

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 6 November 2025.

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

ALSO IN ATTENDANCE: Councillors J Ewan and S Hill
D Stovell, C Woodhouse and D Varley-Turner

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

APOLOGIES FOR ABSENCE: Councillors I Blades and M Saunders

25/34 **WELCOME, INTRODUCTIONS AND FIRE EVACUATION PROCEDURE**

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

25/35 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

25/36 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 9 OCTOBER 2025**

The minutes of the meeting of the Planning and Development Committee held on 9 October 2025 were submitted and approved as a correct record.

25/37 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

25/0437/COU, 56 CARGO FLEET LANE, Middlesbrough, TS3 0PL, Retrospective change of use from vacant land to hand car wash

The Development Control Manager presented an application which sought retrospective planning permission for the change of use of vacant land, formerly occupied by a petrol filling station, to a hand car wash.

The site was located adjacent to a small parade of shops and other commercial units, forming part of the Cargo Fleet Lane/Fulbeck Road neighbourhood. The wider surrounding area was predominantly residential in character. Access to the site was available directly from both Cargo Fleet Lane and Bournemouth Avenue, which had raised highways-related concerns. The site had been operating between the hours of 8:00 a.m. and 6:00 p.m. from Monday to Saturday, and between 10:00 a.m. and 4:00 p.m. on Sundays. Members were advised that planning permission had previously been approved four years prior for the construction of several two-bedroom flats within a part two and part three storey block, including car parking.

Members noted that the application was not supported by national or local planning policies. The development was considered to conflict with the National Planning Policy Framework (NPPF), particularly in relation to highway safety, amenity, and design standards. The proposal failed to demonstrate a high-quality design and was deemed visually harmful to the character of the area. It was also considered detrimental to residential amenity due to noise, nuisance, and operational impacts.

Furthermore, the absence of a flood risk assessment and drainage strategy meant the application did not comply with Policies CS4 and NE10 of the Local Plan. The intensification of access in a congested highway environment raised significant safety concerns, contrary to Policies CS18, CS19, DC1 and emerging policies CR2 and IN2. Overall, the proposal was judged to be inappropriate in its location and operation and did not meet the requirements of sustainable development as set out in both national and local policy frameworks.

Furthermore, the applicant had failed to submit sufficient supporting documentation, including a noise assessment, drainage strategy, and flood risk assessment, which prevented a full consideration of the application and its associated impacts.

The Highways Officer clarified that there were two site access points onto Cargo Fleet Lane and Bournemouth Avenue that were already there but did not generate any traffic in their own right. There was no lawful fallback in regards to previous uses for traffic and it was confirmed that what is being considered now is the traffic implications of a new planning use which has given rise to concern given it is a very congested and confined highway network immediately adjacent to the site and where there is a number of competing demands including the existing access points to the shops, Bournemouth Avenue and the access to Fulbeck Road. There are conflicts with traffic turning right into the proposed site immediately come into conflict with right turning traffic into Fulbeck Road as there is no separation. There is also a bus stop, cycle lanes and a Toucan crossing with pedestrians crossing to use the shops and public transport. The Highway Authority believe that the creation of this site will intensify vehicle movements and be detrimental to the free flow of traffic and highway safety.

A total of six public objections were received, along with representations from two local ward councillors.

The Chair invited a representative to speak on behalf of the applicant and the following key points were highlighted:

- Dissatisfaction was expressed regarding how the application had been handled by Middlesbrough Council, stating that the applicant had not been contacted to provide the requested information as referenced in the Planning Officer's report.
- A meeting had been requested with Environmental Health Officers to address and minimise the concerns raised; however, no response had been received.
- Noise consultants had been instructed and did not consider noise to be a significant issue.
- The site was previously used as a commercial unit, and the applicant emphasised the need to utilise the space. It was acknowledged that although the site presents challenges, a solution should be sought with the applicant.
- There was nothing unlawful about submitting a retrospective planning application, nor about the current use of the land and it was requested that the application was deferred to allow the applicant to rectify the outstanding matters and unresolved issues.

Members raised questions regarding whether the applicant had been asked to provide the necessary supporting information, as the application suggested this had not occurred.

Officers clarified that pre-application advice and relevant policies were publicly accessible and that no direct pre-application advice had been sought, and advised that given the extent of concerns, the application should be determined in its current form, with any revised proposals to be submitted as a new application. It was explained that if a scheme significantly deviated from initial proposals, this then became a new planning consideration, requiring full reconsultation with neighbours. A Member suggested that clearer guidance be published online regarding how non-compliant applications are handled. Officers confirmed that such information was already available on the Council's website.

The Chair invited a resident to speak in objection to the application, and the following key points were raised:

- For a period of over three months, the hand car wash had operated outside its permitted scope by using a high-powered jet washer, which had resulted in several members of the public being sprayed while passing by.
- Concerns were raised regarding the lack of appropriate drainage and the nature of the water discharge as foam had frequently gathered at the drain and had not been cleaned up. Several minor floods had occurred on Bournemouth Avenue.
- Increased traffic congestion had been observed, and it was noted that if several cars turned right into the premises, this would obstruct emergency services from accessing

the road. An accident had occurred on 05 November, reportedly due to the increased traffic congestion.

- Noise pollution had increased, which had led the resident to relocate to the back bedroom of their home due to disturbances from car engines, doors slamming, and other related noise.
- The business had operated outside of its specified hours and often continued until 9:00 p.m.
- Signs and litter had been blown onto the main roads, posing health and safety risks to the public. It was reported that litter which did not fit into bins had been burned in fire bins on the site.
- Chemicals and liquids were getting pored onto the gravel areas of the site rather than being disposed of properly, raising concerns about safety and environmental impact.
- The resident confirmed the location of their property which indicated to the Committee that the noise had travelled a considerable distance.

The Ward Councillor for Park End and Beckfield commented that they were not opposed to the development of the site in principle; however, they considered the proposed development to be unsuitable for this particular location. Although the site had been an eyesore for approximately 30 years, the replacement had been perceived as an even greater visual detriment, described as noisy, polluting, and contributing to existing traffic issues along Cargo Fleet Lane.

Concerns were expressed regarding the site owner's conduct throughout the planning process, which had been described as poor and dismissive of both the process and planning regulations. It was noted that the owner had disregarded all advice provided by the Council.

ORDERED that the application be refused for the reasons detailed in the report.

25/0464/COU, 441 ACKLAM ROAD, Middlesbrough, TS5 7HB, Change of use from a dwellinghouse (Class C3) to a residential care home (Class C2) for three young persons

Members considered an application for planning permission to change the use of a two-storey, semi-detached dwellinghouse located at 441 Acklam Road to a residential care facility for three children aged 7–18. The property was set back from the road within a large plot, backing onto open green space.

The proposal was considered acceptable in principle and in accordance with national and local planning policies. The use remained residential in nature and was deemed appropriate within a suburban setting, with no external alterations proposed to the property. The scale of the use, staffing levels, and associated vehicle movements were considered comparable to a typical family home and would not result in undue harm to the character of the area or neighbouring amenity. The site was sustainably located with sufficient parking provision, and no objections were raised by statutory consultees including Highways, Environmental Health, Children's Commissioning, or Cleveland Police. Subject to conditions limiting occupancy and use, the proposal was compliant with the principles of sustainable development and relevant policies within the Local Development Framework and the NPPF.

Following the consultation period, five objections were received, and concerns were raised regarding the proposal and its expected operations, including potential privacy, noise, anti-social behaviour associated with the use, disturbance from the comings and goings of staff and residents, and the impact on parking and the highway network.

Concerns regarding potential anti-social behaviour were acknowledged; however, no evidence had been provided to support these claims, and such issues could arise from any residential occupation.

The Chair invited questions from the Committee.

Members were assured that there was sufficient safe outdoor space within the property boundaries for children to play, and that adequate parking was available in curtilage.

The Chair invited a representative from Resicare Alliance to speak in support of the

application, during which the following points were highlighted:

- Resicare operated 14 homes across England, with a vision to provide safe, nurturing, and home-like environments for children who could not live with their birth families.
- The proposal and future plans had been discussed with Middlesbrough Council's Children's Commissioning Team, with the aim of offering children stability and care close to their communities, helping them maintain local connections.
- Homes would be staffed by trained professionals and would follow routines similar to traditional households, ensuring minimal disruption to the neighbourhood.
- Shift changes would not occur during unsociable hours, staff were encouraged to car share, and the Council's Highways Officer had raised no objections.
- Concerns about potential disruption were considered unfounded, as the company followed a well-established neighbourhood policy and had a strong reputation for delivering high-quality care.

In response to a Members query regarding school attendance, Resicare confirmed that the aim would be to ensure children attended school, in keeping with the home's focus on providing a normal family environment.

It was clarified for Members that family visits would often be offsite to eventually support with family reintegration.

Members sought clarification on whether the children would be from Middlesbrough. The representative advised that, in most cases, they would be, as the business model was based on areas of demand. Following discussions with the Commissioning Team, Middlesbrough had been identified as an area in need of children's homes.

It was clarified to Members that the duration of care for each child was expected to be between 12 and 24 months.

ORDERED that the application be approved, subject to a condition limiting the use of the premises to a children's home, with no more than three children residing there at any one time.

25/0478/COU, 97A AYRESOME STREET, Middlesbrough, TS1 4PF, Retrospective change of use from Retail (Use Class E(a)) to a hot food takeaway (Sui Generis)

The Development Control Manager presented an application which sought retrospective approval to change of use from retail to a hot food takeaway.

The proposed site was within a largely residential area, comprising an end of terraced two-storey property and planning history had shown that this was a retail unit and a hot food takeaway historically.

Members noted that both national and local planning policies did not support the application due to several reasons, such as the site being located outside of a designated centre and within 150 metres of Sacred Heart Primary School, which conflicted with Paragraph 97 of the NPPF and Policy EC17 of the emerging Local Plan. No sequential assessment had been submitted, as required for town centre uses in out-of-centre locations. The proposal was also situated within Newport Ward, identified as one of the most deprived wards nationally, where childhood obesity and poor health outcomes were prevalent. The takeaway use was considered to have a detrimental impact on residential amenity due to late-night noise, odours, and disturbance, and the lack of detail regarding the flue and extraction system prevented a full assessment of its environmental impact. In addition, Members noted that the bins associated with the proposal did not have sufficient storage and were located on a public footpath at the side of the building, which raised concerns regarding obstruction and public safety. The proposal was therefore deemed contrary to Policies DC1, CS5, and CS13 of the Middlesbrough Local Plan, as well as relevant policies within the Publication Local Plan and the NPPF.

Members sought clarification on the use of the first floor of the building; however, it was confirmed that no details had been provided in relation to this. Rear access was available

through the staff W.C., although the space was noted to be very limited.

A Member queried whether the situation would be the same if the premises were selling snacks rather than hot food. In response, the Officer clarified that the application related specifically to a hot food takeaway, which fell under a different planning classification. It was explained that while sandwiches and similar items could be considered retail, hot food takeaways were subject to separate national guidance due to concerns around access to unhealthy food. The guidance specifically addressed the location and impact of hot food takeaways, particularly in relation to schools and community health.

The Chair invited the Ward Member for Newport to speak on the application. The Member objected to the proposal and raised the following key points:

- The proposal was incompatible with the established residential character of Ayresome Street, which comprised of larger family terraced homes. National planning policy supported hot food takeaways in designated shopping areas, such as Linthorpe Road and Parliament Road, but not in this location.
- There would be limited parking availability and increased traffic generation from staff and customers, particularly between 2:00 p.m. and midnight. The nearby conversion of a property into multiple flats had already intensified parking demand. Additional vehicle movements, including delivery services, could lead to unsafe manoeuvres in narrow residential streets, increasing noise and disruption.
- The illuminated signs and large front window lit until midnight were considered likely to attract groups gathering outside, particularly near a large Council planter that could act as informal seating. This raised concerns about loss of privacy for nearby residents whose windows face directly onto the street.
- It was unclear whether the existing drainage infrastructure, which was prone to flooding, could accommodate the increased water usage associated with a takeaway business.
- The premises were located within close walking distance of three primary schools, raising concerns about promoting unhealthy eating habits in an area with high levels of child poverty and obesity. The concentration of fast-food outlets in Middlesbrough was linked to wider public health and antisocial behaviour concerns. Additionally, the emission of fatty cooking smells was considered inappropriate in a residential setting.
- Discrepancies within the report were highlighted under the MBC Environmental Health section. It was noted that reference had been made to a car park, despite there being no car park at the premises. Additionally, the report referred to deliveries and collections taking place at the rear of the property, although there was no rear access available. Conditions relating to time restrictions for taking rubbish to a refuse store were also questioned, as no refuse store was present on site.

Members sought clarification on how long the establishment had been operating as a takeaway and it was confirmed since the summertime.

Discussions were also held in relation to the first floor potentially being part of the property next door and concerns were raised in relation to the impact on them and the wider community. It was also suggested that the bins were to be removed from the side of the takeaway.

ORDERED that the application was refused for the reasons detailed in the report.

Cllr Rostron withdrew from the meeting at 3.00pm and it was confirmed that the meeting remained quorate.

25/38

DECISIONS MADE UNDER DELEGATED POWERS

The Development Control Manager submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

Agreed as follows:

- Members noted the information presented

25/39 **WEEKLY UPDATE LIST - APPLICATIONS RECEIVED**

The Development Control Manager submitted details of new planning applications that had been received on a weekly basis over the past month. The purpose of this was to provide Members with the opportunity of viewing current live applications, which had yet to be considered by officers. The Committee discussed the contents of the document.

The Development Control Manager advised that if Members felt that an application ought to be considered by the Committee, he should be advised accordingly.

25/40 **PLANNING APPEALS**

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

Agreed as follows:

- Members noted the information provided

25/41 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None