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**APPLICATION DETAILS**

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

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**SUMMARY**

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

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

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

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

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

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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

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

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

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## PLANNING HISTORY

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

Refused 12th February 2024

Appeal Dismissed 7th November 2024

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## PLANNING POLICY

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

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

### Middlesbrough Local Plan

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

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

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

#### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

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

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

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

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

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

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## CONSULTATION AND PUBLICITY RESPONSES

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

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

The comments were received from:

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

### Planning Policy - MBC

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

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

### Waste Policy – MBC

No comments

### Environmental Health - MBC

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

### Lead Local Flood Authority – MBC

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

### Highways - MBC

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

### Conservation – MBC

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

#### Northern Gas

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

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

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

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

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

#### Cleveland Fire Brigade

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

However, Access and Water Supplies should meet the requirements as set out in:

- Approved Document B Volume 2 :2019, Section B5 for buildings other than Dwellings

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

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

#### Recommendations

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

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

Secured by Design – Cleveland Police

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

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

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

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

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

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

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

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



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

Northern Powergrid

No response

Northumbrian Water

No response

Ward Councillors

No response

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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

### **Principle of Development**

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

### **Highways**

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

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

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



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

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

### **Amenity**

#### **Noise**

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

#### **Scale/Visual Impact**

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

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

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

#### Light

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

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

#### Privacy

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

#### Amenity Conclusion

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

#### **Design/Streetscene**

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

#### **Flood Risk**

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

#### **Biodiversity Net Gain**

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

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

### **Other Matters**

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

### **Conclusion**

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



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

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## RECOMMENDATIONS AND CONDITIONS

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1. Time Limit

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

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

2. Approved Plans

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

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

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

3. Materials - Approved Details

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

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

4. Car Parking

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



approved development.

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

Bin store in place before use commences

5. Hours of Opening/Use

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

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

6. Deliveries and Collections

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

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

7. Boundary Treatment and Gates

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

Reason: In the interests of the amenities of residents to ensure a satisfactory form of development having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

8. Commercial Premises Noise Assessment

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

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

**9. Drainage Scheme**

Other than the removal of the unauthorised works, development shall not commence on site until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

**10. Bin Store**

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

Reason: In the interests of the amenities of residents to ensure a satisfactory form of development having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

**Reason for Approval**

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

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

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

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**INFORMATIVES**

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- **Discharge of Condition Fee**  
Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website  
<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.
- **Removal of Unauthorised Works**  
The structures that have been constructed on site without consent must be removed. Formal Planning Enforcement action will be commenced to ensure the removal of the unauthorised works.
- **Civil Ownership Matters**  
This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

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

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

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

- **Statutory Undertakers**  
The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact

all the utilities prior to works commencing.

- **Name and Numbering**  
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.
- **Construction Noise**  
The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.
- **Deliveries to Site**  
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.
- **Cleaning of Highway**  
The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.
- **Demolition**  
Demolition requires notification under Section 80 Of the Building Act 1984 prior to any work commencing on site.

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## IMPLICATIONS OF THE DECISION

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### Environmental Implications:

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

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

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

**Human Rights Implications:**

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

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

**Public Sector Equality Duty Implications:**

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

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

**Community Safety Implications:**

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

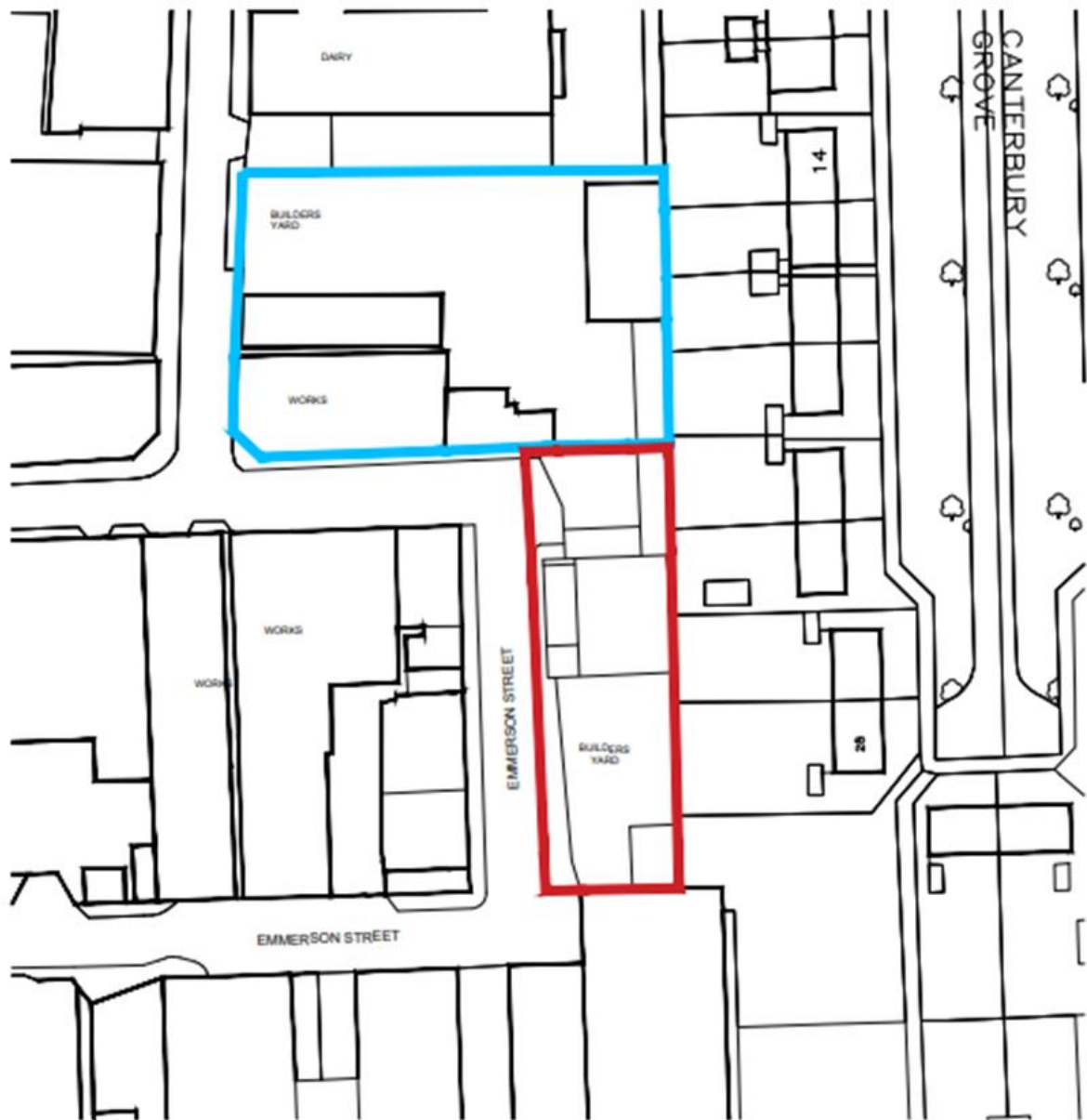
**Financial Implications:**

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

Case Officer: Shelly Pearman

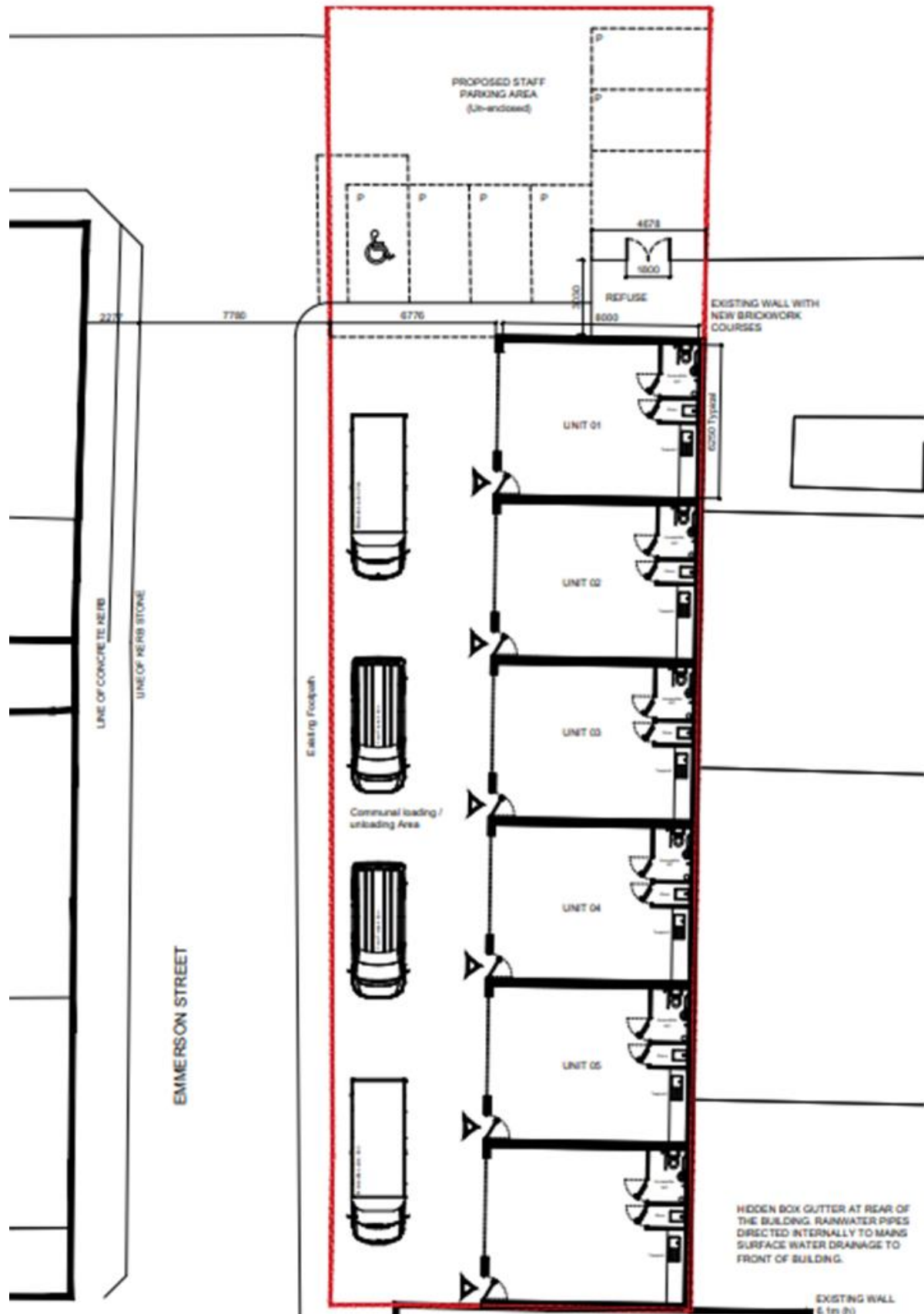
Committee Date: 3<sup>rd</sup> July 2025

**Location Plan**





**Proposed Site Plan**



**Proposed Elevations and Sections**

