

PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday 6th November, 2025 Time: 1.30 pm Venue: Mandela Room

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 - 9 October 2025 3 - 10

5. Schedule of Remaining Planning Applications to be Considered by Committee 11 - 64

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Item 1 - 56 Cargo Fleet Lane - Page 13

Item 2 – 441 Acklam Road – Page 33

Item 3 – 97A Ayresome Street – Page 49

6. Decisions made under Delegated Powers 65 - 68

7. Weekly Update List - Applications Received 69 - 70

8. Planning Appeals

71 - 80

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 29 October 2025

MEMBERSHIP

Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Branson, D Coupe, 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

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 9 October 2025.

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

ALSO IN ATTENDANCE: E Andrews, F Farooqui, C Pearson, L Pearson, D Smith, E Smith and E Walker

OFFICERS: A Glossop, R Harwood, S Thompson, P Wilson, S Bonner and T Frankland

25/25 WELCOME, INTRODUCTIONS AND FIRE EVACUATION PROCEDURE

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

25/26 APOLOGIES FOR ABSENCE

None received.

25/27 DECLARATIONS OF INTEREST

Name of Councillor	Type of Interest	Item/Nature of Interest
Councillor David Coupe	Non-Pecuniary	Agenda Item 5, Item 4 (5 Pennymann Way), Ward Councillor
Councillor Jan Ryles	Non-Pecuniary	Agenda Item 5, Item 5 (Church Halls, Kings Road), Ward Councillor
Councillor Graham Wilson	Non-Pecuniary	Agenda Item 5, Item 1 (Turford Avenue Social Club), Ward Councillor

25/28 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 4 SEPTEMBER 2025

The minutes of the meeting of the Planning and Development Committee held on 4 September 2025 were submitted and approved as a correct record.

25/29 SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE

SUSPENSION OF COUNCIL PROCEDURE RULE NO. 4.13.2 – ORDER OF BUSINESS

In accordance with Council Procedure Rules 4.8.25 the Chair proposed a motion without notice, which was seconded and agreed, to change the order of business. The motion proposed that Agenda Item 5 ("Schedule of Planning Applications to be considered by Committee") be considered in the following order:

ORDERED that the following applications be determined as shown:

Items 1, 3, 4, 5 and 2.

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

25/0190/MAJ, TURFORD AVENUE SOCIAL CLUB, Turford Avenue, MIDDLESBROUGH, TS3 9AT, Erection of 10no. bungalows including associated works and landscaping

Members were advised that the application site was Turford Avenue Social Club and permission was sought for the erection of ten bungalows including associated works and

landscaping. Members heard that the principle of the proposed development was considered to be acceptable, being residential development in an area with established residential properties. The design, layout and arrangement of the bungalows were all deemed to be of a good quality that was in accordance with the relevant local and national policies. Neighbouring properties and technical services had been consulted and no objections had been raised.

The application site was a roughly rectangular-shaped site located on the eastern side of Turford Avenue. It was located on the site of the former Turford Avenue social club, which had since been demolished and the site cleared. Burnholme Avenue wrapped 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).

The layout could be described as two lines of residential properties, which were 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, with two-metre-high timber fencing to separate rear gardens and one-metre-high timber fencing round the BNG planting area. The dwellings would be constructed in traditional materials to complement the surrounding residential properties.

Overall, the application was considered to be a quality sustainable development, which would assist economic growth in the town and through providing bungalows in this part of Middlesbrough added to the local housing stock. It had been shown that this site was considered to be a suitable site for residential development and the design and layout of the proposals had been appraised as being largely in line with local policy and guidance.

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

The officer view was to approve conditionally.

The Chair invited questions from the Committee.

A Member queried if there would be two entrances to the site, as there may be congestion around a local school and nursery. It was clarified that the proposal was in line with the Tees Valley Highway Design guide.

The Chair invited the agent to speak in support of the application and the following points were raised:

- The site was currently neglected and the bungalows would be built with traditional materials which would enhance the aesthetic of the area.
- The bungalows would provide accessible housing for 10 households.
- There was ample off-street parking per bungalow.
- The applicant had supplied the Local Planning Authority with a copy of their provisional Nutrient Credit Certificate.

A Member queried if the developer was financially viable. It was clarified that, while this was not a material planning consideration, the developer had completed other similar developments in the recent past and was in a position to begin on this proposal.

A discussion took place about space for vehicular activity on Turford Avenue. It was clarified that the plans were compliant from this perspective.

ORDERED that the application be Approved subject to the conditions detailed in the report.

25/0416/CO, 41 BOW STREET, Middlesbrough, TS1 4BU, Retrospective Change of use from dwelling (C3) to HMO (C4)

The Planning Officer presented Members with an application which sought retrospective planning approval 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).

The application site was located within a predominantly residential street and formed part of a triangular block. The dwellings fronted Bow Street with alley way access at the rear. There had 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 had been no comments received as part of the neighbour consultations. The proposal was acceptable in principle, however officer concerns related to living conditions for future occupiers. Two out of the four internal bedroom spaces did 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 was therefore contrary to the Council's adopted Interim Policy on the Conversion and Sub-Division of buildings for residential use. Development proposals were considered to unlikely materially change the demand for on-street car parking which was provided within streets surrounding the property.

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

The properties fronted the public footway and were two-storey in scale. Design details such as ground floor bay windows were consistent along the street along and the terrace comprises render. The proposal was for the change of use only and did not contain any external alterations or extensions to the property. All bedrooms contained an en-suite. Bin storage and cycle spaces were provided to the rear.

It was considered that, on balance, the HMO accommodation did 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 was already very limited in its provisions. This was fundamentally against the Local Plan aspirations / policy expectations and the thrust of National Planning Guidance and there were no material planning considerations which would outweigh these matters.

Decisions to approve could be made where they were contrary to the Local Plan and other adopted planning guidance where there were material planning considerations which indicated otherwise. However, in this instance, there were no material planning considerations which suggested a decision away from established Policy and guidance should be taken. The site-specific impacts had been considered as part of the assessment.

The application therefore had to be determined against these established policies and in view of the above, the application was therefore recommended for refusal. The Planning Manager advised that although the recommendation within the report was to refuse and enforce, although the properties had been converted, they had not been occupied and therefore the officer recommendation was to refuse, rather than refuse and enforce.

The Chair invited questions from the Committee.

Members raised concerns about the application owing to potential overcrowding and the potential impact on parking arrangements in the immediate area.

The Chair invited the agent to speak in support of the application.

The agent spoke in support of the application which included the following points:

- The agent had become involved in the application at a late stage.
- The application should not be seen as retrospective as although internal works had commenced, the property was not being used/had not been used as an HMO previously.
- The Council had previously indicated Planning approval would not be needed if works were completed before Article 4 was implemented but this position had now changed.
- Only one room was 7 square metres, with guidance stating minimum size was 6.5 metres squared.
- The house was vacant, and the proposal brought it back to life.

A conversation took place during which it was clarified that, with regards to Article 4, there had

been a period of approximately 12 months between the Council issuing a statement on the matter and Article 4 being implemented.

At this point in the meeting the Ward Councillor was invited to present her case in objection of the application, her presentation included the following points:

- While there was a lack of local objections, many people may not have fully realised what the situation was.
- Unsure how unrelated people would live comfortably in such a small space.
- This application would crowd people out.
- The house would make a reasonable family home rather than for four unrelated people.

A conversation took place during which it was raised that the application was inadequate and the property and bedroom sizes were too small for the intended purpose.

ORDERED that the application be refused for the reasons detailed in the report and subject to the amended recommendation presented by the Planning Manager.

25/0417/COU, 27 WICKLOW STREET, Middlesbrough, TS1 4RG, Retrospective change of use from dwelling (C3) to HMO (C4)

The Planning Officer provided Members with an overview of the application which was 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 was sought retrospectively. The application site was located within a predominantly residential street. The dwellings fronted Wicklow Street with alley way access at the rear. There had 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 had been no comments received as part of the neighbour consultations. The proposal was acceptable in principle. However, officer concerns related to living conditions for future occupiers. The internal bedroom 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 was therefore contrary to the Council's adopted Interim Policy on the Conversion and Sub-Division of buildings for residential use. Development proposals were considered unlikely to not materially change the demand for on-street car parking which was provided within the streets surrounding the property. The proposed HMO accommodation failed to provide an acceptable standard of accommodation and adequate means of amenity for future occupiers. The proposal was therefore contrary to the Council's Conversion Policy, Policy DC1 and Para 135 of the NPPF.

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

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

It was considered that, on balance the HMO accommodation did not meet the requirements of the Councils Conversion Policy in terms of size, space and usability and amenity, and did not provide a level of accommodation suitable for long term accommodation. It would represent a reduced quality of accommodation for a property which was already very limited in its provisions. This was fundamentally against the Local Plan aspirations / policy expectations and the thrust of National Planning Guidance and there were no material planning considerations which would outweigh these matters.

The Planning Manager advised that although the recommendation within the report was to refuse and enforce, although the properties had been converted, they had not been occupied and therefore the officer recommendation was to refuse, rather than refuse and enforce.

The Chair invited the agent to speak to the application and the below was raised:

- This was a similar application to that listed in item 3 and the process involved in submitting the application, and associated concerns regarding the implementation of Article 4 were also similar.

The Chair invited the Ward Member for Newport to speak on the application. The Ward Member spoke in objection to the application which included:

- There was very little outdoor space.
- In terms of the upstairs, the location of the boiler was identified as being potentially inconvenient for tenants, being within one of the bedrooms presenting difficulty for communal access / servicing / repair access.
- In terms of parking, this was limited in this area and so would be exacerbated if this application was approved. The property was more suitable for a family home.

ORDERED that the application be refused for the reasons detailed in the report and based on the amended recommendation made by the Planning Manager.

25/0433/FUL, 1, Pennyman Way, Middlesbrough, TS8 9BL, Retrospective erection of detached garage to side and single storey extension

The Planning Officer provided Members with an overview of an application which sought retrospective approval for a single storey rear extension and a detached garage to the front/side of the existing dwelling.

The application followed a previous refusal for the erection of a detached garage which was of notable height and was to be rendered. This element had now been amended and was 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 the dormer being contrary to the Councils 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. As such, the plans and description had been amended to omit this and it was intended this would be dealt with separately.

Objections had been 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 street scene which would result in overdevelopment of the site. Concerns had also been raised regarding loss of privacy and overlooking to nearby residents.

Considering the removal of the dormer proposal and the reduced height of the garage, this would, on balance, not have harmfully dominated 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 was in accordance with relevant Local Plan Policies CS5 and DC1 and the provisions of the Council's Design SPD.

The application property was a single-storey semi-detached dwelling with a detached single storey garage to the side/rear. It was located within an established residential area comprising predominantly semi-detached single storey properties, although some detached dwellings were evident which were generally set back from the road.

The property sits on the boundary with Pennyman Way and High Rifts. It was noted that High Rifts sat lower down and predominantly consisted of detached single storey dwellings.

The application sought 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).

It was considered the application would 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 was the Planning Authority's view that previous refusal reasons had been adequately overcome. It was recommended that the application be approved.

The Chair invited questions from the Committee.

Members discussed the possibility of applying of restrictions and also discussed access rights. It was clarified that certain restrictions were already in place.

A Member queried how much larger the proposed garage was to that previously submitted. It was clarified that the size of the length of the garage had increased from approximately five meters to eight meters.

At this point in the meeting, the Chair invited the applicant to speak on his application. The applicant spoke in support which included the following points:

- The garage was only intended to house a classic car
- The original garage had been stood empty and was dilapidated
- Objections received were likely associated with length of time taken, which were understandable.
- Tried to use sympathetic materials such as the roof tiles being reclaimed.
- There had been some compliments received about the structure.
- Tried to undertake some of the work alone.
- Adjoining neighbour was supportive of the application.
- Development looked daunting to non-adjoining neighbours.

The Chair invited questions from the Committee.

Members sought clarification on the progress of work. It was clarified that work was ready to commence and that a wall identified in a photograph had been demolished. The applicant also clarified that the garage was always intended to be a garage and not a dwelling.

The Chair invited a resident to speak on the application. Speaking in objection of the application, the resident's speech included the following comments:

- Lived in the adjacent property.
- Most of the other 11 objectors could not be at the meeting.
- It was noted that the plan excluded the Dorma extension at the rear of the property.
- The development had been refused in its present form.
- Opposed to flat roof.
- Main concern was the overbearing size of the garage. It would be a prominent feature at the junction of the roads.
- Buildings should not look out of place.
- The proposed structure would be overbearing from the objector's house.
- Allowing this kind of development would affect property lines.
- Due to the proximity between the development and neighbouring property, being only 7 inches, there were serious concerns about trespass. While this would be a civil matter, decisions could be taken to mitigate this prospect.
- This situation had caused a significant amount of stress, and the matter needed to be resolved as quickly as possible.
- All representations heard from neighbours had been objections.

It was clarified for Members that the rear aspect of the dividing fence between the development and neighbouring property would need to be taken down to apply render. It was also clarified that the distance between the fence and the proposed garage remained the same as it did before at approx. seven inches.

A Member commented that when taken in totality they were not comfortable with the increased dimensions of the garage.

ORDERED that the application be approved subject to the conditions detailed in the report and an additional condition restricting the use of the garage.

25/0379/FUL, Church Halls, Kings Road, Middlesbrough, Retrospective - Replacement of windows and doors and Roof Replacement

The Planning Officer provided Members with an overview of an application which sought approval for external alterations 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. The Planning Officer stated that the intended use of the building was not a consideration of the application as there was no intended change of use.

Members were also advised of an amendment to the report circulated. Since the removal of scaffolding, it was noted that the installed windows were not compliant with those on the original plans. After discussions with the applicant's agent it was clarified the applicant wanted to retain what had been installed.

Objections had been received from several residents highlighting issues regarding the impact 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 had been improved along with its condition because of the works. The works would have enabled 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 would also have been positive to the streetscene and surrounding area. In addition, the works would not unduly impact residents with regards to outlook, privacy and amenity or result in any highway implications. On balance the works were deemed a satisfactory form of development in accordance with relevant policy guidance.

The building was an early Edwardian church hall in the suburb of North Ormesby, north-east of Middlesbrough's central core. It was sited on the corner of Derwent and Jubilee Street, off Kings Road. Surrounding uses were primarily residential terraced streets, with some commercial uses. The application sought retrospective planning approval for external alterations to the building including window and door replacements and a new roof covering.

The Planning Authority was aware that since the application was submitted, further unauthorised works had been carried out by the installation of external grills to the ground floor windows. The grills did not form part of this application and as such were not considered. The owner had been notified and informed that the grills must be removed from the building to avoid enforcement action being taken.

The committee were advised by the Planning Manager that bringing the building back into use after such a long period of time would have been positive to the streetscene and surrounding area. In addition, the works would not unduly impact residents with regards to outlook, privacy and amenity or resulted in any highway implications. Whilst this development had resulted in harm to a non-designated heritage asset, the scale of harm was medium to low. It could be reduced in future with sensitive repair and maintenance and had 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, focused 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 were no material considerations that indicated the development should be refused.

The Chair invited questions from the committee.

Members sought clarification that there was no change in use and the Planning Officer clarified that the Church Hall was in the same use class from a Planning perspective.

Members also commented that the Planning Authority should have been informed before works to the building had commenced. Members were keen for this to be made clear in future applications.

The Chair invited a resident to speak to the application. Speaking in objection to the application the resident's speech included the following comments:

- The application was unlikely to result in the building being brought back into use.
- There was no mention of what the building was intended for.
- The Planning Officer's report could have been completed more sympathetically and

the proposal was contrary to Policies CS4, CS5 and DS1.

- Use of materials should be appropriate, those used in the application were not.
- Because of the tiles used on the roof there was a chance the roof could bow or collapse.
- The drawings submitted as part of the application were wrong and there had been no enforcement on this.
- The building was a heritage asset.
- The Church Hall was not a place of worship.
- The current owner had owned the building for 21 years.

The Chair invited questions from the committee.

Members clarified that the intended use of the building could not be considered as material Planning consideration. It was also clarified that concerns relating to the roof were not within Planning's remit but rather Building Control.

A Member stated that the materials used on the roof and the perceived risks should be noted by the committee. The Planning Manager confirmed that the structural stability of the building was not something which could be taken into account in reaching a decision on the application.

Members stated that the materials used on the roof and windows were not in keeping with the building and were unacceptable.

ORDERED that the application be refused based on the materials used on the roof, door and windows were not suitable given the heritage of the building.

25/30 **APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

The Head of Planning 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).

A Member queried the status of the car wash on Cargo Fleet Lane. Officers clarified there was an ongoing application and a decision would be required shortly.

At this point Councillor Ian Morrish withdrew from the meeting.

The Planning Officer agreed to provide feedback to questions posed by Members.

NOTED

25/31 **WEEKLY UPDATE LIST - APPLICATIONS RECEIVED**

A Member queried the progress of works at Nunthorpe Grange. The Planning Officer agreed to provide an update to the Member outside of the meeting.

25/32 **PLANNING APPEALS**

Deferred.

25/33 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.

Planning & Development Committee Schedule - 06-Nov-2025

Town Planning applications which require special consideration

1	Reference No: 25/0437/COU Ward: Park End/Beckfield	Applicant: Mr B Murdoch Agent: Stovell and Millwater Ltd	Description: Retrospective change of use from vacant land to hand car wash Location: 56 Cargo Fleet Lane, Middlesbrough, TS3 0PL
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2	Reference No: 25/0464/COU Ward: Kader	Applicant: Resicare Alliance Limited Agent: Alder King Planning Consultants	Description: Change of use from a dwellinghouse (Class C3) to a residential care home (Class C2) for three young persons. Location: 441, Acklam Road, Middlesbrough, TS5 7HB
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3	Reference No: 25/0478/COU Ward: Newport	Applicant: Ayresome Bites LTD Agent: Matthew Bates	Description: Retrospective change of use from Retail (Use Class E(a)) to a hot food takeaway (Sui Generis) Location: 97A, Ayresome Street, Middlesbrough, TS1 4PF
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APPLICATION DETAILS

Application No:	25/0437/COU
Location:	56 Cargo Fleet Lane, Middlesbrough, TS3 0PL
Proposal:	Retrospective change of use from vacant land to hand car wash
Applicant:	Mr B Murdoch
Agent:	Stovell and Millwater Ltd
Ward:	Park End/Beckfield
Recommendation:	Refuse and enforce

SUMMARY

The application seeks retrospective planning approval to use the site as a hand car wash.

Objections were received from a number of residents and local ward councillors highlighting issues regarding impacts relating to highway safety, drainage, appearance and operation of the site and issues relating to noise, nuisance and impacts on residential amenity.

Whilst the change of use would bring this vacant area of land back into use, the use is not viewed favourably in terms of its location, use and ancillary buildings on site which are considered to be out of keeping with this area resulting in visual harm which will be detrimental to the streetscene and character and appearance of the area. Concerns are also raised with regards to highway safety and impacts on the amenity of neighbouring properties.

Furthermore, the applicant has failed to submit sufficient details (noise assessment/drainage strategy/ flood risk assessment) so that the application and associated impacts can be fully considered.

The change of use is not deemed a satisfactory form of development and relevant policy requirements have not been met.

Officer recommendation is to refuse and enforce.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The proposal relates to the retrospective change of use of 56 Cargo Fleet Lane from vacant land to a hand car wash. The site occupies a prominent corner plot at the junction of

Bournemouth Avenue and Cargo Fleet Lane, the site is not allocated for a specific use in the Local Plan. The last known use of the site was as a petrol filling station however then site was later cleared and has remained vacant since. The site lies adjacent to a small parade of shops and other commercial units that form the identified Cargo Fleet Lane/Fulbeck Road neighbourhood centre. The rest of the surrounding area is predominantly residential in character.

PLANNING HISTORY

M/FP/1614/04/P

13no two bed flats in a part two and part three storey block with car parking

Approve with Conditions - 14 Dec 2004

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should

be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

Housing Local Plan (2014)

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

Supplementary Planning Documents

- Middlesbrough's Urban Design SPD (2013)

Other Relevant Policy Documents

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

Public Responses

Number of original neighbour consultations	41
Total numbers of comments received	6
Total number of objections	6
Total number of support	0
Total number of representations	6

Objections were received from the following residents -

Shahzad Hussain – 73 Bournemouth Avenue
Joanne Dalton - 62 Cargo Fleet Lane
Deborah Birtwhistle – 58 Cargo Fleet Lane
Paul Lord - 86 Bournemouth Avenue
Anthony Hall - 5 Fulbeck Road
Christopher Woodhouse - 7 Fulbeck Road

Objections were also received from the Ward Councillors –
Cllr Stephen Hill
Cllr Brian Hubbard

Objections are summarised below for the purpose of the report although full comments can be viewed via the following link – <https://share.google/jyJ0kwOaohw7t80Mn>

Traffic congestion and highway safety
Pollution
Appearance and operation of the site
Noise/public nuisance
Impacts on amenity
Waste water run-off and Drainage

Consultee comments are as follows –

Highways

Development proposals seek retrospective consent for a change of use from vacant land to a hand car wash. In highways terms, a key consideration is the lawful fallback position i.e how the site could continue to be used without the need for further planning consents. This fallback use is then netted off from the proposed development to establish material impact and whether there would be harm or not. The site in question has been cleared and whilst there has been mention of historic use as a filling station this use could clearly not occur without planning consents being sought. Therefore, in highway terms any traffic associated with the site is a new consideration and whilst historic vehicular access points may exist they will not be used for anything other than nominal movements and development proposals would constitute an intensification of use of these access points.

Two site access points exist; one onto Bournemouth Avenue and one onto Cargo Fleet

Lane. The access onto Cargo Fleet Lane is located.

- Opposite the junction to Fulbeck Road which is set out with separate entry/exit lanes and a right turn ghost island. Fulbeck Road loops round and connects back onto Cargo Fleet Lane via Kenmore Road and The Greenway. There are a number of side roads off the main road and as such it serves a large number of residential properties together with local facilities. Public transport also travels along Fulbeck Road making the junction of Fulbeck Road/Cargo Fleet Lane busy.
- Circa 7-8m North of a vehicle entrance serving the local parade of shops and associated car park. There are two entrances into this parking area with a bus stop between them. This bus stop is served by frequent services.
- Circa 23m South of the junction of Bournemouth Avenue/Cargo Fleet Lane. This is a set out as a priority T junction with right turning vehicles able to informally use the centreline hatching on Cargo Fleet Lane to wait to turn right into Bournemouth Avenue.
- On carriageway advisory cycle lanes exist on both sides of Cargo Fleet Lane.

As can be seen the immediate highway environment is extremely busy with a large number of conflicting movements/demands and high levels of pedestrian and cycle activity. It is considered that the development proposals will lead to a significant increase in use of the access which would be detrimental to both highway safety, particularly vulnerable highway users and the free flow of traffic, including public transport. This section of Cargo Fleet Lane is known to suffer from delay and capacity issues, particularly during the peak network periods and the addition of further turning movements associated with the site will further add to these delays with delays to public transport affecting service reliability and disproportionately impacting a greater number of people moving around the network. For these reasons it is recommended that the application be refused.

Planning Policy

The proposal relates to land that is not allocated for a specific use in the adopted, or emerging, Local Plan and would bring a vacant area of previously developed land into use. However, in determination of the application, consideration should be given to the provisions of all the relevant policies of the adopted Development Plan noted above. It is also advised that consideration should be given to relevant policies in the Publication Local Plan. 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 PLP policies will depend on the stage of the preparation that the plan has reached when the application is determined. Currently, some weight should be given to PLP policies.

Residential properties are situated within the area immediately surround the site. In accordance with Policy DC1 and PLP Policy CR2, the proposals impact on the surrounding environment and the amenity of such nearby property occupiers should therefore be carefully considered. Furthermore, the application site regards an area of land that the flood risk for planning map largely identifies as flood zone 2. The provisions of Policies CS4 and NE10 should therefore be considered and, as is set out in footnote 63 of the NPPF, the application should be supported by a site-specific flood risk assessment. At the time of writing, no such assessment has been

submitted.

Petroleum Officer

Since providing its initial statement the PEA has been provided with documents relating to the decommissioning of the former petrol filling station, this information includes a drawing showing the location of the former underground fuel storage tanks (the tank farm), the drainage routes and information on ground conditions and contamination. The petrol filling station was formerly known as BP Fleetway Service Station.

It is now known that all former underground fuel storage tanks at this location, five in total, were removed from the ground in 1996. It is now known that ground investigations of this land took place in 1991, 1996 and 1999. A report issued in March 2001 confirms that parts of the site in the vicinity of the former tank farm and dispenser islands, are contaminated. In this area, the soil contains potentially significant concentrations of petroleum hydrocarbon compounds and groundwater was detected to contain petroleum hydrocarbons.

Status of Underground Tanks

The status of the former underground fuel storage tanks is now known and the concerns previously raised by the PEA relating to the unknown status of the legacy structures, specifically, the structural integrity of tanks and the risk of ground breaking works (the latter point insofar as relating to the risk of striking a non-inert underground tank), are withdrawn.

Status of Former Drainage Infrastructure

The PEA is satisfied that waters from the recently installed drainage channel at the site access and egress crossover point on Bournemouth Avenue do not repurpose the drainage system that took potentially contaminated waters from the former dispensing area and tanker delivery area to the oil/water separator. The concerns previously raised by the PEA in relation to drainage are withdrawn.

Land Classification

The PEA remains concerned that uncontrolled ground breaking works in the parts of the site identified to be contaminated will interfere with the containment of contaminated material and groundwater.

Recommendations for Planning Conditions

The PEA would recommend that any retrospective planning permission granted includes The following condition:

1) Classify the site as Contaminated Land

The land should be classified as contaminated land and appropriate constraints on the Development should be implemented, including restrictions on the future use of the site.

Waste Services

No comments

Environmental Health

With reference to the above planning application please note the following recommended conditions and informatives (advice) should the application be approved:

A BS: 4142 noise assessment shall be submitted to and approved in writing by the Local Planning Authority before the use hereby commences. The assessment shall identify noise levels at the site along with the noise which will be generated at the development and

its impact upon neighbouring premises. The assessment should identify noise from sources such as deliveries being made, noise from fixed plant and machinery at the development and noise from the use of the car park. The assessment should include details of any measures identified to protect neighbouring premises from noise. Any measures identified in the assessment to protect residents from noise generated due to the use of the site should be implemented before the use of the development commences.

Hours of opening/use shall be restricted to between the hours of 08:00am and 6:00pm Monday to Saturday, and the hours of 10:00am and 4:00pm Sundays.

Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the premises used. The details shall include a plan which identifies the location of lighting columns along with lighting levels that will be provided at the development and at the facades of neighbouring premises. The construction and use of the floodlighting shall be carried out in accordance with the approved details.

Northumbrian Water

I can advise that the proposed hand car wash may require a trade effluent application for the disposal of washwater to the sewers network. We recommend that the applicant contacts the Northumbrian Water Trade Effluent team to discuss this matter further.

Northern Gas Networks

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

Cleveland Police/Secure By Design

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the "Secured by Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

Full information is available within the SBD Residential Guide 2025 Guide at www.securedbydesign.com

The National Planning Policy Framework 2024 paragraph 96(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

- The National Planning Policy Framework 2024, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime

and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.

- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

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

HSE

Thank you for your email seeking HSE's observations on application 25/0437/COU

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

However, this application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make.

PLANNING CONSIDERATION AND ASSESSMENT

National Planning Policy Framework

1. Section 38 of the Planning and Compulsory Purchase Act requires that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.
2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in December 2024 and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their degree of consistency with the revised Framework, with greater weight given to policies the closer they are to those in the Framework (para. 232).
3. Paragraphs of particular relevance to this application include: Para 85 – Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.
4. Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places
5. Para 115- Development should only be prevented or refused on highways grounds if there

6. would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
7. Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
8. Para135. Planning policies and decisions should ensure that developments:
 - a) 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;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Plan Policy

9. Policy CS4 requires all development to contribute towards the achievement of sustainable development principles. Alongside the provisions noted below, this includes making the most efficient use of land, with priority given to previously developed land, and ensuring inappropriate development is not carried out in the floodplain.
10. 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. As set out in the NPPF, 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.
11. Currently, it is considered that some weight should be given to PLP policies, including Policy NE10. To reduce flood risk from all sources and ensure appropriate water management, PLP Policy NE10 identifies a set of requirements that development proposals are expected to satisfy. This includes proposals demonstrating that they are not at risk from flooding and would not increase flood risk elsewhere. When a site-specific Flood Risk Assessment (FRA) and Drainage Strategy is required, it is stated that they should accord with the latest relevant national and local guidance.
12. Policy DC1 identifies that development proposals must have a minimal effect on the surrounding environment and amenity of nearby properties occupiers.

13. Policies CS4, CS5, and DC1 require all development proposals to demonstrate a high quality of design that positively contributes to the character and appearance of the surrounding area. This includes the layout, form, scale, and materials. Middlesbrough's Urban Design SPD provides further guidance on development design.
14. 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. There is no guidance that specifically relates to car washes. However, in general, for non-residential uses the document specifies the provision of sufficient operational parking and area for manoeuvring within the site.
15. 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 application does not appear to incorporate any measures that would improve the choice of sustainable transport options/promote their use, such as the provision of secure cycle storage. However, it is acknowledged that numerous bus services can be accessed from stops along Cargo Fleet Lane and Ladgate Lane, a short walk from the site.
16. In addition to the aforementioned Policy NE10, there are a range of other policies in the Publication Local Plan that would be of relevance to this proposal. These are as follows:
Policies ST1 and ST2 – collectively establish the development and spatial strategy for Middlesbrough.
17. Policies CR1, CR2, and CR3 – collectively require all development proposals to be sustainable, well-designed, and of a high quality.
18. Policy NE9 – seeks the delivery of sustainable development that meets the challenge of mitigating and adapting to the effects of climate change and establishes a set of criteria that will help ensure the achievement of this.
19. Policy IN2 – requires development to assist in the delivery of the identified priorities of the integrated transport strategy. Proposals that would have a negative impact on highway safety are not supported.
20. Policy IN3 – sets out the transport requirements for new development.
21. Finally, as identified in the Tees Valley Joint Minerals and Waste Development Plan Documents, the application site is located within the minerals safeguarding area for salt and gypsum. Policies MWC1 and MWC4 are therefore applicable. Collectively, these policies aim to protect mineral resources from unnecessary sterilisation. The application site concerns previously developed land. As such, compared to the current situation, it may be considered that the proposal would not detrimentally impact the future extraction of the mineral resource. Furthermore, the site is situated within the urban area and at a location that is largely characterised by residential development. Mineral extraction would therefore be unlikely at this site.

Proposal

22. Development proposals seek retrospective consent for a change of use from vacant land to a hand car wash. The existing access points will be used providing access into the site from Cargo Fleet Lane and allow vehicles to exit onto Bournemouth Road. 8no car parking spaces will be located towards the western part of the site. Two ancillary buildings are proposed to the south of the site providing a office/reception area and separate store and w.c. with the car washing to take place within the central forecourt. The application specifies that there would be six full-time employees, and that the car wash would operate seven days a week, with opening hours of 8am to 6pm on Monday through to Saturday and 10am to 4pm on Sundays and bank holidays.
23. The ancillary buildings are along the southern boundary, set back from Bournemouth Avenue but close to Cargo Fleet Lane, and as a result are considered to be relatively prominent within the street scene, presenting themselves forward of the adjacent building line. The buildings are of a typical portacabin design with flat roof and industrial / temporary appearance and are considered to not contribute a high standard of design given their simple and utilitarian appearance. Whilst the site is enclosed to some degree by (unauthorised) railings and palisade fencing of varying heights, the site is very prominent and open in appearance and thereby the ancillary buildings and on-site operations will be highly visible within this area.
24. The development does not demonstrate a high quality of design that positively contributes to the character and appearance of the surrounding area which is predominantly residential and small-scale commercial. Whilst some commercial exists within the area its layout and form are consistent with the surrounding area and fit well. The existing commercial is not of industrial / low quality / contrasting appearance to the residential characteristics of the area. The proposal fails to be in keeping with any part of the character of the area in terms of layout, form, scale, and materials and therefore is considered to be inappropriate in this location.
25. The site is in a mixed commercial/ residential area, although this particular sui generis use is different and not complementary to the other commercial/retail businesses in the area, which are largely shops located with the adjacent parade. Whilst the proposal would bring a vacant area of land back into use, the use proposal in this case is not considered appropriate in this setting in terms of its operation, visual, harm and impacts on the streetscene and surrounding area contrary to Policies CS5, and DC1 and Emerging Plan Policies CR1, CR2 and CR3.

Impacts of amenity

26. There are a number of residential properties immediately adjacent the site, those that sit to the north and south of Bournemouth Road to the west of the site and those that front Cargo Fleet Lane to the north. Impacts will predominately come from noise associated with the operation of the site given it is open and utilises noise generating equipment including vacuums and jet washers.
27. Vehicle movements on, off and within the site, including car doors closing and the starting of engines; and general discussions between staff and customers would also be harmful to neighbouring properties amenity and enjoyment of their property, including the rear garden given their close proximity to the site.

28. Water runoff and spray as a result of the jet washers to the immediate neighbouring properties and private gardens will cause further nuisance to residents.
29. The use is to operate 8am to 6pm Monday - Saturday and 10am to 4pm Sundays and bank holidays, thereby residents would be subject to such noise and disturbance 7 days a week and from early morning to early evening. During the winter months when it is dark, lighting required to be in place to be able to reasonably operate would add further disturbance to the residential character / use of the immediate surroundings.
30. No noise survey has been submitted alongside this application so there is limited information regarding equipment or potential noise to fully assess the potential impacts on neighbours. However, given that the application is retrospective and use currently in operation, a number of nearby residents have already expressed their concerns with regards to how the use is impacting them with regards to noise and nuisance.
31. Environmental Health have considered the application and recommended conditions with regards to restricting opening hours and lighting and a request for a noise assessment with any mitigation measures identified to be carried out. However, it is the LPA's view that this is not sufficient to alleviate such impacts on the neighbouring properties in this case given their close proximity to the site and consider that the activity, noise and disturbance associated with the use is inappropriate in this location contrary to Policy DC1 and Emerging Plan Policy CR2.

Drainage

32. The site plan submitted with the application shows a drainage channel along the exit point onto Bournemouth Avenue and land graded directing water directly to it. the Flood Authority was consulted on the application no response has been received.
33. Proposed plans also show a sump separator to the northern part of the site which is a system designed for such uses to capture and separate contaminants from wash water before it enters the sewer system.
34. Northumbrian Water have also advised that the hand car wash may require a trade effluent application for the disposal of wash water to the sewers network, with the applicant encouraged to contact them directly to discuss.
35. However, the application site regards an area of land that the flood risk for planning map largely identifies as flood zone 2. The provisions of Policies CS4 and NE10 should therefore be considered and, as is set out in footnote 63 of the NPPF, the application should be supported by a site-specific flood risk assessment. At the time of writing, no such assessment has been submitted, and Policy requirements thereby not adhered to.

Highways

36. The site in question has been cleared and whilst historically used as a petrol filling station this use could not now occur without planning consents being sought for buildings, structures, pumps and so on. Therefore, in highway terms any traffic associated with the site is a new consideration and whilst historic vehicular access points may exist, they will not be used for anything other than nominal movements

while ever the site is unused. Development proposals therefore constitute an intensification of use of these access points.

37. Two site access points exist: one onto Bournemouth Avenue and one onto Cargo Fleet Lane. The access onto Cargo Fleet Lane is located opposite the junction to Fulbeck Road which is set out with separate entry/exit lanes and a right turn ghost island. Fulbeck Road loops round and connects back onto Cargo Fleet Lane via Kenmore Road and The Greenway. There are a number of side roads off the main road and as such it serves a large number of residential properties together with local facilities. Public transport also travels along Fulbeck Road making the junction of Fulbeck Road/Cargo Fleet Lane busy.
38. Adjacent the site is a vehicle entrance serving the local parade of shops and associated car park. There are two entrances into this parking area with a bus stop between them served by frequent services. Approximately 23m South of the junction of Bournemouth Avenue/Cargo Fleet Lane is a set out as a priority T junction with right turning vehicles able to informally use the centreline hatching on Cargo Fleet Lane to wait to turn right into Bournemouth Avenue. On carriageway advisory cycle lanes exist on both sides of Cargo Fleet Lane.
(Please see images in the appendices below)
39. The immediate highway environment is extremely busy with a large number of conflicting movements/demands and high levels of pedestrian and cycle activity. It is considered that the development proposals will lead to a significant increase in use of the access which would be detrimental to both highway safety, particularly vulnerable highway users and the free flow of traffic, including public transport.
40. This section of Cargo Fleet Lane is known to suffer from delay and capacity issues, particularly during the peak network periods and the addition of further turning movements associated with the site will further add to these delays with delays to public transport affecting service reliability and disproportionately impacting a greater number of people moving around the network.
41. In view of the above the proposal is therefore considered to be in conflict with Policies CS4, CS18, CS19, DC1 and Emerging Plan Policies CR2 and IN2.

Conclusion

42. For the reasons set out above, the proposed use is not viewed favourably in terms of its location in a residential area whilst the proposed buildings result in visual harm to the quality and character of the area. Concerns are also raised with regards to highway safety and impacts on the amenity of neighbouring properties, all being contrary to National and Local Planning Policies.
43. Furthermore, the applicant has failed to submit sufficient details (noise assessment/drainage strategy/ flood risk assessment) so that the application and associated impacts can be fully considered.
44. Officer recommendation is to refuse and enforce given the proposal is retrospective

RECOMMENDATIONS AND CONDITIONS

REFUSE AND ENFORCE

1. **Inappropriate ancillary buildings**

In the opinion of the Local Planning Authority the ancillary buildings are inappropriate in this setting as they add visual harm to the streetscene and character of the surrounding area contrary to Local Plan Policies CS5, and DC1 and Emerging Plan Policies CR1, CR2 and CR3.

2. **Impacts on neighbours**

In the opinion of the Local Planning Authority the proposal, by reason of the type of activity and noise associated with the use would be detrimental to the amenity of the adjacent neighbouring occupiers contrary to Local Plan Policy DC1 and Emerging Plan Policy CR2.

3. **Impacts of Highway Safety**

In the opinion of the Local Planning Authority the use will lead to a significant increase in use of the access which would be detrimental to both highway safety, particularly vulnerable highway users and the free flow of traffic, including public transport contrary to Local Plan Policies CS4, CS18, CS19, DC1 and Emerging Plan Policies CR2 and IN2.

4. **Lack of Flood Risk Assessment/Drainage Strategy**

No flood risk assessment or drainage strategy has been submitted to support the application and thereby does not meet the provisions of Policies CS4 and NE10 and footnote.63 of the NPPF.

INFORMATIVES

None

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to commercial 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 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

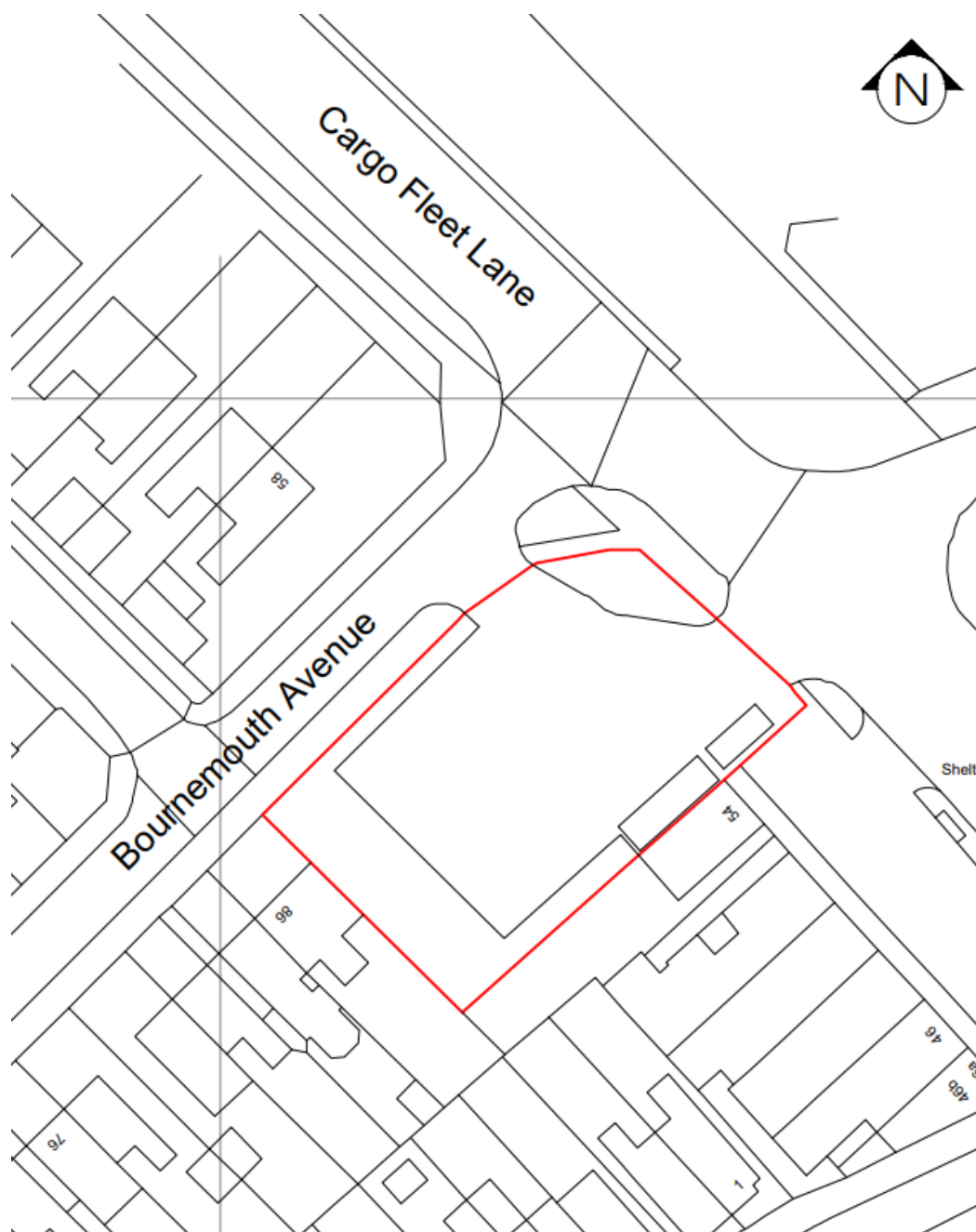
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Case Officer: Joanne Lloyd

Committee Date: 6th November 2025

Appendices

1. Location Plan

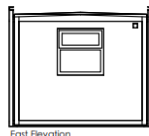
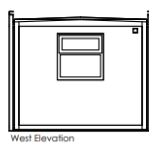
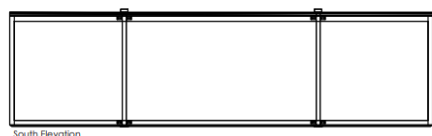
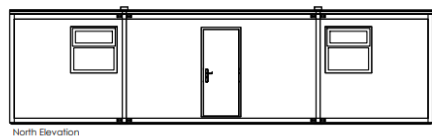
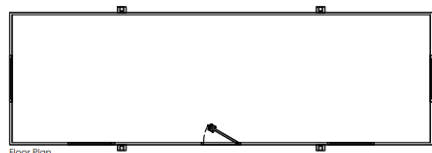


2. Proposed site plan

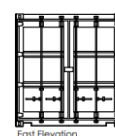
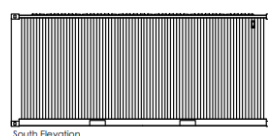
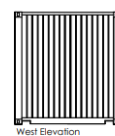
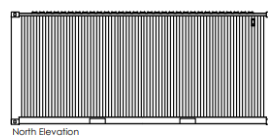
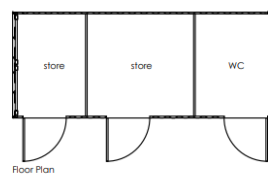


3. Ancillary Buildings

Office/Reception



Storage Container/WC



4. Highway images

Cargo Feet Road access



Bournemouth Avenue access



Fulbeck Avenue junction (northern view)



Fulbeck Avenue junction (southern view)



Entrance and exit points of adj shopping parade and position of bus stop



Bournemouth Avenue T junction



Cargo Fleet Lane/Bornemouth Avenue junction



APPLICATION DETAILS

Application No:	25/0464/COU
Location:	441, Acklam Road, Middlesbrough, TS5 7HB
Proposal:	Change of use from a dwellinghouse (Class C3) to a residential care home (Class C2) for three young persons.
Applicant:	Resicare Alliance Limited
Agent:	Alder King Planning Consultants
Ward:	Kader
Recommendation:	Approve subject to conditions

SUMMARY

The application seeks planning permission for the change of use of the property from a residential dwellinghouse (C3) to residential care facility (C2) for three children.

Following the consultation period, a number of objections were received expressing concerns about the proposal and the expected operations. The main issues raised related to noise concerns, potential anti-social behaviour arising from the use, disturbance from comings and goings from staff/residents and this impact this would have on parking/highway network.

Noting the number of expected staff and users at any one time and the parking spaces within the curtilage of the application site, it is the Officer view that there whilst there would be some noticeable change, this would not be of such a scale to result in an over-intensification of use. No objections were raised by the Council's Highway Officer and it is considered that the associated movements would be akin to the existing residential use.

The activities associated with the proposed residential care facility use are considered to be compatible and appropriate within a residential, suburban area. Many issues raised relating to anti-social behaviour have no evidence to demonstrate that this would be the outcome of the use and such matters could also be associated with the occupation of any residential dwelling.

It is the Officer view that the proposals be approved subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application property is a two-storey semi-detached residential dwellinghouse situated on the east side of Acklam Road, set in a large plot and set back from the road. Properties on this side of the road back on to open, green space.

Planning permission is sought for the change of use of the property from a residential dwellinghouse (C3 use class) to a residential care home for young people (C2 use class). Consent is being sought for the caring of up to three young persons (aged between 7-18 years).

It is stated within the application that up to 5 staff members would be present during the day (3 carers and up to 2 managers) with 2 carers on site at night, providing 'waking' care. Staff changeover times would be between 08:00/09:00 and 21:00/22:00

No alterations to the external appearance of the building are proposed.

The application was accompanied by a Planning Statement.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a

presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development
CS5 – Design
CS4 - Sustainable Development
CS17 - Transport Strategy
H1 - Spatial Strategy
CS18 - Demand Management
CS19 - Road Safety

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

CONSULTATION AND PUBLICITY RESPONSES

Consultee Responses

MBC Environmental Health - Comments

I have reviewed the application for this change of use. I note that one of the bedrooms to be used for one of the children and “the snug” is adjacent to the neighbouring, attached

dwelling. I have dealt with a few cases recently of noise from children's homes affecting neighbouring properties mainly due to behavioural issues with the child. Would it be possible to request a condition for a sound insulation scheme for the wall adjacent to bedroom 2 and the snug?

In addition we would request a noise management plan for the operation of the premises.

MBC Highways – No objections

Development proposals seek a change of use of an existing residential dwelling into a residential care home. The proposed care-home will provide accommodation for a maximum of 3 children and no increases in the number of bedrooms are proposed.

Staffing levels have been indicated as typically up to 3 plus a manager and/or deputy manager during the day with 2 staff providing a presence overnight. The site is typical of properties in the area with extensive frontage capable of accommodating parking for at least 4 cars, without taking into account the garage or drive to the side of the property. Whilst it is acknowledged that parked cars will be unlikely to be moved independently from each other this is no different to the current occupation of the house with multiple car ownership. In addition staff arrive and depart at the same shift times and work together thus enabling cars to be moved as required.

The site is sustainably located with active travel infrastructure, local facilities and public transport close by thus reducing the need for car travel (particularly for staff).

As such it is considered that the application will not result in a material change in parking demand/traffic generation over that under its current use which could continue without the need for further planning consent.

MBC Children's Commissioning – No objections

There is a need for local residential accommodation to meet the increased need for our children/young people and there

Steve Cranston/Cleveland Police – No objections

With regards to your recent planning application 25/0464/COU for a residential care home for 3 x children at 441, Acklam Rd, Middlesbrough. Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the "Secured by Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

Full information is available within the SBD Residential Guide 2025 Guide at www.securedbydesign.com

- The National Planning Policy Framework 2024 paragraph 96(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2024, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are

safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured by Design initiative can be found on www.securedbydesign.com

In addition to the above I would also add the following.

For facilities such as this, should permission be granted, good management policies and systems are essential for the most effective running of the premises.

Full compliance with Ofsted Registering for a facility such as this must be adhered to.

The applicant should also take into consideration crime statistics available for the locality of the proposed premises.

Once the care home is up and running, owners must email mfhcoord@cleveland.police.uk to add them to the care manager meeting invite list.

Public Responses

Number of original neighbour consultations	7
Total numbers of comments received	0
Total number of objections	5
Total number of support	0
Total number of representations	5

List of addresses submitting objections to the application:

- 439 Acklam Road
- 443 Acklam Road
- 445 Acklam Road
- 446 Acklam Road
- 7 Betley Way

Summary of comments received

It is considered that the below represents a summary of the objections and other concerns raised following the consultation period of nearby properties:

General Use

- Concerns of safeguarding
- Local services may be strained resulting in increased reliance on external support

Highways

- Increased congestion and impact on highway safety
- Insufficient parking
- Concern of pedestrian safety

Amenity/Character of Local Area

- Proposal would alter the residential character

Noise Implications

- Noise concerns from staff shifts and resident needs
- May generate irregular noise

Impact on neighbouring amenity

- Privacy and safety concerns
- Concerns over crime issues and anti-social behaviour
- Concerns of increased nuisance/disturbance

PLANNING CONSIDERATION AND ASSESSMENT

1. The application seeks planning consent for the change of use of the property from a residential dwellinghouse (C3 use) to a care facility (C2 use). The key issues to be considered as part of the proposed development are the principle of this use in this location, the likely impacts on residential amenity, the impacts on the character of the area, and the highways implications.

Policy Context

2. Section 8 of the NPPF 'Promoting healthy and safe communities' expands on the strategic policies and explains the role of local authorities and outlines how they need to be achieved. The section advises that policies and decisions should aim to achieve healthy, inclusive and safe places, as well as providing the social, recreational and cultural facilities and services the community needs.
3. The same paragraph also advises planning policies and decisions to aim for healthy, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as well as to enable and support healthy lifestyles. Paragraph 98 states that decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services
4. The relevant policies in the Local Development Plan regarding this application include H1 (Spatial Strategy), H11 (Housing Strategy) and CS17 (Transport Strategy) of the Local Plan, DC1 (General Development), CS4 (Sustainable Development), CS18 (Demand Management) and CS19 (Road Safety) of the Core Strategy (2008). In general terms, these policies seek to achieve high quality sustainable development

that is situated in the right place and minimises the impact on neighbouring occupiers.

Principle of Development

5. The application site forms a residential property in a residential area in a sustainable location. Whilst Local Plan Policies H1 and H11 are relevant to new housing development, they are aimed more at new housing estates rather than the change of use of individual properties, and in this case, the proposed use is also a residential use. The loss of a C3 use class, residential dwelling to a C2 use class, residential home for children would not unduly affect the available housing stock within Middlesbrough and the proposed use is considered to remain to be residential in function.
6. Notwithstanding the above and having taken note of concerns raised during the consultation period that the site may not be a suitable location, children's homes are considered to be an acceptable use in principle within a residential area. As this change of use proposal includes no alterations to the external elevations (only minor internal alterations proposed), the proposed use would retain the general appearance of the existing property.
7. In view of the above, the principle of the change of use is considered in accordance with the principles of relevant policies. Specific planning issues will be discussed and assessed below in further detail.

Impact on the character and appearance of the area

8. Policies DC1 and CS5 along with the requirements within the Middlesbrough Urban Design SPD state that all new development should be a high quality in terms of layout and contribute to the character of the area.
9. First of all, it is noted that there are no proposed alterations to the external elevations of the property. As the proposed use would be utilising the existing property, it would still look and appear like a residential dwellinghouse.
10. In addition, the proposed children's home development is categorised in the Use Class Order as a residential institution and, therefore, would remain a residential use within a residential environment. This is considered to be wholly appropriate and there are deemed to be no adverse impacts on the character of appearance of the area with regards to the specific use.
11. The main change that is likely to be noticeable on the character of the area is the potential movement of vehicles and number of vehicles at the site. Handovers are to take place between 08:00-09:00 and 21:00-22:00. It is noted that three members of staff would be present during with day with up to two managers on site. Two members of staff would be present at night times.
12. It is considered that these movements would be perceived with a typical family home of this scale which could include a number of cars in any case, and this would have a very limited change to the overall character of the area.
13. In view of the above, it is considered that there would be no notable harm on the character and appearance and the proposal accords with policies DC1 and CS5.

Impact on neighbouring amenity

14. Policy DC1 requires all new development to consider the potential impacts of its operations on the amenity of the occupants of neighbouring properties and it is noted from the consultation and publicity responses that concerns have been raised over a number of matters including additional noise levels and disturbance associated with the intended use within the residential area.
15. It is noted that when at full capacity, the property would have up to three children and up to five staff in attendance throughout the day. This is largely considered similar to the property being used by a large family, it is highlighted that the proposal would remove one of the existing bedrooms, going from 4 down to 3.
16. This property, and the majority of properties in Middlesbrough, as is the case in most areas, has front and rear gardens that about the front and rear gardens of other properties. Families with children who use their gardens intensively are likely to be more obvious to neighbouring properties than those properties that do not. The same can be said of properties which are occupied by active or particularly social adults or similar. The reality is that the level to which the occupation of one property affects another will range significantly and is essentially down to the nature of the individuals residing there at any given time, rather than the residential use of the property being the specific trigger for noise and disturbance. Giving regard to these considerations, it is therefore considered that the key matters of amenity associated with neighbouring properties is around the scale of the use and whether any perceived intensification/operations associated with the use would be reasonably in keeping or notably out of keeping with the character of the surroundings.
17. The supporting information states that this would be a staffed children's home, which would provide accommodation for up to three children between the ages of 7 and 18. The staffing is also mentioned within the application. This would be three for day shifts (plus two managerial members) and two during the night shifts.
18. There would be circumstances where there may be additional staff within the property such as handovers however these would reflect similar comings and goings of travelling to and from a workplace from residential properties in terms of disturbance. It is also noted within the application details that staff members would not be present at the property when children are at school so there would be times throughout the day where minimal staffing is in place.
19. It is understood and accepted that children's care facilities may result in occasional visits from external and associated parties, such as social workers and the local community support officers. These visits are expected to be infrequent and it is considered that for the most part the premises would operate in a matter not too dissimilar to a residential dwellinghouse.
20. One of the main differences is considered to be the potential intensification of the usage of the property. It is acknowledged that there is likely to be more vehicular movements associated with the property compared to a conventional residential dwellinghouse. These vehicular movements are likely to be noticeable from neighbouring properties, generating greater noise levels and disturbance, particularly at shift changeover times. Compared to the comings and goings of a typical

residential property, the property is likely to result in similar patterns of movement, where vehicle movements tend to be in the morning and evening given the shift patterns. Furthermore, the property is set within a large plot with generous parking area to the front. As such, it is considered that vehicular movements can be accommodated for without such an increase of noise and disturbance which would warrant refusal of the scheme.

21. It is noted that some of the objection comments received raise some concern in relation to the potential for anti-social behaviour associated with the children being looked after at the premises. However, this can only be an assumption of the impacts of individuals rather than any definitive impacts from the operations. As with any residents of any property, anti-social behaviour may or may not occur. The actions of an individual in this sense are not material planning considerations and cannot, therefore, reasonably be given weight in determining the application.
22. In terms of overlooking impacts, the property would see a reduction in one of the bedrooms (now used as a snug), resulting in three existing bedrooms being retained for the change of use. As such, it is considered that privacy impacts would not be dissimilar to the existing use when occupied with regards to views from bedroom windows. Mutual overlooking between the application property and its neighbours occurs with the existing situation and would continue at the same level with the change of use. This is to be expected in built-up residential areas. As such it is considered that there would be no notable loss of privacy associated with the change of use.
23. Officers from the Council's Environmental Health service have been consulted on the application and requested a sound insulation scheme and noise management report to be added as conditions, intended to reduce potential for noise disturbance between properties.
24. This was considered by planning officers and discussed with the agent. An appeal decision dated August 2025 (PINS reference: APP/B0230/W/25/3366487) was submitted by the agent in relation to a property elsewhere, and this related to a change of use to a children's home for up to four children. The Inspector noted that: *While there might be some noise disturbance from children, this could equally be the same if the site remained a family home.* With this in mind, it is considered that noise could be emitted from children within a typical residential property in any case and considering that the number of children would be no more than three, on balance, it is judged that noise impacts would not warrant refusal in this case or would require measures to be put in place for noise management. It is also highlighted that other local authority teams exist where noise would be dealt with such as Building Control and Environmental Health, so there are other avenues for noise control should it become an issue.
25. In view of the above, it is recognised that the proposed use will result in a change to how the property is occupied and may result in a change to the level by which neighbouring properties are aware of any new occupants, as would be the case with any new occupiers of any dwelling. It is also the case that any new occupiers could result in anti-social behaviours, heightened noise levels or similar, but this is the case for any change in occupation in any residential property. There is no evidence which would clearly demonstrate this use would result in an unacceptable level of noise and disturbance to the amenity associated with adjacent properties. It is considered that the scale of the use, with (more commonly) 3 staff (with an additional manager and or

deputy manager) and up to 3 children at the property, would not be occupied to a level that would be likely too intensive to be reasonable in this location

26. Consideration of amenity is also given to the rear of properties. In this case, the application property benefits from a significant rear garden (approx. 27m in length) and this would provide generous space at the rear for occupants to use without causing notable harm to the rear of adjacent dwellings by over-intensification. Approved housing to the rear of the site would also see changes to the current open space beyond the existing dwellings, resulting in more noise and movement to this area. Conditions would be added to any planning approval to limit the number of children within the accommodation to avoid over intensification of use.
27. In view of the above, it is the view of officers that although the proposed use may noticeably intensify the use of the residential property, it would not be to a point which would significantly affect the living conditions of neighbouring properties and is therefore deemed to accord with the requirements set out in DC1.

Living conditions for future occupiers

28. The proposed floor plans show 3 bedrooms at first floor level as well as 2 separate bathrooms and a snug. At ground floor level, there is a WC, kitchen/diner area, living room and study. It is considered that the size of the house can reasonably cater for the number of children that would be accommodated at the property, with each child having their own bedroom space and there being 3 rooms downstairs for their use. The property also has a reasonably sized rear garden. As such the proposal is considered to contain an acceptable level of accommodation for future occupiers in accordance with NPPF paragraph 135.

Highway implications

29. 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. Policies CS18 and CS19 encourage development proposals to incorporate measures that improve the choice of sustainable transport options available to people and schemes that promote their use.
30. Staffing levels have been indicated as typically up to 3 plus a manager and/or deputy manager during the day with 2 staff providing a presence overnight. The site is typical of properties in the area with extensive frontage capable of accommodating parking for at least 4 cars, without taking into account the garage or drive to the side of the property. Whilst it is acknowledged that parked cars will be unlikely to be moved independently from each other this is no different to the current occupation of the house with multiple car ownership. In addition staff arrive and depart at the same shift times and work together thus enabling cars to be moved as required.
31. The site is sustainably located with active travel infrastructure, local facilities and public transport close by thus reducing the need for car travel (particularly for staff). No highway objections are raised by the Council's Highway Officer and these comments are agreed with. As such the proposal would accord with the highway policies set out above.

Residual matters

32. Objection comments raised concern that the proposal would set a precedent for similar developments within the area, however each application is assessed on its own merits and cannot be speculative of future development which may or may not come forward. Therefore this does not hold weight within the planning assessment. Similarly, issues regarding impact on house prices are not material planning considerations so cannot be taken into account.

Conclusion

33. The proposal has been considered against national and local policy, and it is concluded that the proposed use is deemed to be an acceptable use in this area. The loss of a single dwellinghouse is considered not to have a significant impact on the Council's Housing Delivery Strategy. The extent of the intended use as a children's home is considered not to result in any undue impacts on the character and appearance of the area or the amenity of the neighbouring properties and accords with the guidance in policies DC1 (c) and CS5 (c).
34. In view of the proposed use being considered and assessed based on the occupation by up to three children, it is considered important to limit the use of the premise to that of a children's home and for no more than three children to reside there at any one time. This will prevent a different nature and scale of children's home occurring without due consideration of the planning merits of any such change.
35. It is the Officer recommendation to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

1. Time Limit

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

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

2. Approved Plans

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

- a) Location Plan - Drawing no. AR.441.TS5.LP, date received 5 Sept 2025
- b) Existing Floorplan - Drawing no. AR.441.EX.01, date received 5 Sept 2025
- c) Proposed Floorplan - Drawing no. AR.441.PR.01, date received 5 Sept 2025

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

3. Restriction on Use

The premises shall be used as a children's home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or

without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the particular circumstances of the application to protect the amenity of the area and in the interests of residents amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

4. Number of children in care

The use hereby approved shall be limited to provide children's accommodation for up to three children and no more at any one time.

Reason: In order to ensure the facility is limited to provide children's care accommodation for a use which is relative to the considerations taken and ensure the facility is of a scale which is appropriate for its location.

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.

INFORMATIVES

- Informative Note: Secured by Design
Cleveland Police operate the "Secured By Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. The applicant is recommended to actively seek Secured By Design accreditation, full information is available within the SBD Homes 2024 Guide at www.securedbydesign.com

IMPLICATIONS OF THE DECISION

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

Human Rights Implications:

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

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

Public Sector Equality Duty Implications:

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

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

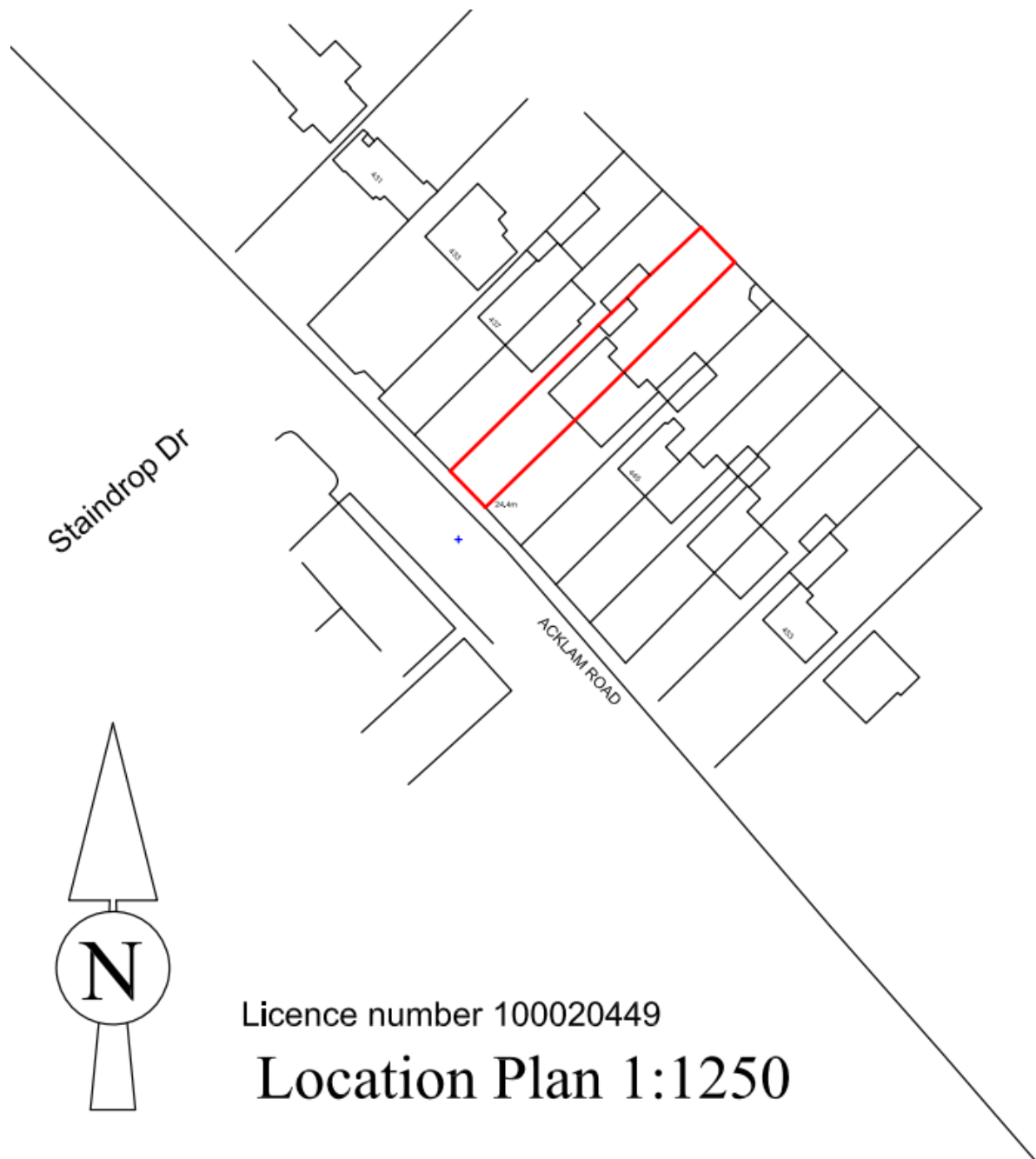
Background Papers

Appeal Decision: 15 Millfield Road, Luton. PINS Reference: APP/B0230/W/25/3366487.
Decision date: 20 August 2025.

Case Officer: Victoria Noakes

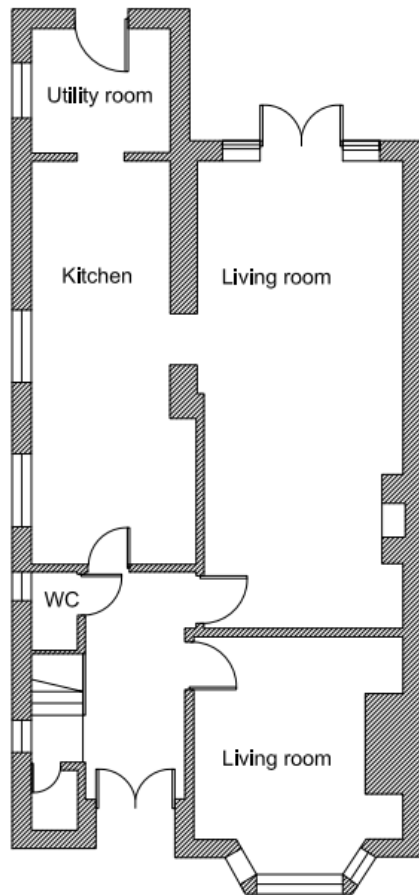
Committee Date: 6th November 2025

Appendix 1 – Location Plan

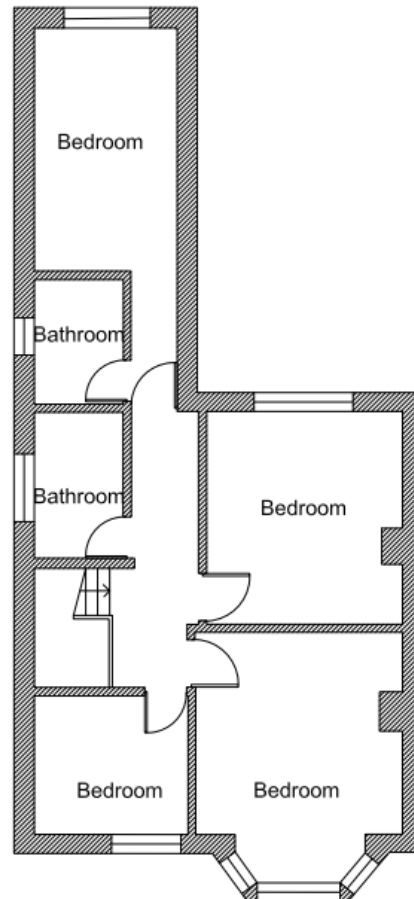


Appendix 2 – Existing Floorplans

EXISTING



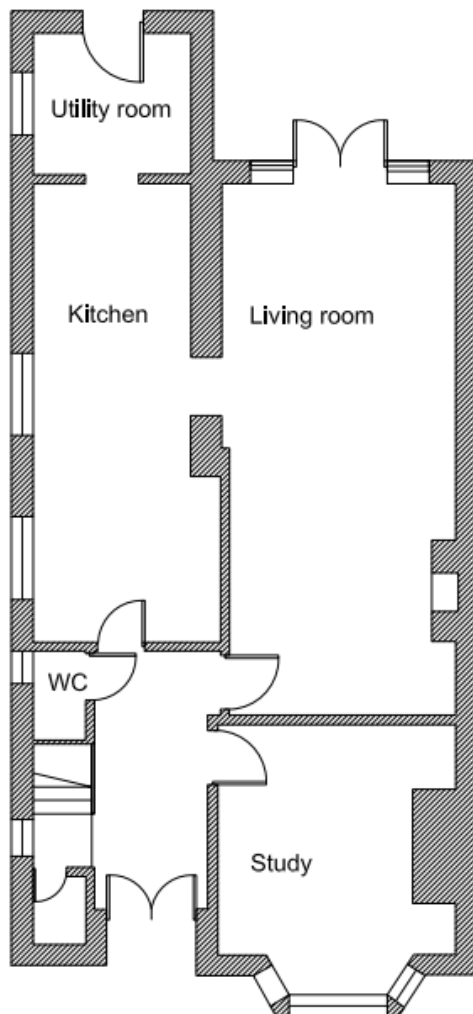
Existing Ground Floor



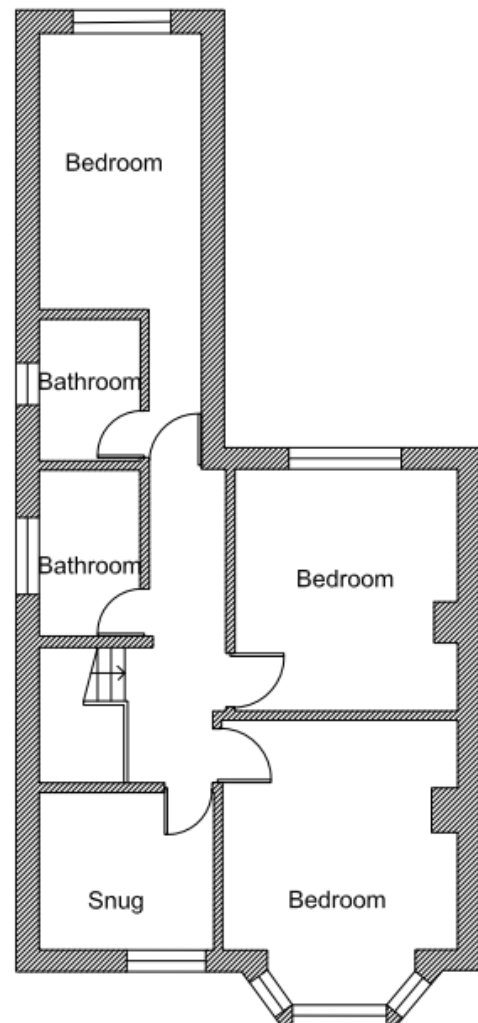
Existing First Floor

Appendix 3 – Proposed Plans

PROPOSED



Proposed Ground Floor



Proposed First Floor

APPLICATION DETAILS

Application No:	25/0478/COU
Location:	97A, Ayresome Street, Middlesbrough, TS1 4PF
Proposal:	Retrospective change of use from Retail (Use Class E(a)) to a hot food takeaway (Sui Generis)
Applicant:	Raju Arra, Ayresome Bites LTD Ayresome Bites LTD
Agent:	Bates
Ward:	Newport
Recommendation:	Refuse and Enforce

SUMMARY

Planning permission is sought retrospectively for the change of use from retail (Class E (a)) to a hot food takeaway (sui generis). The application site is identified as being within a largely residential area, comprising an end of terraced two-storey property. Planning history has shown this was a retail unit and a hot food takeaway historically.

The main considerations relating to this proposal are the principle of the development, the impact on the character and appearance of the area, the impact on the amenity of the nearby residents, highway and other matters.

An objection has been received from the ward councillor which in summary relates to concerns over the use being incompatible, harm to neighbouring amenity by way of odour and disturbance and the impact on parking. No public responses were received.

There is concern identified by officers regarding the principle of use and introducing this use within the locality as well as the impact of a hot food takeaway on the amenity of neighbouring residents.

The proposal is considered contrary to both local and national planning policies and the officer recommendation is to refuse.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is 97a Ayresome Street and the change of use relates to the ground floor. This property is the two-storey, end of terrace dwelling within a residential street and there is residential accommodation on the first floor as well as adjacent to the application unit. A single

storey offshoot and enclosed yard lies to the rear. There is no access to the first floor shown which is the same as the 'existing' plans. The proposed use has commenced on site and permission is therefore sought retrospectively.

The proposal is for change of use of the ground floor from a retail unit to a hot food takeaway. The design of the new shop front will be the same as the existing. The opening hours for the unit will be between 2pm and midnight and this is to be all week including bank holidays.

The applicant has not submitted any supporting information with the application or included any technical details such as details of extraction equipment or odour control.

PLANNING HISTORY

Planning application M1128/79 'additional use of café as a hot food takeaway' - Approved in 1979

PLANNING POLICY

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

- The provisions of the Development Plan, so far as material to the application
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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

Core Strategy DPD (2008)

CS4 Sustainable development

CS5 Design

CS13 A strategy for the Town, District, Local and Neighbourhood Centres

DC1 General Development

Other relevant documents

Interim Policy on Hot food takeaways (2019)

Middlesbrough Publication Local Plan (March 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>

CONSULTATION AND PUBLICITY RESPONSES

Consultee Responses

MBC Policy – Objection

(in summary)

The 2024 NPPF paragraph 97 states that local planning authorities should refuse applications for hot food takeaways and fast-food outlets that are within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

The proposed use of hot food takeaway is in an out of centre location and lies within a 150m walking distance of Sacred Heart Primary School.

The proposed development site lies within the Newport Ward. The Index of Multiple Deprivation 2019 identifies Newport Ward as in the top 1% of most deprived wards nationally. Childhood obesity and excess weight are significant health issues in Middlesbrough with national evidence identifying Middlesbrough obesity rates in schools to be higher than the national average.

In addition, the Council has an interim hot food takeaway (HFT) however it is considered this is superseded by Policy EC17 of the Publication Local Plan. Policy EC17 determines that proposals for HFTs will only be permitted where the proposed use would not result in the proportion of commercial units in the defined area exceeding an identified threshold. In addition, the policy states that to promote healthier communities planning permission will not be granted for hot food takeaway uses within 400m walking distance of an entry point to a school unless it is within a defined centre.

With the hot food takeaway located in a predominantly residential area and the associated negative effects of this type of use, the proposal will need to demonstrate that the impact of this would not be detrimental to the surrounding occupiers, as it would be contrary to Policy DC1.

In accordance with the NPPF and Policy CS13, the hot food takeaway, a main town centre use outside of a defined centre requires a sequential assessment. No sequential assessment has been submitted with the application.

Contrary to Paragraph 97 of the NPPF and PLP Policy EC17, the application for the use of hot food takeaway is located in an out of centre location and is within 150m walking distance of Sacred Heart Primary school; and where, as evidence suggests, a concentration of such uses is having an adverse impact on local health; and therefore should be refused.

MBC Highways Officer – No objection

Development proposals seek a retrospective change of use from Retail to a hot food takeaway. When assessing the proposed change of use consideration has to be given to the existing lawful use which could continue without the need for further planning consent, which in this case is retail. This use class would enable a number of occupiers including a local shop which could generate similar levels of traffic and parking demand as the proposed takeaway. On street parking is available on Costa Street and along Ayresome Street and as such no objections are raised.

MBC Environmental Health – No objection subject to conditions

With reference to the above planning application please note the following recommended conditions and informatives (advice) should the application be approved:

Environmental Protection

Conditions

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

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

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

An odour and particulate impact assessment shall be provided by a competent and suitably experienced, specialist air quality or odour consultant and approved in writing by the local planning authority before first use of the proposed development. The assessment shall identify the impact of cooking odours and grease released to the air from the premises and detail methods to control them to prevent harm to the amenity. The report shall be carried out in accordance with the EMAQ guidance "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" 2018 or an alternative appropriate assessment

MBC Waste Policy – No objection

No comments

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 area of good-sized terraced three, four and five bedroom family houses, rather larger than is typical in the area. National planning policy states that hot food takeaways should be in established shopping areas. The Middlesbrough Local Plan recognises Linthorpe Road and Parliament Road as that kind of area but not Ayresome Street.

The light-up sign and other signage for the new business will add to night time light pollution and make it appear less of a residential housing area.

Highway issues: traffic generation, vehicular access, highway safety

Parking is more limited than is usual for the area. The house at the other end of this short block has been converted into three flats with a total of at least six, maybe seven bedrooms for short-stay adults.

The applicants envisage having five employees, three of whom will be part time. Employees and customers will probably need to arrive, depart and park near the takeaway from 2pm to midnight every day. If they can't park on Ayresome Street, near the business, they might do lengthy detours to park in the blocked and no entry roads, and in the case of the blocked roads would probably have to turn the vehicle round using forward and reverse gears in narrow residential roads without gardens at any time up to midnight. This would increase noise levels from vehicle doors and engines.

A fast food takeaway would need more footfall to make profits than the previous business and many customers and delivery services would arrive in vehicles.

Overlooking and loss of privacy

The illuminated signs, and the large lit-up front window, lit until midnight and unusual in a residential area, with food and soft drinks being available until midnight, may attract groups of youths gathering outside until late at especially as there is a big Council planter across the end of Costa Street on the junction with Ayresome Street where these premises are located. The planter would provide a form of seating. There is potential for loss of privacy for nearby residents on Costa Street, whose windows face onto the street without any gardens.

Capacity of physical infrastructure (roads/drainage)

It is not clear whether the existing drains, which frequently seem to flood on that section of Ayresome Street, would be adequate for the extra water that would be used by a takeaway business, for washing up and cleaning, compared with a shop.

Incompatible or unacceptable uses:

This business is only about twenty terraced houses away from Sacred Heart Primary School; just a one minute walk. It is five minutes' walk from Newport Primary School and nine minutes' walk from Archibald Primary School. This is in Newport Ward which has the highest level of child poverty in the country, and obesity is unfortunately common. As seen from their online menu, the takeaway provides typical fast food which is high in fat, along with desserts that are high in sugar. It should not be so near to schools.

There is a high concentration of fast food businesses generally in Middlesbrough, together with high levels of obesity and child poverty. Levels of antisocial behaviour in Middlesbrough are also high.

Fast food businesses such as this emit fatty cooking smells all the time they are open, which isn't very nice in a residential area.

Public Responses

Number of original neighbour consultations	9
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

No public responses received from the consultation

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the amenity of the neighbouring premises and the impact on highway safety.
2. In terms of the proposed signage, this is being assessed under a separate application for advert consent.

Policy Context

3. Policy H1 identifies locations where significant new employment development will be focused. The Policy requires that outside of these locations proposals should be sited within the urban area and be accessible to the community they serve.
4. Policy CS4 requires all development (among other factors), to make the most use of efficient land, in particular vacant sites and derelict buildings, with priority being given to development on previously developed land.
5. Policy CS13 determines a hierarchy of retail centres based upon strategic importance within the borough, identifying a network of centres that meet day to day shopping and community needs. The policy seeks to safeguard the retail character and function of centres by resisting development that detract from their vitality and viability, with the need to apply the sequential approach when considering proposals for new town centre uses outside of a town centre. Further to this the NPPF, in supporting the vitality and viability of town centres by placing existing town centres foremost in both plan-making and decision-taking, determines main town centre uses should be located in town centres, then in edge of centre locations; with a sequential test applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. As a main town centre use in an out of centre location a sequential assessment is required.
6. Policy DC1 requires that all development proposals will be required to take account of, or satisfy, as a minimum the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials; with no impact upon highway safety being evident at all through the development process; and have minimal effect upon the surrounding environment and amenities of occupiers of nearby properties both during and after completion.
7. The 2024 NPPF paragraph 97 states that local planning authorities should refuse applications for hot food takeaways and fast-food outlets that are within walking distance of schools and other places where children and young people congregate,

unless the location is within a designated town centre; or in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

8. In addition, the Council has an interim hot food takeaway (HFT) however it is considered this is superseded by Policy EC17 of the Publication Local Plan. Policy EC17 determines that proposals for HFTs will only be permitted where the proposed use would not result in the proportion of commercial units in the defined area exceeding an identified threshold. In addition, the policy states that to promote healthier communities planning permission will not be granted for hot food takeaway uses within 400m walking distance of an entry point to a school unless it is within a defined centre. Furthermore, HFTs will not be permitted outside of a defined centre.
9. The Council is currently in the process of reviewing its Local Plan. The Publication Local Plan (PLP) was submitted to the Secretary of State on 30th September 2025, prior to Examination. Paragraph 49 of NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. It is considered that some weight may be given to PLP policies in the determination of this planning application.
10. PLP Policy ST1 sets out the development strategy for Middlesbrough, and Policy ST2, criterion f, particularly, sets out for commercial development, retail leisure and community uses will be focused within our town, district and local centres. Policy EC8 identifies a hierarchy of centres, which the Local Plan seeks to protect and enhance; development proposals for main town centre uses will be focused within the Town Centre, district and local centres.
11. PLP Policies CR1, CR2 CR3 collectively require all development proposals to be sustainable, well-designed, and of a high quality. PLP Policy CR2 requires all proposals to not have a significant adverse impact on the privacy and amenity of occupiers of existing or proposed nearby properties or unduly affect neighbouring land and uses.
12. PLP Policy IN6 determines the Council will support development in Middlesbrough that provide opportunities for healthy lifestyles, contribute to the creation of healthier communities and help reduce health inequalities. The policy goes on to state that development proposal should ensure they, among other criteria, support a diverse range of uses within our Town, District and Local Centres, and discourage the uses that have a negative health impact.
13. In addition to the aforementioned policies, other policies to take into consideration would be:
 - PLP Policy CR7 Shopfront Design

Principle of Development

14. The application site lies within the Newport Ward of Middlesbrough, not designated for any use in the development plan, as an application for retrospective change of use from retail (Use Class E(a)) to a hot food takeaway (Sui Generis). The above policies will apply in terms of the planning assessment.

15. The proposed use of hot food takeaway is in an out of centre location and lies within a 150m walking distance of Sacred Heart Primary School. The proposed development site also lies within the Newport Ward. The Index of Multiple Deprivation 2019 identifies Newport Ward as in the top 1% of most deprived wards nationally. Childhood obesity and excess weight are significant health issues in Middlesbrough with national evidence identifying Middlesbrough obesity rates in schools to be higher than the national average.
16. This application is outside of a defined centre. In accordance with the NPPF and Policy CS13, the hot food takeaway, a main town centre use outside of a defined centre requires a sequential assessment. No sequential assessment has been submitted with the application.
17. Furthermore, contrary to Paragraph 97 of the NPPF and PLP Policy EC17, the application for the use of hot food takeaway is located in an out of centre location and is within 150m walking distance of Sacred Heart Primary school; and where, as evidence suggests, a concentration of such uses is having an adverse impact on local health; and therefore should be refused.
18. In conclusion, the principle of a HFT use in this location is not supported due to it being outside of a defined centre (with no sequential test having been submitted) and also with it being in close proximity to a school which conflicts with national and local policy aims to promote healthier communities.

Impact on character and appearance of the area

19. Policy DC1 comments that 'the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality with Policy CS5 commenting that new development should 'enhance both the built and natural environment'.
20. There is no additional built form by way of extensions proposed to the unit but it is noted that a flue outlet is installed to the side elevation. Although the plans do not show it in detail, the outlet would be visible in the street scene. As such it is considered that it would have an impact on the visual amenity of the area due to its position and visibility. It is not understood if this flue provides extraction for the unit and no further information or odour report has been submitted with the application. As such the LPA are unable to consider its impact. Given the rear of the property is semi-open and a flue to the side would not be appropriate due to oversailing the footpath, it is considered to be too great of an issue to be dealt with via condition as public consultation would be necessary. Therefore, the application lacks the required detail for a full assessment to be made and this would form an additional reason for refusal.
21. Looking at the wider character of the area, this is predominantly residential but does also include nearby retail. Concern is expressed by the case officer regarding the impact of changing to a HFT due to the nature of this use. In particular, the comings and goings would be very noticeable with servicing vehicles attending and general noise associated with the use. It is considered that as such, a HFT in this location would form an inappropriate addition to this area of predominantly residential

character. In view of the above, the proposal is considered contrary to Policies DC1 and CS5.

Impact on neighbouring privacy and amenity

22. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
23. The hours of operation associated with the proposal indicate the following:
 - Monday to Saturday: 2:00-12:00
 - Sunday/Bank Holidays: 2:00-12:00
24. The hot food takeaway proposal has the potential to increase impacts on these residents in terms of noise and odours which would affect their amenity. The Council's Environmental Health officers have raised no objections to the proposal subject to conditions being placed on the application regarding a restriction on the delivery/waste collection hours, an odour impact assessment and a noise assessment to protect adjacent residents.
25. Notwithstanding the considerations of Environmental Health, Policy DC1 must be carefully considered, specifically the effect upon the surrounding environment and amenities of occupiers of nearby properties which needs to be minimal to comply with the policy. Whilst it appears that the current unit (existing retail use) would have some comings and goings, the proposed use would see increased activity throughout the day and into the night which would result in high levels of disturbance, vehicles coming and going, car doors opening and shutting in the late hours and voices associated with customers, all in very close proximity to the residential streets. This would also be at a time where residents require a greater level of quiet during the evening and night, particularly if children are living nearby.
26. In view of the above, the proposed use is considered to result in notable detrimental impact to neighbours and as such would not accord with the provisions of Policy DC1. Whilst planning conditions would likely control issues of noise and odour from the unit, there would still be outstanding concerns relating to overall disturbance and late-night activity associated with the use.

Highway implications

27. In consultation with the Council's Highway Officer, development proposals seek a retrospective change of use from retail to a hot food takeaway. When assessing the proposed change of use consideration has to be given to the existing lawful use which could continue without the need for further planning consent, which in this case is retail. This use class would enable a number of occupiers including a local shop which could generate similar levels of traffic and parking demand as the proposed takeaway. On street parking is available on Costa Street and along Ayresome Street and as such no objections are raised to the change of use.

28. No issues were raised by the Highways Officer. As such, the proposal is considered in accordance with Policy DC1 with no notable impact on the highway network.

Conclusion

29. The proposed town centre use which would not be within a town-centre location, and without being demonstrated as a suitable location via a sequential test, is considered to fail local and national policy. The proposed use is also close to a school and within a predominantly residential area and also fails policy requirements around not unduly impacting community health. Furthermore, the proposed use is considered to adversely affect residential amenity through increased noise, disturbance and activity.
30. Decisions to approve can be made where they are contrary to the local plan and other 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, including when taking into account the site character and surrounding character.
31. The application therefore has to be determined against these established policies and in view of the above, the application is therefore recommended for refusal.

RECOMMENDATIONS AND CONDITIONS

1. Failure to pass sequential test

In the opinion of the Local Planning Authority, the proposed town centre use has not been demonstrated as being policy compliant relative to siting of such a use outside of defined centres, contrary to Local Plan Policies DC1 (general development) , CS13 (a Strategy for the Town, District, Local and Neighbourhood Centres), PLP Policy EC17, the National planning Policy Framework and the Council's Interim Hot Food Takeaway Policy.

2. Inappropriate Location

In the opinion of the Local Planning Authority, the proposed change of use would be detrimental to the predominantly residential character of the area and the amenity of nearby residential occupiers in view of likely impacts throughout the day and into the late evening/night. Furthermore, the proximity of the use to a school would negatively impact the health of the community. For these reasons, the proposed development is contrary to the guidance contained within Local Plan Policies DC1 and CS5, PLP Policy EC17 and Paragraph 97 of National Planning Policy Framework.

3. Insufficient Information

The information and planning drawings that have been submitted are insufficient due to a lack of detail regarding the flue and extraction system. Therefore the Local Planning Authority is unable to accurately assess this aspect of the change of use. The development is considered to be in conflict with the requirements of policy DC1 (a).

INFORMATIVES

INFORMATIVE NOTE: Enforcement Action

Please note that as the use has commenced and planning permission has not been granted, failure to cease operations will result in the Local Planning Authority likely considering taking formal enforcement action.

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to commercial 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 be significant and would result in harm to the amenity of nearby residents.

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

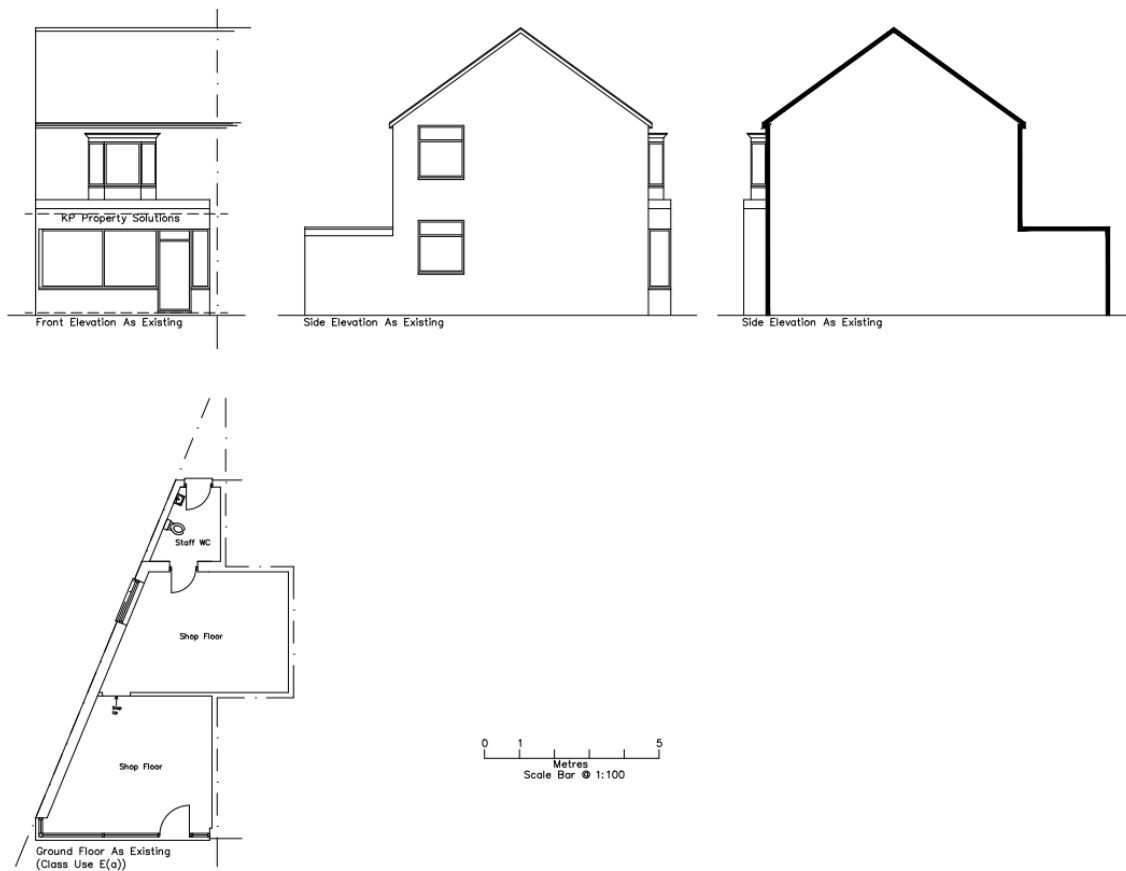
Case Officer: Victoria Noakes

Committee Date: 6th November 2025

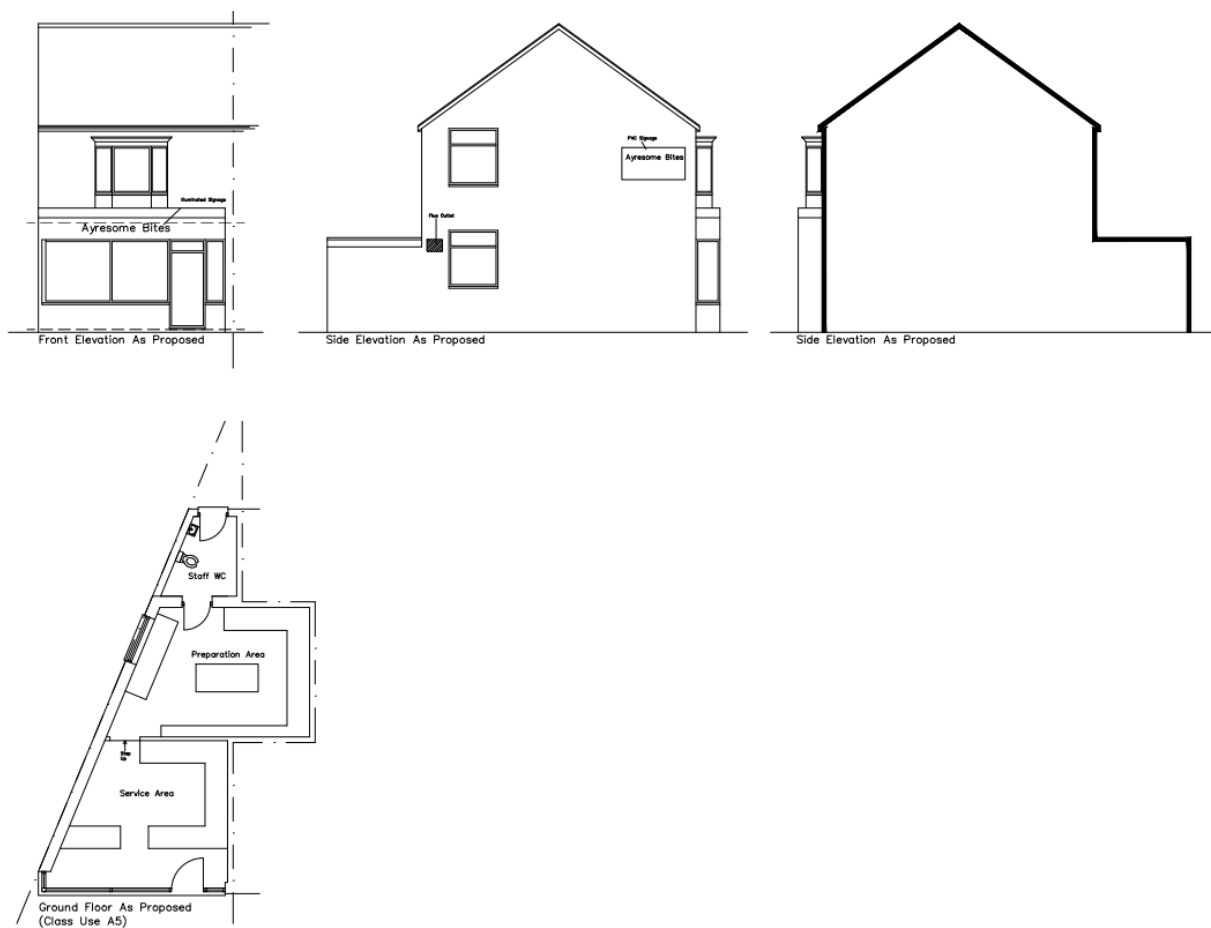
Appendix 1 – Location Plan



Appendix 2 – Existing Plans/Elevations



Appendix 3 – Proposed Plans/Elevations



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25/0324/CLU Company / Surname Proposal Address	29-Sep-2025 Addis Town Planning LTD Use of residential dwelling (C3 use class) for children’s care home purposes for Hillside, Stokesley Road, Hemlington, Middlesbrough, TS8 9DY	Approve with Conditions
25/0436/FUL Company / Surname Proposal Address	29-Sep-2025 Mr & Mrs Stephen & Carol Thomason Single storey bay window extensions to front, single storey extension to rear. 10 Moor Green, Middlesbrough, TS7 0ND	Approve with Conditions
25/0387/FUL Company / Surname Proposal Address	30-Sep-2025 D Butlin Erection of 1no. dwelling 8 Kirkland Walk, Middlesbrough, TS3 7EF	Approve with Conditions
25/0199/FUL Company / Surname Proposal Address	01-Oct-2025 Parveen Single storey extension to rear and side 1, Norwich Road, Middlesbrough, TS5 6NN	Approve with Conditions
25/0401/FUL Company / Surname Proposal Address	06-Oct-2025 AMP Clean Energy Construction and operation of a micro energy storage project Site is a vacant grass verge area outside, Land On The East Side Of Marton Road, Middlesbrough, TS4 3SE	Refused
25/0409/FUL Company / Surname Proposal Address	06-Oct-2025 Miss Victoria Jane Bartlett Single storey extension to rear 5, Clevegate, Middlesbrough, TS7 0QU	Approve with Conditions
25/0410/FUL Company / Surname Proposal Address	06-Oct-2025 Mr & Mrs Andrew & Rachel Single storey extension to rear and proposed infill porch to front (demolition o 119, Coulby Manor Farm, MIDDLESBROUGH, TS8 0RZ	Approve with Conditions
25/0276/TCA Company / Surname Proposal Address	07-Oct-2025 Mrs Ann Parker Removal of 2no. Yew trees to front 127 Cambridge Road, Middlesbrough, TS5 5HF	TP Order Served
25/0329/FUL Company / Surname Proposal Address	07-Oct-2025 Teesside University Installation of weld mesh fencing Centuria Building, Middlesbrough, TS1 3AP	Approve with Conditions
25/0342/FUL Company / Surname Proposal Address	07-Oct-2025 NASSAR HUSSAIN Single storey extension to side & rear and extension to front (Demolition of exi 14, Elwick Avenue, Middlesbrough, TS5 8NT	Approve with Conditions
25/0399/FUL Company / Surname Proposal Address	07-Oct-2025 InPost UK Application for siting an In Post Parcel Locker Nunthorpe & Marton Recreation Club, Guisborough Road, Middlesbrough, TS7 0JA	Approve with Conditions
25/0434/TCA Company / Surname Proposal Address	07-Oct-2025 Contantine Court Residents Association Crown lift works to 3no Birch trees, felling of Ash tree, crown lift to Apple an Constantine Court, Park Road North, Middlesbrough, TS1 3GA	Approve
24/0389/FUL Company / Surname Proposal Address	13-Oct-2025 Liam Harrison Installation of 1no. flue One Life Medical Centre, Linthorpe Road, Middlesbrough,, TS1 3QY	Approve with Conditions
25/0265/FUL Company / Surname Proposal Address	14-Oct-2025 Diocese of Middlesbrough Trustee Retrospective demolition of 364 & 366 Linthorpe Road and creation of car park 364 Linthorpe Road	Approve with Conditions
25/0338/FUL Company / Surname Proposal Address	14-Oct-2025 AJ Skiphire Ltd Change of use from storage yard (B8) to Waste Transfer Station (Sui Generis) The Yard, Land Adjacent to 157 Stockton Street, Middlesbrough, TS2 1BT	Approve with Conditions
25/0497/AMD Company / Surname Proposal Address	14-Oct-2025 Barratt David Wilson North East Non-material amendment on planning application 18/0060/FUL to include the instal Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW	Approve

25/0495/AMD Company / Surname Proposal Address	14-Oct-2025 Mr Steve Owens Non-material amendment to planning application 24/0034/MAJ to alter position of Former St Thomas Church Site, Pallister Avenue, Middlesbrough, TS3 9BE	Approve
25/0471/PND Company / Surname Proposal Address	16-Oct-2025 AV Dawson Limited Prior notification for the demolition of former Evening Gazette Printworks Build EVENING GAZETTE, THE GAZETTE, Riverside Park Road, Middlesbrough, TS2 1QW	Prior Notification Approved
25/0520/AMD Company / Surname Proposal Address	16-Oct-2025 Barratt Homes Non-Material amendment to planning application 24/0215/VAR to alter roof materia Land north of Dixons Bank., Barratt Homes	Approve
25/0384/FUL Company / Surname Proposal Address	17-Oct-2025 Christian Vickers Single storey extension to the side and rear (Demolition of existing rear extens 17, Bedford Road, Middlesbrough, TS7 0BY	Approve with Conditions
25/0498/RCON Company / Surname Proposal Address	20-Oct-2025 Redcar & Cleveland Council Application for Reserved Matters approval (appearance, landscaping, layout and s LAND AT SOUTH TEES DEVELOPMENT CORPORATION EAST OF SMITHS DOCK ROAD AND WEST OF TEES DOCK ROAD SO	No Objections
25/0525/TCA Company / Surname Proposal Address	20-Oct-2025 Sally Middleton Removal of 1no. Sycamore and 1no. Cherry within the church grounds Beacon Baptist Church, Cambridge Road	No Objections
25/0536/PICON Company / Surname Proposal Address	20-Oct-2025 Planning Inspectorate Second generation SAF production, pre-treatment, processing and storage plant; m Sustainable Aviation Fuel Production Site, North Bank of the River Tees, South of Seal Sands Road	No Objections
25/0459/CLU Company / Surname Proposal Address	22-Oct-2025 Resicare Alliance Limited Certificate of lawful use for proposed residential institution (C2) 12, Ennerdale Avenue, Middlesbrough, TS5 7BB	Approve
25/0479/PNH Company / Surname Proposal Address	22-Oct-2025 Katherine Lees Single storey extension to rear (Length 6m, Height 3.40m, Eaves 2.90m) 8, Parkside, Middlesbrough, TS3 0BP	Prior Notification Not Required/No Obj
25/0505/AMD Company / Surname Proposal Address	22-Oct-2025 ADEEL Non-material amendment to planning application 24/0127/FUL to alter window size 31, Westbourne Road, Middlesbrough, TS5 5BN	Approve
25/0106/DIS Company / Surname Proposal Address	23-Oct-2025 Mr Peter Brewer Discharge of conditions 5 (Soft Landscaping), 6 (Replacement Planting), 7 (Surfa Former Southlands Centre, Ormesby Road, Middlesbrough, TS3 0BH	Full Discharge Conditions
25/0368/FUL Company / Surname Proposal Address	23-Oct-2025 Jolyon Wherrett Single storey extension to rear and side 34, Grassington Road, Middlesbrough, TS4 3ET	Approve with Conditions
25/0451/TPO Company / Surname Proposal Address	23-Oct-2025 Steven Holmes Fell 1no. Conifer and crown lift 2no. Beech trees 367, Acklam Road, Middlesbrough, TS5 7HA	Approve with Conditions
25/0470/FUL Company / Surname Proposal Address	23-Oct-2025 Simon Catterick Single storey rear extension and conversion of loft to habitable space 12, Gypsy Lane, Middlesbrough, TS7 8NG	Approve with Conditions
25/0403/FUL Company / Surname Proposal Address	24-Oct-2025 Mr Kadir Rashid Single storey extension to rear 57 Belle Vue Grove, Middlesbrough, TS4 2PZ	Approve with Conditions
25/0441/FUL Company / Surname Proposal Address	24-Oct-2025 Mr Hardip Retrospective installation of hardstanding Family Shopper Store, Overdale Road, Middlesbrough, TS3 7EA	Refused
25/0489/TCA Company / Surname Proposal Address	24-Oct-2025 Mr Alan Burton Crown reduction to 2no. Mountain Ash and 2no. Gleditsia trees 6, Seamer Road, Middlesbrough, TS8 9BX	No Objections

25/0522/PNH	24-Oct-2025	Prior Notification Not Required/No Obj
Company / Surname	Owen Ms Wilson & Mr Stewart	
Proposal	Single storey extension to rear ((Length 3.10m, Height 3.60m, Eaves 2.60m)	
Address	11, Staindrop Drive, Middlesbrough, TS5 8NU	

Total Decisions	34	Total Approvals	31	Total Refusals	2
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Weekly List 27th Sept 25 – 24th Oct 25

APP REF	DESCRIPTION	LOCATION	DATE
25/0427/CLU	Certificate of lawful use of 4 bed HMO	22, Kildare Street, Middlesbrough, TS1 4RF	2025-10-03
25/0444/FUL	Retrospective dormer to front and single storey extension to rear	5, Norfolk Crescent, Middlesbrough, TS3 0LY	2025-10-10
25/0454/FUL	Retrospective replacement of timber windows and door to UPVC windows and composite door	6, GREY TOWERS STABLES, Wyke Lane, Middlesbrough, TS7 0GE	2025-10-09
25/0479/PNH	Single storey extension to rear (Length 6m, Height 3.40m, Eaves 2.90m)	8, Parkside, Middlesbrough, TS3 0BP	2025-09-29
25/0480/FUL	Erection of outbuilding to rear	7, Fencote Grange, Middlesbrough, TS7 0AU	2025-10-01
25/0504/FUL	Replacement of existing external garage door and installation of a white UPVC double-glazed window	45, Turnbull Way, MIDDLESBROUGH, TS4 3RS	2025-10-13
25/0502/PNH	Single storey extension to rear (Length 5m, Height 3.050m, Eaves 3.050m)	4, Glaisdale Avenue, Middlesbrough, TS5 7PG	2025-10-20
25/0506/FUL	Erection of outbuilding to rear	11, Ladgate Grange, Middlesbrough, TS3 7SL	2025-10-03
25/0514/FUL	Single storey extension to rear	8, Briardene Avenue, Middlesbrough, TS5 7PB	2025-09-29
25/0515/FUL	Two storey extension to rear	14, Rookwood Road, Middlesbrough, TS7 0BN	2025-09-30
25/0518/AMD	Non-material amendment to planning application 24/0214/MAJ to provide canopies and alter position of PV panels	Land off Cargo Fleet Lane - former Fleet	2025-09-30
25/0520/AMD	Non-Material amendment to planning application 24/0215/VAR to alter roof materials	Land north of Dixons Bank., Barratt Homes	2025-09-30
25/0517/COU	Change of use from dwelling (Use C3) to 3 bed HMO (C4)	9, Chesham Street, Middlesbrough, TS5 6BS	2025-10-01
25/0521/DIS	Discharge of condition 10 (Construction Environmental Management Plan (CEMP)) 15 (Scheme of renewables or fabric first) & 29 (Ecology) on planning application 20/0658/FUL	Nunthorpe Grange	2025-10-02
25/0522/PNH	Single storey extension to rear ((Length 3.10m, Height 3.60m, Eaves 2.60m)	11, Staindrop Drive, Middlesbrough, TS5 8NU	2025-10-02
25/0524/TPO	Crown lift to 1no. Oak tree to front	45, Sidmouth Close, Middlesbrough, TS8 9DN	2025-10-03
25/0526/FUL	Replacement of entrance door and frame to front elevation including restoration of fascia to bay window	3, Sycamore Road, Middlesbrough, TS5 6QX	2025-10-03
25/0527/TPO	Root severance of 1no. Lime and 1no. Oak for installation of root barrier	27, The Grove, Middlesbrough, TS7 8AF	2025-10-06
25/0528/TPO	Root severance of 1no. Lime for installation of root barrier	25, The Grove, Middlesbrough, TS7 8AF	2025-10-06
25/0530/FUL	Installation of replacement roof, roller shutter doors and Personnel doors including subdivision to create 3no. individual units	7, Greta Street, Middlesbrough, TS1 5QF	2025-10-07
25/0532/FUL	Single storey extension to rear (Demolition of existing conservatory)	43, Ash Green, Middlesbrough, TS8 0UW	2025-10-07
25/0525/TCA	Removal of 1no. Sycamore and 1no. Cherry within the church grounds	Beacon Baptist Church, Cambridge Road	2025-10-03
25/0523/FUL	Change of use from dwelling to 5 bed HMO including single storey extension to rear	60, Breckon Hill Road, Middlesbrough, TS4 2DR	2025-10-03
25/0531/FUL	Retrospective erection of garden room to rear	10, Thimbleby Close, Middlesbrough, TS7 0PL	2025-10-23
25/0533/VAR	Variation of condition 3 (Approved plans) on planning application 23/0259/FUL to alter the scale of the porch extension to 2.3 metres by 1.7 metres and height of 3.3 metres and to reposition the entrance door and window to the front elevation	99, York Road, Middlesbrough, TS5 6LJ	2025-10-07
25/0534/FUL	Single Storey extension to rear including rendering to all elevations	99, York Road, Middlesbrough, TS5 6LJ	2025-10-07
25/0535/CLD	Certificate of lawful development for the erection of a porch to front	14 , Woodrow Avenue, Middlesbrough, Middlesbrough, TS7 8EZ	2025-10-08
25/0537/VAR	Variation of conditions 2 (Approved Plans), 3 (Turning/Servicing) and 4 (Car & Cycle parking laid out) on planning application 22/0638/MAJ to alter the position the buildings, parking bays and areas of landscaping, and to vary the hardstanding materials and appearance of the buildings	Hamilton House, Sotherby Road, Middlesbrough, TS3 8BT	2025-10-14
25/0538/FUL	Retrospective erection of porch and outbuilding to front	154, Ingram Road, Middlesbrough, TS3 7BU	2025-10-10
25/0539/ADV	Installation of 1No. internally illuminated BT Street Hub Unit and associated advertisement panels on either side of the unit	Footpath Outside of, 2 Southfield Road, Middlesbrough	2025-10-08
25/0540/FUL	Installation of 1No. internally illuminated BT Street Hub Unit and associated advertisement panels on either side of the unit	Footpath Outside of, 2 Southfield Road, Middlesbrough	2025-10-08
25/0541/ADV	Installation of 1No. internally illuminated BT Street Hub Unit and associated advertisement panels on either side of the unit	Footpath adjacent to, Newlands Medical Centre, Borough Road, Middlesbrough	2025-10-08
25/0542/FUL	Installation of 1No. internally illuminated BT Street Hub Unit and associated advertisement panels on either side of the unit	Footpath adjacent to, Newlands Medical Centre, Borough Road, Middlesbrough	2025-10-08
25/0543/FUL	Two storey extension to side and single storey extension to rear	7, Cambridge Avenue, Middlesbrough, TS7 8EH	2025-10-09
25/0536/PICON	Second generation SAF production, pre-treatment, processing and storage plant; marine infrastructure, pipelines for export of finished product to marine or rail loading infrastructure; biomass-fired Combined Heat and Power (CHP) plant with an electrical output capacity of up to approximately	Sustainable Aviation Fuel Production Site, North Bank of the River Tees, South of Seal Sands Road	2025-10-07

	200Mwe with additional steam production for SAF production; pipelines for utilities including for the supply of raw water, potable water, natural gas, oxygen and nitrogen; wastewater treatment and discharge; an electricity connection; air separation unit (ASU) for alternative provision of oxygen and nitrogen; feedstock, intermediates and product bulk storage; and other associated and ancillary infrastructure.		
25/0546/ADV	Installation of Mosaic Artwork to front elevation	Hemlington Locality Hub and Library, Crosscliff, Hemlington, TS8 9JJ	2025-10-08
25/0547/DIS	Discharge of condition 11 (Cycle store) on planning application 25/0070/COU	78, Acton Street, Middlesbrough, TS1 3NA	2025-10-13
25/0549/TCA	Minor pruning to 1no. Oak tree to front	39, Park Road South, Middlesbrough, TS5 6LE	2025-10-08
25/0550/FUL	Retrospective erection of porch, boundary walls and 1no. pillar and hardstanding to front	86, Green Lane, Middlesbrough, TS5 7AH	2025-10-10
25/0554/VAR	Variation of conditions 2 (Approved plans) on planning application 24/0056/MAJ to include the installation of PV Panels on multiple plots	Grey Towers, Nunthorpe, Middlesbrough, TS7 0PW	2025-10-11
25/0552/FUL	Dormer extension to front and rear Conversion of loft to habitable space including 2no. dormer extensions to front and rear	446A, Acklam Road, Middlesbrough, TS5 8BB	2025-10-20
25/0556/DIS	Discharge of conditions 4 (Landscape scheme) 5 (Landscape management plan) 8 (Ecology - Scheme and phasing of works) & 15 (Details of Roads, Footpaths and Open Spaces Required) on planning application 24/0214/MAJ	Land off Cargo Fleet Lane - former Fleet	2025-10-14
25/0558/FUL	Two storey extension to side (Demolition of single storey extension to side)	1, Cargo Fleet Lane, Middlesbrough, TS3 0LP	2025-10-15
25/0559/FUL	Proposed renovation and replacement of decayed windows	5, Daleston Avenue, Middlesbrough, TS5 5PA	2025-10-17
25/0561/PNH	Single storey rear extension (Length 4.87m, Height 3m, Eaves 3m)	23, Burlam Road, Middlesbrough, TS5 5AN	2025-10-22



Planning Inspectorate

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

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 2023¹. 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.

¹ 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



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

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



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

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.
-

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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