

PLANNING AND DEVELOPMENT COMMITTEE

Date: Friday 21st July, 2023 Time: 1.30 pm Venue: Mandela Room

AGENDA

No site visits will be held prior to the meeting

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 16 June 2023 3 - 6
5. Schedule of Planning Applications to be Considered by Committee 7 - 82

Schedule - Page 7
Item 1 – Former Cleveland College of Art & Design – Page 9
Item 2 – The Avenue Play Park – Page 71
6. Applications Approved by the Head of Planning 83 - 86
7. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Thursday 13 July 2023

MEMBERSHIP

Councillors J Rostron (Chair), I Blades (Vice-Chair), D Coupe, J Ewan, M McClintock, I Morrish, M Nugent, J Platt, J Ryles 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 Friday 16 June 2023.

PRESENT: Councillors J Rostron (Chair), D Coupe, J Ewan, M McClintock, I Morrish, J Ryles, G Wilson and J Thompson (Substitute for I Blades)

ALSO IN ATTENDANCE: S Anchor, W Dodds, T Harrison and B Palmer

OFFICERS: P Clarke, C Cunningham, G Moore and S Thompson

APOLOGIES FOR ABSENCE: Councillors I Blades, M Nugent and J Platt

23/1 DECLARATIONS OF INTEREST

Name of Member	Type of Interest	Item/Nature of Interest
Councillor D Coupe	Non-Pecuniary	Agenda Item 4, Item 1 - 42 Cedar Drive, Ward Councillor

23/2 MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 14 APRIL 2023

The minutes of the meeting of the Planning and Development Committee held on 14 April 2023 were submitted and approved as a correct record.

23/3 SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE

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

22/0669/COU Change of use from residential property (C3) to residential respite (C2) at 42, Cedar Drive, Middlesbrough, TS8 9BY for Terriann Harrison, Walkison Care

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The application site was a two-storey residential dwellinghouse situated at the southern end of Cedar Drive in Thornton, at the edge of the village. The property was accessed from the adopted road via a private driveway, which served four properties in total.

To the north of the application site there were residential properties within Cedar Drive and Thornton village. To the east, west and south there was agricultural land and fields.

The site was located within an established residential area and the application proposed a residential use, which was appropriate/established within the location. Planning permission was sought for the change of use of the property from a residential dwellinghouse (C3 use class) to a residential respite care home (C2 use class), which was intended to provide respite care for up-to 6 people at any one time. The proposal was indicated as having around 12 staff associated with it, with only 3 or 4 staff members being there between the hours of 8am to 8pm and a single staff member being there overnight. It was commented that no alterations to the external appearance of the building were proposed.

Members heard that, following the consultation period, 11 objections and 2 comments had been received. The main concerns that had been highlighted referenced vehicular access, staff parking and general traffic movements at the site and along Cedar Drive. Further details in respect of the objections were detailed at paragraphs 14 and 15 of the submitted report.

Stainton and Thornton Parish Council had no objection to the application but had requested that a condition be included to ensure all staff members and visitors parked within the residential curtilage of the property.

The main issues the committee were asked to consider related to the likely outward impacts of the proposed use on the surrounding properties/uses and land.

It was commented that the proposal would cause no significant intensification of use. In addition, the level of use associated with a residential property providing respite care, would not be dissimilar to that of a residential dwellinghouse.

Noting the expected number of staff members and service users (at any one time) and the provision of parking spaces within the property's curtilage, it was considered that the number of anticipated vehicles could be accommodated at the site without the need for parking on Cedar Drive, thereby preventing impacts which could have potentially been detrimental to the amenities of nearby residents. It was commented that there was sufficient parking spaces for 6 vehicles within the curtilage and there was scope to provide additional parking, should it be required.

Members heard that the proposed use would be appropriate, as it was compatible with residential dwellinghouses. It was commented that the likely activities and operations of the proposed use (including the use of the private drive, the access gates and the expected levels of traffic from site users) would not significantly harm the residential amenities and living conditions of nearby occupiers.

It was recognised that the proposal could potentially impact on neighbouring properties to some degree. Therefore, it had been important to impose restrictions to ensure there would be no more than 6 users (at any one time) to prevent the property being used in a way that was not envisaged/considered. That restriction would be secured by a condition, ensuring the limitation of care and users.

The owner of the application site was elected to address the committee, in support of the application.

In summary, the owner raised the following points:

- although the application sought approval for respite care for up to 6 people, initially care would only be offered to 1 or 2 people;
- the property had been rented since 2008;
- manoeuvring, turning and reversing could be facilitated within the property curtilage; and
- there was sufficient parking spaces available within the application site itself.

The Applicant was elected to address the committee in support of the application

In summary, the Applicant raised the following points:

- the proposed use planned to provide short-term domiciliary care in a safe environment; and
- as the proposal was for residential respite care, by its nature it did not lend itself to many visitors, as its service users would stay whilst their regular carers had a short break.

A Member raised a query in respect of deliveries to the property. In response, the Applicant advised that there would not be regular deliveries, as any supplies would be delivered to the company's Head Office and brought to the site by staff members.

A Member raised concerns regarding access. In response, the Applicant advised that many staff members would drive, walk or get the bus to the application site. It was also advised that service users would usually be dropped off/picked up by their regular carers.

A Member raised a query regarding refuse collection. In response, it was advised that bin lorries did not access the private road. All bins were taken, by residents, to the public highway for emptying. It was confirmed that, due to the nature of the care that would be provided, waste from property would be generally domestic.

An Objector was elected to address the committee, in objection to the application.

In summary, the Objector raised the following points:

- concern was expressed that a site visit had not been undertaken by committee members, prior to the consideration of the application;
- Cedar Drive was a narrow cul-de-sac and the private driveway was only 10ft wide at its narrowest point;
- there was no passing point and vehicles were required to reverse round a blind bend;
- a request was made that the application be deferred until a site visit could be arranged; and
- photographs evidencing the parking issues encountered on Cedar Drive, and the damage caused by vehicles, had been provided and a request was made that those photographs be shown to committee members.

Another Objector was elected to address the committee, in objection to the application.

In summary, the Objector raised the following points:

- with 6 service users, 3 staff members and visitors there would undoubtedly be an increase in traffic along Cedar Drive;
- in the past, drivers of disability vehicles had found it extremely difficult to turn around within the boundaries of no.42 and it would be impractical for service users to walk, or be wheeled down the drive to meet the vehicle when being dropped off or collected;
- there was concern that the electric gates on the private drive may fail to open due to powercuts etc. Whilst there was a manual override, it was considered impractical in a commercial environment; and
- the gates may fail more frequently due to increased use, which could cause disturbance and stress to those residents who would be required to manually open the gates, especially at unsociable hours.

In response, the Head of Planning advised that the proposed use was not significantly changing and was appropriate within a residential area. It was explained that service users would be staying at the property for up to 2/3 weeks, therefore, there would be no continuous stream of traffic.

A Member commented that it would be beneficial for a site visit to take place to enable committee members to see first-hand the access issues associated with the private driveway. In response, the Chair explained that due to the costs associated with undertaking visits and the limited availability of planning staff, due to an increasing number of applications and heavy workloads, a decision had been taken to no longer hold visits prior to committee meetings.

The Transport Development Engineer advised that the default position needed to be considered, the property was not a new build and it was a substantial residential property. In parking terms, any additional vehicles could be accommodated in the curtilage of the application site. The application related to the re-use of an existing dwelling and the levels of traffic generated by the proposed use were unlikely to be significantly different to the property being occupied as a large family home. It was therefore considered that the proposed use would not notably increase the amount of traffic on Cedar Drive.

A Member raised a query regarding the delivery of food. In response, the Applicant advised that meals would be planned in advance and staff would purchase and collect food from local stores.

A Member commented that the application should be deferred to enable a site visit to take place.

The Head of Planning commented that the proposed change of use from residential dwellinghouse to residential respite care was considered to be appropriate. The activities associated with the proposed use were anticipated to be representative of a typical residential property, aside from the property being staffed. Therefore, the main operation was considered to be compatible and appropriate within a residential estate. Issues regarding vehicular access, staff parking and general traffic movements at the site and along Cedar Drive had been fully considered and, on balance, would not result in any inappropriate or undue affects. The committee was advised that approval of the application was recommended.

A discussion ensued and Members commented on the accessibility arrangements and the general traffic movements at the site and along Cedar Drive. It was commented that there were no material planning considerations that would override the general assumption that development should be approved.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report.

23/4 **DELEGATED PLANNING DECISIONS**

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).

NOTED

23/5 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Planning Appeals

Appeal Ref: APP/W0734/W/22/3313867 Land at Low Lane, Middlesbrough TS5 8EH - Dismissed

The Head of Planning advised that the Planning Inspectorate had held a hearing on 3 May and undertaken site visits on 2 and 4 May 2023.

The scheme proposed was a commercial development (Use Class E) including access, parking, and associated infrastructure and development.

The main issues in the appeal were:

- a) whether the Appellant had satisfied the sequential and impact tests for retail development;
- b) the effect of the proposed development on local highways, transport conditions, and accessibility; and
- c) whether the proposed development was in an acceptable location, would be of an acceptable quality and provide a suitable environmental impact.

The Inspector had concluded that the proposed scheme:

- was the wrong development in the wrong place;
- would not follow the aspirations expressed by the Royal Town Planning Institute to provide for well-connected developments; and
- had the hallmarks of being a scheme designed to maximise floorspace rather than truly provide a local centre for the nearby residential areas.

The Inspector had stated that the proposal was in conflict with the development plan, the policies of which were in broad alignment with the NPPF. It had also been commented that there were no material considerations which were sufficient to outweigh that conflict.

NOTED

Planning & Development Committee Schedule - 21-Jul-2023

Town Planning applications which require special consideration

1	Reference No: 22/0570/MAJ Ward: Linthorpe	Applicant: Lidl Great Britain Limited Agent: Rapleys LLP	Description: Erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works. Location: Cleveland college of Art and Design, Green Lane, Middlesbrough, TS5 7RJ
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2	Reference No: 23/0166/FUL Ward: Nunthorpe Ward buffer = Marton East Ward buffer = Nunthorpe	Applicant: Middlesbrough Council Agent:	Description: Installation of play equipment Location: The Avenue Play Park, Nunthorpe, Middlesbrough, TS7 0AG
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APPLICATION DETAILS

Application No:	22/0570/MAJ
Location:	Former Cleveland College of Art and Design, Green Lane, Middlesbrough, TS5 7RJ
Proposal:	Erection of a new discount food store (Use Class E) with access, car parking, landscaping and other associated works
Applicant:	Lidl Great Britain Limited
Agent:	Marcin Koszyczarek
Company Name:	Rapleys LLP
Ward:	Linthorpe
Recommendation:	Refuse

SUMMARY

The site is the former Northern School of Arts campus on Green Lane, Middlesbrough. The site is located at the junction of Green Lane and Roman Road within a predominantly residential area. The Linthorpe Conservation area boundary extends to the eastern boundary of the site with the Roman Road Local Centre being located approximately 400 metres to the north. Tree Preservation orders are in place on five trees within the southern boundary of the site (TPO 82).

The site has been cleared following the demolition of the former Northern College of Arts building.

The application seeks planning consent for the erection of a new discount foodstore (Use Class E) and access, car parking, landscaping and other associated works at the former Northern School of Arts campus site on Green Lane, Middlesbrough.

There have been 73 individual letters of objection and 266 pro-forma objection letters received with 61 individual letters of support and 551 pro-forma support letters and a petition in support signed by 49 individuals. There has been 1 representation letter.

The proposed development has been assessed in relation to material planning considerations. It is the planning view the site is in a sustainable location however the manner in which development proposals have not taken up sustainable opportunities and have been brought forward in a way that represents unsustainable development. The application site is outside of any defined centres identified within the adopted local development plan. The sequential

test is considered not to have demonstrated flexibility in terms of both scale and format and failed to consider alternative sites the Council consider more appropriate for this scale of retail development, including Middlesbrough Town Centre within a five minute drive time and Berwick Hills and Coulby Newham District Centre within the ten minute drive time. An Impact Assessment has been submitted but is not considered to be a requirement for the scale of this retail development.

The layout of the proposed development has failed to adequately consider and adapt to the context of the surrounding residential area. In relation to the site layout with the position of the store to the rear of the site and the scale and location of the hard standing towards the site frontages. The scale, mass, design and materials for the commercial development is considered to be visually dominant and out of character with the existing residential street scene and the character and appearance of the Linthorpe Conservation area.

The boundary of the site is immediately adjacent to residential properties and the impact on the amenity of the neighbours has been considered in relation to privacy, noise, light, outlook and health impacts. The proximity and the scale and mass of the main building to the northern and western boundaries is considered to have a detrimental impact in terms of overbearing and loss of outlook to these neighbours. The noise assessment report concluded there would be no detrimental impact from the plant and machinery located above the service area of the main store. The Noise Assessment is incomplete as it failed to assess the noise impact from the proposed substation positioned alongside a residential boundary, meaning the noise associated from the development cannot be fully assessed.

The traffic generation has been assessed through the Aimsun model and considered not to have a material impact in terms of the operational capacity of the network. However, the increase in traffic and vehicular movements in a concentrated area, alongside the layout, design and lack of infrastructure provided to encouraging sustainable transport modes means the proposal will be dependent on private car use with the associated highway implications. The internal site layout design with the proposed Green Lane vehicle access, service area location, car and cycle parking layout is considered to result in a detrimental impact on highway and pedestrian safety and the free flow of traffic.

The Flood Risk Assessment (FRA) identifies the surface water drainage provision from the site. Northumbrian Water and the Local Lead Flood Authority have assessed the FRA and noted details have not been provided such as SUDS specifications, drainage strategy, flow rates and exceedance routes meaning the Lead Local Flood Authority is unable to fully assess the development.

The development is considered to be contrary to Local Plan policies and the NPPF, specifically Local Plan policies CS4(k), CS5(c&f) DC1(b &b) CS13 (c), CS17, CS18 and CS19 and NPPF paragraphs 88,110,111,112,124,128,130,134,185,197,200,202, the Council's Urban Design Supplementary Planning Document and the Tees Valley Highway Design Guide and the National Design Guide.

The recommendation is for refusal of the application.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is the former Northern School of Arts campus on Green Lane, Middlesbrough. The site is located at the junction of Green Lane and Roman Road. Residential properties are sited along the north and west boundary and across Green Lane and Roman Road to the south and east. The Linthorpe Conservation area boundary extends to the eastern boundary of the site with the Roman Road Local Centre being located approximately 400 metres to the north. Tree

Preservation orders are in place on five trees within the southern boundary of the site (TPO 82). A wide footpath is located along the southern and eastern boundaries with bus stop shelter on Green Lane and a landscaped area at the corner of Green Lane and Roman Road.

Planning consent is sought for the erection of a new discount foodstore (Use Class E) and access, car parking, landscaping and other associated works. The foodstore will be positioned towards the northern boundary of the site with a footprint of 1895 square metres. The store design will have a flat and a sloping roof with photovoltaic panels. The south and east elevations will have curtain walling with timber cladding and facing brickwork detail. The west will be facing brickwork and render with the north elevation being rendered. The store entrance will set back from the junction of Roman Road and Green Lane.

The loading bay and associated acoustic fencing will be located towards the west side of the main building. The existing sub-station will be repositioned towards the western boundary of the site.

Vehicle access will be provided from both Green Lane and Roman Road with servicing indicated from Green Lane. Car parking for 94 vehicles including 2 electric vehicle charging points will be located to the front and side of the store with pedestrian footpath links from Green Lane and Roman Road. Landscaping will be provided around the perimeters of the site.

Advertisements for the building and any potential totem pole signage, would be subject to consideration under a separate advertisement application.

The application is supported by the following documents:-

- Transport Assessment
- Travel plan
- Road Safety Audit
- Planning and Retail Statement
- Sequential Note on Co-operative Store, Linthorpe Road
- Impact Assessment
- Heritage Statement
- Noise Impact Assessment
- Arboricultural Method Statement
- Design and Access Statement
- Energy Sustainability Statement
- Flood Risk Assessment
- Ecological Impact Assessment
- Statement of Community Involvement
- Boundary Treatment Plan
- Radley Rebuttal Note January 2022
- Lidl Sequential information on Co-operative site note

PLANNING HISTORY

Previous planning history for the site includes:-

22/0496/EIASC - EIA Screening, decision EIA not required August 2022

21/1158/PNO- Demolition of the former Northern School of Art, prior approval not required, 9th February 2022

M/FP/0853/01/P – Single Storey refectory extension and car park extension, approved August 2001

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

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:

H1 – Spatial Strategy

CS4 – Sustainable Development

CS5- Design

CS6- Developer Contributions

CS7- Economic Strategy

CS13 – A Strategy for Town, District, Local and Neighbourhood Centres

CS17- Transport Strategy

CS18- Demand Management

CS19 – Road Safety

DC1- General Development

Linthorpe Appraisal and Management Plan (April 2006)

Local Transport Note LTN 1/20 Cycle Infrastructure Design (July 2020)

Middlesbrough Urban Design Guide (January 2013)

Middlesbrough Town centres and Retail/Leisure Study (September 2020)

National Design Guide

National Planning Policy Guidance (NPPG) – Town Centres and Retail

National Planning Practice Guidance (NPPG) - Noise

Providing for Journeys on Foot (2000)

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

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise 73 individual letters of objection and 266 proforma objection letters were received from residents. The addresses of the objectors are attached as Appendix 2.

Following a consultation exercise 61 individual letters of support and 551 proforma letters of support and a petition with 49 signatures were received. The address of the supporters is attached as Appendix 3.

1 Representation letter was received from 34 Green Lane.

The objection comments are summarise below :-

Principle of the development

- Local plan did not include discount supermarket in middle of residential area allocated for residential use
- Impact on vitality of town centre, contrary to Local Plan ambitions

- Variety of existing stores (18 listed) within 2 mile radius and need for store not established
- New shop development at Tollesby so impact on this development
- Sequential Test flawed as states for local need for large store when seeking non-local trade as otherwise why provide 94 car parking spaces
- Sequential test of available sites based on Lidl requirements and not valid interpretation
- Lidl typically have 5 minute catchment area. No case provided of demographic people will serve and if their needs are met locally or further afield (possibly by Lidl at Newport which is a 5 minute drive).
- Lidl has stores close to site – Newport 1.6 miles, Thornaby 2.4 miles, Cargo Fleet 2.9 miles and 2 stores in Stockton just over 3 miles, question if becoming a monopoly.
- Diversion of trade from other Lidl stores and lead to boycotts of Lidl generally
- Will draw trade from existing local retailers and adversely impact vitality and viability of local centres, particularly independent retailers unable to compete. Lidl's assessment is to draw £9.87 million of annual trade from local centres by 2027.
- Contrary to Policy CS13 which aims to protect existing hierarchy of town, district and local centres and states no retail development will be allowed that impacts on the vitality and viability of local centres with Acklam/Cambridge Road, Eastbourne, Linthorpe Village Roman Road and Saltersgill Avenue being within 1 mile of the application site.
- Despite the developer's assertion that all the nearby centres are in good health, proposal will have a negligible impact on them. Development of this scale will threatened the vitality and viability of existing centres and the variety of shops and services they provide.
- Loss of local shops means loss of jobs and impact on local economy as Lidl providing 20 jobs at zero hour contracts
- Local shops closing due to abundance of supermarkets taking trade
- Co-op site could be utilised and Lidl have opened in existing centres e.g Easter Road, Edinburgh
- Co-op closure means if this goes ahead may not find a retailer for that vacant unit
- Reference to special status of Lidl and Aldi as 'discount food stores' quotes an appeal from 15 years ago. Change in retail since then with Sainsburys and Tesco providing similar retail offer, pricing and opening hours.
- Failure to adopt local plan left residents with unwanted development

Design/Appearance

- Housing site would be architecturally sympathetic to the existing stock and not substantially increase traffic light or noise pollution
- Conservation area with listed buildings not in keeping
- Clearance of site opportunity for unique development with positive impact on conservation area. Off the shelf design would have negative impact as sea of cars and single storey shed at the back.
- Unsympathetic to surrounding area no suggestion of urban form or design contribution to the established building style in the area.
- Set a precedent making maintaining standards difficult
- Landscape boundaries will not make significant difference from the trees which were lost
- Store design inconsistent with residential housing
- Lowest possible cost scheme with lowest contribution to the area versus highest profit
- Large white and grey boxes will not fit in with the existing 1930's house designs
- Removal of trees and concrete across the full site

- Lidl found in Industrial estates not conservation areas
- Signage will be an eyesore
- Run down state of Cannon park Lidl shows why in commercial area not residential area
- Precedent already set for new buildings to compliment design of conservation area e.g houses behind Kirby College and new flats on Roman Road/Cambridge Road
- Modern Store with brush signage and bright lighting not in keeping with historic buildings opposite
- Tesco quite rightly were made to replace historically important balustrade on their Roman Road store.
- Whilst the college was not architecturally attractive, this is an opportunity for Middlesbrough Council to enhance this area further rather than add a building completely wrong for the area.

Amenity

- Proximity of building to Harrow Road with only a gap of two tables between properties and the wall of Lidl. The elevation is a potential issue blocking light and potentially causing flood issues with water run-off. The old CCAD building had different elevations.
- Overbearing impact from rear of properties on Harrow Road looking out to a wall which is 3 times higher at 5.2 metres than the 1.8-metre-high fence and within 10-11 metres of our rear windows. Height of building as 5.2 metres (two-storey building) increasing to 6.8 metres height across the building roof.
- Loss of light from location and height of building with properties on Harrow Road being south facing and prior to this had open aspect and light into rear rooms
- Outlook as landscape buffer to west side of building, but Harrow Road looking onto a huge wall
- Overlooking issues and loss of privacy from visitors to Lidl into garden/property
- Noise issues from proximity of loading bays, service area, substation, refrigeration units and delivery trucks to rear gardens on Harrow Road. Constant noise, creating a droning noise, day and night which will negatively impact on residents
- Noise increase from additional traffic, HGV deliveries during the day and after store opening hours to restock, trolleys, car doors, voices which impacts especially on neighbours who work night shifts.
- Noise from late night/early morning deliveries. Apart from reduced Sunday opening hours the hours of operation are almost identical to local convenience stores despite assertion by the applicant that trading hours would be much reduced.
- College use 30 weeks a year meant residents had quiet periods on a night and during holidays and site was securely maintained. Store likely to be 8-10pm every day.
- Light pollution from car park, store lighting will disturb residents and wildlife
- Removal of the trees prior to ownership being known on the site has meant noise no longer blocked
- Privacy and light issues due to late night opening from service area being so close to the rear gardens of Harrow Road, particularly for families who have small children
- Increased HGV use and other traffic will increase pollution and detrimental impact on health of young and old people increasing asthma possibilities and stretching NHS resources. Outweighs economic advantages.
- Attract Vermin and beggars
- Anti-social behaviour – landscape strip of 4-5 metres between Harrow Road boundary with no gates and secluded location so security issues for residents
- Criminal element of shoplifters will be attracted to the area.
- Binge/ underage drinkers from sale of cheap alcohol cause of a significant rise in anti-social behaviour.

- Which other supermarkets built with residential properties on 4 sides
- Local neighbour impacted by rubbish and detritus of supermarket trolleys
- Lidl survey large number of home but it is those closest which will be impacted.

Highways

- The Roman Road and Green Lane junction is already at capacity and further traffic on either road would cause serious risk. The site is on three school routes and there has already been an incident on Green Lane involving a child being hit by a car. Further congestion on this area of road will significantly increase the likelihood of future incidents.
- Parking in the area is already at a premium and I am concerned that the parking spaces provided will not be enough and cars will end up parking on residential streets, causing further parking issues for residents and emergency services.
- The entrance on Green Lane will be going directly over TVCA funded Cycle Lanes and is right next to a bus stop. Both these things will obscure road views of cars and the entrance on Green Lane will significantly add to issues for pedestrians and to the junction on Green Lane and Roman Road
- The proposed blocking of Thackeray Grove will also create issues for residents on that and surrounding roads.
- Transport Assessment references plans and policies and generalised and not specific to this proposal. Paragraph 5.2.3 sets out retail development does not generate vehicle trips but merely attracts them. Problem is this area has an existing high volume of traffic at peak times and this is not suited to any additional increase from the development.
- Presumption shorter trips of under 5km will be by walking or cycling, this is not valid when customers buying too heavy or bulky goods and infrequent bus services a total of 2 an hours as the service 12 and 17 mentioned do not pass the site Hence private cars and taxis will be used.
- Increase in cycle traffic should be assessed due to high volume of traffic and the fact most use footpaths combined with cars which park on the pavements so more difficult for pedestrian access.
- Transport Assessment Table 5.3 shows volume of traffic for old college site which has been demolished and so no relevance and is misleading comparison. No account made of the nature of the old building and relatively low student density verses floor area or that most of the students walked or used the school bus service provided so this section of the report is inaccurate and incorrect.
- Transport Assessment no reference to the issue of vehicles existing the site wishing to turn right on Green lane towards Acklam Road. If unable to turn here would exit via Roman Road and then cause issues along Cambridge Road and immediate roads in the area which has not been assessed.
- Consideration needs to be given to the turning circle for larger transit vehicles as these have been ignored or nor considered.
- No account of the additional traffic generated from the future development of St Marys Hall site on Green Lane.
- Turning lane in middle of Green Lane is not a full car width and not wide enough for HGV access and to sustain 3 lanes of traffic..
- Wide access opening for the Lidl entrance how can pedestrians safely cross this entrance particularly school users.
- No traffic management plans proposed so would urge members to complete a site visit to assess the impact of the development on safety, traffic, parking, environment and access for the local community.
- Three arm junction and blocking of Thackeray Grove will cause increase in traffic on the nearby streets and will become a rat run.

- Increase in traffic on Green lane one of the busiest roads in Middlesbrough
- Extra traffic at unsociable hours.
- Entrance off Green Lane will increase congestion that already exists and will be used by delivery lorries.
- Highway safety issues from increase in traffic in being able to access residential driveways along Green Lane which will become more dangerous.
- Green Lane is used as a 'rat run' and whilst busy during the day is tail to tail during morning and evening rush hours which will be made worse by people queuing for the store.
- Green lane Primary School sited nearly opposite the store already has cars parked either side of the road at drop off and pick up times and this dangerous situation will be exacerbated by the additional shoppers queueing to enter the store..
- The Aldi a mile up the road has 4 lanes of traffic 2 in each direction plus traffic lights to keep it moving but this is not the case on Green Lane and traffic in the inside lane is not going to be able to get past, particularly larger vehicles like fire engines and ambulances which use the road on a regular basis.
- Route of 7 local schools primary and secondary so additional traffic at peak times.
- Parking in the area is a premium and concerns not sufficient parking provided so result in on-street parking and issues for residents and emergency services.
- Green Lane entrance going over TVCA funded cycle lanes and is right next to the bus stop. Both these things will obscure road views of cars and the entrance of Green lane and add to issues for pedestrians and the junction of Roman Road and Green Lane.
- Impact on emergency vehicle access and response times with Green Lane being a route used by emergency vehicles to link Marton Road and the A19 with only one set of traffic lights the current proposal will create congestion and bottlenecks that will impact an emergency services for the whole area.
- Will the 40 staff use the car parks too as already issues with parking in the area with narrow roads which have poor access for emergency vehicles.
- Traffic levels between 6.45 – 9.15 and 2.45 and 6.00 Monday to Friday is already ridiculous without the volume of traffic for a Lidl.
- The loss of the hatched access Rd markings in front of properties along Green Lane will severely impact accessing residential properties safely.
- No requirement for the bus stop as no buses use Green Lane.
- Pedestrians will be tempted to cross Roman road to the shop access- dangerous.
- If planning is to be approved it should include the following provision that as local police are not sufficiently funded in upholding the 30 mph speed limits (20 mph during school drop off and pick uptimes) it would be Lidl's responsibility to fund speed cameras as advised by Middlesbrough council in the zones previously mentioned to ensure no further deterioration to road safety as a direct consequence of the construction of a supermarket on the site

Environment

- Too late to consider nature as trees already removed from the site
- Trees proposed next to the boundary with 125 Roman Road would ask for them to be planted no closer than previous trees within the Art College ground due to issues with the tree roots.
- Traffic increase results in more airborne toxic particulates where children walk to nearby schools.
- **Residual matters**
- Whilst the planning department have done their job by placing signs up at the site informing passers by of the development all of these disappeared well before the closing date for comments..

- Sale of the site with no disclosure of the purchaser which was only discovered after 100 year old trees felled so why the secrecy surely a brand would be proud to announce intentions.
- Letter received in June that stripping out of building would take 4 weeks, this was not the case as was for just asbestos removal when correct Health and Safety measures not followed – why was this allowed.
- Demolition works have suffered house vibrations from 7.30 to 5pm and dislodged glass in conservatories and long term impact on house – has a risk assessment been completed.
- Removal of the trees increases global warming/climate change
- Devaluation of properties nearby.
- How was the sale allowed to go ahead when the area is residential and subject to tree preservation orders and in a conservation area.
- Request members and officers involved with the decision should visit the site at times when the schools are starting and finishing.
- Brown envelopes already taken so will go ahead anyway and those who have taken the payment do not live in the area

Flooding

- Installation of large tarmac area will increase local flooding at the staggered junction of Roman Road, Green Lane and Thackeray Grove. Drainage system already being at capacity.

The support comments are summarised below :-

Principle of the development

- Cost of living crisis means high-quality, low-cost products, jobs created within walking distance
- No current discount food store in the area, disadvantage for elderly and those with young families
- Stores in vicinity mini Sainsburys at Saltersgill and Tesco Roman Road are small stores not suited for weekly shop and those on tight budget
- Increased competition for local convenience stores
- Closure of Co-operative on Linthorpe Road means should go ahead
- Forward thinking as lot of shopping services in Middlesbrough have been lost
- Off-set the influx of hot food takeaways
- Local shop will provide services the Council failed to deliver
- Investment in the area
- No requirement for more housing
- Houses benefit a few and Council tax revenue from store will benefit entire community
- Prefer retail store to overpriced apartments
- Housing would increase traffic and environmental issues
- Will encourage people to move to the area and develop the community
- Site cleared so need some use
- Tollesby without shops for 16years due to inaction of local politicians and MBC
- Too many unneeded works in Middlesbrough e.g new games centre in town as not everyone is young or a student
- Need to eat so need shops
- Need for Lidl to serve Tollesby, Acklam and Green Lane areas
- Ignore nimbyism for the benefit of all the community not just some
- Shops within 1mile radius all have limited parking provision

Sustainability

- Within walking, cycle and mobility scooter distance

- Elderly/disabled person this is welcomed as means do not need to drive and will not have to pay current high prices of local shops
- Proximity means those with disability can access and enable further independence
- Means not have to take 2 bus trips to Coulby Newham or Teesside Park
- Reduce trips to Coulby Newham, Portrack, Thornaby and Stockton
- Walking distance aids green agenda, reduce carbon footprint
- Less impact on the environment than the college building
- Current stores in Linthorpe Village, Saltersgill Avenue, Eastbourne Road not provide same offer with Aldi at Marton Road not within walking or cycling distance and no cycle provision at Aldi.
- M&S moving from Middlesbrough centre means less distance for people to walk
- Previously Co-op only store of this size and no parking provided
- Family in the area so would do shopping when visiting them
- Lidl support Uk agriculture which has to be a benefit
- 10 years ago has a row of shops and post office now nothing with poor bus links to Linthorpe Village and Glendale Road which have stopped
- Shops appear to be moving to retail parks which is fine in you have transport
- Bus stops moving from Linthorpe village, No Number 13 to Coulby Newham so need local shops
- Will be here for the long term
- No-internet access so local shop essential

Economic Issues

- Lidl stores well run, tidy and well maintained and well-paid staff for local area/economy
- 40 Jobs created included warehousing, customer facing & management and better than minimum wages, especially for the younger generation.
- Save petrol costs for residents travelling to Thornaby several times a week
- Drive 7 miles twice a week to a Lidl which is 672 miles a year and would save money if this store was 1 mile away

Social Issues

- Community cohesion as see neighbours face to face

Design

- Lidl offer modern retail unit with up-to-date facilities
- Replace ugly 1960'd building not in keeping with Victorian Linthorpe
- Provide amenity to this part of Linthorpe
- Sympathetic to the local environment with landscaping and existing trees retained
- Improved outlook from derelict site
- Architectural design and landscaping better than college building
- In keeping with the area and residential and commercial properties e.g Masonic Hall
- Better scale with college building being too big
- Store and landscaping better than possible multi storey housing
- Lidl will keep it looking good as not invest that much money not to
- Lidl promise not to lose greenery but add to it
- Site would be an eyesore if nothing built
- Investing in landscaping and retaining greenery when other developments may not have the same ethos
- Design looks up to date
- See if Lidl listen to shoppers and present a shop frontage design suitable for conservation area in terms of design, materials and signage
- Tree cutting a mistake does not warrant opposition to store
- Site plan well thought out and will blend in well
- Protected trees will be saved

Amenity

- Comments on crime ill-informed and prejudiced against individuals on a budget
- Short term disruption to the areas while works carried out but long term benefits
- Never heard of house prices falling where Lidl stores located
- Pollution reduced as people travel less to shop
- Understand some Harrow Road residents welcome the store as flats would impact more on quality of life
- Considerate of the housing that overlooks the site and benefits to the community
- People out of the area no an issue as Lidl stores as Park End, Newport and Thornaby
- Store in nice area so not worry about walking there
- Noise impacts – sure there is a noise abatement society which could monitor the noise
- Walking distance means better health for residents
- Sainsburys, Saltergill, heron at Palladium shops and Tesco Belle Vue are not good areas to shop on a night and not pleasant on a daytime.

Highways

- Lidl store would improve the current issues with parking and traffic flow from the college use
- Result in less traffic as currently elderly take taxis for shopping trips
- Provision of first electric charging points in Linthorpe/Acklam. Could lead to more people with electric cars particularly as not everyone has off street parking
- Car park efficient as had cars and college buses parked most of the day blocking the road
- Good to place traffic lights/ pedestrian crossing at junction Roman Road and Green Lane
- Traffic flow will not be adversely affected by the development
- Regrettable that child was hurt on Green Lane but there will be few if any main roads in Middlesbrough that have not experienced a similar incident.
- Art college operated successfully on the site for years and this proposal will have less traffic
- Art students used cars to access the site and not everyone will shop at the same time so steady flow of customers
- Highway Safety concerns addressed in the response from the applicant
- Will reduce traffic to the other Lidl store e.g Cargo Fleet L and Newport Road and where traffic an issue
- Parking provision satisfactory
- Could be flats where parking ratio never enough and cause congestion
- Child and Parent parking means easy access
- Traffic around the college never an issue and very rare accident problems
- Traffic measures at the access and egress may reduce high level of speeding on Green Lane/Emerson Avenue
- Need bus shelter providing

Residual issues

- Some elected representative who do not want store do not live locally so unaware of the inconvenience in not having a supermarket in walking distance
- Older people not online so cannot voice their opinions
- Silent majority would like Lidl
- Toilets in a store will benefit customers
- Suggest Lidl employ a litter picker to ensure no litter
- Good place to shop with older children to allow them to be more responsible and independent in close proximity of my house.
- Perhaps Lidl will support local groups
- House prices will go up
- Why has it taken so long for permission to be granted

- As a resident love to see this go forward and hopefully built quicker than the incompetents presently building the shops at Tollesby – Get on with it and earn your keep.

The representation comment is summarised below:-

- Concerns on parking, particularly drivers not utilising store
- Current parking on pavement a concern at peak school times
- Traffic problems for deliveries, width of road at store entrance, uncontrolled crossing at junction Kingston Avenue. Council consider repositioning the uncontrolled crossing and bollards from Kingston Avenue to the east to reduce impact and access issues.

The following comments were received from the statutory consultees :-

Planning Policy – MBC (In Summary)

The following policies of the Middlesbrough Local Plan are relevant to this planning application, H1 (Spatial Strategy), CS17 (Transport Strategy), CS4(Sustainable Development), CS5(Design), CS6 (Developer Contributions), CS13 (A Strategy for the Town, District, Local and Neighbourhood Centre, CS18 (Demand management), CS19 (Road Safety), DC1 (General Development) and the Middlesbrough Urban Design Guide (January 2013) and the Middlesbrough Town Centres and Retail/Leisure Study (September 2020).

The application site has no specific local plan allocations.

Sequential Assessment

The Planning, Economic and Retail Statement (PERS) identifies the methodology for the Sequential Assessment (SA) for the development of the broad type of discount retail provision based on a limited assortment discount (LAD or 'deep discount') food store, identifying a catchment area of a 5min drive time and specific sequential parameters that reflect the minimum requirements necessary to accommodate a LAD food store and discount mixed-goods retailer. As per pre-application advice the 5-minute drive time is considered too low and a 10 minute drive time considered more realistic for this type of development. A 10-minute drive time would allow for a further degree of flexibility and the assessment of additional centres, and edge of centres at Middlesbrough Town Centre, Berwick Hills District Centre and Coulby Newham District Centre. Nevertheless, and in addition to the above, the 5-minute drive time catchment includes the Middlesbrough Town Centre boundary and edge of, which has not been assessed for sequential preference.

In addition to the 5 minute drive time catchment the PERS identifies a number of sequential parameters that it believes reflects the broad range of development proposed having regard to the scale, nature and range of goods typically sold by a 'LAD' retailer. These parameters have been used to assess three edge of centre sites at Eastbourne Road Local Centre (a large scale local centre, as identified in Policy CS13) and Saltersgill Avenue Local Centre (a medium scale local centre.) In accordance with NPPG it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. Given the specific requirements of the Lidl operator which are considered rigid and limiting, this does not appear to have been applied to the edge of centre assessments as part of the PERS, with the parameters likely to rule out most of, if not all, alternative sites. Therefore, and notwithstanding the catchment area, it is considered that a further degree of flexibility could be applied to the sequential parameters listed in paragraph 7.15, and equally the site assessments of the PERS.

A Sequential site appraisal note – co-operative food, 469 Linthorpe road, Middlesbrough, TS5 6HX has been submitted to determine the sequential preference of a recently confirmed store

closure at the Coop store located on Linthorpe road; within the Linthorpe Village Local Centre as defined by Policy CS13 of the Core strategy. Notwithstanding previous comments on the Planning, Economic and Retail Statement (PERS), it is considered that the additional sequential assessment on the Coop store, specifically, is acceptable.

Impact Assessment

It is recognised that an impact assessment has been submitted to support the application, this again reflects the 5 min drive time catchment area and focuses upon those centres that fall within the boundary. As an impact assessment is not a requirement of the application it will not be considered in policy terms.

Conclusion

Contrary to Policy CS13 and the NPPF chapter 'Ensuring the vitality of Town Centres' the application fails to apply the sequential assessment, by not demonstrating flexibility and fully exploring the opportunities to utilise suitable town centre or edge of centre sites. As advised at pre-application stage it is considered that a further degree of flexibility, given the location, size and nature of the store, could be awarded to the sequential assessment. Not only are the business model requirements restricting presumably ruling out most alternative sites when applied sequentially, but also the 5 minute drive time catchment is not a realistic reflection of potential future customers, in which case a 10 minute drive time is considered more realistic. Nevertheless, the sequential assessment fails to assess Middlesbrough Town Centre, which lies within the 5 minute catchment area.

Consideration should be given to the overall sustainability of this site as an allocation for retail development of this scale. Should the proposal fail to demonstrate how it would contribute to achieving the spatial vision and objectives identified in the Local Plan, with all development required to ensure that it contributes to, and fully integrates with a sustainable transport network, it would be contrary to Policies CS4, CS17 and H1.

Consideration should be given to whether the proposed development would protect existing residential amenity, with careful consideration given to the proximity of the proposed store to existing residents at Harrow Road, and noise issues associated with this type of use. Should it be considered to have more than a minimal impact upon the amenities of nearby occupiers the development would be contrary to Policy DC1.

Highways – MBC

Development proposals have been tested within the authorities strategic Aimsun model in order to understand what the potential impact on the highway network could be. As is a standard approach when assessing retail development it is agreed that not all trips associated with the development will be new to the network and development traffic will be made up of;

- New trips – trips that are new to the network (20%).
- Pass-by trips – trips already passing the site and call in as part of another journey (40%).
- Diverted trips – trips already on the adjacent network but change route to call in as part of another journey (40%).

This approach is a nationally recognised approach and the proportions for each type of journey are consistent with other retail schemes.

The Aimsun assessment has therefore tested the impact of development traffic on the above basis in the 2025 and 2030 future year scenarios.

The table below sets out the level of traffic generated by the proposals;

	AM	PM
New	13	31
Pass-By	27	62
Diverted	27	62
TOTAL	66	156

In summary the Aimsun modelling demonstrates that the traffic generated by the development will not have a material impact in terms of the operational capacity of the network.

Whilst not impacting on the operational capacity of the highway network, the development will, as can be seen in the figures above generate high levels of traffic at the site entrances and immediately environs of the site. The number of vehicle movements occurring within a concentrated area, when assessed in conjunction with other sustainability and layout issues will contribute to detrimental impacts as set out in the following sections.

Sustainability

The proposed development by combination of its land use and location is such that it has the potential if designed and approached in an appropriate way, to ensure a significant number of trips could be made by sustainable travel. The site is located within a residential area with a significant number of properties falling within a 5min or 10 minute walking/cycling catchment. A number of bus stops are located within 400m (a 5minute walk) of the site and are served by various frequent services. Given the location and potential any development proposals should be designed in such a way, with supporting infrastructure, to prioritise non-car accessibility and actively incentivise active travel. However the approach taken to developing the site in terms of proposed design and layout of the site together with the proposed access arrangements and lack of suitable infrastructure arrangements do not reflect this potential. As submitted the development proposals have taken a default standardised approach centred around car based travel and as such do not support, prioritise nor incentivise sustainable travel.

Ped/Cycle Access

Ped/cycle routes are not direct between the adjacent highway and store entrance. Routes into the store for these users are squeezed between rows of parked cars and do not lead via convenient, direct, high quality routes to the main entrance. Whilst not shown on the submitted plans the areas around the main entrance to these stores are normally used for ancillary sales of promotional/seasonal goods, which introduces further clutter and visual obstructions to clear direct routes. Specific examples can be seen in the footpath link to/from Roman Road having two 90deg bends in it and the route from Green Lane does not align to the main entrance. Those arriving on foot have to cross two internal vehicle aisles from Green Lane and once from Roman Road. This is after having to already cross the main vehicular entrances into the site. A number of car spaces have been placed within the immediate environs of the main store entrance and internal crossing points resulting in vehicles manoeuvring against/over these crossings whilst again reinforcing that the layout has been designed first and foremost around vehicular accessibility.

A new access is proposed onto Green Lane which has been designed around the requirements of articulated vehicle swept paths. This has resulted in the creation of a new access 9m wide with large radii. The creation of the access results in a new large vehicular bellmouth which will be used by high volumes of traffic that pedestrians now have to negotiate,

including pedestrians not associated with the store. At the proposed tactile crossing point over the entrance, the distance that pedestrians have to cross is 14m which is significant, particularly for vulnerable highway users such as blind/partially sighted, those with mobility issues or parents with young children. When factoring in vehicular arrival/departure rates to the store, and wide bellmouths with large radii which lead to higher vehicle speeds this will become a hostile environment for pedestrians.

Just West of the site is Green Lane Primary School. Green Lane during school peak periods is extremely busy with on-street parking and is used by parents and pupils walking to/from school. The introduction of a large vehicular bellmouth with high volumes of traffic will present a safety hazard for these pedestrians and others.

The existing vehicular access onto Roman Road is to be widened to 7m, which results in a crossing distance at the tactile crossing points of 9.3m thus adding a further large busy junction into the local environment that pedestrians must negotiate. The same situation will be seen as per the access to Green Lane and the individual and cumulative impact of these access is to create additional severance within existing footways to the detriment of pedestrians in residential areas. To summarise the development proposals introduce two large access junctions to serve the site which are designed around the car to accommodate high levels of constant traffic to the detriment of pedestrians and cyclists who become secondary to traffic.

It is proposed by the applicants to provide a section of shared ped/cycle route along the site frontage however there are significant concerns with such an approach. The proposed infrastructure has been designed in isolation and does not connect to anything else or other supporting infrastructure. Such an approach is potentially dangerous or offers no benefit to the users intended to be served by it.

As the facility is isolated there is no defined entry/exit points for users (particularly cyclists), a key example of this is that the route terminates at the junction of Roman Road/Green Lane – a dangerous point where cyclists are left to fend for themselves at a junction with high volumes of traffic and different turning movements.

No pedestrian/cycle crossing points exist along the immediate site frontage to serve the proposed store and its main entrance. The nearest crossing points are both circa 100m from the entrance to the site in the form of;

- a pedestrian refuge to the West of the site at the junction of Kingston Av
- a Zebra crossing to the East of the junction of Roman Road/Green Lane.

Both of these crossings require pedestrians to cross in poor environments and then cross other junctions or large bellmouths which are designed predominantly for traffic in order to access the store.

Cycle Access

Access to the cycle parking is via a route which at its widest point is 2m with a pinch point reducing down to 900mm between the trolley store and adjacent car parking/bollards.

Whilst the area that the cycle parking stands on is 2m wide, the cycle parking is detailed as Sheffield stands perpendicular to the footway. Given that a cycle space measures 1.8m x 0.5m there is insufficient room to either manoeuvre a cycle into/out of a cycle space or to access cycle spaces beyond the first Sheffield Stand, particularly if a cycle is parked within the first one.

No thought/space has been provided for those who may have a cycle trailer or pannier, particularly given the nature of development where it is more likely that customers cycling will have these items to transport purchased goods.

Typically the area outside of the Lobby is used by Lidl stores as an area to display further goods for sale (plants, compost, seasonal offers etc). This will further hinder ped/cycle movement around the area and potentially further block access to the cycle parking.

The principle to the approach taken to cycle access within development proposals is that it is unimportant and less important than the needs of those travelling by car. In addition to the matters of detail, cycle parking is tucked away at the farthest point from the entrance, with poor access, poor line of sight and pinched between the building and parked cars/bollards.

Vehicular Access

Access to the proposed development is proposed to be taken from both Roman Road and Green Lane. The access onto Roman Road is an existing access which is proposed to be widened to 7m to facilitate the necessary vehicular movements.

The access to Green Lane is a new vehicular access which does not currently exist and involves the formation of a new kerbed junction bellmouth as described above. Green Lane in the vicinity of the access will be relined in order to provide a right turn ghost island. The principle of a new access to Green Lane is not supported by the Highway Authority and this has been relayed to the applicants repeatedly from the pre-application stage, predominantly for the following reasons;

- The creation of the new junction onto Green Lane and associated right turn island effectively introduces a third lane of traffic and removes the potential for ped/cycle crossing points to be provided
- Hinders the authority's strategic objective to deliver cycle infrastructure along this main corridor (the reallocation of roadspace to provide the right turn ghost island will prevent this roadspace being used to introduce cycle lanes)
- The change in nature of Green Lane from two lanes of traffic to three increases the severance created by the road.

In addition to the concerns of the Authority an independent Road Safety Audit has also highlighted deficiencies and concerns with the proposed layout including;

- Lane overrun by delivery vehicles accessing/egressing the new junction may result in sideswipe or head on type collisions.
- Use of the right turn ghost island by residents using the facility as a holding area when entering private drives on Green Lane.

From the pre-application stage and throughout the application process, officers had recommended that consideration be given to the signalisation of the Green Lane/Roman Road junction with Thackeray Grove being closed to vehicles. Such an arrangement would have enabled the introduction of a simplified 3 arm signal-controlled junction with dedicated pedestrian/cycle facilities incorporated into the design. A signalised junction will manage the competing demands more efficiently/safely and provide improved ped/cycle facilities to the new store. This, together with other design suggestions made to the applicants would have resolved many of the issues now being raised. Such suggestions have not been acknowledged by the applicants.

Safety

The junction of Green Lane/Roman Road/Thackeray Grove is a poor junction in terms of safety due to its poor alignment, opposing arms and high traffic volumes along Green Lane. The junction is an unsignalised off-set crossroads with the priority flow being along Green Lane. This situation is reflected in the accident records which show that the junction has a poor accident history.

Using Stats19 Accident Records within a 200m distance of the junction of Green Lane/Roman Road there have been a total of 8 accidents within the last 5 years. Accidents were predominantly clustered between the junctions of Green Lane/Roman Road and Green Lane/Tollesby Road. Generally speaking the accidents involved vehicles either turning from a side road into Green Lane or turning from Green Lane into a side road. This pattern tends to indicate that mainline flows are such that motorists get frustrated or take additional risks leading to an increased number of accidents. Of the 8 accidents, 3 involved pedestrians/cyclists including at the Zebra crossing to the East of the site. Accidents at the Zebra crossing are consistent with reports that the council receive regarding vehicles failing to stop at the Zebra and additional works that have been undertaken to try to minimise these occurrences.

When assessing the accident statistics it must be borne in mind that the Stats19 system only records injury accidents, damage only accidents are not recorded as generally they are not attended by the police. As a Highway Authority officers are aware that this junction is a tricky/awkward junction to negotiate and as such the actual number of collisions or near miss events are likely to be significantly higher. This view is further supported by concerns that are regularly received by Ward councillors regarding the junction. In addition speeds and accident rates are high hence leading to Green Lane being placed within the Police Enforcement top ten list.

The authority works with a company which uses Artificial Intelligence together with environmental input data (traffic flows, geometries, rainfall etc) to determine accident risk and probability. This is a similar approach used by the insurance industry. Using this software the risk rating of the highway network is derived and can be broken down to either links or junctions. This software has identified that the junction of Green Lane/Roman Road is a significant risk location and a higher risk location than other benchmarked locations. Data extracted from the software supports both the accident statistics and local knowledge of the operation of this part of the network.

Development proposals will lead to increased volumes of traffic, turning movements and ped/cycle activity around the immediate environs of the site. This increase will further increase both the risk and frequency of accidents, particularly taking into account the lack of high quality sustainable travel infrastructure.

Servicing

HGV's servicing the site must undertake multi-point manoeuvres within the main car park in the main access aisle. This is a less than desirable solution in terms of safety as articulated HGV's are manoeuvring within bellmouths of junctions, where pedestrians are likely to be walking and adjacent to Parent & Child spaces. The longer the delivery process takes due to other traffic within the internal layout or delivery drivers being cautious due to the safety implications the greater the impact in terms of internal congestion and blocking back onto the highway network.

Concerns are raised with the internal layout and the potential for vehicles waiting or caught in internal congestion to start blocking back out on the public highway. Examples of this include;

- Servicing traffic manoeuvring within the main car park aisle which when occurring (at least twice per day) will obstruct the main aisle and access to a number of parking spaces.
- Due to high East/West flows on Green Lane and the provision of a right turn island traffic leaving the site may struggle to find gaps or left turning traffic will be blocked by a right turning vehicle. Limited stacking space within the site results in queuing blocking the internal layout and car parking.

- The access onto Roman Road has a 90deg bend immediately on entry/exit with car spaces in this location. Vehicles manoeuvring into/out of these spaces coupled with the alignment will detrimentally affect the ability of traffic to smoothly enter and leave the site. This alignment will also result in a small number of vehicles queuing to leave the site quickly having a detrimental impact on the internal layout.

Parking

When assessing the scheme against the Tees Valley Highway Design Guide the development requires 136 car spaces, 94 are proposed. Whilst this is not necessarily an issue a car parking accumulation survey needs to be supplied as was requested in the pre-application discussions. This will establish/demonstrate whether the level of parking provided is appropriate or otherwise.

As described elsewhere in the report servicing arrangements involve articulated HGV's manoeuvring within the car park, which will block access to a number of car spaces during these events. In addition to this the internal layout of the site means that vehicles entering/exiting the site will obstruct a number of car spaces. As a result of this it is likely that the actual amount of available parking at any one time will be lower than the level of parking provided.

A further consideration is the potential use of the car park by others. Green Lane is extensively used by parents dropping off/picking up children to the adjacent Green Lane Primary School and parking can be seen occurring along long lengths of Green Lane during school drop off and pick up periods. Without suitable active management there is a real risk that large amounts of the car park are taken up by these parking demands.

The level of car parking has to also be considered against the design of the site and infrastructure in place to support and encourage active (non-car travel). As the approach to this is poor there is little incentive to arrive by non car modes thus further increasing dependence on the private car and associated demand/number of parking spaces required.

It is the view of the Highway Authority that development proposals cannot be supported for the reasons as set out above. As such the recommendation is that the application be refused on the grounds of Highway Safety and Sustainability.

Conservation officer – MBC

The proposed discount foodstore use is not commonly found in the surrounding area. A similar use is the Tesco convenience store further North on Roman Road, however it is considerably smaller and accommodated in an existing, Victorian building, which make a positive contribution to Linthorpe Conservation Area.

In terms of new development, there are design concerns about this proposal and its impact on Linthorpe Conservation Area:

- It would be a smaller and lower building than the college buildings, however the proposed layout, with the building to the rear of the site and vehicle parking to the front is not found in this area. It may be, to some extent, screened from both roads with landscaping, this does not make the proposed layout positive; it would be an anomaly, because the majority of development in the area, including the existing buildings, are found near the front of sites, nearer to the highway and with active, street frontages. The building line from the demolished college buildings and its residential neighbours, is worth replicating, with parking and deliveries better provided to the rear of the site, screened by the building rather than landscaping

- The college buildings were a typical 1960s education establishment, with curtain wall apertures and a flat roof, found all over the country; they were not typical of the age or form of most development in Linthorpe. The design of the proposed new building appears to be a contemporary version of the college buildings (which do not merit mimicking), with curtain walling and a flat roof. Architecturally uninspiring, materials are metal window and door frames, timber clad, coloured render and red brick walls with a flat roof. In principle, the use of red brick, the predominant masonry found in Linthorpe, to the Roman Road and Green Lane elevations has the potential to be positive, were it not for the design of the building, but timber cladding would be an anomaly. The building proposed does not respond to the best of development typical of the Conservation Area, so is not considered to be good design in context.

A new vehicular access is proposed off Green Lane, outside the Conservation Area, at the furthest point from the corner with Roman Road; the college Roman Road access is proposed to be widened. In terms of forms of access in Linthorpe and the length of the street frontage, this is likely to have a neutral impact on Linthorpe Conservation Area. The proposed retention of the triangular area of trees on the corner of Roman Road and Green Lane is positive, however several trees have been removed from the site already.

This proposal appears to be a standard Lidl foodstore design, not appropriate in this location, where a bespoke solution may work, if the principle were considered acceptable. The impact on Linthorpe Conservation Area and its setting, for the reasons explained above, is likely to be negative.

The proposed development would not result in sustainable development or high-quality design, contrary to Policies CS4 and CS5 of the Core Strategy and paragraphs 11 and 134 of the 2021 NPPF. This poor design, along with the poor layout and materials would result in development that would not make *a positive contribution to local character and distinctiveness*, contrary to paragraph 197 of the NPPF. Consequently this would result in *less than substantial harm* not acknowledged or justified in a *clear and convincing justification* manner by the application and its supporting documents, to the setting, which contributes to the significance of Linthorpe Conservation Area, contrary to paragraphs 200 and 202 of the NPPF.

Environmental Protection – MBC (In summary)

With reference to the above planning application please note the conditions limiting the deliveries and collections to between the hours of 8:00am and 7:00pm Monday to Saturday, and between the hours of 9:30am and 6:30pm Sunday, Refuse collection between the hours of 8:00am and 7:00pm Monday to Saturday, and 9:30am to 6:30pm Sunday.

The substation along the boundary of the site has not been included within the noise assessment. This will need to be assessed alongside any proposed mitigation.

No concerns with the submitted lighting plan.

Waste Officer – MBC

No comments

Cleveland Police

In relation to this application, applicant is recommended to contact me for any advice, guidance I can offer in relation to designing out opportunities for crime and disorder to occur.

Northern Gas (in summary)

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.

Northumbria Water (In summary)

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

At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. A pre-commencement condition for details of the disposal of foul and surface water shall be submitted to be agreed with Northumbrian Water and the Lead Local Flood Authority.

Local Lead Flood Authority – MBC

It is noted that the Flood Risk assessment has indicated that the probability of flooding from all sources is deemed to be low and that no flood water flows will be affected, and no flood water will be displaced.

The surface water is proposed to be managed using SuDS and Interceptors are proposed to reduce pollutants from the carpark area.

In principle I am happy with the proposed drainage layout which has been shown however it is noted that not all information has been provided in particular how the run off rates and discharge rates have been calculated and in fact it would appear in calculating the surface water run off from the site they have used brownfield run off rates. Within the Middlesbrough area, developments sites which have been previously developed (Brownfield sites), surface water discharge rates should still be restricted to Greenfield runoff rates.

Deviation from this position is by exception and I would like to see the justifications for moving away from the above position and the difference in the runoff rates and discharge rates. The proposal is to discharge into a NWL combined sewer and therefore confirmation is also required on the discharge rate approved by NWL.

In assessing the site levels it is noted that the land to the east of the building between the car parking and Roman Road appears to fall away towards Roman Road. Also, the area in the north west corner also appears to fall back towards the fence line. Confirmation is required by way of a plan showing the falls in these areas.

Further information is still required and therefore I am unable to recommend approval at this time.

Additional information Required (but not limited to):

- Drainage Strategy
- Plan showing Flow Routes, where flooding occurs from manholes up to the 1 in 100 year event + CC
- Plan showing Exceedance Routes, where flooding occurs from manholes above the 1 in 100 year event + CC
- Details on how surface water runoff from the site will be managed during construction
- Details on the measures to be used to control silt entering the system during construction
- Plan showing the adoption of the surface water system (if applicable)
- Arrangements for the short- and long-term maintenance of the suds

- Technical Details (Suds Features, Control Measures, Micro Drainage Calculations)

If it is approved the following Conditions are required, Surface Water drainage scheme, Surface Water Drainage Management Plan, Surface Water Drainage Management and Maintenance Plan.

PLANNING CONSIDERATION AND ASSESSMENT

1. The application seeks planning consent for the erection of a new discount foodstore (Use Class E) and access, car parking, landscaping and other associated works at the former Northern School of Arts campus site on Green Lane, Middlesbrough.
2. The principle issues to be considered in respect of this application centre upon the appropriateness and sustainability of the site and include an assessment of retail impacts, highway infrastructure, place making and layout and design, residential amenity, ecology and biodiversity, flood risk and any other residual issues.

Policy Framework

3. In assessing the principle of the development of the application site consideration needs to be given to both Local and National Planning Policies. Where the proposal does not accord with the Local Plan, material considerations, including National Planning Policies, will be taken into account to determine the suitability of the proposal.
4. The Local Plan Core Strategy, which was adopted in February 2008, sets out the Council's strategy in terms of housing, economy, community facilities and infrastructure until 2023. This was supplemented and amended by the spatial strategy of the Housing Local Plan (2014) which extended the plan period to 2029 for some aspects of the plan.
5. The Council commenced a review of its Local Plan in 2016, reaching the publication stage in 2018. However, preparation of the plan was paused in 2019 to allow reconsideration of the key strategic aspects of the emerging plan and to provide an opportunity to update the evidence base. As part of this process, a new Middlesbrough Town Centres and Retail/Leisure Study has been undertaken (September 2020). This study will be used to inform the new Local Plan and is a material consideration for this application.
6. The Council's spatial vision and strategic objectives for the area are set out in the adopted Core Strategy and Housing Local Plan. Together these aim to reinforce the economic, social and environmental objectives as set out within the National Planning Policy Framework (NPPF). The key priorities the Council aims to address through the planning system are set out in Section 1 Background (paragraph 1.4) of the Core Strategy. Particularly relevant to this commercial development are:
 - the ambitions to create sustainable communities;
 - meeting local transport needs more efficiently;
 - promoting the economic vitality of Middlesbrough;
 - reinforcing the role of Middlesbrough Town Centre within the Tees Valley city region;
 - improving health; and
 - transforming the local environment

7. The National Planning Policy Framework (NPPF) sets out the national planning policies. The Planning Practice Guidance (PPG) provides further guidance on how the NPPF should be interpreted and applied.
8. The National Planning Policy Framework (NPPF) July 2021 sets out the purpose of the planning system is to contribute to sustainable development through three overarching objectives which are economic, social and environmental. The objectives are interdependent and should be pursued in mutually supportive ways.

Assessment of the Economic, Social and Environmental Sustainability of the Development

9. Economic Sustainability

The economic sustainability objective set out in paragraph 8 of the NPPF relates to building a '**... strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating infrastructure**'.

Sequential and Impact Test – Local, National Policy guidance and case law

10. Core Strategy Policy CS4 (a) requires all new development to contribute to achieving sustainable economic development to support efficient, competitive and innovative business, commercial and industrial sectors.
11. Core Strategy Policy CS7 aims to support and encourage employment opportunities that assist in delivering economic prosperity and developing Middlesbrough's role as part of the heart of a vibrant and prosperous Tees Valley City region. The aim of the strategy is to focus employment development (that previously fell within use classes B1, B2 & B8) within key employment sites such as Greater Middlehaven, Riverside Park, Greater Hemlington and Middlesbrough Town Centre
12. Within the criteria of Core Strategy Policy CS7, development outside of these identified locations will require a sequential test. Priority will be given to those sites that utilise previously developed land and will contribute to the implementation of the economic strategy and be of a scale and nature appropriate for the location.
13. Core Strategy 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. Seeking 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.
14. Housing Local Plan Policy H1 determines proposals outside of strategic locations will need to be sited within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development, such proposals should demonstrate how they would contribute to achieving the spatial vision and objectives identified in the Local Plan, with all development required to ensure that it contributes to, and fully integrates with a sustainable transport network.
15. The guidance within paragraph 82 of the NPPF states that planning policies should set out a clear economic vision and strategy that positively and proactively encourages sustainable economic growth, having regard to other Local Industrial Strategies and other local policies for economic development and regeneration. In addition, policies should

identify strategic sites for local and inward investment to match the strategy and to meet the needs over the plan period.

16. The NPPF paragraph 86, supports the vitality and viability of town centres by placing existing town centres foremost in both plan-making and decision-taking, determining main town centre uses should be located in town centres, then in edge of centre locations.
17. Paragraph 87 of the NPPF sets out that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with a up-to-date plan.
18. With paragraph 88 stating that when considering edge of centre locations or out of centre proposals preference should be given to accessible sites which are well connected to the town centre and applicants should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centres are fully explored.
19. In addition, the NPPF paragraph 90, states that when assessing applications for retail and leisure development outside of a centre and not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment. In this instance for developments of 2,500m². This should include assessment of a) the proposal on existing, committed and planned in a centre of centres within the catchment of area of the proposals and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment area.
20. Paragraph 91 of the NPPF sets out that where an ' ***.. application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused***'.
21. The National Planning Policy Guidance (NPPG) – Town Centres and Retail, paragraph 011 (ID:2b-010-20190722) provides a checklist for consideration that should be taken into account in determining whether a proposal complies with the sequential test :-
 - The requirement to demonstrate flexibility and the suitability of more central sites to accommodate the proposal being considered, where the proposal would be located in an edge of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
22. The Supreme Court Judgment – Tesco Stores Ltd v Dundee City Council (dated March 2012) UKSC13 provides clarity on the lawful meaning of the sequential test in Scottish policy. The Judgment rules that the sequential test, and its limb concerning 'suitable' sites closer to the town centre, is about explaining why alternative sites for the developer's scheme are not more suitable.
23. The Dundee case set out that developers should have regard to the circumstances of a particular town centre when preparing their proposals, as regards the format, design and scale of the development. As part of such an approach, developers are expected to

consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals, in order that their scale may fit better with existing development in the town centre. Provided the applicant has done so, however, the question remains whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.

24. The broad application of Dundee in England has been confirmed by the High Court R (on the application of Zurich Assurance Ltd (t/a Threadneedle Property Investments)) v North Lincolnshire Council [2012] EWHC 3708 (Admin) and more recently Aldergate Properties [2016] EWHC 1670 (Admin). The latter judgement confirms that the sequential test should be applied to the type of retail development proposed, rather than the requirements of the particular operator, and that sites cannot be excluded because the proposed operator has a store elsewhere. It also confirms that a site might still be classed as available, even though it is controlled by another retailer.
25. The Secretary of State in granting planning permission in December 2016 for a factory outlet shopping centre at Scotch Corner in Richmondshire (North Yorkshire) (Refs. APP/V2723/V/15/3132873 and APP/V2723/V/16/3143678) agreed with his Inspector, who noted that, in carrying out the sequential test, whilst paragraph 24 of the NPPF indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require them to disaggregate the scheme. It was confirmed that the sequential test seeks to establish whether the application (i.e. what is proposed) can be accommodated on sequentially preferable sites.
26. In October 2018 the Secretary of State call-in decision on Cribbs Causeway (APP/P0119/V/17/3170627) notes the Inspector (in paragraphs 567 & 568 of their report) confirmed that whilst disaggregation was adopted in past policy it was not embodied in either the Framework or the PPG.
27. It is clear the Secretary of State decisions generally take the view that disaggregation is not required to be considered when applying the sequential test. Notwithstanding this, however, there remains a need for the applicant to demonstrate flexibility in terms of both scale and format, when assessing the suitability of alternative sites to accommodate the proposed development

Sequential Test Assessment

28. The proposal is for a limited assortment discount store which is considered a main town centre use. The out of centre location means a sequential test is required.
29. The Planning, Economic and Retail Statement (PERS) submitted in support of the development identifies the methodology for the Sequential Assessment (SA) based on a limited assortment discount (LAD or 'deep discount') food store, identifying a 5-minute drive-time catchment area. With specific sequential parameters that reflect the minimum requirements necessary to accommodate a LAD food store and discount mixed-goods retailer.
30. The submitted PERS has been based on a 5-minute drivetime, but has not included the Middlesbrough Town Centre Boundary and edge of which is within a 5 minute drive and has not been assessed for sequential preference.
31. The pre-application discussions on the site advised that a 5-minute drive time was considered too low and for this type of development a 10-minute drive time was more realistic. The 10-minute drive time would enable a further degree of flexibility and would

include assessments of additional centres including Middlesbrough Town Centre, Berwick Hills District Centre and Coulby Newham District Centre.

32. In addition to the 5-minute drive time catchment, the PERS identifies seven minimum sequential parameters believed to reflect the broad range of development proposed, having regard to the scale, nature and range of goods typically sold by a 'LAD' retailer. Namely :-
- a. Available sites with an area between 0.6ha and 1.6ha with the potential to house a unit measuring between 1672sqm and 2461 sqm
 - b. Existing vacant units with a floorspace measuring at least 90% of the size of that proposed
 - c. A site allowing safe manoeuvring of customer vehicles
 - d. A prominent site with the ability to attract passing trade
 - e. A site that is able to offer adjacent surface level parking
 - f. A site which can accommodate a dedicated service area to the rear of the store and associated HGV deliveries and manoeuvres
 - g. A single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which has the ability to be developed as such,
33. These parameters (a-g) have been used within the PERS to assess three edge of centre sites at Eastbourne Road Local Centre (a large-scale local centre, as identified in Policy CS13) and Saltersgill Avenue Local Centre (a medium scale local centre.)
34. In accordance with NPPG it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. The specific requirements of the Lidl operator are considered to be rigid, particularly in relation to parking and service area requirements and technically this approach is not in accordance with the flexibility guidance set out within the NPPF. However, the Inspector within a recent appeal decision for a similar retail development at Low Lane, Middlesbrough (APP/W0734/W/22/3313867) did not give significant weight to the use of these specific rigid parameters as part of the sequential assessment and is therefore not a reason for refusal of the proposal.
35. Following the closure of the Co-operative branch at 469 Linthorpe Road the applicant provided an additional sequential appraisal note specifically in relation to the former Co-operative site. The sequential evidence provided with regards to why the former Co-operative site is unsuitable from both an operational and ownership perspective is considered to be acceptable.

Impact Assessment

36. An impact assessment has been submitted in support of the proposal which reflects the 5-minute drive time catchment area and focuses upon those centres that fall within the 5-minute boundary. The proposed gross floor area for the development is 1895 sqm and therefore falls below the default threshold set out within paragraph 90 of the NPPF as requiring an impact assessment. The Inspector within the recent Low Lane, Middlesbrough appeal decision (APP/W0734/W/22/3313867) noted that there is no definition of what might constitute a significant adverse impact in the context of the impact test and the National Planning Practice Guidance indicates that in areas of high vacancy or low retailer demand even modest trade diversion may lead to significant adverse impact. Whilst the proposal may lead to some modest trade diversion, the level of potential impact is not considered to reach the threshold of being of sufficient significance to suggest the proposal should be refused for that reason.

37. It is acknowledged that the development will provide some economic employment opportunities to the area in terms of short-term construction jobs and employment opportunities for the units. The weight given to the employment benefits of the development is not considered to outweigh the unsustainable design and layout of the proposal which will be addressed separately within the report. The proposed economic employment opportunities are noted however are considered to carry little overall weight and not notably affect other considerations.

Highways - Local and National Policy Guidance

38. Core Strategy Policy CS17 sets out development should be located where it will not have a detrimental impact upon the operation of the strategic transport network and will deliver several key priorities. The most relevant for this proposal being, improving access for all, promoting alternative modes of travel an integrated and safe system of cycle and pedestrian routes.

39. Core Strategy Policy CS18 establishes that as part of the creation of a sustainable transport network it will be necessary to incorporate measures into development proposals that improve the choice of transport options. Setting out priorities which include restricting the amount of private car parking in new development and identifying minimum car parking standards as set out with the Tees Valley Design Guide and Specification, the promotion of schemes for cycling and walking and requiring travel plans and transport assessments to ensure the strategic road network will be no worse off as a result of development.

40. Core Strategy Policy CS19 aims to reduce the impact of traffic and to improve safety and the quality of the environment in residential and commercial areas by prioritising five key areas. Including workplace travel plans and arrangements with new developers to introduce a package of measures to discourage car use and encourage other means including bus, bike and walking. Policy CS19 comments that development proposals that would have a detrimental impact upon road safety will not be supported.

41. The Tees Valley Design Guide and Specification 'Residential and Industrial Estates Development' sets out guidance standards in relation to providing sustainable communities by providing safe, convenient and functionally efficient road, footpath and cycle routes, whilst ensuring development reflects the setting of the site.

42. Paragraph 110 of the NPPF sets out the following criteria for assessing sites within the development plan or specific applications to ensure that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

43. NPPF Paragraph 111 comments that development should '**... only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe.**'

44. Paragraph 112 of the NPPF comments that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;***
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;***
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;***
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and***
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.***

45. The National Design Guide identifies ten interlinked characteristics to consider in relation to achieving sustainable and well-designed development. One of the characteristics is 'Movement' (paragraphs 75-89). Patterns of movement for people is considered integral to well-designed places to include walking, cycling, safe access to facilities, employment and servicing, parking and convenience of public transport.
46. The Institute of Highways & Transportation published a technical guidance 'Providing Journeys on Foot' (2000) to encourage Local Authorities to take an integrated and strategic approach to encourage walking as a travel mode through developments with guidance on how to plan, implement and monitor walking measures as part of the wider, integrated transport strategy.
47. To support more people travelling by cycle or foot through development, the government introduced the Local Transport Note LTN 1/20 Cycle Infrastructure Design (July 2020) which provides guidance and good practice for the design of cycle infrastructure. The aim is to support more people travelling by cycle or foot and ensure routes and networks include five core design principles namely to be coherent, direct, safe, comfortable and attractive.

Highways Assessment

48. Development proposals have been tested within the authority's strategic Aimsun model in order to understand what the potential impact on the highway network could be. As is a standard approach when assessing retail development it is agreed that not all trips associated with the development will be new to the network and development traffic will be made up of;
 - New trips – trips that are new to the network (20%).
 - Pass-by trips – trips already passing the site and call in as part of another journey (40%).
 - Diverted trips – trips already on the adjacent network but change route to call in as part of another journey (40%).

This approach is a nationally recognised approach and the proportions for each type of journey are consistent with other retail schemes.

49. The Aimsun assessment has therefore tested the impact of development traffic for this proposal on the above basis in the 2025 and 2030 future year scenarios.

The table below sets out the level of traffic generated by the proposals;

	AM	PM
New	13	31
Pass-By	27	62
Diverted	27	62
TOTAL	66	156

In summary the Aimsun modelling demonstrates that the traffic generated by the development will not have a material impact in terms of the operational capacity of the network.

50. Whilst not impacting on the operational capacity of the highway network, the development will, as can be seen in the figures above generate high levels of traffic at the site entrances and the immediate environs of the site. The number of vehicle movements occurring within a concentrated area, when assessed in conjunction with other sustainability and layout issues will contribute to detrimental impacts as set out in the following sections.

Pedestrian/Cycle Accessibility

51. The proposed development by combination of its land use and location is such that it has the potential if designed and approached in an appropriate way, to ensure a significant number of trips could be made by sustainable travel. The site is located within a residential area with a significant number of properties falling within a 5 minute or 10 minute walking/cycling catchment. A number of bus stops are located within 400m (a 5 minute walk) of the site and are served by various frequent services. However, the approach taken to developing the site in terms of proposed design and layout of the site together with proposed access arrangements and lack of suitable infrastructure arrangements do not reflect this potential. As submitted the development proposals have taken a default standardised approach centred around car-based travel and as such do not support sustainable travel.
52. Pedestrian and cycle routes are not direct between the adjacent highway and store entrance. Routes into the store for these users are squeezed between rows of parked cars and do not lead via convenient, direct, high-quality routes to the main entrance. Whilst not shown on the submitted plans the areas around the main entrance to these stores are normally used for ancillary sales of promotional/seasonal goods, which introduces further clutter and visual obstructions to clear direct routes. Specific examples can be seen in the footpath link to/from Roman Road having two 90 degree bends in it and the route from Green Lane does not align to the main entrance.
53. Those arriving on foot have to cross two internal vehicle aisles from Green Lane and once from Roman Road. This is after having to already cross the main vehicular entrances into the site. A number of car spaces have been placed within the immediate environs of the main store entrance and internal crossing points resulting in vehicles manoeuvring against/over these crossings whilst again reinforcing that the layout has been designed first and foremost around vehicular accessibility.
54. A new access is proposed onto Green Lane which has been designed around the requirements of articulated vehicle swept paths. This has resulted in the creation of a new access 9m wide with large radii. The creation of the access results in a new large vehicular bellmouth which will be used by high volumes of traffic that pedestrians now have to negotiate, including pedestrians not associated with the store. At the proposed tactile crossing point the distance that pedestrians have to cross is 14m which is significant, particularly for vulnerable highway users such as blind/partially sighted, those with mobility issues or parents with young children. When factoring in vehicular arrival/departure rates

to the store, and wide bellmouths with large radii which lead to higher vehicle speeds this will become a hostile environment for pedestrians.

55. Just west of the site is Green Lane Primary School. Green Lane during school peak periods is extremely busy with on-street parking and is used by parents and pupils walking to/from school. The introduction of a large vehicular bellmouth with high volumes of traffic will present a safety hazard for these pedestrians and others.
56. The existing vehicular access onto Roman Road is to be widened to 7m, which results in a crossing distance at the tactile crossing points of 9.3m thus adding a further large busy junction that pedestrians must negotiate. The same situation will be seen as per the access to Green Lane and the individual and cumulative impact of these access is to create additional severance within existing footways to the detriment of pedestrians in residential areas. To summarise the development proposals introduce two large access junctions to serve the site which are designed around the car to accommodate high levels of constant traffic to the detriment of pedestrians and cyclists who become secondary to traffic.
57. The proposal includes a section of shared pedestrian/cycle route along the site frontage, however there are significant concerns with such an approach. The proposed infrastructure has been designed in isolation and does not connect to anything else or other supporting infrastructure. Such an approach is potentially dangerous or offers no benefit to the users intended to be served by it.
58. As the proposed facility is isolated there is no defined entry/exit points for users (particularly cyclists), a key example of this is that the route terminates at the junction of Roman Road/Green Lane. This is a dangerous point where cyclists are left to fend for themselves at a junction with high volumes of traffic and different turning movements.
59. No pedestrian/cycle crossing points exist along the immediate site frontage to serve the proposed store and it's main entrance. The nearest crossing points are both circa 100m from the entrance to the site in the form of;
- a pedestrian refuge to the West of the site at the junction of Kingston Avenue
 - a Zebra crossing to the East of the junction of Roman Road/Green Lane.

Both of these crossings require pedestrians to cross in poor environments and then cross other junctions or large bellmouths which are designed predominantly for traffic in order to access the store.

Vehicle Accessibility

60. Access to the proposed development is proposed to be taken from both Roman Road and Green Lane. The access onto Roman Road is an existing access which is proposed to be widened to 7m to facilitate the necessary vehicular movements.
61. The access to Green Lane is a new vehicular access which does not currently exist and involves the formation of a new kerbed junction bellmouth. Green Lane in the vicinity of the access will be relined in order to provide a right turn ghost island. The principle of a new access to Green Lane is not supported by the Highway Authority and this has been relayed to the applicants repeatedly from the pre-application stage, predominantly for the following reasons;
- The creation of the new junction onto Green Lane and associated right turn island effectively introduces a third lane of traffic and removes the potential for ped/cycle crossing points to be provided

- Hinders the authority's strategic objective to deliver cycle infrastructure along this main corridor (the reallocation of road space to provide the right turn ghost island will prevent this road space being used to introduce cycle lanes), as identified within the Council's Integrated Transport Strategy.
 - The change in nature of Green Lane from two lanes of traffic to three increases the severance created by the road.
62. In addition to the concerns of the Authority an independent Road Safety Audit has also highlighted deficiencies and concerns with the proposed layout including;
- Lane overrun by delivery vehicles accessing/egressing the new junction may result in sideswipe or head on type collisions.
 - Use of the right turn ghost island by residents using the facility as a holding area when entering private drives on Green Lane.
63. During the application process the Council recommended that consideration be given to the signalisation of the Green Lane/Roman Road junction with Thackeray Grove being closed to vehicles, enabling the introduction of a simplified 3 arm signal-controlled junction with dedicated pedestrian/cycle facilities incorporated into the design. Such a junction would manage the competing demands more efficiently/safely and provide improved ped/cycle facilities to the new store making it a more accessible (by non-car modes) and sustainable location. This, together with other design suggestions were made to the applicants however the applicant has not entered into any dialogue with the Council in this regard and the application is considered as submitted.

Highway Safety

64. The junction of Green Lane/Roman Road/Thackeray Grove is a poor junction in terms of safety due to its poor alignment, opposing arms and high traffic volumes along Green Lane. The junction is an unsignalised off-set crossroads with the priority flow being along Green Lane. This situation is reflected in the accident records which show that the junction has a poor accident history.
65. Using Stats19 Accident Records within a 200m distance of the junction of Green Lane/Roman Road there have been a total of 8 accidents within the last 5 years. Accidents were predominantly clustered between the junctions of Green Lane/Roman Road and Green Lane/Tollesby Road. The accidents involved vehicles either turning from a side road into Green Lane or turning from Green Lane into a side road. This pattern tends to indicate that mainline flows are such that motorists get frustrated or take additional risks leading to an increased number of accidents. Of the 8 accidents, 3 involved pedestrians/cyclists including at the Zebra crossing to the East of the site. Accidents at the Zebra crossing are consistent with reports the council receive regarding vehicles failing to stop at the Zebra and additional works that have been undertaken to try to minimise these occurrences.
66. When assessing the accident statistics it must be borne in mind that the Stats19 system only records injury accidents, damage only accidents are not recorded as generally they are not attended by the police. Highway Authority officers are aware that this junction is a tricky/awkward junction to negotiate and as such the actual number of collisions or near miss events are likely to be significantly higher. This view is further supported by concerns regularly received by Ward councillors regarding the junction. In addition, speeds and accident rates are high hence leading to Green Lane being placed within the Police Enforcement top ten list.
67. The authority works with a company which uses Artificial Intelligence together with environmental input data (traffic flows, geometries, rainfall etc) to determine accident risk and probability. This is a similar approach used by the insurance industry. Using this

software the risk rating of the highway network is derived and can be broken down to either links or junctions. This software has identified that the junction of Green Lane/Roman Road is a significant risk location and a higher risk location than other benchmarked locations. Data extracted from the software supports both the accident statistics and local knowledge of the operation of this part of the network.

68. The development proposals will lead to increased volumes of traffic, turning movements and pedestrian and cycle activity around the immediate environs of the site. This increase will further increase both the risk and frequency of accidents, particularly taking into account the lack of high-quality sustainable travel infrastructure.
69. HGV's servicing the site must undertake multi-point manoeuvres within the main car park in the main access aisle. This is a less than desirable solution in terms of safety as articulated HGV's are manoeuvring within bellmouths of junctions, where pedestrians are likely to be walking and adjacent to Parent & Child spaces. The longer the delivery process takes due to other traffic within the internal layout or delivery drivers being cautious due to the safety implications the greater the impact in terms of internal congestion and blocking back onto the highway network.
70. Concerns are raised with the internal layout and the potential for vehicles waiting or caught in internal congestion to start blocking back out on the public highway. Examples of this include;
- Servicing traffic manoeuvring within the main car park aisle which when occurring (at least twice per day) will obstruct the main aisle and access to a number of parking spaces.
 - Due to high East/West flows on Green Lane and the provision of a right turn island traffic leaving the site may struggle to find gaps or left turning traffic will be blocked by a right turning vehicle. Limited stacking space within the site results in queuing blocking the internal layout and car parking.
 - The access onto Roman Road has a 90deg bend immediately on entry/exit with car spaces in this location. Vehicles manoeuvring into/out of these spaces coupled with the alignment will detrimentally affect the ability of traffic to smoothly enter and leave the site. This alignment will also result in a small number of vehicles queuing to leave the site quickly having a detrimental impact on the internal layout.
71. When assessing the scheme against the Tees Valley Highway Design Guide the development requires 136 car spaces, 94 are proposed. Whilst this is not necessarily an issue a car parking accumulation survey needs to be supplied as was requested in the pre-application discussions. This will establish/demonstrate whether the level of parking provided is appropriate or otherwise.
72. As described elsewhere in the report servicing arrangements involve articulated HGV's manoeuvring within the car park, which will block access to a number of car spaces during these events. In addition to this the internal layout of the site means that vehicles entering/exiting the site will obstruct a number of car spaces. As a result of this it is likely that the actual amount of available parking at any one time will be lower than the level of parking provided.
73. A further consideration is the potential use of the car park by others. Green Lane is extensively used by parents dropping off/picking up children to the adjacent Green Lane Primary School and parking can be seen occurring along long lengths of Green Lane during school drop off and pick up periods. Without suitable active management there is a real risk that large amounts of the car park are taken up by these parking demands. Were the application to be recommended for approval there would be a requirement therefore a traffic management plan.

74. The level of car parking has to also be considered against the design of the site and infrastructure in place to support and encourage active (non-car travel). As the approach to this is poor there is little incentive to arrive by non car modes thus further increases dependence on the private car and associated demand/number of parking spaces required.
75. It is the view of the Highway Authority that development proposals cannot be supported for the reasons as set out above. As such the recommendation is that the application be refused on the grounds of Highway Safety and Sustainability.

Social Sustainability

76. The social sustainability objective set out in paragraph 8 of the NPPF relates to supporting ‘...**strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being’**.

Design/Layout – Local and National Policy Guidance

77. Core Strategy Policy CS5 (Design) requires all development to provide a high quality of design in terms of layout, form and to contribute to the character and appearance of the area.
78. Core Strategy policy CS5 (c) requires development to ‘..**secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context’** with policy CS5 (f) requiring new development to ‘... **enhance both the built and natural environments**
79. Core Strategy Policy DC1 (b) requires as a minimum 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 a high quality**
80. The Council’s Urban Design Supplementary Planning Document (UDSPD) Section 6 sets out design guidance on retail developments
81. Section 6.1 of the UDSPD references that ‘ .. **the desire to achieve a cohesive or corporate look to a development can often lead to compromises to the fine grain of an area, especially for larger scale buildings. It is essential that all development is appropriate to it’s location; this is especially critical where it abuts an existing property to where it forms part of a wider streetscape. Particular attention should be paid to storey heights, number, size and proportion of openings, positioning of entrances and materials**
82. Section 6.11 of the UDSPD sets out that ‘ ..**Large retail and industrial buildings can sometimes look like large utilitarian buildings of little architectural merit. While functional requirements are important, the use of appropriate materials and breaking up the scale, massing and roof of the building can reduce the impact of such buildings**
83. In terms of materials, section 7.17 of the UDSPD recognises that external materials have a major impact on the building design with brick, concrete and slate roof tiles being the

prevalent material in Middlesbrough with timber cladding and render being welcomed where appropriate

84. Chapter 12 of the NPPF – ‘Achieving Well- designed Places’ paragraph 126 establishes that ‘ ***The creation of high quality, beautiful and sustainable 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 makes development acceptable to communities***’
85. With paragraph 128 of the NPPF setting out design expectations should be in accordance with the principles set out within the National Design Guide (2021) and the National Model Design Code, and which reflect local character and design preferences.
86. Paragraph 130 of the NPPF requires planning decisions to ensure developments will :-
- a. 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 well-being, with a high standard of amenity for existing and future users***
 - g. and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.***
87. NPPF Paragraph 131 notes the importance of trees in terms of the contribution to the character and quality of the urban environment and that opportunities should be taken to incorporate trees within developments.
88. NPPF Paragraph 134 sets out that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, contained within the National Design Guide and Model Design Code.
89. Paragraph 134 of the NPPF comments that significant weight should be given to development which reflect local design guidance and supplementary planning documents or which are an outstanding or innovative design which promotes high levels of sustainability, or helps raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surrounding.
90. The National Design Guide (NDG) establishes ten key characteristics the government consider contribute to a well-designed development, reflecting the NPPF guidance. Including the development context, identity, built form, movement, nature public spaces, uses, homes & building, resources and lifespan. The ten key characteristics set out within the NDG have been used to assess this development.

Design/ Layout Assessment

Context

91. The application site is located within a residential area with the eastern and south-eastern boundaries of the site adjoining the Linthorpe Conservation area. The site itself has two active frontages facing towards Green Lane and Roman Road. Following the demolition of the former college buildings on the site there are open views into and across the site.
92. The streetscape along Roman Road and Green Lane is characterised by established trees either within the front gardens or within the highway grass verges. The residential properties within the immediate area along Green Lane, Harrow Road and Roman Road have an established linear front building line and are set back from the main highway. The properties along Green Lane are predominantly detached and semi-detached properties with the properties to the north along Harrow Lane begin semi-detached with the rear gardens adjoining the application site. To the east along Roman Road are semi-detached villa style properties sited within the Linthorpe Conservation area. The building materials within the vicinity are traditional red brick with slate and terracotta roof tiles.
93. The commercial buildings within the vicinity of the site are primarily educational buildings or recreational facilities such as Green Lane Primary School to the south-west and Mill Hill Recreation Ground and Acklam Park. With a small-scale local centre located approximately 400 metres to the north on Roman Road.
94. The site layout shows the main commercial retail unit set back towards the northern boundary with Harrow Road with the main car park area to the front of the site. The location of the main building directly conflicts with the established front building lines of the residential properties fronting both Green Lane and those to the north on Roman Road with the large expanse of hard standing for the car park being an anomaly within this residential area.
95. The commercial nature of the site requires a service yard provision. The site layout shows the service yard access located to the side of the building which given the orientation of the building within the site will be visually highly prominent from the wider views along Green Lane and the site entrance, rather than being screened to the rear. The service yard area will be particularly prominent given a 3-metre-high acoustic fence is proposed for noise mitigation measures to the west of the service yard which is annotated on the site layout plan, but not shown on the elevation drawings. There is a historic brick wall along the western boundary of the site but in general timber boundary fences of this height are an anomaly within this residential area of Linthorpe
96. The site layout with the building to the rear and level of hard standing to the front appears to have been based around vehicular access to the site and not to enable either pedestrian or cycle accessibility or moveability within the site which is a criteria and characteristic set out within the National Design Guide. The pedestrian links into the site are limited to two main footways which both cross the main internal vehicle circulation route within the car park
97. The footpath link from Green Lane to the main footpath around the building is an unattractive footpath link given the footpath is shown as crossing the car park and then leads directly into the trolley bay area/signage and a restricted width section of the footpath around the store
98. Pedestrians accessing the site from the north along Roman Road will have to cross the vehicle entrance to access the pedestrian footpath into the site, when in reality pedestrians

are likely to utilise the quickest and most direct route into the store which would be by using the vehicle access off Roman Road

99. The site plan shows car parking spaces, including the electric charging spaces towards the western boundary of the site with no footpath links to the store frontage. Given the location of these spaces towards the main site entrance this design will bring pedestrians in conflict with vehicles including the HGV service vehicles. The site layout design shows no segregation between the service area and the general car park meaning the delivery HGV's would be utilising the same circulation areas as car borne customers, pedestrians and cyclists. HGV manoeuvres will directly conflict with the car parking spaces, including the parent and child spaces and the main vehicle entrance, providing not only highway safety concerns but an unattractive environment for pedestrians and car borne users of the store. A similar design where vehicles/pedestrians have conflict in movement was noted by the Inspector in the recent Appeal Decision for Low Lane, Middlesbrough (APP/W0734/W/22/3313867) paragraph 35 for a mixed retail development :-

' the servicing of the proposed buildings seems to me to be inadequately considered. There is no segregation between most servicing and the general parking and circulation area. There would be significant risk of service vehicles being hindered by drive through and other traffic. Service vehicles would in themselves be using most of the same area used by car borne customers, pedestrians and cyclists. The risk of accidents, inconvenience and delay cannot be ignored when large vehicles and all other forms of traffic on site are in conflict'

100. The concerns raised with regards to the pedestrian and cycle access resulted in the footpath around the store being increased in width at certain points from 1.8 metres to 2 metres. The revised plans have not addressed the location of the cycle store area which is shown as being positioned between the store and the disabled parking spaces. The location of the cycle storage means the two northern disabled bays will be unable to access the footpath to the front of the store given the limited footpath width remaining which will force them onto the internal highway areas. Furthermore, cycles would not be easily stored should the parking bays next to the cycle store be occupied, thereby making it undesirable for people to cycle to the site.
101. The location and layout of the parking bays forward of the main building between Green Lane and Roman Road will have a dominating visual impact on the appearance of the site from the wider area. No landscaping is shown as being provided in between the parking spaces or towards the front of the building itself which would assist in reducing the appearance of the hardstanding areas. The electrical charging car parking spaces and associated signage required for the charging points have been positioned towards the main site entrance off Green Lane and will be highly visible. Despite there being some landscaping provided along the main highway frontages the fundamental site layout design with the hard standing to the front, main building to the rear on such a prominent corner plot within this residential area is considered to have a dominant and negative impact on the residential character of the street scene.
102. The design of the building is a standard rectangular design with a lean-to roof that extends across the full length of the building with only the entrance canopy and service bay providing a lower flat roof design. The rectangular design of the building with the continuous lean-to roof design is considered a stark contrast to the existing roofscape of the area, which is formed by individual residential properties.

103. The building would extend approximately 78 metres along the northern boundary of the site with a width of 28 metres. The eaves height of the building towards Harrow Road boundary would be 5.2 metres increasing to 6.8 metres towards Green Lane. Despite the building being single storey the lowest eaves height along Harrow Road would be higher than a standard eaves of a two-storey residential property, which is 4.7 metres. Despite the building being shown as a single storey structure, the overall height, mass and scale of the footprint of the building and service yard area is considered to be significant and out of character with the existing scale and proportions of the residential properties within the immediate vicinity.
104. In a recent appeal hearing decision the Planning Inspector commented on the scale and design of a similar Lidl Store proposal at Low Lane in Middlesbrough (appeal APP/W0734/W/22/3313867) where residential properties formed part of the backdrop to the site. Concluding :-
- 'the housing is not in the form of larger rectangular structures as 2 of the building here are. In addition the houses are, individually of a smaller scale and have a very different visual impact.'***
105. The south elevation has been designed with a blank elevation wall along the full length of the building which would face towards the residents of Harrow Road. Only a single fire door with no other openings or architectural details/ design features on this north elevation which could be considered to have a positive impact on the visual appearance of this elevation. Similarly, the south elevation design has a predominantly blank elevation wall with only a small section of glazing provided toward the main corner entrance. The building design is a standard format for the intended occupiers, with no specific architectural design details having been included to ensure the design would have a positive impact on the street scene or the surrounding Conservation area.
106. Concerns raised during pre-application discussions on the negative impact of the design and materials on the character of the street scene and the conservation areas resulted in a change in materials for the application, but no significant design alterations. The proposed materials include metal curtain walling, red brick, timber cladding and coloured render. The use of the red brick is a standard material in Linthorpe, but timber cladding on elevations is not a standard material for buildings within Linthorpe. The proposed materials and the building design would be an anomaly within the street scene.
107. The boundary treatment for the site includes retention of the existing hedgerows along Roman Road and Green Lane and a section of additional hedgerow along Green Lane. Sections of low-lying brick walls with weathered coping stones and square capped piers would be provided towards the two main site entrances, which are considered to fit in with the existing boundary treatments within the street scene.
108. The proposal includes two sections of 2-metre-high paladin security fencing and gates to the sides of the main building. The paladin design is a commercial fencing design which is generally suitable for commercial units in retail or industrial parks and school perimeters but is not generally found within residential areas, particularly those adjacent to conservation areas.
109. Advertisement consent will be required for any additional signage required for the development. The precise design and location of the signage would be considered as part of the advertisement consent. Although this will be a separate application, based on previous Lidl stores this will involve a totem pole sign along the perimeter of the site alongside the building signage. The visual impact of the additional signage within the site

layout contributes further to the commercial appearance of the development within the context of the existing residential street scene.

110. The Design and Access Statement provides justification for the scale of the proposal based on the existing scale and mass of the college buildings which were on the site and that the smaller scale development will significantly improve the visual amenity of the neighbouring users.
111. The previous use of the site was an educational college prior to the demolition of the buildings. The layout of the college buildings reflected the existing front building line along Green Lane and Roman Road with a large, landscaped area including trees situated between the highway and the college building, which differs from the current proposal. The footprint of the college buildings extended across the large proportion of the site with a varying roof height of single storey and two and three storey buildings. Two individual highway accesses were provided off Roman Road to the car park located to the rear north-west corner of the site with no highway access points from Green Lane.
112. Notwithstanding the differences in the site layout and design of the former college site and the current proposal, the former college building has now been demolished along with the removal of several trees to provide a vacant site, which affords more open views across the site of the surrounding residential properties. It is in the context of the current vacant site which this application is being assessed in terms of the site layout, design and materials.
113. The proposed standard commercial building design is in stark contrast to the scale and individual nature and architectural design of the surrounding detached and semi-detached residential properties. The prominent corner site location, position of the building within the site, scale and massing of the building, materials and level of hard standing provided to the front of the site is considered to have an unacceptable harmful visual impact on the existing residential character of the area and is considered to be unattractive to anyone other than people with private cars.
114. The proposal is considered to be contrary to Core Strategy Policies CS5 (c&f), DC1, NPPF Paragraphs 128 and 130, Section 6 of the UDSPD and the guidance set out within the National Design Guide in relation to context, identity and built form.

Amenity – Local and National Policy Guidance

115. Core Strategy DC1 (c) requires all new development to ensure the effect upon the surrounding environment and amenities of occupiers of nearby properties is kept to a minimum both during and after completion.
116. Core Strategy CS5 (e) requires the 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.
117. NPPF Paragraph 130 (m) requires planning decisions to ensure developments will '..... **create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.**'
118. NPPF Paragraph 174 (e) requires planning policies and decisions to contribute to and enhance the natural and local environment by :-

‘....preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans’;

119. NPPF Paragraph 185 establishes that :-

‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁵;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’

120. The National Planning Practice Guidance (NPPG) - Noise states that **noise** needs to be considered when new developments may create additional noise and should be considered in the context of the wider characteristics of a development proposal, its likely users and its surroundings as these can have an important effect on whether noise is likely to pose a concern.

Amenity Assessment

121. Residential boundaries adjoin the northern and western boundaries of the site and are located across Green Lane to the south and Roman Road to the east. The site layout provides the service delivery area and the main plant and machinery area to the north-west corner of the site, alongside the boundaries with the residential properties on Harrow Road and Green Lane.

122. A Noise Impact Assessment (9399/FD) has been submitted in support of the application in relation to activities from the food store, specifically plant and delivery noise. Two noise monitors were placed within the site towards the eastern and northern boundaries between the 17th and 20th December 2021.

123. The proposed plant for the store will be sited above the delivery bay in an enclosed area installed behind a parapet wall with acoustic louvre vents which will be placed on the rear elevation of the building facing towards the residential properties on Harrow Road. The Noise Assessment established the current background noises on Harrow Road as 34dB and Green Lane as 38dB. The Noise Assessment concluded that the increase in existing background level noise from the installation of the plant and machinery in a worst-case scenario would be 3dB for residents at Harrow Road and 2db increase for the residents on Green Lane.

124. The Noise Impact Assessment used British Standard 8233:2014 to assess the guidance noise levels considered acceptable for residential properties. A figure of 35dB within living rooms during the daytime and 30dB during the evening is considered

acceptable. The internal level is approximately 15 dB quieter than the external noise levels allowing for the attenuation of a partially opened windows. The predicted internal noise levels for Harrow Road and 22dB and for Green Lane 25dB which falls within the BS8233 criteria.

125. The site layout includes the relocation of a sub-station to alongside the western boundary with a residential property at 5 Green Lane. The Noise Impact Assessment report includes no assessment of the potential noise levels from the electricity substation to enable a full assessment of the impact of the substation on the amenity of the neighbouring properties.
126. Alongside the plant and machinery noise levels, the nature of the proposed retail operation will result in an increase in the overall background noise levels as a result of cars accessing, manoeuvring within the site and opening of car doors etc alongside general noise from users of the facility. Whilst some level of noise would be prevalent from the former educational use of the site this was limited to term times only and daytime periods only, generally 8am to 6pm. The proposed retail use would result in an increase in the daily hours of use by members of the public and for servicing purposes.
127. No details have been provided of the operating hours of the store but the standard Lidl opening hours are 8am to 10pm Monday to Saturday, 10am to 4pm Sunday and 8am to 8pm on bank holidays. The electric charging point facility located alongside the residential boundary with 5 Green Lane will be available for use 24 hours a day. The operation hours of the store and vehicle charging points will resulting in an increase in the hours of use of the site by members of the public and for servicing purposes.
128. The Council's Environmental Protection Team have requested a condition to limit the hours of deliveries and collections should the application be approved. With regards to the noise assessment, no issues were raised with in connection to the assessment of the plant and machinery above the delivery area which was included within the Noise Assessment. However, as no assessment has been provided for the noise levels of the electricity substation sites alongside the residential property a noise assessment of the substation and any mitigation measures is required to ensure the amenity of the occupants of the neighbouring properties.
129. The service yard and side and rear elevation of the building would be within 5.5 metres of the northern boundary and rear garden areas of the residential properties on Harrow Road and 125 Roman Road and 7.5 metres from the rear gardens of 5 Green Lane and 21 Harrow Road on the western boundary. The Harrow Road properties are semi-detached with several having rear extensions. The main rear elevations of the properties on Harrow Road are located approximately 14 metres from the building, with this distance reduced to approximately 10 metres where properties have extended to the rear.
130. The rear elevation of the building will extend along the full width of the garden boundaries of 125 Roman Road and 1-13 (odds) Harrow Road. The height of the north elevation towards Harrow Road is 5.2 metres with the sloping roof height increasing to 6.8 metres towards Green Lane. The height, proximity and projection length of 78 metres along the northern boundary with Harrow Road is considered to have an oppressive and overbearing impact on the occupants of 1- 13 (odds) Harrow Road and would result in the loss of outlook from these properties.
131. The applicant has referenced the scale of the former College buildings within the site as justification in terms of the impact on the amenity of the neighbouring properties. The

design of the former college buildings had a stepped roof height which did not extend along the full northern boundary with Harrow Road. Furthermore, the college buildings have been demolished so the application is being considered on the impact of the development on the neighbours from the current vacant site.

132. The east and south elevations of the building include curtain wall glazing panels with the remaining elevations being blank elevations with fire door accesses. The glazing panel areas are set back from the highway and the neighbouring properties along Roman Road and Green Lane with some limited screening provided by existing landscaping within the site. The location of the building within the site and the design of the building will ensure there is no impact in terms of potential loss of privacy.
133. The lighting plan details the locations of the external lighting on the building and the lighting columns within the car park with details of the levels of light spillage. The Environmental Protection Team have no objections to the light details provided. Any additional internally illuminated advertisements would be subject to a separate advertisement application.
134. Cleveland Police have been consulted on the proposal and have raised no objections and advised the applicant contact them for further advice to design out opportunities for crime and disorder.

Flood Risk – National and Local Policies

135. Core Strategy Policy CS4 requires all development to contribute to achieving sustainable development principles with criteria (m) ensuring ‘ ***inappropriate development is not carried out in the floodplain and that sustainable methods of surface drainage are used. This should include the incorporation of Sustainable Drainage Systems in new developments to mitigate against localised flooding, promote water conservation and help protect water quality***’.
136. The NPPF Paragraphs 153 to 158 provides guidance for development plans to take a proactive approach to mitigating and adapting to climate change and to take into account the long-term implications for flood risk and to support appropriate mitigation measures or make provision for future relocation of vulnerable development and infrastructure.
137. NPPF Paragraphs 159 to 169 provides guidance for planning and flood risk, all plans should apply a sequential, risk-based approach to the location of development taking into account current and future impacts of climate change; to ensure that flood risk is not increased elsewhere due to the development; and to incorporate sustainable drainage systems.
138. NPPG Flood Risk and Coastal Change, Paragraph 020, outlines that the objectives of a Flood Risk Assessment is to establish whether a proposed development is likely to be affected by current or future flooding from any source; whether it will increase flood risk elsewhere; whether the measures proposed to deal with these effects and risks are appropriate; whether the evidence for the local planning authority to apply (if necessary) the Sequential Test; and whether the development will be safe and pass the Exception Test, if applicable.

Flood Risk Assessment

139. The application site is located within Flood Zone 1 which is considered to have a low probability of flooding with land having a less than 1 in 1000 annual probability of river or sea flooding. Appendix 3 of the NPPF which is referenced within paragraph 163

establishes flood risk vulnerability classifications for developments, with a retail proposal being classed as 'Less Vulnerable' development and not requiring exception or a sequential test.

140. The application is supported by a Flood Risk Assessment that establishes the Surface Water from the site is proposed to be managed through an attenuation tank underneath the car park. Northumbrian Water have commented that insufficient information has been provided for the disposal of foul and surface water to assess the capacity to treat the flows from the development and require these details to be conditioned and approved prior to commencement of the development.
141. The Local Lead Flood Authority has commented that whilst the principle of the proposed drainage layout is considered there are specific details which have not been provided, which at this point mean the development cannot be fully assessed. The outstanding information includes the proposed drainage strategy, flow rates, exceedance route information, surface water run-off management during construction and short-term and long-term maintenance of the SuDs along with technical details of the SuDS. Whilst some of the information could be conditioned, the extent of the missing information means a full assessment of the impact cannot be provided at this time.

Environmental Sustainability, including Ecology and Biodiversity- Local and National Policy

Environmental Sustainability

142. The environmental sustainability objective set out in paragraph 8 (c) of the NPPF relates '**... to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.**

Historic environment- Local and National Policy Guidance

143. Core Strategy Policy CS4(k) requires all development to '**... protect and enhance Middlesbrough's historic heritage and townscape character**' with policy CS5 (h) requiring '**... the preservation or enhancement of the character or appearance of conservation areas and other areas of special interest and character**'.
144. NPPF Paragraph 197 (criteria c) requires local planning authorities to take account of the '**..desirability of new development making a positive contribution to local character and distinctiveness**'.
145. NPPF Paragraph 200 establishes any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
146. NPPF Paragraph 202 sets out that '**. Where development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum use**'.
147. The National Design Guide (NDG) section C2 references the importance of 'Identity' and understanding the history and heritage of the site, its surroundings and wider area, significance and settings of heritage assets and other specific features that merit conserving and enhancing and the local vernacular, including historical building typologies

such as terraced house, mews, villas and the treatment of facades, characteristic materials and details.

Historic Environment Assessment

148. The Linthorpe Conservation area boundary is immediately alongside the eastern and south-eastern boundary of the application site (Appendix 4). The Linthorpe Conservation area boundary along Roman Road was altered in 2006 to include the triangular area of landscaping at the junction of Roman Road and Green Lane. The conservation area is subject to an Article 4 (2) directive introduced in 2010. The proximity of the development site to the conservation area means the impact on the setting and appearance of the conservation area is a material consideration..
149. The significance of the conservation area lies within it's village origins and high quality suburbs with area of planned architectural consistence. Section 7 of the Linthorpe Conservation Appraisal and Management Plan comments that the character of the Conservation area is due to the '**overall consistency of the buildings and the definition of the external spaces around them**'.
150. The Linthorpe Conservation Appraisal and Management Plan references the buildings along Roman Road as being set back from the street, with the exception being the properties within the Roman Road centre. The properties to the east and north along Roman Road and Westwood Avenue date from between 1895 and 1915 comprising of two-storey villa pairs with attic spaces with brick walls, slate roof tiles, decorative fascia board, dormer windows and balconies with decorative railings. The front gardens have mature trees which partially screen views of the properties from the main highway.
151. The Appraisal and Management Plan references the mature trees along Roman Road and the significant group of trees to the west of the junction of Roman Road and Green Lane as framing views into the Conservation area.
152. Pre-application advice was provided raising significant issues with the impact the site layout, design of the main building and standard materials proposed by the end occupier Lidl would have on the surrounding historic environment. The submitted plans altered only the materials for the development, by including red brickwork and timber cladding with no fundamental alteration to the site layout or overall building design
153. The Heritage statement in support of the application comments the scale and design of this development is an improvement on the former college site and will have a positive contribution to the conservation area in terms of materials and scale that will reinstate the dominance of the residential character of the conservation area.
154. The application site was agricultural land in the 19th Century and with the development of Linthorpe became the site of a large residential dwelling 'Ashgate' prior to the college buildings being constructed in the 1970's. Given the previous buildings on the site there is a low probability of there being any archaeological items of importance within the site.
155. The former college building was a 1960's design, including curtain wall apertures and flat roof design which was not typical of the age or form of development within Linthorpe. The former college buildings have been demolished and consideration can now solely be given to the impact of this development on the character and appearance of the conservation area.

156. The proposed site layout with the main building being set back from the highway to the rear of the plot with parking to the front of the site is an anomaly to the current layout of the buildings within the conservation area that are positioned towards the front boundaries with active street frontages. The level of landscaping provided along Roman Road and Green Lane will not fundamentally screen the scale of the proposed car parking or alter the fundamental issue in terms of positioning the car parking to the front of the site and the building towards the rear of the site.
157. The proposed design of the unit is modern with curtain walling and a flat roof and is a standard rectangular structure, which is architecturally uninspiring given the location of the site. The materials will be metal windows/doors, timber cladding, red brick work and coloured render and whilst the use of red brickwork is the predominant masonry found in Linthorpe the use of timber cladding and the overall design of the building will be an anomaly in the area.
158. An Inspector within a recent appeal decision for a Lidl store within the Wye Valley area of outstanding beauty (APP/W1850/W/20/3244253) commented on the use of cladding materials to justify the appearance of the building noting ‘ .. **the proposed store falls short of what might be expected in this locality**’ and ‘ .. **despite explaining the design proposed, and pointing out the changes to external cladding, the proposed store remains close to what might be deemed a typical company product. It is essentially a rectangular box with an almost flat roof profile using a limited palette of materials.**’ Concluding ‘ .. **the design is commonplace and bland in form, detailing and materials.**’ Whilst this appeal site was in an area of outstanding beauty ,the principle of the use of cladding on the building to justify a poor overall standard building design is considered to be applicable to this site and the impact on the setting of the conservation area.
159. A new vehicular access is proposed off Green Lane, outside the Conservation Area, at the furthest point from the corner with Roman Road with the college Roman Road access proposed to be widened. In terms of forms of access in Linthorpe and the length of the street frontage, this is likely to have a neutral impact on Linthorpe Conservation Area. The proposed retention of the triangular area of trees on the corner of Roman Road and Green Lane is positive, however several trees have been removed from the site already.
160. The Council’s Conservation Officer is of the opinion the proposed building does not respond to the best of development typical of the conservation area, so is not considered to be good design. This proposal appears to be a standard Lidl foodstore design, not appropriate in this location, where a bespoke solution may work, if the principle were considered acceptable. The impact on Linthorpe Conservation Area and its setting is likely to be negative.
161. In assessing the impact of this commercial retail development, consideration has been given to the existing retail units within the Linthorpe Conservation to the north of the application site on Roman Road. Each of the commercial units within the Roman Road local centre are smaller in scale to the proposed development with the Tesco store reusing an existing Victorian building. Furthermore, the active use by Tesco of this existing building is considered a positive contribution to the appearance of the conservation area
162. The proposed development would not result in sustainable development or high-quality design, contrary to Policies CS4 (k) and CS5 (h) of the Core Strategy, paragraphs 11 and 134 of the 2021 NPPF and the principles set out within the National Design Guide in relation to Context. The poor design, along with the poor layout and materials would result in development that would not make a positive contribution to local character and

distinctiveness, contrary to paragraph 197 of the NPPF. Consequently this would result in less than substantial harm not acknowledged or justified in a clear and convincing justification manner by the application and its supporting documents, to the setting, which contributes to the significance of Linthorpe Conservation Area, contrary to paragraphs 200 and 202 of the NPPF.

Biodiversity, Ecology, Landscaping – Local and National policies

163. Core Strategy CS4 (j) requires developments to ensure that ‘... ***biodiversity assets, geodiversity assets, wildlife species, natural habitats, water resources, landscape character, green infrastructure, air quality and water quality; within and outside Middlesbrough are protected. Where possible such assets should be enhanced.***’
164. Core Strategy Policy CS5 (f) requires all new development to ensure a quality of new development that enhances both the built and natural environments.
165. The NPPF Paragraph 8(c) sets out three objectives in terms of achieving sustainable development which includes an environmental objective with the aim ‘..***to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy***’.
166. Paragraph 130 (b) of the NPPF aims to ensure all planning decisions are visually attractive as a result of good architecture, layout and effective landscaping with Paragraph 131 recognising the important contribution trees provide to the character and quality of urban environments and can also help mitigate and adapt to climate change. Paragraph 131 requires planning decisions to ensure opportunities are taken to incorporate trees elsewhere in developments, ensure existing trees are retained wherever possible and appropriate measures are in place to secure the long-term maintenance of newly planted trees.
167. Paragraph 174 of the Framework seeks to enhance the local and natural environment by amongst other things providing net gains for biodiversity.
168. NPPF Paragraph 180 (a) establishes that planning permission should be refused where there is significant harm to biodiversity from the development and this cannot be adequately mitigated or compensated.
169. NPPF paragraph 180 (d) sets out that developments which primarily support biodiversity should be supported alongside applications where opportunities exist to improve biodiversity in an around development sites and these have been integrated as part of the design, especially to secure biodiversity net gains.
170. The National Design Guide (NDG) references within paragraphs 90 and 91 the importance nature provides to the quality of place, people’s quality of life and is a crucial component of well-designed places. The NDG references that natural features such as landscaping and trees should be integrated within development to support and enhance biodiversity, alongside providing attractive places for individuals and to promote well-being and social inclusion

Biodiversity, Ecology, Landscaping - Assessment

171. There are five trees within the site which are subject to a Tree Preservation Order (TPO 82) located towards the southern boundary of the site fronting Green Lane. The TPO's relate to a Black Poplar, Silver Birch, Horse Chestnut, Austrian Pine and a Sycamore.
172. The Arboricultural Report concluded that there were 14 individual trees and 3 groups of trees/shrubs within the site. The report categorised the trees according to amenity values with 8 trees and groups within 'C' Category (moderate), 7 trees within 'B' Category (high) and 1 within U category (low).
173. The Arboricultural Impact Assessment sets out that a section of the eastern beech hedge on the Green Lane boundary will be removed along with a pear tree (T12) on the western boundary as part of the development. No other trees were to be removed to enable the development according to the Arboricultural reports completed on behalf of the applicant in July 2022, with the proposal providing opportunities for additional tree planting.
174. Prior to the submission of the application, the owners removed several trees from within the site without permission resulting in the Forestry Commission serving a restocking notice on the owners. The restocking notice requires a minimum of 20 trees to be planted across two separate areas along the western boundary and the southern/eastern boundary. The Restocking Notice sets out the tree species and for a 10-year period from planting these trees are to be protected and replaced if they die.
175. The submitted landscaping plan proposed the replacement of 19 trees within the two designated areas, so currently fails to accord with the Forestry Commission Restocking Notice requirements. The landscape plans have failed to show a Japanese Rowan tree from the southern boundary replanting area as required under the restocking notice, however there would be sufficient space for this additional tree to be provided.
176. The NPPF requires development to provide 'no net loss to biodiversity' and to provide 'opportunities for biodiversity net gain' through providing enhanced opportunities for nesting birds, roosting bats and landscape planting.
177. The Ecological Impact Assessment included a desk survey and field survey of the site and was completed in June 2022 after the removal of several trees within the site and prior to the demolition of the existing college building. The survey concluded that there was no evidence of bats within mature trees within the site, however noted that the demolition of the building fell within a separate Prior notification approval. The location of the lighting columns within the site and levels of lighting provided would ensure minimum light overspill should bats occupy the site in the future.
178. There were no waterbodies within 500 metres which provided any potential for breeding or any recorded Great Crested Newts within 2km of the site within the last 10 years. The Ecological Impact Assessment concluded the development would have no 'net loss to biodiversity'. However, alongside the landscaping proposed further mitigation measures were required to ensure there was a biodiversity net gain from the development. Mitigation measures required included native species planting, installation of bird and bat boxes and deadwood hibernation areas.
179. The landscaping plans and the elevation plans for the development include no bird or bat boxes to improve biodiversity and whilst it would be beneficial to include them as part of the initial building design these boxes could be conditioned. Despite the survey being completed after the removal of several trees within the site, the replacement trees and the

landscaping provided will ensure there is no net loss to biodiversity and a slight improvement following the inclusion of the bat and bird boxes.

180. The Energy and Sustainability Statement (August 2022) sets out how the building design will contribute towards mitigating and adapting to climate change and reduce the carbon emissions and energy consumption from the development, via utilising natural daylight and enhanced fabric efficiencies. Resulting in the design of the building incorporating air source heat pumps and photovoltaic panels.

Residual Issues

181. Objection comments relate to the extent of the consultation and the statutory time frame for response on the proposal, the fact site notices were removed and the lack of consultation on the demolition. Extensive consultation in the form of letters, site and press notices has been undertaken with the time frame for comments being until the determination of the application.
182. Comments have been received that no point objecting as a foregone conclusion and brown envelopes involved. This is not the case as the decision is based solely on material planning considerations following assessment of the development.
183. Comments have been made that Lidl have sent out 1000 letters asking if neighbours would shop in the store and most to residents over 1/2 a mile away and not immediately affected. Any marketing consultation undertaken by Lidl is not a material planning consideration.
184. Objections have been received with regards to the demolition works and vibrations and long-term impacts on the neighbouring houses. The demolition was a separate planning application and is not a material consideration as part of this proposal.
185. Comments regarding devaluation of properties, reduced council tax if approved are not material planning considerations which can be assessed as part of this proposal.

RECOMMENDATIONS AND CONDITIONS

Refuse for the following reasons

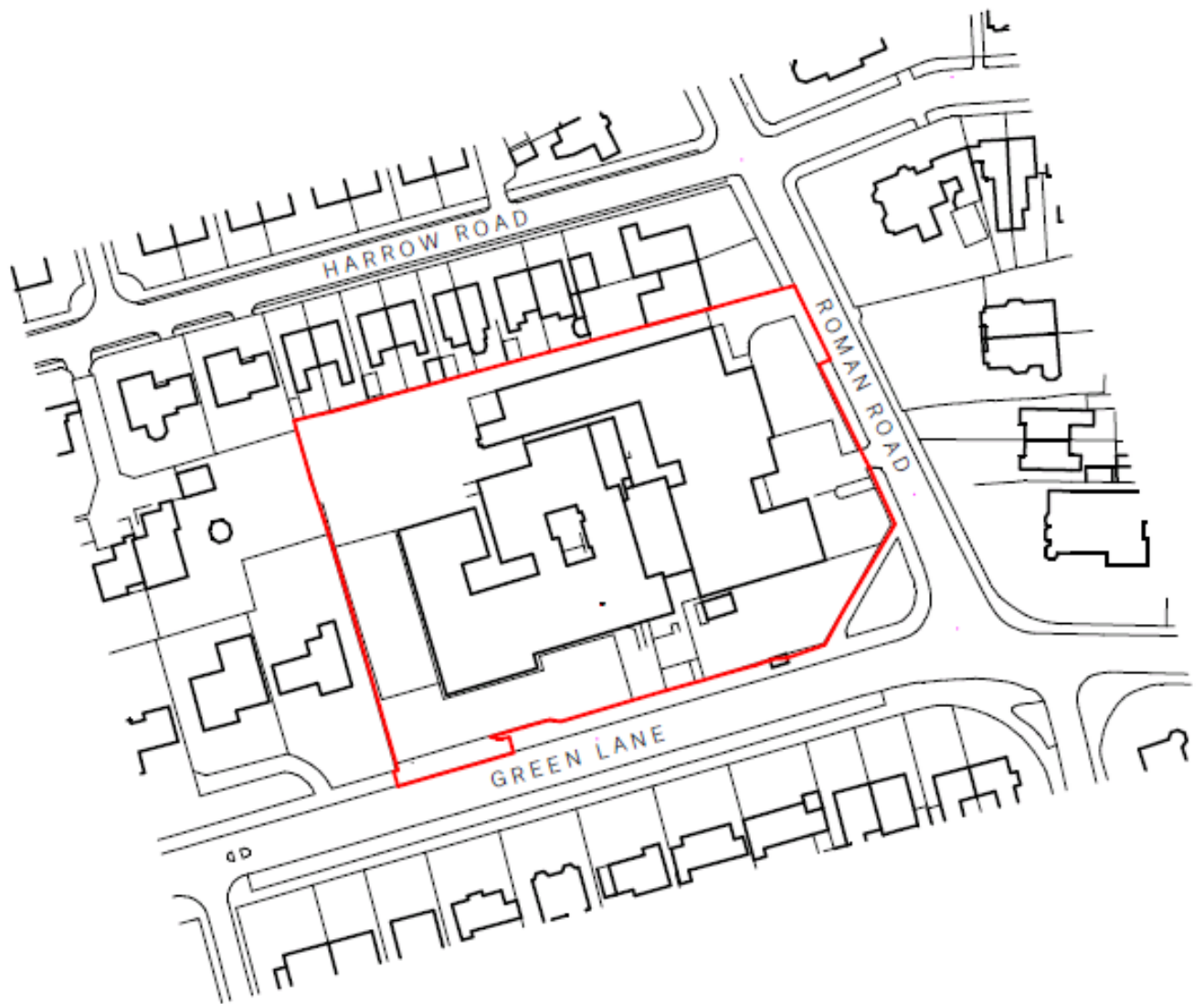
1. Design/layout
In the opinion of the Local Planning Authority, the building position and scale and the layout and extent of car park does not represent a suitable or appropriate response in terms of the built form, layout and the resulting built environment would fail to maintain or enhance the character and appearance of the locality and the adjacent Linthorpe Conservation Area, contrary to Core Strategy Policies CS4 (k), CS5(c & f) and DC1 (b), and the aims and objectives of the NPPF paragraphs 128, 130, 134, 197, 200 and 202 and the Urban Design Supplementary Planning Guidance and the National Design Guide (Context, Identity and Built Form).
2. Highways and Sustainable Accessibility
In the opinion of the Local Planning Authority, the proposal has failed to adequately address and demonstrate the impact of the development on the highway network in terms of safety and access/servicing arrangements and fails to demonstrate or accommodate alternative modes of transport to and from the site, particularly

movements by pedestrians and cyclists, as necessary to achieve sustainability in terms of access for users. The proposal is therefore contrary to Core Strategy Policies CS17, CS18, and CS19 and the NPPF paragraphs 110,111,112 and 134.

3. Amenity

In the opinion of the Local Planning Authority, the scale, mass and positioning of the proposed building would have an overbearing impact on surrounding residential properties and significantly affect outlook. Furthermore, the noise assessment provided does not adequately assess the potential noise associated with the proposed substation to ensure the levels of noise will not be adversely detrimental on residential amenity. The proposal is considered to be contrary to Core Strategy policies DC1 (c) and the NPPF paragraphs 130 (m) and paragraph 185 (b).

Appendix 1 - Site Location Plan



Appendix 2 – Objector addresses (Individual comments received)

1 Aspen Drive	13 Kingston Avenue x 2
23 Arlington Road x 2	139 Lambton Road
40 Beechgrove Road	82 The Avenue
18 Branksome Avenue x 2	10 Mayberry Grove
46 Cambridge Road x 2	25 Newham Avenue
54 Cambridge Road	3 Oriel Close
67 Cambridge Road	13 Philips Avenue
19 Cherryfield Drive	3 Reigate Avenue
6 Claude Avenue x 2	7 Reigate Avenue
7 Claude Avenue	125 Roman Road x 2
9 Claude Avenue x 2	72 St Marys Walk
27 Eastbourne Road	2 Thackeray Grove
14 Emerson Avenue x 2	7 Thackeray Grove x 2
15 Emerson Avenue x 2	12 Thackeray Grove
11 Green Lane	21 Thackeray Grove
20 Green Lane x 2	2 Walton Avenue x 2
22 Green Lane x 2	24 Westwood Avenue
25 Green Lane	25 Westwood Avenue
30 Green Lane	28 Westwood Avenue
93 Green Lane	30 Westwood Avenue x 2
121 Green lane	40 Westwood Avenue
123 Green Lane	46 Westwood Avenue
5 Greenwood Avenue x 2	112 Wicklow Street
1 Harrow Road	19 Willows Road
9 Harrow Road x 2	8 Wycherley Avenue
11 Harrow Road	
15 Harrow Road x 2	
17 Harrow Road	
26 Harrow Road	
11 Kingston Avenue	

Appendix 2 – Objector addresses (Pro-formas received)

11 Addison Road	35 Birchgate Road x 2	13 Cornfield Road
6 Arlington Road Tollesby	19 Brairvale Avenue	2 Daleston Avenue
10 Arlington Road	22 Broadgate Road	6 Daleston Avenue x 2
26 Arlington Road	25 Broadgate Road	7 Daleston Avenue
38 Arlington Road x 2	3 Cambridge Road	2 Easby Avenue
39 Arlington Road	6 Cambridge Road	4 Edinburgh Avenue x 2
50 Arlington Road x 2	47 Cambridge Road	4 Emerson Avenue
12 Barker Road	48 Cambridge Road	30 Emerson Avenue
27 Barker Road	70 Cambridge Road	37 Emerson Avenue x 5
37 Barker Road	81 Cambridge Road	50 Emerson Avenue
44 Barker Road	91 Cambridge Road x 2	50 Emerson Avenue
45 Barker Road	109 Cambridge Road	64 Emerson Avenue x 2
40 Barker Road x 2	116 Cambridge Road	65 Emerson Avenue x 2
52 Barker Road	123 Cambridge Road	68 Emerson Avenue x 2
67 Barker Road x 2	133 Cambridge Road	3 Eton Road x 2
68 Barker Road	24 Cherryfield Drive x 2	14 Green Lane
71 Barker Road	37 Cherryfield Drive	26 Green Lane
5 Bayberry Mews, Green Lane	56 Cherryfield Drive x 2	28 Green Lane x 2
2 Beech Grove Road	4 Claude Avenue	30 Green Lane
30 Beech Grove Road	5 Claude Avenue x 2	35 Green Lane
34 Beech Grove Road x 2	13 Claude Avenue	37 Green Lane
36 Beech Grove Road	15 Claude Avenue x 2	75 Green Lane x 2
38 Beech Grove Road x 2	8 Claude Avenue	91 Green Lane
50 Beech Grove Road	19 Claude Avenue	104 Green Lane
57 Beech Grove Road	25 Claude Avenue	115 Green Lane
6 Bentinck Avenue	31 Claude Avenue	121 Green Lane x 2
8 Bentinck Avenue	1 Cleveland Avenue	125 Green Lane
41 Bentinck Avenue x 2	2 Cleveland Avenue	3 Greenwood Avenue
43 Bentinck Avenue	5 Cleveland Avenue	3 Harrow Road
53 Bentinck Avenue	7 Cleveland Avenue x 2	7 Harrow Road

8 Harrow Road	16 Oriel Close	78 St Marys Walk x 2
12 Harrow Road x 2	22 Oriel Close	53 Thames Road, Redcar
14 Harrow Road	11A Orchard Road	The Avenue
28 Harrow Road x 4	27 Oxford Road	78 The Avenue
34 Harrow Road	39 Patey Court, Linthorpe	88 The Avenue
36A Harrow Road	177 Piper Knowle Road Stockton	12 The Crescent x 2
38 Harrow Road x 2	6 Phillips Avenue	2 Thornfield Grove x 2
47 Harrow Road	13 Phillips Avenue	3 Thornfield Grove x 2
57 Harrow Road	17 Phillips Avenue x 2	18 Thornfield Grove
65 Harrow Road x 2	18 Phillips Avenue	20 Thornfield Grove x 2
1 Hawnby Road	23 Phillips Avenue x 2	21 Thornfield Grove x 2
8 Hawnby Road	6 Ravenscroft Avenue	32A Thornfield Grove
Kingston Avenue	7 Ravenscroft Avenue x 2	30 Thornfield Road x 2
5 Kingston Avenue	18 Ravenscroft Avenue	47 Thornfield Road
6 Kingston Avenue x 2	56 Ravenscroft Avenue	77 Thornfield Road
12 Kingston Avenue	30 Ravenscroft Avenue x 3	1 Tollesby Road
20 Manston Road , Yarm	8 The Old College, Roman Road	3 Tollesby Road
1 Mayberry Grove	56 Roman Road x 2	16 Tollesby Road x 2
2 Mayberry Grove x 2	79 Roman Road	36 Trueman Court, Green Lane
4 Mayberry Grove	81 Roman Road x 2	7 Quebec Road
6 Mayberry Grove x 2	109 Roman Road x 2	34 Queens Park Road Spennymoor
15 Mayberry Grove x 2	111 Roman Road x 2	3 Underwood Court Green Lane
5 Newham Avenue x 2	117 Roman Road x 2	9 Underwood Court, Green Lane
24 Newham Avenue	10 Stanhope Grove	3 Walton Avenue
36 Newham Avenue x 2	11 Stanhope Grove x 2	8 Walton Avenue x 2
50 Newham Avenue x 2	14 Stanhope Grove Acklam	5 Weardale Grove
31 North Drive, Spennymoor	30 Stanhope Road	6 Weardale Grove x 2
10 Northgate Road x 2	40 Stanhope Grove x 2	15 Westbeck Gardens x 2
3 Orchard Road	52 Stanhope Grove x 2	174 Wandle Road Morden Surrey
7 Orchard Road	46 St Marys Walk	
20 Orchard Road	68 St Marys Walk	
23 Orchard Road		

6 Westbeck Gardens
16 Westbeck Gardens
26 Westbeck Gardens
80 Westbourne Road
7 Westwood Avenue x 2
11 Westwood Avenue
13 Westwood Avenue x 2
16 Westwood Avenue
21 Westwood Avenue x 2
27 Westwood Avenue x 2
34 Westwood Avenue x 2
42 Westwood Avenue
48 Westwood Avenue x 2

Appendix 3 – Support addresses (Individual received)

100 Acklam Road	98 Hambledon Road
29 Arlington Road	42 Hesleden Avenue
25 Aysgarth Road x 2	19 Larick Court
24 Balfour Terrace	6 Linden Grove
6 Beech Grove	7 Levisham
15 Belle Vue	18 Limes Road
29 Birchgate	58 Lambeth Road
31 Birchgate x 2	5 Lunedale Avenue
141 Cambridge Road	15 Lunedale Avenue
96 Coniston Grove	18 Lunedale Avenue
5 Coxwold Close	55 Lunedale Avenue
5 Cowley Road	43 Marton Burn Road
53 Emerson Avenue	1 Newham Avenue
58 Emerson Avenue	149 Oxford Road
63 Emerson Avenue	14 Rochester Road
14 Ennerdale Avenue	33 Ruskin Avenue
15 Farndale Crescent x 2	20 Seamer Close
27 Glaisdale Avenue	15 Sledmere Drive
47 Glaisdale Avenue	89 Southwell Road
49 Glendale Road	49 Stanhope Grove
69 Glendale Road	11 Sydney Close
73 Glendale Road x 2	31 The Holgate
19 Greatham Close	21 Thornfield Grove
6 Greenwood Avenue	32 Thornfield Grove
14 Green lane	22 Trueman Court
107 Green lane	67 Queens Road
4 Hadnell Close	67 Queens Road
63 Harrow Road	
25 Hatfield Avenue	
15 Hambledon Road	

Appendix 3 – Support addresses (Pro-formas received)

8 Abbotsford Road x 2	8 Beech Grove Road	1 Levick Court, Cambridge Road
15 Abdale Avenue	51 Beech Grove Road	28 Cambridge Road
4 Acklam Road	57 Beech Grove Road	97 Cambridge Road x 2
35 Acklam Road	1 Beeford Drive x 2	8 Trinity, Cambridge Square
100 Acklam Road	8 Beeford Drive x 2	23 Camsell Court
139 Acklam Road	22 Belvedere Road	7 Carnaby Walk
141 Acklam Road	14 Belle Vue Grove	10 Castleton Avenue
164 Acklam Road	29 Belle Vue x 2	30 Castleton Avenue
167 Acklam Road	37 Belle Vue	3 Cassop Grove x 2
189 Acklam Road	7 Benton Road	16 Cassop Grove
207 Acklam Road	28 Benton Road	22 Cassop Grove
214 Acklam Road x 2	2 Bentinck Avenue	18 Cavendish Road
521 Acklam Road x 2	11 Bentinck Avenue x 2	48 Cawood Drive
26 Adcott Road	19 Bentinck Avenue x 2	15 Chadburn Green
46 Adcott Road	27 Bentinck Avenue x 2	22 Chadburn Green x 2
23 Addison Road x 2	31 Bentinck Avenue x 2	35 Chalford Oaks
37 Addison Road	20 Berner Street	14 Cheltenham Close x 2
5 Ambleside Grove, Acklam x 2	38 Berner Street	2 Cherryfield Drive x 2
43 Arlington Road	5 Biggin Close	54 Cherryfield Drive
5 Askern Drive x 2	23 Birchgate Road x 3	75 Cherryfield Drive x 2
9 Askern Drive x 2	5 Briardene Avenue x 2	13 Chester Street
Ayresome Street x 2	9 Brairdene Avenue	21 Church Drive
33 Aysgarth Road	26 Brairdene Avenue x 2	86 Church Lane
24 Balfour Terrace	18 Branksome Avenue x 2	17 Claude Avenue
74 Barker Road x 2	18 Branksome Avenue	11 Clive Road
12 Banbury Grove	1 Britain Avenue	54 Cherryfield Drive
185 Barnabas Road	1 Brompton Road	67 Clive Road
1 Baysdale Walk	80 Bruce Avenue x 2	79 Collin Avenue
11 Baysdale Walk	43 Buttermere Avenue x 2	10 Cornsay Close Acklam
6 Beech Grove Road	Cambridge Avenue x 2	58 Coniston Grove x 2

96 Coniston Grove	1 Easson Street	80 Glendale Road x 2
98 Coniston Grove	8 Elderwood Court Grovehill	82 Glendale Road
103 Coniston Grove	4 Ellerton Close	99 Glendale Road
105 Coniston Grove x 2	10 Ellerton Close x 2	3 Glenfield Road
76 Costa Street	2 Elwick Avenue x 2	10 Grasmere Avenue
36 Croft Avenue	23 Elwick Avenue	79 Grassington Road, Beechwood
45 Croft Avenue	10 Embleton Avenue	66 Gresham Road
29 Cranford Gardens	44 Emerson Avenue x 2	25 Green Lane
56 Cumberland Road	63 Emerson Avenue	31 Green Lane
73 Cumberland Road x 2	73 Emerson Avenue x 2	121 Green Lane x 2
85 Cumberland Road	8 Endsleigh Drive x 2	43 Greenlands Avenue, Whinney Banks
12 Daleston Avenue x 2	56 Endsleigh Drive	35 Grosvenor Road x 2
15 Daleston Avenue x 2	14 Ennerdale Avenue	4 Hadnall Close
9 Derwentwater Avenue x 2	Eton Road	16 Hadleigh Crescent
29 Derwentwater Avenue	15 Evergreen Walk x 2	14 Hatfield Avenue x 2
47 Devonshire Road x 2	7 Fairfield Road x 2	24 Hatfield Avenue
50 Devonshire Road	20 Fairfield Avenue x 2	25 Hatfield Avenue
65 Devonshire Road x 2	4 Fakenham Avenue x 2	62 Hall Drive
12 Dinsdale Avenue	7 Fane Grove x 2	68 Hall Drive x 2
21 Dinsdale Avenue	9 Fane Grove x 2	55 Hambleton Road
74 Dorman Gardens	13 Farley Drive x 2	92 Hambleton Road
4 Dorset Close	12 Farndale Crescent	102 Hambleton Road
7 Dorset Close	4 Florida Gardens x 2	112 Hambleton Road x 2
8 Dorset Close x 2	15 Fountains Drive	15 Harrogate Crescent
16 Duxford Road	24 Fountains Drive	21 Harrow Road x 2
5 Dresser Lane	33 Glaisdale Avenue	27 Harrow Road
26 Dufton Road	41 Glaisdale Avenue	78 Harrow Road
2 Eastgate Road	47 Glaisdale Avenue	3 Hatfield Avenue x 2
12 Easby Avenue	40 Glendale Road	10 Hatfield Avenue x 2
22 Easby Avenue	58 Glendale Road	14 Hatfield Avenue
42 Easby Avenue	66 Glendale Road	24 Hatfield Avenue
3 Eastbourne Road	69 Glendale Road	

5 Haxby Close	32 Lerwick Crescent x 2	33 Mulgrave Road
7 Hawnby Road	39 Levick Crescent	41 Mulgrave Road
6 Haymore Street	3 Lexden Avenue	45 Mulgrave Road
45 Haymore Street x 2	1 Linden Grove	5 Nesham Avenue
1 Hebron Road	20 Linden Grove	15 Newham Avenue x 2
12 Henley Road x 2	42 Linden Grove	16 Newham Avenue x 3
15 Henley Road x 2	7a Limes Road	25 Newham Avenue
21 Henley Road x 2	14 Lichfield Road x 2	12 Northgate Road
5 Hereford Close x 2	3 Levisham Close, Tollesby	12 Norwich Road
20 Hereford Close	9 Lodore Grove x 2	17 Norwich Road
33 Heythrop Drive	22 Lodore Grove	18 Norwich Road
92 Heythrop Drive x 2	5 Lunedale Avenue	15 Oakworth Green
161 Heythorp Drive	15 Lunedale Avenue	33 Oldford Crescent
39 Highbury Avenue x 2	18 Lunedale Avenue	49 Oldford Crescent
13 Hollyhurst Avenue	39 Lunedale Avenue x 2	12 Oliver Street
21 Holyrood Court	5 Lynwood Avenue	15 Oriel Close
56 Holmwood Avenue x 2	12 Lynwood Avenue	17 Oriel Close
18 Hoylake Road Saltersgill	9 Mandale Road x 2	19 Oriel Close
1 Kader Avenue	42 Mandale Road	15 Orchard Road
85 Kader Avenue	61 Mandale Road x	207 Orchard Road
16 Keith Road x 2	97 Mandale Road x 2	27 Osborne Road x 2
22 Keswick Grove x 2	2 Manton Avenue	East Kirby Lodge, Oxford Road
9 Kirkdale Way, Acklam	45 Marton Burn Road	9 Oxford Road
50 Lancaster Road	2 Marton Avenue	15 Oxford Road
20 Lambeth Road	270 Marton Road	16 Oxford Road
22 Lambeth Road	354 Marton Road	19 Oxford Road x 2
58 Lambeth Road	545 Marton Road x 2	26 Oxford Road x 2
139 Lambton Road x 2	573 Marton Road	112 Oxford Road x 2
2 Leinster Road	649 Marton Road	123A Oxford Road
3 Ledden Avenue	4 Mill Hill	149 Oxford Road
12 Leeming Road	4 Mosswood Crescent	6 Pannell Avenue x 2
29 Lerwick Crescent x 2	20 Mulgrave Road	32 Pannell Avenue

1 Parkdale Way x 2	Apartment 17 The old College Roman Road	Springvale terrace
6 Parkfield Avenue	19 The old College, Roman Road	25 Springvale Terrace x 2
24 Parkfield Avenue	2 Roman Road x 2	18 St Barnabas Road
27 Parkfield Avenue	27 Roman Road	18 Staindrop Drive
29 Parkfield Avenue	3 Rosedale Avenue	46 Staindrop Drive
30 Parkfield Avenue	5 Rosedale Avenue	50 Staindrop Drive
41 Parkfield Avenue	4 Rushleigh Avenue	62 Staindrop Drive x 2
7 Park Road South	33 Ruskin Avenue	18 Stanhope Grove x 2
31 Park Road South	46 Ruskin Avenue x 2	3 St Francis Close
71 Park Road South	119 Ruskin Avenue	7 St Francis Close, Acklam Green
19 Pemberton Crescent	26 Saltersgill Close	1A St Margarets Grove
Flat 8, 49 Robertswood, park Road South	2 Saltwells Road	Mill Hill St Marys Walk
189 Park Road South x 2	8 Sandford Close	10 St Marys Walk
40 Preen Drive	22 Samaria Gardens x 2	30 St Marys Walk
8 Raby Court	7 Sanctuary Close	36 St Marys Walk
70 Ravenscroft Avenue	1 Seamer Close x 2	3 Stoneyhurst Avenue
38 Ridley Avenue	7 Seamer Close	5 Studley Road
27 Rochester Road	8 Seamer Close	4 Suffolk Road
35 Rochester Road	16 Seamer Close x 3	9 Suffolk Road
14 Rockcliffe Road x 2	19 Seamer Close	34 Studley Road
58 Rockcliffe Road	25 Shelley Road x 2	9 Sunley Avenue
35 Rockcliffe Road	56 Shelley Road	45 Sutton Way, Saltersgill
63 Rockcliffe Road	15 Sledmere Drive	28 Sycamore Road
106 Rockcliffe Road	25 Sledmere Drive x 2	11 Sydney Close
116 Rockcliffe Road x 2	2 Southwell Squire	14 Tavistock Street
1 Rockingham Court	48 Southwell Road x 2	14 The Avenue x 2
18 Rockingham Court	49 Southwell Road	109 The Avenue x 2
Icon hair Salon, Roman Road	Southwell Road	110 The Avenue x 2
Apartment 2 The Old College Roman Road	10 Speeton Avenue	116 The Avenue
Apartment 6, The Old College, Roman Road	12 Speeton Avenue	15 The Crescent
	48 Speeton Avenue x 2	3 The Prospect x 2
		14 Thirlmere Avenue

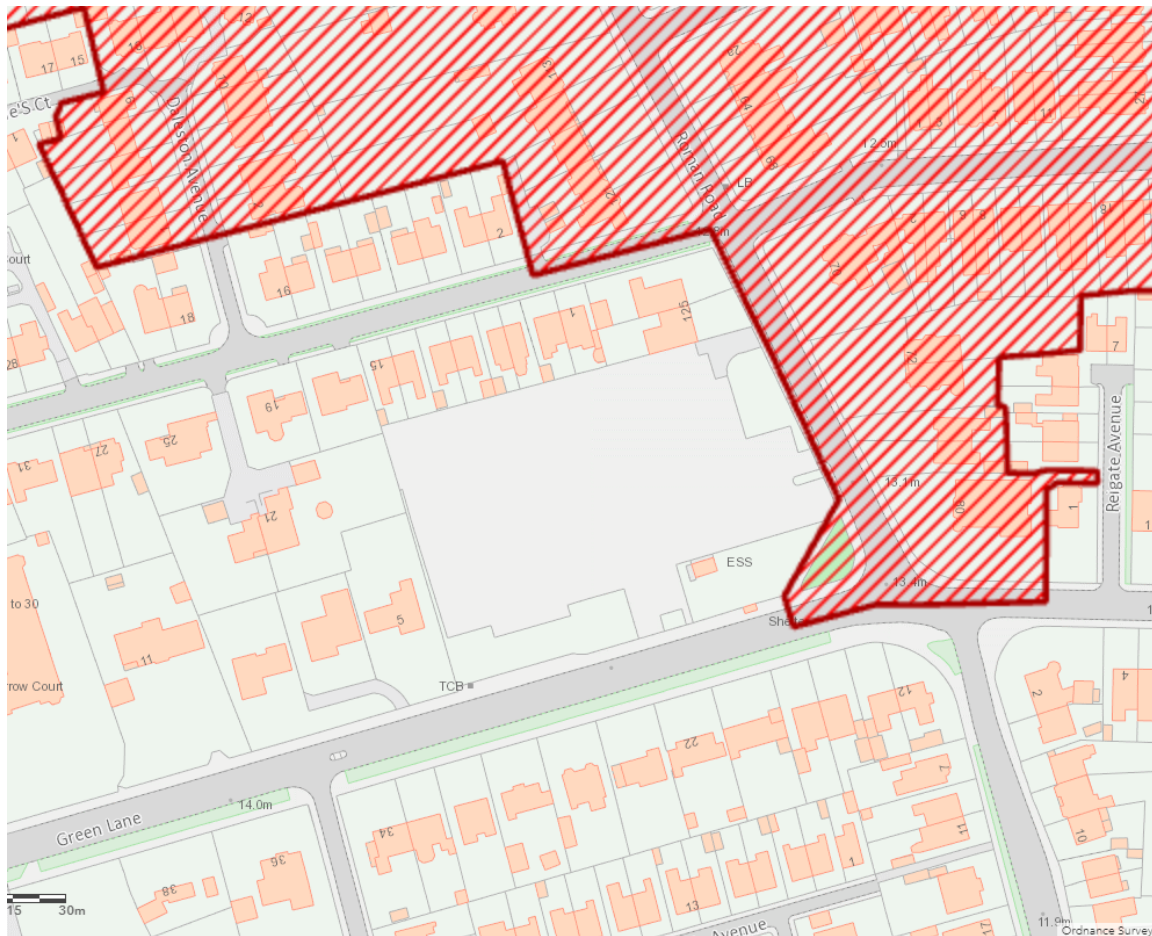
9 Trantor Road
Trimdon Avenue
Flat 3 Airedale House 11
The Crescent
8A Thornfield Grove
43 Thornfield Grove
11 Thornberry Court,
Thornfield Road
21 Tollesby Road x 2
37 Tollesby Road x 2
41 Tollesby Road
51 Tollesby Road x 2
55 Tollesby Road
9 Troon Close, Saltersgill
17 Trueman Court
31 Ullswater Avenue x 2
46 Ullswater Avenue x 2
57 Ullswater Avenue x 2
83 Ullswater Avenue x 2
5 Underwood Court
56 Valley Road
3 Ventor Road
47 Ventor Road
60 Ventnor Road x 2
9 Walton Avenue
27 Walworth Grove
65 Warwick Street x 2
5 Waymar Close x 2
2 Westbeck Gardens x 2
5 Westbeck Gardens x 2
27 Westbeck Gardens
30 Westbeck Gardens
3 Westbourne Road

42 Westbourne Road
14 Westerham Grove
Beechwood
30 Westminster Road
98 Westminster Road x 2
118 Westminster Road x 2
11 Wimbledon Court
15 Wimbledon Court
36 Winchester Road x 2
Flat 8, 13 Windsor Road
8 Woodland Green x 2
34 Worcester Street
56 Worcester Street x 2
19 Wroxtton Close x 2
22 Wycherley Avenue
21 York Road x 2
25 York Road x 2
107 York Road

Appendix 3 – Support addresses (Petition received)

515 Acklam Road x 3	2 Sledmere Drive
17 Allington Road	19 Sledmere Drive
10 Auckland Avenue	27 Sledmere Drive
3 Branksome Avenue	29 Sledmere Drive
22 Benton Road x 2	10 St Marys Walk
1, 3, 4, 5 and 7 Carnaby Walk	33 Tollesby Road
3 Carnaby Walk	11 Trueman Court
4 Carnaby Walk	2 Muston Close
5 Carnaby Walk	8 Muston Close
7 Carnaby Walk	10 Muston Close
10 Castleton Avenue	11 Muston Close x 2
46 Cawood Drive	15 Muston Close x 2
39 Daleville Close	1 Swainby Close
8 Darnbrook	57 Tollesby Road
2 Draycott Avenue x 2	17 Trueman Court, Green Lane
10 Ellerton Close	20 Trueman Court, Green Lane
9 Ennerdale Avenue	21 Trueman Court, Green Lane
15 Fountains Drive	Ullswater Avenue, Acklam
14 Glenfield Avenue	11 Willows Road
22A Harkins Lane	32 Winchester Road
6 Highbury Avenue x 2	
9 Lynwood Avenue	
42 Ravenscroft Avenue x 2	
5 Mosswood Crescent Acklam	
7 Portrush Close x 2	
5 Rievaulx Drive	
7 Rievaulx Drive	
17 Rydall Avenue	
21 Sandy Flatts, Acklam	

Appendix 4 – Linthorpe Conservation Area Boundary



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APPLICATION DETAILS

Application No:	23/0166/FUL
Location:	The Avenue Play Park, Nunthorpe, Middlesbrough, TS7 0AG
Proposal:	Installation of play equipment
Applicant:	Craig Coverdale
Company Name:	Middlesbrough Council
Ward:	Nunthorpe, Ward buffer = Marton East, Ward buffer = Nunthorpe
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning approval to install additional play equipment at The Avenue Play Park in Nunthorpe. Additional equipment will include a children's trim trail and a fitness/stretch station, monkey bars and a basketball hoop, comprising 9 additional items overall.

Objections were raised from residents with regards to anti-social behaviour, increased traffic, safety and intimidation, placement of certain pieces of equipment. Matters were also raised the regarding existing CCTV at the site and request for additional coverage and lighting.

Taking into account the provision of equipment is set away from houses within the area where existing play equipment is located, with a degree of natural surveillance as well as existing CCTV coverage it is considered that the proposal will not have an adverse impact on the character of the area and will update the existing equipment and be a complementary addition to the existing established play park and will be of public benefit and provide children with a greater provision. It is also considered that the equipment is shown in positions that will limit any impacts associated with the use of the equipment on residential amenity and highway safety.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The planning application site relates to The Avenue Play Park, forming part of a larger area that is defined as Primary Open Space within the Councils Local Plan. The application seeks planning approval for additional play equipment within this established designated play park. The existing park and play equipment is to the west of The Avenue in Nunthorpe across the road from a small parade of shops. There is a public footpath that runs through the open space

and along the edge of the park from The Avenue up to The Resolution. The area surrounding the park and wider area of open space is predominately of a residential nature.

There are currently six play assets on the play park site which cater largely for younger children. This proposal has therefore chosen items of play/fitness for both older children & adults and intentionally clusters the assets into different age categories.

The additional equipment proposed are a Children's Trim Trail, consisting of 7 individual play items along with an Activity Area, consisting of 3 individual items comprising of monkey bars, stretch/fitness station and basketball hoop.

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:

E7 – Primary Open Space
DC1 - General Development
CS4 - Sustainable Development
CS5 - Design

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

CONSULTATION AND PUBLICITY RESPONSES

Public Responses

Number of original neighbour consultations	33
Total numbers of comments received	7
Total number of objections	6
Total number of support	1
Total number of representations	7

Two site notices were also posted on site.

Valuation & Estates –

No objection to the installation of play equipment as proposed.

Environmental Health –

No comments

Local Flood Authority -

Based on flood mapping it appears that the site is not impacted by surface water flooding.

Cleveland Police/Secure By Design –

On a site-specific basis, I recommend care in the positioning of the additional equipment in this location to ensure that its usage will not cause issues for the nearby flats or for users of the existing pathways. Locating the equipment suitably distanced from these will reduce opportunities for future issues. The shrubbery and tree canopies surrounding the play area should be pruned/crowned to maximise both formal and informal surveillance across the facility from the aforementioned flats as well as The Avenue and also the cctv camera that is in situ. Shrubby should not be above 1m in height and the tree canopy should be above 2.0m to allow for the corridor of sight to be maximised. Materials used for the equipment should be of a robust nature and resistant to damage, fire and for graffiti to be easily removed. Having consulted with Local Neighbourhood Policing I am aware that this location, like a lot of similar such locations, can attract sporadic anti-social- behaviour issues. Careful design and management, including implementing these recommendations can assist in reducing these opportunities.

Neighbourhood Safety Officer –

Cllr McClintock has brought to my attention the planning application for the additional play equipment at The Avenue Play Park in Nunthorpe. I cover this area in relation to ASB and we do get sporadic reports of older youths causing issues in the area. Can I ask if as part of the installation consideration has been given to additional lighting / CCTV cameras. We only have one camera in the Play Park and the coverage is quite limited due to lighting and foliage.

103 The Avenue –

Lived here for 40 years. No swings that I remember then. Little trouble except for the odd football coming over the fence. I believe this will be a 3rd attempt at a play centre and it should only be aimed at pre-school and primary children, as it currently is. Concur with others re the Basketball ring. Predict the teens will have that down within days of erection. More equipment will mean more users, more cars, a centre for disturbances, rubbish, small plastic bags, takeaway wrappers, food debris. I object to the proposal in the existing form.

107 The Avenue –

I'm a resident of The Avenue and my back garden faces the play area. After reading the notice I feel it would be better to place the equipment away from the children's swings slide and tyre as it attracts teenagers who abuse the equipment and congregate creating litter and offensive language which we have to listen to whilst in our gardens. Surely the green area is big enough to have them spaced out over a larger area away from our homes.

109 The Avenue –

I am in principle, in favour of the development subject to the removal of the Basketball Hoop from the application. 99% of the legitimate usage of the current equipment is Nursery and primary school children on their way home from The Avenue and St Bernadette's schools. I endorse the need for equipment to be utilised by these age groups. Having lived here for 25 years this is as asset to the neighbourhood during term time. In school holidays it is abused

by teenagers both from inside Nunthorpe and travelling teenagers coming here to 'hang out' and generally cause a nuisance. With this in mind I would like to ensure that there is a condition that the CCTV tower remains operational and monitored within the control centre between the hours of 20.00 to 08.00.

1 The Resolution-

To put the application into context, the existing play is primarily for the 3-to-11-year age group, used by many Local children and Residents, It is well maintained by the Middlesbrough Council, both Residents and Council look after the landscape and litter pick, with the Shops it is all an asset to the pride we have Neighbourhood.

My comments/concerns/objections with the proposals are particularly to the 3 larger items of equipment, The location of the "A" Climbing frame and Monkey bars are far too close to the side of the tarmac public footpath this will cause confrontation and safety issues between old people and little children who use the path and any teenager antics on and around the equipment, also at night the existing lamppost will illuminate this equipment leading to night time Anti-social Behaviour. With the current existing equipment not being illuminated at night there is at present little ASB. I also have concerns regarding the basketball hoop, it is positioned on the steepest and wettest part of the grass, play would be difficult, Most importantly all these 3 items of equipment do not fit in with the existing age group play area and from my long and varied experiences over several decades of the area will lead to an increase in Antisocial behaviour

The current play area has 6 items of equipment the proposals are for an additional 8 this is a large increase in equipment and disproportionate to the existing play area. I believe that the submitted proposals will cause ASB, be disproportionate to the existing play and are not sensitive to the proximity of existing housing or other users of the Avenue/Park/Open space and our pride in the area and its facilities

I object to the application in its current form

5 The Resolution -

Under Material Considerations Traffic/Highway Safety/Parking Provision In The Resolution there is a traffic parking problem and cars speeding at times. Cars can be parked all day making leaving our home difficult. Cars are left with the engine running polluting the atmosphere. The turning point is misused as parking by dog walkers and young drivers. Further development will exacerbate the situation. Noise The constant thump of a Basketball carries a long way especially in quieter times in the evening. It will not be possible for anyone to approach a basketball player and request that they stop when they are using the facility during unreasonable hours. There is similar equipment within the Avenue School playground, but this is managed and monitored and restricted to certain hours. What is being proposed will not have any level of supervision. Nature Conservation There was a recent incident of a loud explosion in the wooded area followed by fire to the dry fallen leaves. We the residents carried buckets of water over to put the fire out. This was not the first time a fire has occurred. Installation of this equipment will only bring more youths to gather and stay longer and therefore a potential for further misuse of the wooded area. Safety/Intimidation There have been a number of residents who have been subject to verbal abuse when just passing through the play area. There are a lot of older residents who currently restrict the times that they walk through the park and feel intimidated by the groups of youths that currently collect in the park area. Finally, whilst this proposal is designed to aid the health of the population there is a 'trade off' here which is unacceptable in that the health and wellbeing of the community, residents and school children will suffer with increased car

pollution, noise, danger to children from inconsiderate parking and bad behaviour from groups of youths. No one in authority seems to recognise there is a current problem here.

7 The Resolution –

It has been brought to my attention that there are to be additional items added to the Avenue play area and that this planning application has been submitted? Firstly, I live at 7 The Resolution and look onto the play area from my bedrooms and on a summers night and open windows can clearly hear noise from the play area. I would say 25 meters from the closest new item to be installed. In the design and asset statement it says and I quote:

Addressing local concerns raised by residents

Following the funding award, the two ward Councillors for Nunthorpe conducted a consultation & received feedback by the local residents as follows:

Your concerns;	How we aim to address this;
The installation of additional Play/Fitness items will affect the "Village Status" of the green.	All new Play/Fitness installations will be located outside of the "Village Green" boundaries

So, would it be fair to say we would be consulted over these proposals and other houses on The Resolution? I for one CERTAINLY have had no correspondence from anyone at all regards this tripling of the play area. I am also sure no one else has been approached or mailed regards said development. The two house 9 and 11 The Resolution are even closer and I also know they suffer from anti-social behaviour / noise from the play area on a regular basis. I / We found out via social media and clearly this can't be acceptable? I would hope the poor people in the flats that are directly on the main play area have been well consulted and had their minds put at rest. I would edge by bets they have not been contacted or even aware of the proposals. The play area was originally two or three items when we moved to Nunthorpe back in the 90's and over the years has increased and increased until we are now talking thirteen items in all. That in any site is a massive increase and is spreading up the bank and across the field.

The anti-social behaviour has also increased and has been made worse by an additional bench that was placed at the top of the bank again without any prior consultation. This bench is ideally suited to the rather unsavoury youths that live and come to Nunthorpe as they can easily disappear into the shrubbery behind the bench to urinate / drink and drug deal. There is nothing better to sit in your back garden and listen to the foul language coming from their mouths. Even the younger ones seem to accept it now as everyday language. I am no prude I worked in the steel industry for 37 years so know a thing or two about bad language but always had respect for other people over hearing and my elders and certainly don't accept sitting in my back garden or trying to go to sleep listening to it. It falls on the residents on a morning to go around cleaning the site before children arrive to play on it.

This now brings me to intimidation. I have to say even with the current apparatus on a light summers evening if there is a large group gathering it is very intimidating to walk up or down the bank to the extent especially on dark nights when the low life are about, certainly my wife WILL NOT go up or down the bank alone and even with myself if we can take another route we will, and avoid the area. In the dark between certain hours it's not worth the hassle and better to avoid at all costs.

Keeping in mind the current apparatus is reasonably well back from the path so at least you are kept relatively at a distance from them. With this new proposal you are now planning on adding specifically the Monkey bars and stretch/fitness station right on the edge of the path!! I for one can assure you this is going to cause groups to actually gather on the actual pathway and many a time they do not move out of your way and just carry on as though you are not there. On a dark night walking up or down the bank and there are a group of around 20 to 40 youths which is not unheard of (there have been over 50) hanging around the Monkey bars and stretch/fitness station is not going to be a pleasant experience. I object to the application and would like the Council to refuse permission.

11 The Resolution –

In respect of the above planning application, I would like to add that I share the concerns of other residents. There are perhaps some issues to resolve regarding the periodic anti-social behaviour and state the current play park is sometimes in with unclean facilities, discarded rubbish, wine bottles etc, prior to looking at additions to the park.

Consultation comments can be viewed in full via the following link –

<https://planning.agileapplications.co.uk/middlesbrough/application-details/38369>

PLANNING CONSIDERATION AND ASSESSMENT

Policy context

1. The main considerations with this proposal are the principle of the development, impacts on the character and appearance of the area the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.
2. As the application site and existing play park form part of an area designed as primary open space Policy E7 is of relevance. Policy E7 (Primary Open Space) sets out that existing or proposed primary open space will be safeguarded from development with exceptions being made for development which complements its function or is of overriding benefit to the community as a whole and which would not result in the significant loss of open space.
3. Policy CS4 requires all development to contribute to achieving sustainable development principles, including ensuring that landscape character and green infrastructure are protected and where possible enhanced. The Urban Design SPD advises that development should retain trees as features where possible and should make a positive contribution to the neighbourhood environment.
4. Policy CS5 requires all development to demonstrate high-quality design. This includes the creation of high-quality open spaces and ensuring that new development enhances the built and natural environment.
5. Policy DC1 requires that the effect on the surrounding environment and local amenity is minimal and the effect on protected open space is limited.
6. In addition, the National Planning Policy Framework 2021 (para.93) states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of

shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering and other local services to enhance the sustainability of communities and residential environments.

7. Para. (92) also states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Appearance

8. The site in question is already an established play park that is accessed east of The Avenue and forms part of a wider area of primary open space which includes an area of mown amenity grass and is bounded by woodlands, vegetation, shrubs and public footpaths and is a positive asset of the area. This land is currently defined as primary open space in the local plan and is therefore for the benefit of the public. The additional play equipment to the existing play park complements its function and is of community benefit and compliant with Policy E7 in this regard.
9. The proposed equipment whilst aimed at a variation of different age groups, is of a scale and design typical of other play equipment found elsewhere with in other parks across the town and will complement and enhance the existing play park equipment already in-situ whilst ensuring the remaining green space is retained in accordance with Local Plan Policy CS4.
10. The proposal is unlikely to have any significant visual impact on the surrounding area as the play equipment will be located within the area of open space which is a relatively discreet location in between 'The Avenue' and 'The Resolution'. located away from residential properties with access via a public footpath only. As such equipment should not appear prominent or be highly visible and would not appear out of place within their setting in accordance with Local Plan Policy CS5.
11. The proposal will make a positive contribution to the neighbourhood environment in accordance with The Councils Design Guide.

Amenity of the neighbouring properties

12. There are residential properties in the immediate area with some properties either backing onto the play park/area of open space or that sit adjacent to it. Whilst the proposal will see the number of play items increased on site, it is considered that the additional play equipment will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing play equipment on site as equipment will be located sufficiently away from any main habitable rooms ensuring that any impact in terms of outlook is minimal.
13. A number of residents have raised concerns with regards anti-social behaviour increased noise and litter. Whilst these are noted and accepted as likely impacts of the existing park and future proposals, anti-social behaviour is not a material planning consideration as it something that may or may not happen and therefore would not warrant refusal of the application. Furthermore, anti-social behaviour can take place outside shops, schools and other similar places and this would not prevent the provision of such facilities. It is important that the siting of the play equipment and the scale of the play park is appropriate for its location however and the likely extent of use that it will receive. Whilst the amount of equipment is increasing and its location within the area, it is considered that these matters would still remain suitable for this area.
14. It is noted that there is already CCTV at the top of the park which is monitored but it is noted that further improvements could be made such as ensuring foliage around the park is maintained ensuring it doesn't restrict the cameras coverage. An informative is also recommended that a review of the CCTV is undertaken to ensure it has adequate coverage but as there is existing CCTV it is not considered necessary to require additional cameras as a result of this proposal.
15. Whilst the need for additional lighting has been raised this is likely to make it more likely that equipment will be used later into the evenings, and this appears to be when the majority of the anti-social behaviour currently takes place. Lighting in this location should serve to light the footpath and make it safe for use and this is already in place in this regard.
16. Having received consultation responses from both the Police and Neighbourhood Safety Officer they are already aware that in this location, like a lot of similar such locations, playparks can attract sporadic anti-social- behaviour issues but it is recognised that careful design and management, can assist in reducing these opportunities ensuring the site and existing CCTV is regularly monitored.

Highway Safety

17. The application site is accessed via the public footpath which runs from the western side of The Avenue to the eastern side of The Resolution at the end of a cul-de-sac where there is no vehicle access. There is also no designated car park associated with the park, however this is a neighbourhood park which was originally designed and intended to provide "close-to-home" recreational opportunities to serve neighbours within walking and bicycling distances and children travelling to and from the nearby schools.
18. The additional equipment may see the increase of users of the park although it's unlikely it will be of a significant level. The park is of a modest scale which is unlikely to attract high number of visitors from outside of the area who would need to travel by

car. It is therefore considered that the proposal would not result in a significant increase in terms of traffic or car parking near the site.

19. Whilst some items of play equipment have been positioned adjacent the public footpath that runs south of the park, there will still be an acceptable clearance between the equipment and footpath ensuring that the width and openness of the existing public walkway remains so that it still inviting to use and won't disrupt the use of the footpath in anyway in accordance with Policy DC1 and Secure by Design Guidance.

Conclusion

20. The proposal represents an acceptable form of development at this site, within the green space which already provides recreational and leisure areas for the public and as such is a complementary addition to the existing playpark, providing exercise / leisure opportunities for children within the area. Equipment is appropriately scaled and positioned so that it will not significantly impact the amenity of nearby neighbours or highway safety although it is recognised that the use of such areas may have adverse impacts for surrounding residents, dependent on the individuals using it. However, it is necessary to have play equipment within the community that it serves and in part grouped together, with a degree of surveillance. This site is considered to represent a good location for such provision and is considered to be in accordance with Policy DC1 (test c). The occurrence of anti-social behaviour, should it arise would need to be picked up by other agencies should it occur.

21. Officer recommendation is to approve subject to conditions.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

1. **Time Limit**

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

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

2. **Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans/details received 27th March 2023 and shall relate to no other plans.

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

REASON FOR APPROVAL

The application is satisfactory in that the design and appearance of the proposed additional play equipment accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and

proactive way in line with paragraphs 186-187 of the NPPF. In addition, the additional play equipment accords with the local policy requirements (Policy CS5 & DC1 of the Council's Local Development Framework). In particular the play equipment is designed so that its appearance is complementary to the existing playpark and will not have a detrimental impact on the appearance of the street scene or any adjoining resident or business. The proposed additional equipment will not prejudice highway safety either by obscuring visibility or be of a conspicuous or prominent appearance. The application is therefore considered to be acceptable, fully in accordance with the relevant policy guidance and there are no material considerations which indicate that the application should be refused.

INFORMATIVES

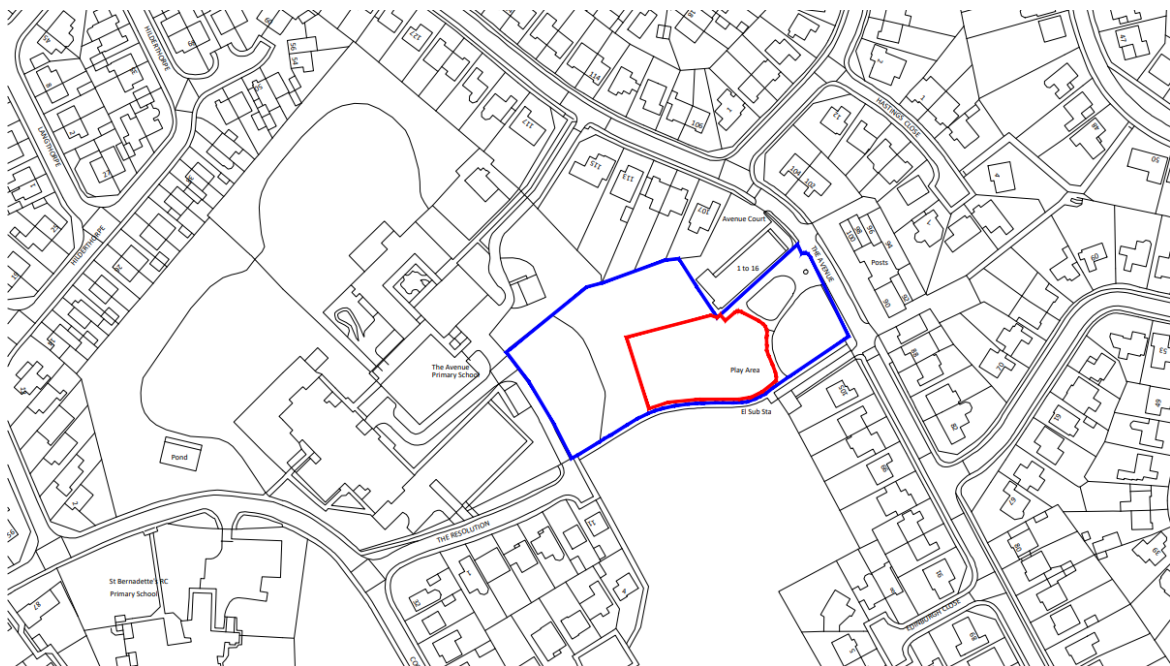
- **Review of CCTV**

Taking into account residents comments and those of the Police ALO it is advised that a review of the CCTV is undertaken to ensure it has adequate coverage to cover all equipment within the part and that planting and trees are maintained in a manner which does not unduly restrict such coverage.

Case Officer: Joanne Lloyd

Committee Date: 21st July 2023

Site location plan



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Case Reference	Address	Description	Decision	Despatch Date
23/0217/FUL	239, Eagle Park, Middlesbrough, TS8 9QT	Single storey extension to side, single storey extension to rear and porch to fr	Approve with Conditions	01/06/2023
23/0225/PNH	75, Cradley Drive, Middlesbrough, TS5 8HE	Single storey extension at rear (Length 4.7m, Height 2.8m, Eaves 2.8m)	Prior Notification Not Required/No Obj	01/06/2023
23/0186/FUL	81, Low Lane, Middlesbrough, TS5 8EG	Siting of two sets of replacement gates and gate pillars	Refused	05/06/2023
23/0202/FUL	22 Milfoil Close, Middlesbrough, TS7 8SE	First floor only extension to side	Approve with Conditions	05/06/2023
23/0207/FUL	120, Coulby Manor Farm, MIDDLESBROUGH, TS8 0RZ	Conversion of garage into habitable room	Approve with Conditions	05/06/2023
23/0258/FUL	21 Silverdale, Middlesbrough, TS7 0RF	Two storey extension to side	Approve with Conditions	07/06/2023
23/0262/PNH	18, Benton Road, Middlesbrough, TS5 7PQ	Single storey rear extension (length 4.40m x height 3.54m x eaves 2.50)	Prior Notification Not Required/No Obj	07/06/2023
23/0119/ADV	UNIT 1, Ferrous Road, MIDDLESBROUGH, TS2 1DJ	1no externally mounted non-illuminated fascia sign	Approve with Conditions	09/06/2023
23/0198/FUL	14, Thornton Vale, Middlesbrough, TS8 9QP	Detached garage/outbuilding to side, porch to front, 2.1m boundary wall to side/	Approve with Conditions	09/06/2023
23/0230/TELPN	Pavement opp 100 The Greenway, Thorntree, Berwick Hills, Middlesbrough, TS3 9NJ	15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets	Approve	09/06/2023
23/0267/PNO	North Ormesby Primary School, James Street, North Ormesby, Middlesbrough, TS3 6LB	Prior approval for installation of 67No PV Solar Panels	Prior Notification Not Required/No Obj	09/06/2023
23/0216/FUL	31, Spaunton Close, Middlesbrough, TS8 9RE	Conversion of garage to garden room and 1no additional parking space	Refused	12/06/2023
23/0246/FUL	12, The Crescent, Middlesbrough, TS5 6SQ	New porch to front, demolition of existing	Approve with Conditions	12/06/2023
23/0249/FUL	40, Elm Drive, Middlesbrough, TS7 8BN	Single storey extension at rear and flat roof dormer extension at rear	Approve with Conditions	12/06/2023
23/0231/TELPN	Homerton Road, opp Charlbury Road Centre, Pallister, Berwick Hills, TS3 8NH	15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets	Refused	15/06/2023
22/0569/DIS	Land accessed from Cawood Drive and Riev, Newbridge Court, Tollesby, Middlesbrough, TS5 7NQ	Erection of multi-use development with retail and nursery use at ground floor an	Full Discharge Conditions	16/06/2023
23/0215/FUL	59 Park Road South, Middlesbrough, Cleveland, TS5 6LE	Single storey extension at side and single storey extension at rear (demolition	Approve with Conditions	21/06/2023
23/0159/TPO	8, South Drive, Middlesbrough, TS7 8AD	Tree Works	Part approve/Part refuse	22/06/2023
23/0234/FUL	6, Elm Drive, Middlesbrough, TS7 8BN	First floor only extension to side/rear	Approve with Conditions	22/06/2023
23/0139/FUL	27, Trimdon Avenue, Middlesbrough, TS5 8LU	First floor only extension to side on brick piers, single storey extension to re	Refused	23/06/2023
23/0224/FUL	14 Limes Road, Middlesbrough, TS5 6RQ	Replacement windows (front elevation)	Approve with Conditions	23/06/2023
23/0282/PNH	99, York Road, Middlesbrough, TS5 6LJ	Single storey extension at rear (Length 4.95m, Height 2.5m, Eaves 2.5m)	Prior Notification Not Required/No Obj	23/06/2023

23/0211/LBC	Waterhouse Building, Teesside University, King Edwards Square, Middlesbrough, TS1 3BB	Listed building consent for replacement of existing building access door	Approve with Conditions	26/06/2023
23/0326/AMD	116, Guisborough Road, Middlesbrough, TS7 0JA	Revision to glazing within annexe rear elevations, gable windows to bi-fold	Approve	26/06/2023
23/0030/ADV	Unit A, Newbridge Court, Tollesby, Middlesbrough, TS5 7NQ	Advertisement consent for 2no externally illumintaed fascia sign, 6no non illumi	Approve with Conditions	28/06/2023
23/0178/ADV	Fleetpoint Service Station, Cambridge Road, Middlesbrough, TS3 8AG	1no internally illuminated totem pole	Approve with Conditions	28/06/2023
23/0220/FUL	1, Acklam Hall Cottages, Church Lane, Middlesbrough, TS5 7DZ	Single storey extension at rear	Refused	28/06/2023
23/0280/FUL	9, Cleveland Drive, Middlesbrough, TS7 8AE	Retrospective single storey rear extension	Approve with Conditions	28/06/2023
23/0286/FUL	84, Heythrop Drive, Middlesbrough, TS5 8QN	TWO STOREY EXTENSION TO REAR	Approve with Conditions	28/06/2023
23/0292/FUL	3, Pine Hill, Middlesbrough, TS8 0RW	Single storey extension to rear	Approve with Conditions	28/06/2023
23/0305/FUL	20 Coronation Green Middlesbrough TS3 0LU	Single storey extension to gable	Approve with Conditions	28/06/2023
22/0721/COU	19 Orleans Grove, Middlesbrough, TS7 8QH	Change of use of open space to residential curtilage, with 1.8m boundary fence	Refused	29/06/2023
23/0063/FUL	3, Thornton Road, Middlesbrough, TS8 9BS	Construction of a detached domestic garage	Approve with Conditions	29/06/2023
23/0259/FUL	99, York Road, Middlesbrough, TS5 6LJ	Single storey extension at rear and porch to front	Approve with Conditions	29/06/2023
23/0263/FUL	17, Axminster Road, Middlesbrough, TS8 9HX	Extension of existing garage to side, porch to front with roof over	Approve with Conditions	29/06/2023
23/0277/FUL	55 Coulby Manor Farm, Coulby Newham, Middlesbrough, TS8 0RY	Two storey extension to side (to include conversion of existing garage)	Refused	29/06/2023
23/0205/FUL	Teesside University Library, Teesside University, Tees Valley, Middlesbrough, TS1 3BX	Single storey orangery extension to rear of existing library building, with asso	Approve with Conditions	30/06/2023
23/0196/FUL	117, Ruskin Avenue, Middlesbrough, TS5 8PD	Part two storey/part single storey extension to side/rear and installation of 2n	Refused	03/07/2023
23/0261/FUL	8, Green Way, Middlesbrough, TS7 0DB	Two storey extensions to front/side, and part two storey/part single storey exte	Approve with Conditions	03/07/2023
23/0289/FUL	19, Gunnergate Lane, Middlesbrough, TS7 8HZ	3 No pitched roof dormer windows to the front	Approve with Conditions	03/07/2023
23/0303/FUL	6, Spaunton Close, Middlesbrough, TS8 9RE	Conversion of garage to habitable room	Approve with Conditions	03/07/2023
23/0317/PNH	12, Chalford Oaks, Middlesbrough, TS5 8QF	Single storey extension to rear	Prior Notification Not Required/No Obj	03/07/2023
23/0322/PNH	31, Tollesby Road, Middlesbrough, TS5 7PH	Single storey extension to rear	Prior Notification Not Required/No Obj	03/07/2023
23/0296/FUL	55, Virginia Gardens, Middlesbrough, TS5 8DD	Retrospective 2.25m high fence to side	Approve with Conditions	04/07/2023
23/0309/FUL	108 , Mandale Road, Middlesbrough, Middlesbrough, TS5 8AW	Part single/part two storey extension to rear and single storey extension to sid	Approve with Conditions	04/07/2023
23/0318/FUL	18 Prestwick Close Middlesbrough TS4 3JQ	Double storey side extension & single storey rear extension	Approve with Conditions	04/07/2023
22/0396/FUL	Vacant land east of Acklam Road, Former Roseberry Filling Station, Middlesbrough	Construction of a replacement petrol filling station and a local convenience sto	Approve with Conditions	05/07/2023
22/0609/VAR	1, Bridlewoods, MIDDLESBROUGH, TS8 9GJ	Erection of 1no dwelling, attached garage and boundary treatments	Approve with Conditions	05/07/2023
23/0236/DIS	Land at Grove Hill, Middlesbrough	Discharge of condition 3 (material samples) of previously approved planning perm	Full Discharge Conditions	05/07/2023
23/0238/FUL	Phoenix Building, Stephenson Street, Middlesbrough, Middlesbrough, TS1 3AG	Extension to lobby and soft and hard landscaping to adjacent car park (signage t	Approve with Conditions	05/07/2023
23/0247/FUL	Block A and Block C, Teesside Leisure Park, Middlesbrough, TS17 7BW	External alterations to the remove the existing walkway canopy	Approve with Conditions	05/07/2023
23/0255/FUL	Woodlands Halls, Woodlands Road, Middlesbrough, TS1 3BQ	New curtain walling fenestration to the 7no. entrance stairwell blocks of Woodla	Approve with Conditions	05/07/2023

23/0297/FUL	2, Kirkgate Road, Middlesbrough, TS5 5LS	Detached double garage to side	Approve with Conditions	05/07/2023
23/0274/AMD	113, Borough Road, Middlesbrough, TS1 3AX	Non-Material Amendment on planning application 20/0034/FUL to revise internal la	No Objections	06/07/2023

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