
APPLICATION DETAILS

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

SUMMARY

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

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

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

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

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

Officer recommendation is to refuse and enforce.

SITE AND SURROUNDINGS AND PROPOSED WORKS

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

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

PLANNING HISTORY

M/FP/1614/04/P

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

Approve with Conditions - 14 Dec 2004

PLANNING POLICY

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

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

Middlesbrough Local Plan

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

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

National Planning Policy Framework

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

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

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

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

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

Housing Local Plan (2014)

- CS17 – Transport Strategy

Tees Valley Joint Minerals & Waste DPDs (2011)

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

Core Strategy DPD (2008)

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

Supplementary Planning Documents

- Middlesbrough's Urban Design SPD (2013)

Other Relevant Policy Documents

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

Public Responses

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

Objections were received from the following residents -

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

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

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

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

Consultee comments are as follows –

Highways

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

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

Lane. The access onto Cargo Fleet Lane is located.

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

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

Planning Policy

The proposal relates to land that is not allocated for a specific use in the adopted, or emerging, Local Plan and would bring a vacant area of previously developed land into use. However, in determination of the application, consideration should be given to the provisions of all the relevant policies of the adopted Development Plan noted above. It is also advised that consideration should be given to relevant policies in the Publication Local Plan. In accordance with paragraph 49 of the NPPF, decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. The weight that can be attached to PLP policies will depend on the stage of the preparation that the plan has reached when the application is determined. Currently, some weight should be given to PLP policies.

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

submitted.

Petroleum Officer

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

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

Status of Underground Tanks

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

Status of Former Drainage Infrastructure

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

Land Classification

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

Recommendations for Planning Conditions

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

1) Classify the site as Contaminated Land

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

Waste Services

No comments

Environmental Health

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

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

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

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

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

Northumbrian Water

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

Northern Gas Networks

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

Cleveland Police/Secure By Design

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

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

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

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

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

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

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

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

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

HSE

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

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

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

PLANNING CONSIDERATION AND ASSESSMENT

National Planning Policy Framework

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

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

Local Plan Policy

9. Policy CS4 requires all development to contribute towards the achievement of sustainable development principles. Alongside the provisions noted below, this includes making the most efficient use of land, with priority given to previously developed land, and ensuring inappropriate development is not carried out in the floodplain.
10. The Publication Local Plan (PLP) was approved by the Council on the 5th March 2025 and has been subject to a period of public consultation. As set out in the NPPF, decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
11. Currently, it is considered that some weight should be given to PLP policies, including Policy NE10. To reduce flood risk from all sources and ensure appropriate water management, PLP Policy NE10 identifies a set of requirements that development proposals are expected to satisfy. This includes proposals demonstrating that they are not at risk from flooding and would not increase flood risk elsewhere. When a site-specific Flood Risk Assessment (FRA) and Drainage Strategy is required, it is stated that they should accord with the latest relevant national and local guidance.
12. Policy DC1 identifies that development proposals must have a minimal effect on the surrounding environment and amenity of nearby properties occupiers.

13. Policies CS4, CS5, and DC1 require all development proposals to demonstrate a high quality of design that positively contributes to the character and appearance of the surrounding area. This includes the layout, form, scale, and materials. Middlesbrough's Urban Design SPD provides further guidance on development design.
14. Policies CS17, CS19, and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. With respect to parking, the Tees Valley Design Guide and Specification provides detailed guidance on parking standards, including the appropriate level of provision for different types of land use and the design of car parking spaces. There is no guidance that specifically relates to car washes. However, in general, for non-residential uses the document specifies the provision of sufficient operational parking and area for manoeuvring within the site.
15. Collectively, Policies CS4, CS18, and CS19 encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use. The application does not appear to incorporate any measures that would improve the choice of sustainable transport options/promote their use, such as the provision of secure cycle storage. However, it is acknowledged that numerous bus services can be accessed from stops along Cargo Fleet Lane and Ladgate Lane, a short walk from the site.
16. In addition to the aforementioned Policy NE10, there are a range of other policies in the Publication Local Plan that would be of relevance to this proposal. These are as follows:
Policies ST1 and ST2 – collectively establish the development and spatial strategy for Middlesbrough.
17. Policies CR1, CR2, and CR3 – collectively require all development proposals to be sustainable, well-designed, and of a high quality.
18. Policy NE9 – seeks the delivery of sustainable development that meets the challenge of mitigating and adapting to the effects of climate change and establishes a set of criteria that will help ensure the achievement of this.
19. Policy IN2 – requires development to assist in the delivery of the identified priorities of the integrated transport strategy. Proposals that would have a negative impact on highway safety are not supported.
20. Policy IN3 – sets out the transport requirements for new development.
21. Finally, as identified in the Tees Valley Joint Minerals and Waste Development Plan Documents, the application site is located within the minerals safeguarding area for salt and gypsum. Policies MWC1 and MWC4 are therefore applicable. Collectively, these policies aim to protect mineral resources from unnecessary sterilisation. The application site concerns previously developed land. As such, compared to the current situation, it may be considered that the proposal would not detrimentally impact the future extraction of the mineral resource. Furthermore, the site is situated within the urban area and at a location that is largely characterised by residential development. Mineral extraction would therefore be unlikely at this site.

Proposal

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

Impacts of amenity

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

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

Drainage

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

Highways

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

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

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

Conclusion

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

RECOMMENDATIONS AND CONDITIONS

REFUSE AND ENFORCE

1. **Inappropriate ancillary buildings**

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

2. **Impacts on neighbours**

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

3. **Impacts of Highway Safety**

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

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

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

INFORMATIVES

None

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to commercial development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to be significant.

Human Rights Implications:

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

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

Public Sector Equality Duty Implications:

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

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

Community Safety Implications:

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

Financial Implications:

None.

Background Papers

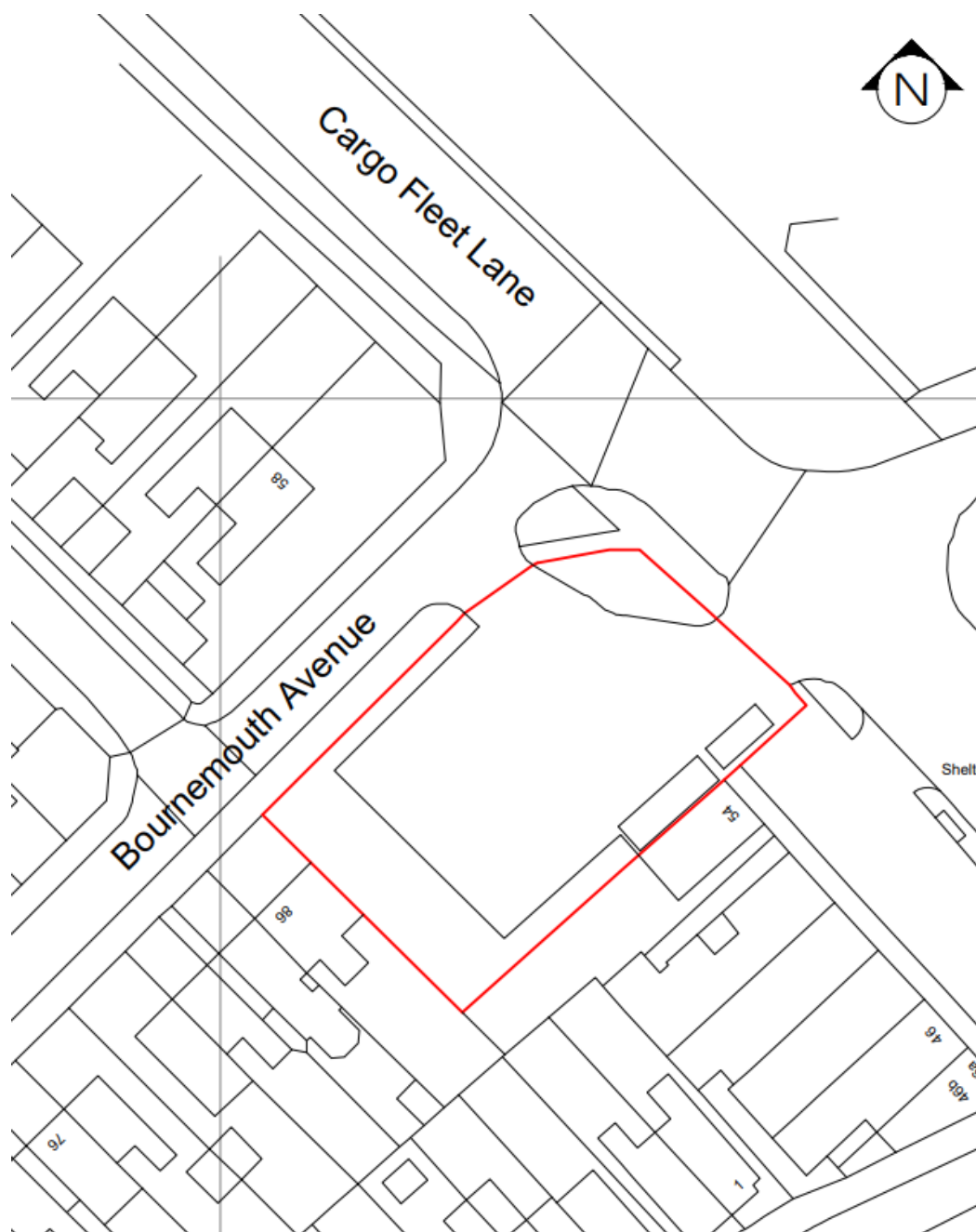
None

Case Officer: Joanne Lloyd

Committee Date: 6th November 2025

Appendices

1. Location Plan

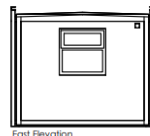
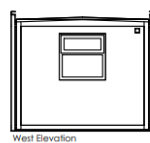
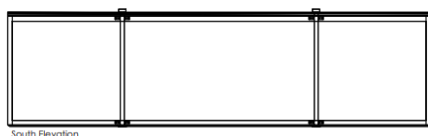
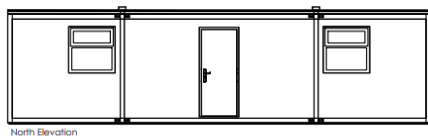
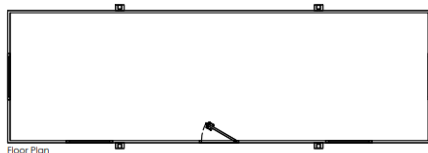


2. Proposed site plan

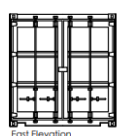
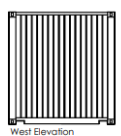
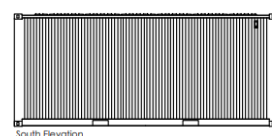
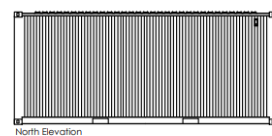
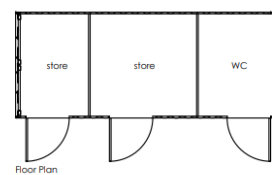


3. Ancillary Buildings

Office/Reception



Storage Container/WC



4. Highway images

Cargo Feet Road access



Bournemouth Avenue access



Fulbeck Avenue junction (northern view)



Fulbeck Avenue junction (southern view)



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



Bournemouth Avenue T junction



Cargo Fleet Lane/Bornemouth Avenue junction

