (NE) operate a Nutrient Mitigation Scheme for the Tees catchment. To mitigate one kilogram (kg) of nitrogen, a developer needs to buy one nutrient credit. The appellant has calculated that the development would generate 0.85 kg TN/year. A Provisional Nutrient Credit Certificate signed by NE has been submitted, confirming that NE had reserved 0.85 credits for future purchase by the appellant. While the initial certificate expired on 20 June 2025, an extension to this has been agreed until 10 October 2025.
10. NE has been consulted on the appeal and has advised that the credits purchased provide sufficient mitigation for the increase in nutrient output resulting from this development and demonstrate compliance with the Habitats Regulations. Full payment of the nutrient credits must however be evidenced through a countersigned section 9 of the Final Credit Certificate. NE has therefore recommended a planning condition to secure this prior to occupation of the development. A similar condition was recommended by the Council.
11. However, the suggested condition includes a clause that would allow an alternative nutrient neutrality mitigation scheme to be pursued, if the final credit certificate cannot be obtained for any reason. As the competent authority in this case, I must be able to rule out all reasonable scientific doubt that the proposal would have an adverse effect on the integrity of the SPA/Ramsar at the time of my decision. On the basis of the evidence before me, I cannot be sure that an alternative scheme could be achieved. This would thus create an unacceptable degree of uncertainty in how the adverse effect on the integrity of the SPA/Ramsar would be mitigated.
12. I have therefore amended the suggested condition to omit the provision for an alternative mitigation scheme to be agreed after the decision. Nonetheless, based on the evidence and subject to an appropriately worded planning condition to secure the requisite nutrient credits, I am satisfied that the development would achieve nutrient neutrality.
13. The proposal would not have an adverse effect on the integrity of European sites, with particular regard to nutrient neutrality. With regard to this main issue, the proposal would thus comply with Policies CS4 and DC1 of the Middlesbrough Local Development Framework Core Strategy Adopted February 2008 (the Core Strategy). These policies, among other provisions, seek to ensure that where appropriate all development ensures that biodiversity assets, geodiversity assets, wildlife species, natural habitats, water resources and water quality within and outside Middlesbrough are protected, and the effect on levels of water pollution of the environment is limited both during and after completion.

#### *Car parking*

14. The proposal would result in the change of use of an existing 4- or 5-bedroom dwellinghouse into a house in multiple occupation (HMO) with 7 single occupancy

bedrooms. While there is an existing detached garage to the rear, the proposal does not include the provision of any additional car parking on site.

15. The site is however in an accessible location, within walking distance of Middlesbrough town centre and its associated services, amenities and public transport. The proposal also includes the provision of cycle storage, details of which can be secured by planning condition. I saw on my site visit that on-street parking is controlled by a permit scheme during the week. The development would therefore discourage car use and encourage other modes of transport, including bus, bike and walking. Notably, the Council's Highways Officer considered the site to be highly sustainable, enabling no/low car ownership to be a realistic and viable option for residents.
16. Nevertheless, due to the potential increase in people living at the property, there could be an increase in demand for on-street parking permits. To address these concerns, measures to remove the appeal site from the existing residents parking scheme were recommended by the Highways Officer, thereby preventing any additional on-street parking in the vicinity arising from the development. Subject to securing this, the Highways Officer had no objections.
17. I am satisfied that, in this instance, a planning condition can be used to ensure the Traffic Regulation Order (TRO) is amended to remove the appeal site from the resident parking scheme. This would negate any harm to the living conditions of neighbouring occupiers or highway safety through increased parking pressure.
18. Given the accessibility of the site, it would provide adequate car parking provision. The proposal would therefore comply with Policies CS4 and CS19 of the Core Strategy in this regard. These policies, among other provisions, seek to ensure that where appropriate all development is located so that services and facilities are accessible on foot, bicycle or by public transport, reliance on the private car is reduced or minimised, sustainable forms of transport are encouraged, measures to discourage car use and encourage other means of transport are prioritised and development that would have a detrimental impact on road safety is not supported.

#### *Living conditions*

19. The proposal would provide 7 single occupancy bedrooms, all of which would be in compliance with the minimum internal space standards set out in the Nationally Described Space Standards and the Council's Interim Policy for Conversion and Sub-Division of Buildings for Residential Use.
20. Each bedroom would be provided with an en-suite bathroom, with the exception of bedroom 6 on the second floor. A separate bathroom would be provided for this bedroom on the floor below. Though not an ideal arrangement, this is unlikely to significantly diminish the living conditions of the occupant of this room, or other occupants of the property.
21. The proposal would also include an adequately sized communal kitchen, living and dining spaces, as well as an external private amenity space to the rear. Discrete storage would also be provided for bins and bicycles, with additional storage space available in the garage to the rear. The proposal would therefore provide sufficient useable space and satisfactory privacy and amenity for future occupiers, suitable for long term accommodation.

22. The proposal would provide adequate living conditions for future occupiers, with particular regard to internal space provision and layout. It would therefore comply with Policy DC1 of the Core Strategy and the Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Use. These policies, among other provisions, seek to ensure that all development is of a high quality and that buildings subject to conversion or sub-division are capable of providing the number of units or use proposed to an acceptable standard of accommodation.

### **Other Matters**

23. The site is within the Albert Park & Linthorpe Road Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the area is derived primarily from the Victorian public park and surrounding historic development.
24. The appeal building contributes to this as a traditional end of terrace dwelling that maintains consistency with the other dwellings along the row. The proposal includes limited alterations to the external appearance of the building, and so would have a neutral effect on the character and appearance of the CA. Notably, the Council's Conservation Officer also concluded there would be negligible impact on the significance of the CA.
25. An objection was received raising concerns that there is no need for more of this type of accommodation in the ward. However, details of the housing need in this area have not been provided, and there is no substantiated evidence that there is an oversupply of this type of accommodation in this area.

### **Conditions**

26. The Council's Officer Report set out recommended planning conditions had the application been successful. I have considered these, along with representations from all parties, and amended where necessary to accord with the Planning Practice Guidance (PPG) and the tests for conditions set out in the Framework.
27. In addition to the conditions I refer to above, and the standard time limit condition, it is necessary to specify the approved plans as this provides certainty.
28. While a planning condition was suggested by the Council during the planning committee meeting to secure a landscaping scheme for the rear garden, no compelling reason has been provided as to why this would be necessary.

### **Conclusion**

29. The development adheres to the development plan as a whole and there are no other considerations that would outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

*Ryan Cowley*

INSPECTOR

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