



COMMITTEE REPORT

Item No: 1

APPLICATION DETAILS

Application No:	25/0429/MAJ
Location:	Site of the former Cleveland College of Art and Design, Green Lane, TS5 7RU
Proposal:	Construction of discount food store (Use Class E) with associated works including access, car parking, landscaping and closure of Thackeray Grove
Applicant:	Lidl Great Britain Limited
Agent:	Rapleys LLP
Ward:	Linthorpe
Recommendation:	Approve with conditions subject to Section 106 Agreement

SUMMARY

The application site is the former Northern School of Arts campus on Green Lane. The site is located at the junction of Green Lane and Roman Road within a predominantly residential area. The Linthorpe Conservation Area is situated along the eastern boundary of the site.

Planning permission is sought for a food store with associated vehicular access, car parking, landscaping and associated works within the former campus site, as well as the closure of Thackeray Grove. The application is a resubmission of the application 22/0570/MAJ, which was refused by the Council and later dismissed at appeal owing to concerns relating to the layout and design of the proposed development as well as highway safety.

The Planning Inspector noted that the previous scheme passed the sequential test and retail impact tests and, therefore, considered the principle of the development to be acceptable. The main points of contention were deemed to be the design and siting of the scheme, which the Inspector considered to detract from the character of the surrounding area including the Linthorpe Conservation Area, and harm the living conditions of residents in Harrow Road. The vehicular access was also deemed to create a significant obstacle for pedestrians on Green Lane. The Inspector concluded that the scheme would conflict with Local Plan Policies DC1 and CS5 in respect of its design and siting and effect on neighbouring living conditions, and Policy CS5, CS17 and CS19 in respect of the Green Lane access.

The current application has generated considerable local interest, including 53 letters of objection from different addresses, as well as 113 letters of support from different addresses, which are summarised in the Consultation and Publicity Responses section of the report.

Whilst the objections are wide ranging, it is considered that the main issue relates to the closure of Thackeray Grove, although neighbour concerns also were raised over design and layout of the development and the adverse impact on amenity.

The elevations of the proposed food store now incorporate materials that are considered to be more suitable to the character and appearance of the local area, and the design of the building includes features to help break up its general massing and scale. Concerns are still raised, however, with regard to the use of slate-effect roof tiles, which are considered not to be in keeping with the area.

Although the food store has not been brought forward to be in line with the local building lines as suggested by Officers, the food store has been situated further away from the northern boundary and has a greater separation distance to the residential properties to the north. Whilst it is recognised that the building would undoubtedly have an impact on the living conditions of local residents to the north, it is considered that these impacts would not be overly harmful to residential amenity.

Additional soft landscaping has been introduced into the scheme, with note to the strategic placement of planting within the car park and around the site perimeter to soften the potential hard appearance of the proposals.

The pedestrian refuge previously incorporated into the Green Lane vehicular entrance has been removed, which significantly narrows the access point, which has made this element of the scheme considerably safer.

The Planning Inspector also considered the closure of Thackeray Grove to be a necessary measure to reduce the risk from conflicting traffic movements and provide safe pedestrian and cycle crossing facilities adjacent to the site. Whilst there remains considerable objection to the closure of Thackeray Grove, it is deemed integral to the application. It is noted that many of the objections to the road closure centre around the opinion that the closure of Thackeray Grove will result in Walton Avenue and Kingston Avenue becoming a 'rat run'. The developer has confirmed that they are willing to enter into a Section 106 Agreement providing funding for a potential point closure along Walton Avenue should it be required.

On balance the issues of the design, layout and siting of the proposed development are considered to be broadly acceptable and the application would, therefore, generally be in accordance with local Policies subject to the conditions as recommended throughout the report.

The officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is that of the former Northern School of Arts campus on Green Lane. The site is located at the junction of Green Lane and Roman Road. Being a predominantly residential area, residential properties are situated along the northern and western boundaries as well as across Green Lane and Roman Road to the south and east respectively. A wide footpath is located along the southern and eastern boundaries and an area of soft landscaping features on the corner of Green Lane and Roman Road.

The site lies adjacent to the Linthorpe Conservation Area, with the boundary extending to the eastern boundary of the site. A tree preservation order (TPO No. 82) affects the site. The nearest Local Centre is situated approximately 400 metres to the north, along Roman Road.

Planning permission is sought for the construction of a food store with associated works, which includes vehicular access to the site, car parking, and hard and soft landscaping. The scheme also includes the closure of Thackeray Grove.

A similar application was considered by Members of the Planning Committee at its meeting of 17th November 2023. The previous application was ultimately refused based on the overall design and layout of the proposals. The building and layout were considered not to represent a suitable or appropriate response to the character and appearance of the local area, with the proposed building considered to have an overbearing impact on the surrounding residential properties. The development was also considered to impact on highway safety.

Although positioned further away from the northern and western boundaries than previously proposed, the food store would still occupy the northwestern corner with the car park positioned in front of the building. The store has a marginally smaller footprint to the refused scheme (GIA being 1809 square metres compared to 1895 square metres previously).

In terms of the external appearance of the food store, the northern, southern and western elevations will be predominantly constructed out of brickwork. The eastern elevation (and the store entrance lobby that returns onto the southern elevation) would predominantly feature curtain walling with facing brick column detailing.

In addition to the entrance lobby, the southern elevation would include two feature brickwork gables incorporating projecting brickwork detailing. The southern elevation in general would feature projecting brickwork and soldier course detailing, as well as five opaque glazing panels which conceal the back-of-house elements (warehouse and storage). To the side of the entrance lobby is the sheltered trolley park, which features a flat roof over with brickwork column detail.

The eastern elevation of the building would include a 3.0-metre-high brick wall surrounding the delivery bay. In front of the delivery bay would be 3.0-metre-high timber fencing and gates, which would provide screening when deliveries are not expected, and a brick wall would return to the western boundary.

The roofscape would feature a variety of designs and styles, which would include slate effect materials. The building would include pitched roof detailing screening the flat roof. The southern elevation also features a first floor staff quarters, which includes three dormer windows within the roofscape.

Vehicular access to the site remains from the two access points as previously proposed – one to the northeast onto Roman Road and one to the southwest onto Green Lane. Whilst the Roman Road vehicular access is broadly the same as that proposed previously, the access onto Green Lane is considerably narrower, primarily due to the removal of the pedestrian refuge point. Two pedestrian access points are proposed, again in similar positions to the previous scheme, with each providing access to the adjacent highways.

The car park has been marginally increased from 91 to 95 spaces, which includes 6 accessible bays (to the east of the building), 2 electric vehicle charging bays (close to the Green Lane entrance), 7 parent and child bays (close to the Roman Road entrance), and 80 standard bays. The depth of the standard parking bays across the site varies based on their location with those situated around the perimeter being 4.7 metres deep; those in the centre of the car park being between 5.0 and 5.2 metres deep; and those in front of the southern elevation being 5.2 metres deep. The parent and child bays and the accessible bays are more generous given their allocation. Space for twenty cycles is also included, with ten spaces next to the building and the residual ten being located adjacent to the pedestrian access.

In terms of surface materials, the main car park would be tarmacked with the vehicle parking bays featuring block paving. The pedestrian footpaths would be block paved.

The built development will be complemented by a soft landscaping scheme, which includes tree and hedge planting across the site, as well as the retention of existing planting.

PLANNING HISTORY

22/0570/MAJ

Erection of new discount food store (use class E) with access, car parking, landscaping and other associated works including closure of Thackeray Grove

Application refused 20th November 2023

Appeal Dismissed 7th October 2024

22/0496/EIASCR – EIA Screening.

Decision EIA not required August 2022

21/1158/PNO

Demolition of former Northern School of Art

Prior Approval not required 9th February 2022

M/FP/0853/01/P

Single storey refectory extension and car park extension

Approved August 2001

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise.

Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

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

Middlesbrough Local Plan

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

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

It is noted that the Council is in the process of reviewing its Local Plan. The Publication Local Plan (PLP) was approved by the Council on 5th March 2025. The NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. It is considered that some weight may be given to PLP policies in the determination of planning applications.

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)

H1 Spatial Strategy
CS17 Transport strategy

Core Strategy DPD (2008)

CS4 Sustainable development
CS5 Design
CS6 Developer Contributions
CS13 A strategy for the Town, district, local and neighbourhood centres
CS18 Demand Management
CS19 Road Safety
DC1 General Development

Tees Valley Joint Minerals and Waste (Sept 2011)

MWC4 Safeguarding of Minerals Resources from Sterilisation
MWP1 Waste Audits

Supplementary Planning Documents
Middlesbrough's Urban Design SPD (2013)

Other

Middlesbrough Publication Local Plan (March 2025)
Middlesbrough Town Centres and Retail/Leisure Study (Sept 2020)
Tees Valley Design Guide & Specification

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

Summary of Neighbour Consultation

The application has been the subject of the standard notification of neighbouring properties by letter drop, which included 1160 (one thousand, one hundred and sixty) addresses. Notices were also displayed at various positions around the application site for 21 days.

It is also noted that revised drawings were received as part of the application. As the revisions were considered to be of local significance only, a re-consultation exercise was carried out of the 33 properties close to the site.

Following the neighbour consultation period, the following was received:

53 letters of objection from different addresses, and
113 letters of support from different addresses.

The following will itemise the addresses of those in support and in opposition to the scheme as well as summarise their content.

List of Addresses in Objection:

Birchgate Road – No. 35
Briarvale Avenue – Nos. 1 and 25
Cambridge Road – Nos. 46 and 67
Claude Avenue – Nos. 9 and 19
Cleveland Avenue – Nos. 5 and 7
Emerson Avenue – Nos. 28 and 64
Eton Road – No. 3
Fane Grove – No. 7
Green Lane – Nos. 11, 22 and 28
Greenwood Avenue – Nos. 5 and 9
Harrow Road – Nos. 5, 8, 9, 15, 17, 26 and 49

Hawnby Road – No. 8
Highbury Avenue – No. 39
Kingston Avenue – Nos. 11, 13, 21 and 25
Newham Avenue – Nos. 21 and 25
Queens Road – No. 7
Roman Road – Nos. 56 and 125
Sledmere Drive – No. 5
Thackeray Grove – Nos. 19 and 21
The Prospect – Nos. 1 and 2
Tollesby Road – No. 4
Walton Avenue – Nos. 2, 4, 10, 11, 12, 15, 16, 25 and 29
Westwood Avenue – No. 28
Wycherley Avenue – No. 8

Summary of objecting comments

Residential Amenity

- The building would be sited close to the houses in Harrow Road, which will block out light to rear rooms and rear gardens, as well as providing a poor outlook.
- Although it is further from the northern boundary, the building is higher and more harmful.
- The planting of trees on the northern elevation (on the latest plans) goes against the comments of the Planning Inspector.
- The building would present a long blank and dominant feature when seen from the back windows and short back gardens of Harrow Road. This would create a poor outlook to the detriment of living conditions.
- It is simply too close to housing and is the wrong location for a supermarket of this size.
- The store would create additional noise that would disturb amenity. Noise would be from the proposed substation, refrigeration units, light pollution, and increased air pollution from cars and HGVs negatively impacting on the lives of residents.
- The previous college building was open during school hours and term times but the food store will be open for much longer hours and all year.
- The development would be overbearing and lead to a loss of amenity for nearby residents.

Crime/Security

- The store could attract anti-social behaviour. The site will become a meeting place for groups of teenagers as youth services are non-existent.
- Criminal element and shoplifters will be attracted to the area.
- Cheap alcohol will fuel binge/underage drinking.
- Police are already underfunded/understaffed and creating another crime hotspot is not feasible to police.
- The gap between the shop and the gardens would encourage burglaries as thieves could get over fences without being seen.
- What will be in place in terms of cameras and neighbourhood support?

Design/Layout

- The store is not in keeping with the area which is mostly residential.
- The height of the store has increased [compared to the refused scheme].
- The design features to the front of the building will not make this look anything other than a food warehouse.
- The proposed building would be more in keeping in a business park or industrial estate. It is not sympathetic to the design of nearby housing.
- The building mass and variation in roof line does not fit in with the surrounding area. It remains a sea of car parking despite the landscaping proposals.

- Signage is emblazoned across the entrance and the trolley store is in full view.
- Very limited information about the materials.
- Development of the site has already caused significant loss of mature trees. The trees that were removed without consent have not been replaced.
- Development will include destruction of remaining trees and wildlife habitat.
- Building design is totally inconsistent with the surrounding area which is dominated by residential houses.
- Installation of large tarmacked area will increase local flooding.
- Development would adversely affect the adjacent Conservation Areas. The development would undermine the heritage value of the Linthorpe area.
- This is a quiet, residential area with a unique historical character and a large commercial development would be wholly inappropriate in this location.
- The building has no regard to the style and building materials of this Edwardian suburb.
- The weeping willow that was removed needs replacing.
- About 15 trees were felled and need replacing.
- Concerns with the ratio of concrete to soil, which is too large and could cause flooding around the site.
- The delivery area is close to neighbouring properties.

Highways Matters

- Object to the closure of Thackeray Grove. Traffic having to find alternative routes will create problems on Walton Avenue and Kingston Avenue, which are narrow residential streets with parked cars.
- Closure of Thackeray Grove is an admission that the traffic movements for the development is a highway safety issue.
- Closure of Thackeray Grove would create issues for residents on that and surrounding streets.
- Kingston Avenue will turn into a 'rat run', causing danger to all road users.
- An alternative to blocking off Thackeray Grove would be to block off The Prospect from Tollesby Road.
- Increased road traffic at the Roman Road/Green Lane junction.
- The traffic survey used in the report was undertaken on 1st February 2024. Since then there have been traffic calming measures installed on Tollesby Road. A more updated report should be used.
- There would be a risk to children walking to and from the nearby Green Lane Primary School.
- Delivery vehicles manoeuvring the car park would be hazardous and create congestion on Green Lane.
- Both exits from the site are too wide for pedestrians to cross safely.
- The area would be less safe for pedestrians, dog walkers, joggers and families walking to and from school.
- No spaces shown on site plans for staff parking.
- Roads off Roman Road are already difficult to navigate due to volume of cars.
- Allowing the building of a supermarket on the corner of a congested junction along Green Lane would be total disregard for all road users, residents and pedestrians.
- Lidl customers and delivery vehicles will cause gridlock along Green Lane.
- Impacts on emergency vehicle response time.
- Local roads are designed for residential traffic only.
- Damage to roads caused by regular HGVs will be significant. MBC will not be able to keep up with maintenance of road repairs.
- Will be difficult for Green Lane residents to leave driveways due to traffic flow and new three lane layout.
- The proposed cycle lane seeks to narrow Green Lane but this scheme would be in conflict with these proposals.
- The car park will become a 'rat run' for impatient road users cutting through the Green Lane/Roman Road junction.

- School pick up traffic/parking, new mosque traffic and Lidl customers will result in dangerous traffic conditions on a regular basis.
- The additional car users to the site would increase air pollution and create traffic.
- An independent traffic survey needs completing as it is currently very difficult to get out at the Roman Road/Green Lane junction.
- Any measures to accommodate a supermarket of this scale (traffic lights, alterations to road) would negatively impact on local residents and cause delays.
- Making the car park available for school traffic would cause issues for pedestrian traffic across the car park entrance.
- There is a large building programme in the area, notably the Hill Side Gardens development, which will add 290 properties to the area and burden the very busy road system.
- Kingston Avenue has become a car park for people attending the mosque.
- The access on Roman Road is in close proximity to the adjacent house.

Residual Matters

- Whilst something needs to be done with the site, a supermarket is not the best option.
- This is the wrong place for a large shop.
- The floorspace is over the 1000sqm at which an impact assessment is required by EC8 of the draft Local Plan.
- The location is not in any of the local centres defined in the Local Plan.
- The food store does not satisfy the sequential test process.
- The Lidl food store should occupy the former Coop unit in Linthorpe Village.
- There are enough of these supermarkets in the area.
- Residents do not have much faith in Lidl's respect for its neighbours.
- Additional noise from traffic from shoppers and HGVs.
- Delivery vehicles will generate noise early morning and late night deliveries which will disturb local residents.
- Littering is a problem in the area and this development will only add to the issue.
- Lighting in the car park and on the building will disturb local residents and wildlife.
- Another shop in this area is not required. It is a short distance to nearby retail and convenience shops including Linthorpe Village, Roman Road shops, Eastbourne shops, Acklam Road shops, existing Aldi and Tesco at Belle Vue shops.
- Development of supermarkets outside of the commercial district is contrary to the Development Plan and harmful to vitality and viability.
- Impact on local businesses will be damaging.
- The site would be more suitable for low density residential accommodation.
- Lidl on Lamport Street is only four minutes away by car.
- Challenge Lidl claim that the proposals will create 40 new jobs, which will mainly be zero hours contracts and a poor replacement for the small businesses lost.
- What will the company do to offset the environmental impact of the building work.
- Increase in random shopping trolleys left on the estate.
- What conditions would be placed on Lidl to maintain the areas of vegetation.
- If approved, a condition is required to prevent the store changing to any other business without consultation with local residents.
- Concerns over the delivery hours.
- Those who support the scheme are overwhelmingly in areas distant from the site.

List of Addresses in Support:

Acklam Road – Nos. 100 and 164
Adcott Road – No. 19
Arlington Road – No. 29
Aysgarth Road – No. 25

Bamburgh Court – No. 2
Barker Road – No. 50
Beech Grove Road – No. 41
Bentinck Avenue – Nos. 11 and 19
Benton Road – Nos. 9 and 28
Birchgate Road – Nos. 23, 26 and 31
Buttermere Avenue – No. 43
Canterbury Grove – No. 15
Castleton Avenue – No. 10
Cavendish Road – No. 11
Chipchase Road – No. 62
Church Lane – Nos. 18 and 49
Claude Avenue – Nos. 1 and 35
Coniston Grove – Nos. 58 and 96
Cowley Road – No. 5
Cranford Gardens – Nos. 29 and 30
Daleston Avenue – Nos. 12 and 15
Dinsdale Avenue – No. 12
Dorset Close – No. 5
Easby Avenue – Nos. 11a and 21
Easterside Road – No. 29
Eastbourne Road – No. 22
Eastgate – No. 6
Embleton Avenue – No. 21
Emerson Avenue – Nos. 44, 58 and 63
Ennerdale Avenue – No. 11
Fountains Drive – No. 24
Glendale Road – No. 73
Green Lane – Nos. 34, 79 and 98
Greenwood Avenue – No. 2
Hall Drive – No. 62
Hambleton Road – No. 98
Harrow Road – No. 21
Hatfield Avenue – No. 42
Hawnby Road – No. 5
Haymore Street – No. 44
Henley Road – No. 3
Henley Road – No. 15
Heythrop Drive – No. 74
Highbury Avenue – No. 33
Hollyhurst Avenue – No. 5
Keith Road – No. 2a
Lambeth Road – Nos. 20 and 58
Levick Crescent – No. 29
Levisham Close – No. 3
Lexden Avenue – No. 10
Lichfield Road – No. 14
Linden Grove – Nos. 1 and 42
Low Lane – No. 46
Lynwood Avenue – No. 5
Maddren Way – No. 125
Mandale Road – No. 61
Marton Burn Road – No. 9
Mayberry Grove – No. 3
Mulgrave Road – Nos. 20 and 33
Newham Avenue – No. 16
Orchard Road – No. 8

Oxford Road – Nos. 2b, 26, 112 and 149
Parkfield Avenue – No. 30
Patterdale Avenue – No. 1
Preen Drive – Nos. 32, 42 and 45
Ridley Avenue – No. 64
Rochester Road – No. 35
Roman Road – Nos. 17, 19, 38 and 50
Salton Close – No. 6
Sanctuary Close – Nos. 7 and 16
Seamer Close – Nos. 19 and 20
Speeton Avenue – No. 48
Thackeray Grove – No. 17
The Avenue – Nos. 6 and 40
Tollesby Road – No. 21
Tranter Road – No. 9
Ullswater Avenue – Nos. 57 and 89
Westbeck Gardens – No. 2
Westbourne Road – No. 42
Westwood Avenue – No. 9
Wimbledon Court – No.11
York Road – Nos. 32 and 35

Summary of supporting comments

- Much improved design compared to the previous application.
- Front elevation with its pleasing brickwork is very presentable.
- The shop will be in keeping with the other buildings in the area.
- The store has been changed to address the previous objections.
- The store is smaller and further away from the neighbouring properties than the previous scheme.
- Tree planting across the site would enhance the street appearance.
- Compared to the old scruffy college buildings it is a massive improvement.
- The area needs a local food store like this.
- The food store/building will improve the site and the local area.
- Local pensioners want a new Lidl store in the area.
- As a disabled shopper, it would be great to have a store of Lidl excellence within easy reach.
- The former Art College was not a local community facility whereas a Lidl supermarket will address the shopping needs of locals.
- My carbon footprint would be reduced as we will be able to walk to do our shopping.
- The store will be an asset for the residents of Acklam and Linthorpe.
- The proposed traffic arrangements at this junction will be a vast improvement to the existing road system.
- Having a supermarket in the area is overdue.
- After the Coop left Linthorpe Village, there is no cheap local convenience store.
- Do not believe the food store will present a traffic problem at the junction with the updated application.
- Vehicular movements out of Roman Road have always been problematic but the proposed traffic lights is a good idea.
- It will reduce traffic overall as local residents will be able to walk to guy groceries rather than driving to a supermarket.
- Currently avoid this area because of traffic but signalling the junction would help traffic movements.
- The supermarket noise levels won't be any worse than the former art college.
- It will offer electric charging points, of which there are no local charging points.
- The building is not overlooking anyone as it faces onto Roman Road.

- Proposed landscaping appears sympathetic.
- The building only accounts for a small amount of the site.
- As for nature conservation, there is none at present and none previously.
- The new store would create jobs in the local community.
- The store is likely to boost the local economy.
- The new store could help invigorate the area, creating a lively and positive vibe.
- With the recent growth in the local area, there is a need for accessible affordable shopping options.
- Welcome the store in this location provided residents are not being disturbed at night.
- Concerned if the application is not passed we will end up with either an overgrown patch of land or yet more flats which will cause more congestion and disruption.
- Support the building of the Lidl store but not the closure of Thackeray Grove.
- Understand that a few people close by may be adversely affected in the interim but surely a small inconvenience to a few is worth the benefit of thousands that reside locally.
- Support the proposal but hope the development is restricted by planning conditions in order to minimise disruption to the local road network and nearby residents, especially children attending local schools.
- The car park will help ease traffic at peak times, like school drop off and pick up by providing parking where parents may choose to combine with a local shop.

Responses from Local Ward Councillors

Linthorpe Ward Councillor Philippa Storey – Objects

- Although the application is definitely an improvement on the previous application, there are still major concerns over the proposed closure to Thackeray Grove and the increased traffic on Green Lane and Roman Road with no traffic lights a road that is already at capacity. The addition of the 4 school runs and the lorries turning in and out of the area is also a major concern for child safety.

Acklam Ward Councillor Luke Henman – Objects

- I have concerns about the proposal for the closure of Thackeray Grove which is included in the Lidl application.
- Whilst I support the principle of Lidl's application on the old CCAD site, I am deeply concerned about the impact of the proposed changes to the road layout at the Junction of Thackeray Grove and Green Lane/Emerson Avenue. The closure of Thackeray Grove makes the Lidl application controversial when it otherwise would not be.
- Residents are deeply concerned about the impact this closure will make on the neighbouring streets in the Thackeray Grove - Walton Avenue - Kingston Avenue area. The closure of the Thackeray Grove junction will cause traffic entering and exiting Tollesby to rat run through Kingston and Walton Avenues and onto Green Lane. Both these streets are narrow and not built for a high level of through traffic. Residents overwhelmingly made clear their opposition to this move as part of the TVCA's Green Lane Active Travel Plan recently. It is regrettable that this option is being pursued under a different process.
- I appreciate the safety motivation behind this move. However, the highways report states that "over the last 5 years there has only been 2 slight and 1 serious accidents at the Green Lane / Roman Road junction. There are also scattered slight accidents along Green Lane." Furthermore, it does not make any mention that those accidents were linked to Thackeray Grove. To close Thackeray Grove entirely would in my view cause a disproportionate amount of upheaval to local residents.

- Whilst the Planning Inspector felt something to improve safety at the junction was appropriate, and that the closure of Thackeray Grove was acceptable, I would argue that the inspector did not say that only this approach was acceptable and that other approaches would do this.
- The closure of The Prospect would significantly reduce vehicular use of the Thackeray Grove junction by reducing its use to local resident use only. It would end the ability of cutting through Thackeray or Walton without blighting the lives of residents. My own traffic survey conducted between 4pm and 6pm one evening showed that 86% of traffic through Thackeray was cutting through to Tollesby Road. Cutting use of the junction by 86% and not causing huge levels of disruption to the c140 homes nearby is in my view a good compromise and one within the spirit of the planning inspector's ruling.
- 86 local residents signed my petition backing this approach as opposed to closing Thackeray Grove. I have made this petition available to both Lidl and Middlesbrough Council.
- I note that Lidl have offered to sign a Section 106 agreement with the Council to provide the money to implement a further road closure on Walton Avenue should the Thackeray Grove closure create a rat run. Whilst I welcome this, I do not think this goes far enough. Residents still feel strongly that this move will hugely impact local people negatively and unnecessarily.
- Many residents in Acklam recognise the need for a supermarket in the area. It is disappointing therefore that some residents will be significantly impacted by one small element of this proposal. I would urge Lidl and the Council to listen to the pragmatic and reasonable views of local residents rather than relying on AI software and improve this scheme by amending their proposal to keep Thackeray Grove open to local traffic only. With regret, I cannot support the application unless the Thackeray Grove junction remains open.

As well as the above, the Council was in receipt of a **petition**, containing 99 signatures. However, the petition was not in objection to the application but requested a meeting between local residents, Council Officers and Lidl representatives to discuss an alternative to the closure of Thackeray Grove. In summary, the signatories sought to discuss the closure of The Prospect/Tollesby Road junction instead, as well as the installation of traffic lights or a roundabout to control the Thackeray Grove/Green Lane/Roman Road junction.

Responses from Internal Technical Consultees

MBC Strategic Planning – No objection in principle

In accordance with Policy CS4 the development sees the re-use of previously developed land.

Consideration should be given to how the proposed development will integrate with the surrounding area, particularly in relation to the design and how it would enhance the character or appearance of the adjacent conservation area. Should the proposed development be considered detrimental to the character or appearance of the conservation area it would be contrary to Policy CS5.

Contrary to Policy CS13 and the NPPF chapter 'Ensuring the vitality of Town Centres' the application fails to apply the sequential assessment, by not demonstrating flexibility and fully exploring the opportunities to utilise suitable town centre or edge of centre sites. The Council remains of an opinion that a further degree of flexibility could be awarded to the sequential assessment, with a 10-minute drive time a more realistic reflection of the catchment area for the intended use; which would then result in the inclusion of additional centres, and edge of

centres to be assessed as sequentially preferable. Nevertheless, the sequential assessment fails to assess Middlesbrough Town Centre, which lies within the identified 5-minute catchment area. It should be noted, however, that the appeal decision PP/W0734/W/24/3341975 made it clear that a retail scheme on this site would pass the sequential and impact tests, and the Council is not aware of any evidence of material differences that would be likely to affect this conclusion.

Consideration should be given to how the proposed development will protect existing residential amenity, with careful consideration given to the proximity of the proposed store and buildings situated close to existing residents at Harrow Road and Green Lane particularly, and the issues associated with this. Should it be considered to have more than a minimal impact upon the amenities of nearby occupiers, the development would be contrary to Policy DC1.

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

In accordance with the NPPF Determining Applications, consideration should also be given to the Publication Local Plan March 2025, with weight given to relevant policies depending upon the stage of the emerging plan, the extent to which there are unresolved objections, and their degree of consistency with the NPPF. The weight that can be attached to these policies will depend on the stage of the Local Plan when the application is determined. Currently, some weight should be given to the policies in the Publication Local Plan.

MBC Highway Planning – No objections subject to conditions

Background

The site has been the subject of a previous application to construct a Lidl store (22/570/MAJ) which was refused on 3 grounds including highways. Highways grounds for refusal were in summary;

- a) Design and Layout of the scheme
- b) Highway Safety
- c) Whether the scheme would encourage non car modes of travel

The applicants subsequently appealed against the refusal of planning consent with the appeal being dismissed by the Planning Inspectorate. As such the appeal decision is a material consideration in the determination of the current application that is now being considered.

Issues relating to traffic generation and highway capacity were not objected to at the previous application stage nor at the appeal. Given that the scale of the proposed store and level of car parking is almost identical to the previous application it would not be reasonable to seek to change position on these matters.

In determining the current planning application, the main consideration is therefore assessing how the proposals have addressed the previous reasons for refusal and the subsequent comments from the Planning Inspectorate as contained within the appeal decision.

A – Design and Layout of the scheme

Previously the authority raised concerns over the level of car parking proposed and considered that it was excessive leading to a dependence on the private car given the sustainable location of the site. These comments were made as part of wider considerations as to the approach to development and promoting active travel. In determining the appeal

relating to the previous refusal the Planning Inspectorate did not consider that the level of parking was excessive.

The applicants have again confirmed (as per the previous application) that they would be happy to allow school drop off and pick up parking within the site. Such parking occurs outside of the peak periods of operation of the store and as such would not be detrimental to the car park capacity. It is acknowledged that this approach would offer benefits to the operation of the public highway and could assist in managing or removing some of the parking which occurs along Green Lane and surrounding streets by parents dropping off/picking up children to the adjacent Green Lane Primary School.

Further concerns were also previously raised regarding the internal layout which resulted in HGV delivery vehicles undertaking blind side reverse manoeuvring within the car park and this occurring in and around parent and child car parking together with vehicle movements adjacent to main internal pedestrian routes. The Inspectorate considered these matters to be less significant and referenced evidence by the appellants that these generally are normal arrangement(s) at the Appellant's other stores with no recent evidence of any incident having taken place there. The appeal decision took the view that there had to be a degree of give and take between pedestrians and vehicles in any food store car park and that such concerns could be addressed through detailed design.

B - Highway Safety

Strategies as set out in the Integrated Transport Strategy and supporting policies contained within the emerging Local Plan seek a mode shift away from dependence on the private car, to promote active travel and to reduce the number of and severity of accidents on the highway network. This approach is fully aligned with national planning and highways policy and best practice guidance.

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

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

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

The authority works with a company which uses Artificial Intelligence together with environmental input data (traffic flows, geometries, rainfall etc) to determine accident risk and probability. This is a similar approach used by the insurance industry. Using this

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

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

Within the appeal decision the Planning Inspectorate addressed this matter.

“11. The site lies close to the staggered junction of Green Lane, Roman Road and Thackeray Grove. Whilst the junction does not have a notably poor accident record, the Council’s Red Optima AI programme evaluates this junction as having a high accident risk, and my on-site observations bear this out. The junction is uncontrolled and hazardous right turning movements from and into Roman Road and Thackeray Grove commonly take place against the busy stream of traffic on Green Lane.

12. The scheme would add a modest 5% to the total background traffic using all the arms of the junction, and the junction would have the capacity to deal with the additional traffic. However, there is already potential for conflicting movements at the junction, which would be increased by the scheme, and the proposal would be likely to attract pedestrian and cycle movements. There is a zebra crossing on Emerson Avenue to the east, but it is not immediately adjacent to the site. Without adequate mitigation measures, the scheme would have negative impacts on highway safety and would conflict with Local Plan Policy CS19, Road Safety.

13. The Appellant is not proposing signalisation as part of the scheme, but nonetheless has included (should it be considered necessary) an agreed Grampian-style planning condition within the Statement of Common Ground which would require signalisation at the junction and the closure of the Green Lane end of Thackeray Grove before development took place. If the development had been acceptable in all other respects, this would in my view have been a necessary measure, because it would reduce the risk from conflicting traffic movements and provide safe pedestrian and cycle crossing facilities adjacent to the site, furthering the aims of Policies CS18(e) and CS19.”

The Inspector’s view is clear in that the highway works described were considered necessary to make development proposals acceptable in planning terms.

The current planning application therefore has addressed this matter, and it is proposed to close the junction of Thackeray Grove/Green Lane, introducing a 3 arm signal controlled junction of Roman Road/Green Lane. The new signal controlled junction will include both Toucan (ped and cycle) and Puffin (pedestrian only) facilities. The existing Zebra crossing to the East of Thackeray Grove will be removed as it becomes unnecessary and the new signal controlled junction provides safer dedicated crossing facilities on all arms for pedestrians and cyclists.

Objections to Closure of Thackeray Grove

Objections to the proposed closure of Thackeray Grove are centred around the potential for traffic to cut through Walton Avenue and Kingston Avenue. Following discussions with the applicants funding is proposed to be secured through a S106 agreement as part of the granting of any consent. This funding would be used by the council to monitor traffic flows before and after the closure of Thackeray Grove. Should it be established that there is a need to address issues arising from through traffic further S106 funding would be used towards the introduction of measures to address these. Such works could include:

- a) a point closure on Walton Avenue somewhere between Greenwood Av and Cleveland Av,

- b) a point closure around the junction of Walton Avenue/Thackeray Grove
- c) restrictions to entry/exit only within The Prospect/Thackeray Grove/Walton Av/Kingston Av area

These works would be funded though the S106 Agreement but undertaken by the Council as Highway Authority. Any progression of such scheme(s) if demonstrated to be necessary would be subject to separate consultation with affected local residents.

C - Whether the scheme would encourage non car modes of travel

The proposed development by combination of its land use and location is such that it has the potential if designed and approached in an appropriate way, to ensure a significant number of trips could be made by sustainable travel. The site is located within a residential area with a significant number of properties falling within a 5min or 10 minute walking/cycling catchment. A number of bus stops are located within 400m (a 5minute walk) of the site and are served by various frequent services. Unlike the previously refused scheme it is considered that these new proposals have been designed in such a way as to encourage and facilitate non car travel and have addressed the previous reasons for refusal.

Ped/Cycle Access

Ped/cycle access into the store have been provided from Roman Road and Green Lane. Within the site landscaped buffers have been provided between car spaces and the adjacent ped/cycle route to provide a buffer between vehicles and pedestrians/cyclists. Cycle parking is proposed on these routes in a convenient location between the public highway and store entrance.

Previously the vehicular entrances to the store were solely designed around vehicular access and servicing needs. This approach had a detrimental impact on highway safety and the attractiveness of non-car travel. Main concerns centred around the volume/speed of traffic at the entrances, crossing distances for pedestrians/cyclists and the design of non-car infrastructure.

Vehicle access points are still proposed to Green Lane and Roman Road and these are in roughly the same location as previously proposed however the design of the access points have been revised to address the reasons for refusal.

Previous Proposals

Roman Road Access; Existing access widened to 7m

Green Lane Access; Overall width of 21m - broken down as a 10m entry width, 2m refuge and 9m exit width with large kerb radii.

Current Proposals

Roman Road Access; Existing access widened to 7m with 6m radii

Green Lane Access; Overall width of 7.5m with 6m radii

As can be seen from the figures above and within the site plans the vehicular access points have been reduced in width and geometry altered so as to not provide excessive radii other than that necessary to facilitate technical/swept path requirements. The widths provided are consistent with those that a pedestrian/cyclist would expect to encounter when crossing a side road or crossing over a main road. Dropped kerbs and tactile paving will be provided at the site access points.

At the Roman Road access footways continue from the site access and lead to the store entrance, thus enabling those arriving from residential areas to the North or bus stops to get to the store entrance without having to negotiate the site entrance or walk across the car park. Whilst no internal footpaths are provided from the Green Lane entrance this is considered to be the optimal approach as pedestrians/cyclists are guided along Green Lane to a dedicated footpath link which is highly visible and leads to the store entrance. Soft landscaping around the vehicles entrance will be introduced to seek to discourage

pedestrians/cyclists cutting across the car park. The proposed ped/cycle access points to the store are well located to the proposed signalised crossings that form part of the new Roman Road/Green Lane traffic signals.

Previously the approach to the scheme included the introduction of a right turn ghost island serving the site and pedestrian refuges to provide crossing facilities. This approach created severance by introducing a third traffic lane which also then created further conflict with access drives along Green Lane. Other implications were that this approach prevented the implementation of an East/West strategic cycle link shown within the Councils Integrated Transport Strategy as it reallocated available highway space to vehicle demand. The current approach has removed the right turn ghost island thus removing conflict points, enabling delivery of a strategic cycle route to be protected and providing high quality signalised crossing facilities as opposed to substandard refuges which were limited in width.

References have been made to the TVCA funded Green Lane cycle scheme and the potential interaction between these works and the development proposals/junction signalisation scheme. These schemes are separate;

- a) The TVCA scheme is fully funded with detailed design and subject to public and stakeholder consultation
- b) The planning application being considered is subject to consultation and may or may not be granted consent

Officers have provided plans and information to both the consultants acting for TVCA and those acting for the developer to ensure that each party is aware of the others proposals to avoid any potential conflict.

As such each scheme (TVCA and Lidl) has been designed to work both independently to each other whilst also being capable of being implemented together with minor revisions. Neither scheme is therefore dependant on the other to proceed.

All highway works will be undertaken to the standards and specifications of the Highway Authority and delivered through Agreement under S278 of the Highways Act 1980. It is recommended that a condition be applied to the granting of any consent requiring an independent Road Safety Audit be undertaken on the proposed works.

Based upon these considerations the Highway Authority raise no objections and recommend conditions as summarised below:

- The existing Roman Road vehicular access being removed and reinstated to full height kerb and footway in the interests of good management of the highway.
- The development not being brought into use before the approved turning/servicing facilities are constructed to ensure highway safety.
- The development not being brought into use before the approved areas for car and cycle parking have been constructed to ensure highway safety.
- The implementation of various off-site highway works as shown on submitted drawings prior to store opening to ensure a safe means of access to the site and minimise the disruptions to the free flow of traffic.
- The carrying out of a road safety audit for the internal highway layout and off site works requiring alteration to minimise the road safety risks.
- Method of Works Statement to ensure the works are carried out in a manner that will not be detrimental to local residents and the free flow of traffic.
- The submission of a Travel Plan to promote sustainable transport measures.

MBC Flooding Authority – No objections subject to condition

The submitted drainage drawings and documentation have been reviewed and no objections are raised. It is recommended that the application be conditioned for the submitted information to be implemented as part of the development.

MBC Waste Policy – No objections

No comments to make.

MBC Environmental Health – No objections subject to conditions

Noise:

There are no objections to the application in relation to noise provided all the noise mitigation measures are in place including restrictions on operational and delivery hours.

Deliveries will be restricted to be between the hours of 8am – 10pm.

Lighting:

The proposed lighting is deemed to be acceptable subject to it only being in operation during store opening hours

Contaminated Land:

The ground investigation reports (Ref: M0495 and M1434 carried out by Earth Environmental and Geotechnical) have been reviewed by the Council's Contaminated Land Officer. As the ground investigations did not find any concentrations of contaminants in exceedance of relevant screening criteria relevant to commercial end use, they are considered to be acceptable and there is no requirement for the planning condition regarding contaminated land.

MBC Conservation – Concerns Raised

Context:

The application site is a corner plot on Roman Road and Green Lane in Linthorpe, a suburb immediately south of Middlesbrough town centre. Surrounding uses are primarily residential with some educational and ecclesiastical.

The site was, until recently, occupied by The Northern School of Art (formerly the Cleveland College of Art and Design) buildings. The buildings have been demolished and trees have been removed.

This is a further revised scheme following refusal of planning application 22/0570/MAJ and dismissed planning appeal APP/W0734/W/24/3341975.

Heritage Assets:

The site lies immediately adjacent to the southern tip of the boundary of Linthorpe Conservation Area, which was designated in July 1975. The Conservation Area boundary was amended in 2006, which included the application site's Roman Road frontage and the corner where it meets Green Lane. The bulk of the application site forms part of the setting of the Conservation Area but falls outside the Conservation Area boundary.

The original village of Linthorpe, from which the area derives its name, was part of the Acklam manor in the twelfth century and early Linthorpe was an agricultural area until the mid-nineteenth century. The significance of the Conservation Area lies in its village origins, which have grown into high quality late nineteenth and early twentieth century suburbs, with streets of planned architectural consistency. The streets within the Conservation Area around the application site can be considered 'leafy suburbs' with the elegant, early twentieth century 'Phillippsville' development off Roman Road, of Westwood and Claude Avenues, amongst others.

Historic maps evidence the earliest development appears on the site between 1895-1899. On the site at this time is a group of buildings called Ashgate, possibly a villa or farmstead, surrounded by fields, farms, various brickworks and the southern tip of early Linthorpe suburbs. By 1916-1929 Ashgate is clearly a villa with grounds, possibly a walled garden and orchard with outbuildings. Ashgate remains until approximately 1952 and by 1960, the

college buildings appear on the site, remaining, but altered, added to and renamed, until their relatively recent demolition.

Impact Assessment:

The Planning Inspector's decision to dismiss the appeal on design grounds (amongst other reasons) focused on the following that this scheme needs to address without causing other issues contrary to policy, in order to gain planning approval:

The southern wall of the store facing Green Lane, together with the flat roofline, would present a long blank non-active frontage to Green Lane and to part of Roman Road which would not be sufficiently alleviated by the red brick modelling. More pitched roof elements and design details have been added, although the use of artificial slate is not common in the immediate area, certainly within the Conservation Area, where it is resisted.

- Slate-effect roofing tiles are proposed for the pitched roofs; natural slate would be an improvement on this in terms of the common roofing material in the immediate area.

Despite the substantial planting belt...vehicle entrances and their associated car parking, with their inevitable and necessary lighting, signage and displays...would appear as a jarring contrast to their domestic appearance. Large areas of hardstanding remain proposed for vehicle parking at the front of the site. Additional landscaping is proposed in this revision, which is positive, but will not provide sufficient screening, particularly when the retail use means the building is intended to be seen.

Furthermore, the building would be sited too close to the houses in Harrow Road. It would present a very long blank and dominant feature when seen from the back windows and the short gardens of those homes, at less than 6 metres from their rear garden fences. The rear elevation is now proposed further from the boundaries with the houses behind the site and there are now design improvements to the rear elevation, to reduce its visual impact.

Relevant in the Inspector's conclusion: *the design and siting of this particular scheme would detract from the character of the surrounding area including the Linthorpe Conservation Area.* In terms of this revised scheme, there remain siting concerns in context with the surrounding area, including its impact on the setting of Linthorpe Conservation Area. Whilst design and materials revisions are evident and welcome, the proposed building would have a larger footprint and wider front and rear elevations than most buildings in the area and those making a positive contribution to the area. The siting of the proposed new building, to the rear of the site and hardstanding for vehicle parking to the front is not typically found in the area and detracts from the character of the area.

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

Overall the changes to this revised scheme are an improvement on schemes submitted previously, because of landscaping, design and materials improvements that should reduce the harmful impact of the scheme on the character and appearance of the area. These do not entirely address the design issues of the building's proposed location near the rear of the site and the large areas of hardstanding to the front, which are not typical of the area.

- Please condition all materials to ensure appropriate finishes.

Conclusion:

The development proposed is, by virtue of its siting, footprint and volume of hardstanding risks introducing anomalous features to this area of suburbs. However it is understood the principle of development and the site having an active use brings benefits.

Concerns remain that the scheme would result in harm to the setting of the nearby Conservation Area, contrary to policy CS5 of the 2008 Core Strategy, to policy HI2 of the 2025 Publication Local Plan and contrary to paragraphs 210 and 215 of the 2024 National Planning Policy Framework.

Responses from External Technical Consultees

Northern Powergrid – No comments received

Northern Gas Networks – No objections

Whilst there are no objections to these proposals 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.

Northumbrian Water – No objections subject to condition

At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. A condition was requested for a detailed scheme for the disposal of foul and surface water from the development.

Cleveland Police – Recommend SBD compliance

Encourage contact with the applicant/agent at earliest opportunity. If SBD Certification is not achievable some measures should be incorporated into the scheme 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

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. It is recommended that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist.

In addition to the above, the following comments are made:

- All doors, ground floor and readily accessible windows are recommended to be tested and certified LPS1175:A1 rating, (or equivalent) minimum. This also includes any door entry systems/ access control having been tested as part of the scope for the door-set as a whole.
- External fire doors should be free of external door furniture and suitably alarmed.
- Dual certification for both fire safety and security is required.
- Guidance on curtain walling installation can be found within the aforementioned Non-Residential document.
- Appropriate external dusk lighting around external facades of building is recommended.
- Downpipes are recommended to be internally installed, if they must be external then a flush fit square profile is to be used.
- An appropriate alarm system and cc-tv installation should be included.
- CC-TV should monitor internally and externally.
- Appropriate, secure boundary treatments protecting the site rear is proposed.
- Recommend proposed rear service gates be of a 3.0 weldmesh construction with a gauge that doesn't allow for climbing aids and have an unfinished top.
- Recommend any proposed cycle hoops be sited in an area that maximises surveillance and to have it covered by the external cc-tv cameras.
- Column lighting around pathways and car park is to be to BS5489:2020 standards with a uniformity as close to 40% as achievable, however it should not fall below 25%
- The lighting proposal on the car park area falls quite a bit below this, I strongly recommended to be increased to the above.

Forestry Commission – No objections

Can confirm that the area covered by this planning application is subject to Enforcement Notice EN17/24-25 served by the Forestry Commission on the 16th May 2025.

The presence of the Notice may not prevent the local authority from granting planning permission, but typically the carrying out of the granted development will conflict with the conditions of the Notice. Planning permission granted by the local planning authority for the same area as that covered by a Notice will not override the conditions of the Notice.

In this instance, the plan titled 'R-2547-2Q Landscape Details 250@A1' has highlighted that the tree planting proposed does not entirely match the tree planting which is required by the Enforcement Notice. Compartment 1a of the Notice (see attached Notice and map), requires 16 landscape trees to be planted, but the landscape plan only indicates 15; one beech tree in the plan appears to be outside of the Enforcement Notice area. While this is a minor difference, due to the size of trees required by the Notice, the Forestry Commission would

not consider the Notice to be complied with if the beech is not within the area marks on the map. We would therefore suggest the applicant adjusts their landscape plan to include that beech within the Notice map area.

We would further note that the date by which the trees are to be planted is 6th August 2026. It seems unlikely that any planning approval and construction would be completed which would then allow for the trees to be planted post-development in time with this deadline. The applicant may therefore wish to amend any root protection zones and other protective measures to allow for the presence of the trees being in-situ prior to construction, and update any related application documents to reflect this.

PLANNING CONSIDERATION AND ASSESSMENT

Introduction and Background

1. The application seeks planning permission for the construction of a new food store (use class E) with associated vehicular access, car parking, landscaping and other works at the site of the former Northern School of Arts campus on Green Lane. As well as the on-site works, consent is also sought for the closure of Thackeray Grove.
2. The current application is a resubmission of a similar application (22/0570/MAJ) that was refused by Members of the Planning Committee and later dismissed at appeal by the Planning Inspectorate. Whilst the Planning Inspector accepted the principle of a retail scheme and recognised the benefits of the development at the site – including it consisting of brownfield land and being accessible by public transport, the economic and employment benefits, and the possibility of securing funding to design an appropriate scheme to address the highways impacts of the development – the Inspector ultimately concluded that the **‘design and siting of the scheme would detract from the character of the surrounding area, including the Linthorpe Conservation Area, and harm the living conditions of residents in Harrow Road’**. The Inspector also noted that the development would **‘create a significant obstacle for pedestrians on Green Lane’**. The deficiencies identified by the Planning Inspector outweighed the benefits of the scheme and they concluded that the scheme would conflict with Local Plan Policies DC1 and CS5 in respect of its design and siting and effect on the neighbouring living conditions, and Policy CS5, CS17 and CS19 in respect of the Green Lane access.
3. The current scheme seeks to address the issues raised by the Inspector, which includes, amongst other things, repositioning the proposed food store further from the northern boundary, changes to the materials used in the external appearance, redesigning the site access points as well as the hard/soft landscaping.

National and Local Planning Policy Framework

4. In assessing the principle of the development of the application site, consideration needs to be given to both Local and National Planning Policies as well as material planning considerations.
5. The Local Plan Core Strategy, adopted in February 2008, sets out the Council’s strategy in terms of housing, economy, community facilities and infrastructure. This is supplemented and amended by the spatial strategy of the Housing Local Plan (2014) which extended the plan period for some aspects of the plan.

6. The Council commenced a review of its Local Plan in 2016, reaching the publication stage in 2018. The preparation of the plan was paused in 2019, however, to allow reconsideration of the key strategic aspects of the emerging plan and to provide an opportunity to update the evidence base. As part of the process, a new Middlesbrough Town Centres and Retail/Leisure Study was undertaken (September 2020) and was used to inform the new Local Plan.
7. The Council is presently in the process of reviewing its Local Plan. The Publication Local Plan (PLP) was approved by the Council on 5th March 2025. The NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. It is considered that some weight may be given to PLP policies in the determination of planning applications.
8. The Council's spatial vision and strategic objectives for the area are set out in the adopted Core Strategy and Housing Local Plan. Together, these aim to reinforce the economic, social and environmental objectives as set out within the NPPF. The key priorities the Council aims to address through the planning system are set out in Section 1 Background (paragraph 1.4) of the Core Strategy. Particularly relevant to this commercial development are: the ambitions to create sustainable communities, meeting local transport needs more efficiently, promoting the economic vitality of Middlesbrough, reinforcing the role of Middlesbrough Town Centre within the Tees Valley city region, improving health, and transforming the local environment.
9. The NPPF sets out the purpose of the Planning system is to contribute to sustainable development through three overarching objectives: economic, social and environmental. The objectives are interdependent and should be pursued in mutually supportive ways.

Sequential Test

Policy Context

10. Paragraph 8 of the NPPF relates to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating infrastructure.
11. Core Strategy Policy CS4(a) requires all new development to contribute to achieving sustainable economic development to support efficient, competitive and innovative business, commercial and industrial sectors.
12. Core Strategy CS7 aims to support and encourage employment opportunities that assist in delivering economic prosperity and developing Middlesbrough's role as part of the heart of a vibrant and prosperous Tees Valley City region. Within the criteria of the Policy, development outside of these identified locations will require a sequential test. Priority will be given to those sites that utilise previously developed land and will contribute to the implementation of the economic strategy and be of a scale and nature appropriate for the location.
13. Core Strategy Policy CS13 determines a hierarchy of retail centres based upon strategic importance within the borough, identifying a network of centres that meet day-to-day shopping and community needs. The Policy seeks to safeguard the retail character and function of centres by resisting development that detracts from their vitality and viability,

with the need to apply the sequential approach when considering proposals for new town centres uses.

14. Housing Local Plan Policy H1 determines proposals outside of strategic locations will need to be sited within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development. Such proposals should demonstrate how they would contribute to achieving the spatial vision and objectives identified in the Local Plan, with all development required to ensure that it contributes to, and fully integrates with, a sustainable transport network.
15. Paragraph 86 of the NPPF states that planning policies should set out a clear economic vision and strategy that positively and proactively encourages sustainable economic growth, having regard to other local industrial strategies and other local policies for economic development and regeneration. In addition, policies should identify strategic sites for local and inward investment to match the strategy and to meet the needs over the plan period.
16. Paragraph 90 of the NPPF supports the vitality and viability of town centres by placing existing town centres foremost in both plan-making and decision-taking. Paragraph 91 of the NPPF sets out that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.
17. Paragraph 92 of the NPPF states that when considering edge of centre locations or out of centre proposals, preference should be given to accessible sites which are well connected to the town centre and applicants should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centres are fully explored.
18. Paragraph 94 of the NPPF states that when assessing applications for retail and leisure development outside of a centre and not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over 2500sqm. The assessment should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.
19. Paragraph 95 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in Paragraph 94 it should be refused.
20. The National Planning Policy Guidance – Town Centres and Retail, Paragraph 011 provides a small checklist for consideration that should be taken into account in determining whether a proposal complies with the sequential test:
 - with regard to the need to demonstrate flexibility, the suitability of more central sites to accommodate the proposal should be considered. Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.
 - Consideration should be given to the scope for flexibility in the format and/or scale of the proposal. It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of

development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

- if there are no suitable sequentially preferable locations, the sequential test is passed.

Sequential Test – Assessment

21. As the application site is outside of any designated centre and the proposed development is for a food store, which is considered to be a main town centre use, a sequential test is required.
22. The Planning and Retail Statement submitted with the application identifies the methodology for the sequential assessment based on a limited assortment discount (LAD or deep discount) food store, identifying a 5-minute drive time catchment area. Consistent with previous applications from the developer, however, the Council still considers a 10-minute drive time to be more realistic for this type of development, which would allow for a further degree of flexibility and the assessment of additional centres, and edge of centres at Middlesbrough Town Centre, Berwick Hills District Centre and Coulby Newham District Centre. Nevertheless, the 5-minute drive time catchment includes the Middlesbrough Town Centre boundary and edge of, which has not been assessed for sequential preference.
23. As well as the 5-minute drive time, the Planning and Retail Statement identifies seven minimum sequential parameters that are believed to reflect the broad range of development proposed, having regard to the scale, nature and range of goods typically sold by a deep discount retailer. These are as follows:
 - a. Available sites with an area between 0.6ha and 1.6ha with the potential to house a unit measuring between 1672sqm and 2461 sqm.
 - b. Existing vacant units with a floorspace measuring at least 90% of the size of that proposed.
 - c. A site allowing safe manoeuvring of customer vehicles.
 - d. A prominent site with the ability to attract passing trade.
 - e. A site that is able to offer adjacent surface level parking.
 - f. A site which can accommodate a dedicated service area to the rear of the store and associated HGV deliveries and manoeuvres.
 - g. A single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which has the ability to be developed as such.
24. These parameters have been used to assess various sites including: the Former Co-operative store Linthorpe Road, Vacant Lot Linthorpe Road, Former Palladium Buildings and adjacent land Marton Burn Road, Beverley School Saltersgill Avenue, Linthorpe Hotel The Crescent, Dorman Long United Athletic Club Oxford Road, Cambridge Hotel Cambridge Road, Jack Hatfield Sports Club Acklam Road. Lidl concludes that some of these sites are generally sequentially preferrable, although none of the sites is unsuitable for their development, unavailable for development, or not sufficient to meet the operational needs of a LAD retailer.
25. In accordance with Planning Practice Guidance, it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
26. Officers consider that the specific requirements of the Lidl operator are somewhat rigid, particularly in relation to parking and service area requirements and, technically, this is not in accordance with the flexibility guidance set out within the NPPF. However, it is noted that within a recent appeal decision for a similar retail development at Low Lane,

the Planning Inspector gave little weight to the specific rigid parameters as part of the sequential assessment. This approach by the Inspector is noted and, in any event, the need for customer parking and HGV servicing is in any event a necessary requirement of a retail store that results in its customers having large amounts of shopping and, therefore, limited ability to be at distance from vehicle parking. In view of these matters, the store requirements are considered to be acceptable. As well as the above listed sites, there are no known sites in the town centre that are currently available or that would be suitable for the requirements of the applicant.

27. It should also be noted that the appeal decision for the previous application on this site made it clear that a retail scheme on this site would pass the sequential and impact tests. There is no evidence of material difference that would be likely to affect this conclusion.

Retail Impact Assessment

28. With an internal gross floorspace of 1895sqm, a retail impact assessment is not required, although it is noted that the application has been submitted with one. The impact assessment reflects the 5-minute drive time catchment area and focuses upon those centres that fall within the 5-minute boundary.
29. The Inspector within the recent Low Lane, Middlesbrough appeal decision (APP/W0734/W/22/3313867) noted that there is no definition of what might constitute a significant adverse impact in the context of the impact test. The National Planning Practice Guidance indicates that in areas of high vacancy or low retailer demand even modest trade diversion may lead to significant adverse impact. Whilst the proposal may lead to some modest trade diversion, the level of potential impact is not considered to reach the threshold of being of sufficient significance to suggest the proposal should be refused for that reason.
30. It is acknowledged that the development will provide some economic employment opportunities to the area in terms of short-term construction jobs and employment opportunities for the units. The proposed economic employment opportunities are also noted, which includes the creation of 40 full time equivalent jobs, although these are considered to carry little overall weight and not notably affect other considerations.

Highways

Local and National Policy Context

31. Core Strategy Policy CS17 sets out that development should be located where it will not have a detrimental impact upon the operation of the strategic transport network and will deliver several key priorities. The most relevant for this proposal being, improving access for all, promoting alternative modes of travel an integrated and safe system of cycle and pedestrian routes.
32. Policy CS18 establishes that as part of the creation of a sustainable transport network, it will be necessary to incorporate measures into development proposals that improve the choice of transport options. The Policy sets out priorities for new development, which include: restricting the amount of private car parking and identifying minimum car parking standards as set out with the Tees Valley Deign Guide and Specification, promoting schemes for cycling and walking, and requiring travel plans and transport assessments to ensure the strategic road network will be no worse off as a result of development.

33. Policy CS19 aims to reduce the impact of traffic and to improve safety and the quality of the environment in residential and commercial areas by prioritising five key areas, which includes workplace travel plans, arrangements to introduce a package of measures to discourage car use and encourage other means of transport. The Policy also comments that development proposals that would have detrimental impact upon road safety will not be supported.
34. The Tees Valley Design Guide and Specification 'Residential and Industrial Estates Development' set out guidance standards in relation to providing sustainable communities by providing safe, convenient and functionally efficient road, footpath and cycle routes, whilst ensuring development reflects the setting of the site.
35. Paragraph 115 of the NPPF sets out the following criteria for assessing specific applications to ensure that:
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
36. Paragraph 116 of the NPPF comments that development should **only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.**
37. Paragraph 117 of the NPPF comments that applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
38. The National Design Guide identifies ten interlinked characteristics to consider in relation to achieving sustainable and well-designed development. One of the characteristics 'Movement' and patterns of movement is considered integral to well-designed places to include walking, cycling, safe access to facilities, employment and servicing, parking and convenience of public transport.
39. The Institute of Highways and Transportation published a technical guidance 'Providing Journeys on Foot' (2000) to encourage Local Authorities to take an integrated and strategic approach to encourage walking as a travel mode through developments with guidance on how to plan, implement and monitor walking measures as part of the wider, integrated transport strategy.

40. To support more people travelling by cycle or on foot through development, the Government introduced the Local Transport Note LTN 1/20 Cycle Infrastructure Design (July 2020) which provides guidance and good practice for the design of cycle infrastructure. The aim is to support more people travelling by cycle or on foot and to ensure routes and networks include five core design principles, namely to be coherent, direct, safe, comfortable and attractive.

Highways Assessment

Background

41. The previous application for the construction of a Lidl store (22/0570/MAJ) was refused on three main highways grounds, which in summary were:
- a) Design and layout of the scheme
 - b) Highway safety
 - c) Whether the scheme would encourage non-car modes of travel
42. The applicant subsequently appealed against the decision of the Council, although this was dismissed by the Planning Inspectorate. The appeal decision is a material consideration in the determination of the current application.
43. Issues relating to traffic generation and highway capacity were not reasons for refusal at the previous application stage nor at the appeal. Given that the scale of the proposed store and level of car parking is broadly similar to the previous application, it would not be reasonable to seek to change position on these matters as there has been no notable shift in relevant policy that would suggest a different approach should be taken.
44. In determining the current planning application, the main consideration is therefore to assess how the proposals have addressed the previous reasons for refusal and the subsequent comments from the Planning Inspectorate as contained within the appeal decision.

(a) Design and Layout of the Scheme

45. Previously, the Authority raised concerns over the level of car parking proposed and considered it to be excessive and would lead to a dependence on the private car given the sustainable location of the site. These comments were made as part of wider considerations as to the approach to development and promoting active travel. In determining the appeal, however, the Planning Inspectorate did not consider that the level of parking was excessive.
46. The applicant has, once again (as per the previous application), confirmed that they would be happy to allow school drop-off and pick-up parking within the site. Such parking would occur outside of the peak periods of operation of the store and, as such, would not be deemed detrimental to the car park capacity in the applicant's considerations. It is acknowledged that this approach would offer benefits to the operation of the public highway and could assist in managing or removing some of the parking which occurs along Green Lane and surrounding streets by parents dropping off/picking up children to the adjacent Green Lane Primary School. It is unlikely that this would be suitable to rely heavily upon however due to the controls and ability to enforce any conditions requiring this. It is also likely that some parents dropping children off will also frequent the shop and that there will be linked purpose trips that will assist in reducing some of the existing parking in the immediate area.
47. Further concerns were also previously raised regarding the internal layout, which resulted in HGV delivery vehicles undertaking blind side reverse manoeuvring within the car park and this occurring in and around parent and child car parking, together with

vehicle movements adjacent to main internal pedestrian routes. The Inspectorate considered these matters to be less significant and referenced evidence that these generally are normal arrangements at other Lidl stores with no recent evidence of any incident having taken place there. The appeal decision took the view that there had to be a degree of give and take between pedestrians and vehicles in any food store car park and that such concerns could be addressed through detailed design. The current proposal maintains a similar manoeuvring of HGVs and it is considered that whilst Officers have concerns over this to some degree, it is insufficient reason to warrant refusal of the scheme taking into account the Inspector's previous decision.

(b) Highway Safety

48. Strategies – as set out in the Integrated Transport Strategy and supporting policies contained within the emerging Local Plan – seek a mode shift away from dependence on the private car to promote active travel, and to reduce the number of and severity of accidents on the highway network. This approach is fully aligned with national planning and highways policy and best practice guidance.
49. The junction of Green Lane/Roman Road/Thackeray Grove is considered to be a poor junction in terms of safety due to its poor alignment, opposing arms and high traffic volumes along Green Lane. The junction is an unsignalised off-set crossroads with the priority flow being along Green Lane. This situation is reflected in the accident records which show that the junction has a poor accident history.
50. Using Stats19 Accident Records, within a 200m distance of the junction of Green Lane/Roman Road there have been a total of 8 accidents within the last 5 years. Accidents were predominantly clustered between the junctions of Green Lane/Roman Road and Green Lane/Tollesby Road. Generally speaking, the accidents involved vehicles either turning from a side road into Green Lane or turning from Green Lane into a side road. This pattern tends to indicate that mainline flows are such that motorists get frustrated or take additional risks leading to an increased number of accidents. Of the 8 accidents, 3 involved pedestrians/cyclists including at the Zebra Crossing to the east of the site. Accidents at the Zebra Crossing are consistent with reports that the Council receive regarding vehicles failing to stop at the Zebra Crossing and additional works have been undertaken to try to minimise these occurrences.
51. When assessing the accident statistics, it must be borne in mind that the Stats19 system only records injury accidents, damage only accidents are not recorded as generally they are not attended by the police. As a Highway Authority, Officers are aware that this junction is a tricky/awkward junction to negotiate and, as such, the actual number of collisions or near miss events are likely to be significantly higher. This view is further supported by concerns that are regularly received by Ward Councillors regarding the junction. In addition, speeds and accident rates are high, hence being placed within the Police Enforcement top ten list.
52. The authority works with a company which uses Artificial Intelligence together with environmental input data (traffic flows, geometries, rainfall etc) to determine accident risk and probability. This is a similar approach used by the insurance industry. Using this software, the risk rating of the highway network is derived and can be broken down to either links or junctions. This software has identified that the junction of Green Lane/Roman Road is a significant risk location and a higher risk location than other benchmarked locations. Data extracted from the software supports both the accident statistics and local knowledge of the operation of this part of the network.
53. Development proposals will lead to increased volumes of traffic, turning movements and ped/cycle activity around the immediate environs of the site. This increase will further

increase both the risk and frequency of accidents, particularly taking into account the lack of high quality sustainable travel infrastructure.

54. Within the appeal decision the Planning Inspectorate addressed this matter, as follows. ***The site lies close to the staggered junction of Green Lane, Roman Road and Thackeray Grove. Whilst the junction does not have a notably poor accident record, the Council's Red Optima AI programme evaluates this junction as having a high accident risk, and my on-site observations bear this out. The junction is uncontrolled and hazardous right turning movements from and into Roman Road and Thackeray Grove commonly take place against the busy stream of traffic on Green Lane.***

The scheme would add a modest 5% to the total background traffic using all the arms of the junction, and the junction would have the capacity to deal with the additional traffic. However, there is already potential for conflicting movements at the junction, which would be increased by the scheme, and the proposal would be likely to attract pedestrian and cycle movements. There is a zebra crossing on Emerson Avenue to the east, but it is not immediately adjacent to the site. Without adequate mitigation measures, the scheme would have negative impacts on highway safety and would conflict with Local Plan Policy CS19, Road Safety.

The Appellant is not proposing signalisation as part of the scheme, but nonetheless has included (should it be considered necessary) an agreed Grampian-style planning condition within the Statement of Common Ground which would require signalisation at the junction and the closure of the Green Lane end of Thackeray Grove before development took place. If the development had been acceptable in all other respects, this would in my view have been a necessary measure, because it would reduce the risk from conflicting traffic movements and provide safe pedestrian and cycle crossing facilities adjacent to the site, furthering the aims of Policies CS18(e) and CS19.

55. The Inspector's view is clear in that the highway works described were considered necessary to make development proposals acceptable in planning terms.
56. The current planning application, therefore, has addressed this matter and it is proposed to close the junction of Thackeray Grove/Green Lane, introducing a 3-arm signal-controlled junction of Roman Road/Green Lane. The new signal-controlled junction will include both Toucan (ped and cycle) and Puffin (pedestrian only) facilities. The existing Zebra Crossing to the east of Thackeray Grove will be removed as it becomes unnecessary and the new signal-controlled junction provides safer dedicated crossing facilities on all arms for pedestrians and cyclists.

Objections to the Closure of Thackeray Grove

57. Objections to the proposed closure of Thackeray Grove are centred around the potential for traffic to cut through Walton Avenue and Kingston Avenue. Following discussions with the applicant, monies are proposed to be provided by the applicant through a Section 106 Agreement as part of the granting of any consent. These monies would be able to be used by the Council to monitor traffic flows before and after the closure of Thackeray Grove and, should it be established that there is a need to address issues arising from through traffic, the funding would be used towards the introduction of measures to address these. Such works could include:
- a) a point closure on Walton Avenue (somewhere between Greenwood Avenue and Cleveland Avenue),
 - b) a point closure around the junction of Walton Avenue/Thackeray Grove.
 - c) restrictions to entry/exit only within The Prospect/Thackeray Grove/Walton Avenue/Kingston Avenue area.

58. These works would be funded through the Section 106 Agreement but undertaken by the Council as Highway Authority. Any progression of such schemes, if demonstrated to be necessary, would be subject to separate consultation with affected local residents.

(c) Whether the scheme would encourage non-car modes of travel

59. The proposed development by combination of its land use and location is such that it has the potential, if designed and approached in an appropriate way, to ensure a significant number of trips could be made by sustainable travel. The site is located within a residential area with a significant number of properties falling within a 5-minute or 10-minute walking/cycling catchment. A number of bus stops are located within 400m (a 5-minute walk) of the site and are served by various frequent services. Unlike the previously refused scheme, it is considered that these new proposals have been designed in such a way as to encourage and facilitate non car travel and have addressed the previous reasons for refusal in this regard.

Ped/Cycle Access

60. Ped/cycle access into the store have been provided from Roman Road and Green Lane. Within the site, landscaped buffers have been provided between car spaces and the adjacent ped/cycle route to provide a buffer between vehicles and pedestrians/cyclists. Cycle parking is proposed on these routes in a convenient location between the public highway and store entrance.
61. Previously, the vehicular entrances to the store were solely designed around vehicular access and servicing needs. This approach had a detrimental impact on highway safety and the attractiveness of non-car travel. Main concerns centred around the volume and speed of traffic at the entrances, the crossing distances for pedestrians/cyclists, and the design of non-car infrastructure.
62. Vehicle access points are still proposed to Green Lane and Roman Road and these are in roughly the same location as previously proposed. However, the design of the access points has been revised to address the reasons for refusal.

Previous Proposals

Roman Road Access: Existing access widened to 7m

Green Lane Access: Overall width of 21m - broken down as a 10m entry width, 2m refuge and 9m exit width with large kerb radii.

Current Proposals

Roman Road Access: Existing access widened to 7m with 6m radii

Green Lane Access: Overall width of 7.5m with 6m radii

63. As can be seen from the figures above and within the site plans, the vehicular access points have been reduced in width and geometry altered so not to provide excessive radii, other than that necessary to facilitate technical/swept path requirements. The widths provided are consistent with those that a pedestrian/cyclist would expect to encounter when crossing a side road or crossing over a main road. Dropped kerbs and tactile paving will be provided at the site access points to provide well laid out junctions supportive of ped/cycle users.
64. At the Roman Road access, footways continue from the site access and lead to the store entrance, thus enabling those arriving from residential areas to the north or bus stops to get to the store entrance without having to negotiate an overly large vehicular site entrance or walk across the car park.

65. Whilst no internal footpaths are provided from the Green Lane entrance, this is considered to be the optimal approach as pedestrians/cyclists are guided along Green Lane to a dedicated footpath link, which is highly visible and leads to the store entrance. Soft landscaping around the vehicles entrance will be introduced to seek to discourage pedestrians/cyclists cutting across the car park. The proposed ped/cycle access points to the store are well located to the proposed signalised crossings that form part of the new Roman Road/Green Lane traffic signals.
66. The approach to the previous scheme included the introduction of a right turn ghost island serving the site and pedestrian refuges to provide crossing facilities. This approach created severance by introducing a third traffic lane, which also then created further conflict with access drives along Green Lane. Other implications were that this approach prevented the implementation of an east/west strategic cycle link shown within the Council's Integrated Transport Strategy, as it reallocated available highway space to vehicle demand. The current approach has removed the right turn ghost island thus removing conflict points, enabling delivery of a strategic cycle route to be protected and providing high quality signalised crossing facilities as opposed to substandard refuges which were limited in width.
67. References have been made to the TVCA funded Green Lane cycle scheme and the potential interaction between these works and the development proposals/junction signalisation scheme. These schemes are separate. The TVCA scheme is fully funded with detailed design and subject to public and stakeholder consultation. The planning application is subject to consultation and under consideration.
68. Officers have provided plans and information to both the consultants acting for TVCA and those acting for the developer to ensure that each party is aware of the other's proposals to avoid any potential conflict. As such, each scheme (TVCA and Lidl) has been designed to work both independently to each other whilst also being capable of being implemented together with minor revisions. Neither scheme is, therefore, dependant on the other to proceed.
69. All highway works will be undertaken to the standards and specifications of the Highway Authority and delivered through Agreement under S278 of the Highways Act 1980. It is recommended that a condition be applied to the granting of any consent requiring an independent Road Safety Audit be undertaken on the proposed works.
70. Based upon these considerations the Highway Authority raise no objections and recommend conditions relating to:
- a) The existing Roman Road vehicular access being removed and reinstated to full height kerb and footway in the interests of good management of the highway.
 - b) The development not being brought into use before the approved turning/servicing facilities are constructed to ensure highway safety.
 - c) The development not being brought into use before the approved areas for car and cycle parking have been constructed to ensure highway safety.
 - d) The implementation of various off-site highway works as shown on submitted drawings prior to store opening to ensure a safe means of access to the site and minimise the disruptions to the free flow of traffic.
 - e) The carrying out of a road safety audit for the internal highway layout and off site works requiring alteration to minimise the road safety risks.
 - f) Method of Works Statement to ensure the works are carried out in a manner that will not be detrimental to local residents and the free flow of traffic.
 - g) The submission of a Travel Plan to promote sustainable transport measures.
71. Taking into account the above, the position of the Local Highway Authority and the decision of the Planning Inspector in considering the previous scheme, it is considered

that the proposed development would not give rise to significant or severe traffic implications and would not give rise to undue highway safety implications. Indeed, it is considered that the proposals would ensure suitable and effective access and egress from the store for vehicles, deliveries, pedestrians and cyclists; that the store has good access from public transport and that the immediate surrounding highway network would not be adversely affected as a result of the overall proposals. It is noted that the closure of Thackeray Grove would alter vehicle movements for a number of residents in the local area, however, it is considered that prevention of unnecessary through traffic or 'rat runs' can be appropriately dealt with.

Design/Layout/Arrangement

Social Sustainability

72. The social sustainability objective set out in Paragraph 8 (a) of the NPPF relates to supporting strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Design/Layout – Local and National Policy Context

73. Policy CS5 requires all development to provide a high quality of design in terms of layout, form and to contribute to the character and appearance of the area. Criterion (c) of the Policy requires development to '...secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context' with criterion (f) requiring new development to '...enhance both the built and natural environments'.
74. Policy DC1 (b) requires, as a minimum, that '...the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of a high quality'.
75. Section 6.1 of the Council's Urban Design Supplementary Planning Document sets out the design guidance on retail developments. Section 6.1 references that '...the desire to achieve a cohesive or corporate look to a development can often lead to compromises to the fine grain or an area, especially for larger scale buildings. It is essential that all development is appropriate to its location; this is especially critical where it abuts an existing property to where it forms part of a wider streetscape. Particular attention should be paid to storey heights, number, size and proportion of openings, positioning of entrances and materials.
76. Section 6.11 sets out that '...large retail and industrial buildings can sometimes look like large utilitarian buildings of little architectural merit. While functional requirements are important, the use of appropriate materials and breaking up the scale, massing and roof of the building can reduce the impact of such buildings'.
77. Section 7.17 recognises that external materials have a major impact on the building design with brick, concrete and slate roof tiles being the prevalent material in Middlesbrough with timber cladding and render being welcomed where appropriate.
78. Chapter 12 of the NPPF 'Achieving Well-Designed Places' in Paragraph 126 establishes that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

79. Paragraph 133 of the NPPF sets out design expectations should be in accordance with the principles set out within the National Design Guide (2021) and the National Model Design Code, and which reflect local character and design preferences.
80. Paragraph 135 of the NPPF requires planning decisions to ensure 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 well-being, 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.
81. Paragraph 136 of the NPPF notes the importance that trees make in terms of their contribution to the character and quality of the urban environment and that opportunities should be taken to incorporate trees within the developments.
82. Paragraph 139 of the NPPF sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and Government guidance on design, contained within the National Design Guide and Model Design Code.
83. Paragraph 139 of the NPPF comments that significant weight should be given to development which reflect local design guidance and supplementary planning documents of which are an outstanding or innovative design which promotes high levels of sustainability, or helps raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surrounding.
84. The National Design Code establishes ten key characteristics the Government consider contribute to a well-designed development, reflecting the NPPF guidance. The ten key characteristics, which include the development context, identity, built form, movement, nature public spaces, uses, homes and building, resources and lifespan, are set out within the National Design Code and have been used to assess the development.

Design/Layout Assessment

85. The application site is located within a predominantly residential area with the eastern and south-eastern boundaries of the site adjoining the Linthorpe Conservation Area. The site has two active frontages towards Green Lane and Roman Road. Following the demolition of the former college buildings, the site has become open, with views across the site.
86. The streetscape along Green Lane and Roman Road is generally characterised by established trees, which are either within private front gardens or within the highway green verges. The residential properties within the immediate area – along Green Lane, Roman Road and Harrow Road – have an established linear building line and are set

back from the main highway. The properties along Green Lane are a mix of detached and semi-detached dwellinghouses; the properties to the north along Harrow Road are semi-detached with their rear gardens adjoining the application site. To the east along Roman Road are semi-detached villa style properties sited within the Linthorpe Conservation Area. The building materials within the vicinity are traditional red brick with slate and terracotta roof tiles.

87. The non-residential buildings within the vicinity of the site are primarily educational buildings or recreational facilities such as Green Lane Primary Academy to the southwest and Mill Hill Recreation Ground and Acklam Park. A small scale local centre is located approximately 400 metres to the north along Roman Road.
88. The site layout shows the food store building set back from Green Lane and Roman Road, being broadly positioned in the northwest corner of the site. The main car park area would wrap around the building and front onto Green Lane and Roman Road. The position of the building in the northwest corner of the site somewhat conflicts with the established front building lines of the residential properties fronting Green Lane and those to the north on Roman Road, with the expanse of hardstanding for the car park being potentially at odds in this predominantly residential area.
89. Noting this arrangement, the Planning Inspector recognised that ***there may be operational and security advantages in having a car park at the front and store behind***, with similar layouts evidenced in other locations. Notwithstanding this, however, the Inspector also noted that the previous scheme needed to ***reflect more closely the character of the area***.
90. Officers raised concerns in the previous application that the location and layout of the parking bays forward of the main building would potentially have a dominating visual impact on the appearance of the site from the wider area. This was acknowledged by the Planning Inspector who commented that ***given the overwhelming residential character of the surroundings and the proximity of the conservation area, the proposal did not display a sufficiently design-led approach towards mitigating its impacts on the character of the area***.
91. As part of the current application, Officers suggested that consideration be given to positioning the car park behind the food store building. The applicant considers that this would have a negative impact on the trading capabilities of the proposed store, add to the fear of crime as well as greater impacts for residents to the rear. Officers advised that if the parking was proposed to be maintained at the front, the proposals would have to be designed sufficiently well and be of a high enough quality in order to appease concerns.
92. The previous application included no soft landscaping or planting between parking spaces or towards the front of the building to reduce the appearance of the hardstanding areas, which led to significant Officer concerns. As part of the current scheme, the applicant has introduced considerably more soft landscaping and planting, with tree planting strategically placed throughout the car park, in front of the building, and along Green Lane in order to lessen the hard appearance.
93. The previous application proposed a building with a standard rectangular design and a continuous lean-to roof that extended across the full length of the building (only the entrance canopy and service bay providing a lower flat roof design). The south elevation had been designed as a predominantly blank wall along the full length of the building, with only two fire doors and two small windows providing relief. Although brickwork detailing had been proposed, it included stack bond pattern detailing which is not a common brickwork design in the area. The north elevation was proposed to have

a rendered finish, which is not in keeping with the level of render employed within surrounding buildings. Other than a single fire door, there were no other openings, architectural detail or design features within the north elevation.

94. Officers concluded that the building design was a standard format for the intended end user and included no specific architectural design details to have a positive impact on the street scene and conservation area. The design of the building was considered a stark contrast to those in the local area. The Planning Inspector raised similar concerns and noted that the scheme did ***not have sufficient regard to the local context***. In particular, the Inspector was of the view that the ***southern wall of the store facing Green Lane, together with the flat roofline, would present a long blank, non-active frontage to Green Lane and to part of Roman Road, which would not be sufficiently alleviated by the red brick modelling***. The Inspector commented that the ***long unbroken elevation and roofscape of this scheme would be unattractive and would detract from the character of the area, including the adjacent part of the Linthorpe Conservation Area***.
95. It is noted that the long blank non-active frontage was largely as a result of the store layout, with the typical 'back of house' elements being laid out along the south elevation of the building. In the current application, the store layout is very similar, with the 'back of house' elements – namely the warehouse and staff only areas – remaining along the south elevation. Such a layout restricts the use of certain elevational treatments such as curtain wall detail or predominant glazing.
96. The current scheme includes the following changes to the south elevation:
- additional red brick modelling and projecting elements,
 - five floor-to-ceiling glazing panels (incorporating opaque glazing to conceal structure and warehouse/staff areas),
 - three feature gable ends – the southeast corner gable (store entrance) would be glazed, whilst two others would include brickwork to contrast with the recessed wall.
 - inclusion of brick framing around feature gables,
 - red brick pillars around the supporting columns,
 - contrasting brickwork soldier course as part of the eaves detail,
 - pitched roof to front with different ridge heights, featuring slate effect roof covering,
 - three dormer windows in the first floor element to serve staff welfare areas.
97. It is considered that the combination of the feature gables, brickwork detailing and glazed panels help to break up the long elevation greatly, by providing relief along the length of the building and presenting a more visually appealing building. The pattern of the proposed brickwork detailing is also deemed to be more appropriate for the local setting. The proposed roofline with its pitched design, different heights and slate effect roof covering is considered to offer a more attractive design for the roofscape and better complements the character and appearance of the area.
98. Although the north elevation would not be readily seen from public vantage points, the rendered finish was considered not to have a positive impact on the visual appearance of the area. The proposed use of brickwork detailing and slate effect roof covering within the north elevation is considered to give better regard to the local context.
99. The north elevation of the building extends approximately 68 metres, which is 10 metres shorter than that the length of the previous building. The height of the eaves of the building towards the Harrow Road boundary (including fascia) would be approximately 4.3 metres, rising to a total height of 6.45 metres to the ridge of the roof. The roof would be designed with mansard detail to conceal the flat roof and solar panels across the roofscape. Whilst Officer concerns were raised in the previous application on account of

the height, mass and scale of the building, the Planning Inspector placed little weight on the scale of the building in their decision recognising that ***a retail scheme would inevitably have a larger floorplate than the buildings around it and be of a different character.***

100. The boundary treatment plans include the retention of existing hedgerows along Roman Road and Green Lane. A section of low-lying brick wall located along the southern boundary (around the Green Lane vehicular entrance) will also be retained, which will be made good and capped with artstone coping, and include square capped piers to its openings. A matching low-lying brick wall with associated detailing is proposed to the northeast corner of the site (around the Roman Road vehicular entrance). The treatments along the Roman Road and Green Lane frontages are considered to complement the existing treatments within the streetscene.
101. In addition to the site frontages, the boundary treatment plan also shows two 3-metre-high brick walls from the building frontages returning to the site boundaries. These are considered to be acceptable, with their height, location and use of materials not harming the character and appearance of the local area.
102. The application site is also considered to be a prominent cornerplot location, with the site being fairly perceptible at good distance along Emerson Avenue to the east. The Urban Design SPD states that ***buildings that form corners have the opportunity to strengthen a town's legibility. The design of a building's corner should relate to its position and the importance of the street on which the plot sits. A prominent building corner can become a gateway/landmark in the town and should be encouraged where appropriate as they offer two active street frontages.***
103. Although Officers suggested bringing the building forward – which would have enabled the development to take better advantage of the corner plot location – it is considered that the development would still make a positive contribution to the area and would be a feature development due to its chosen design.
104. Being a commercial development, there is a requirement for the provision of a service yard. The site layout shows the service yard and associated access located on the west side of the building and, due to orientation of the building, would face south and potentially be seen from Green Lane. In the previous application, the Planning Inspector concluded that the ***wide site entrance on Green Lane would afford an unobscured view into the site towards the loading bay.*** Through the removal of the pedestrian refuge, the current application shows the site entrance on Green Lane being much narrower, which helps to limit the views of the service area. The service yard would be further screened from view from Green Lane through the installation of 3-metre-high timber gates at the entrance to the delivery bay, which would be closed when the delivery yard is not in use. Soft landscaping planted along Green Lane and within the development will help to screen the service yard further. Additionally, a 3-metre-high brick wall would be introduced to the side of the delivery bay for further screening.
105. Whilst timber fences of this height are generally considered out of keeping in this residential area of Linthorpe, a high quality timber gate could be considered acceptable. With appropriate screen planting along Green Lane and across the site, the timber gates would not be readily perceptible from public vantage points along Green Lane.
106. Three points of pedestrian access are shown on the proposed plans – one from the northeast corner of the site (adjacent to the vehicular access), one halfway down the eastern boundary along Roman Road, and one along the southern boundary along Green Lane. In the previous application, Officers raised concerns about the unprotected

pedestrian routes through the car park and the potential for walk-in customers to use the vehicular entrances (as the quickest and most direct route into the store from certain directions). However, by contrast, the Planning Inspector was reasonably satisfied with the pedestrian access and stated that ***it must be recognised that a degree of give and take between pedestrians and vehicles is inherent in any food store car park.*** Furthermore, the Inspector was satisfied that the Officer concerns around pedestrian access ***could be resolved through minor design changes.*** The proposed site plan now includes soft landscaping on both sides of the footpaths to provide separation from parking bays and changes in hardstanding materials across the car park and footpath crossings would help create a more attractive route for pedestrians.

107. In the previous application, Officers also raised concerns with the manoeuvrability of HGVs within the car park and the potential direct conflict with customers, pedestrians and cyclists. Again, the Planning Inspector was of the view that such safety concerns were ***less significant and noted that the manoeuvring of delivery vehicles within the customer car park is a normal arrangement at other stores and there is no recent evidence of any incident having taken place there. Deliveries only take place once or twice a day.*** The Inspector, however, agreed with the Council about the layout of the parent and child parking spaces which they deemed to be ***not a desirable arrangement.*** The applicant has now arranged these for the northeast corner of the site, which is considered to be more suitable.

108. With regard to the site entrances, the Planning Inspector noted that ***both vehicular entrances and their associated car parking, with their inevitable and necessary lighting, signage and displays, would be unduly close to residential properties and would appear as a jarring contrast to their domestic appearance.*** On the previous scheme, the bell mouths for each vehicular access point began at the site boundary, whereas the current layout shows them starting approximately 3 metres off the boundary. In addition, a buffer of hard and soft landscaping approximately 4 metres in width is now proposed adjacent to the boundary with No. 125 Roman Road. Additional soft landscaping is proposed around the vehicular entrance from Green Lane too, providing better separation from the immediate neighbouring residential property. Although concerns remain, it is considered the revised arrangements provide a more suitable layout.

109. Separate advertisement consent would be required for any new signage to be installed as part of the development. The precise design and location of the signage would need to be considered as part of the application for advertisement consent. Noting the concerns of the Inspector, it is considered that sensitive and appropriately sized signage could reasonably be introduced without adversely affecting the residential character of the local area.

Amenity – Local and National Policy Guidance

110. Core Strategy DC1(c) requires all new development to ensure the effect upon the surrounding environment and amenities of occupiers of nearby properties is kept to a minimum both during and after completion.

111. Core Strategy CS5(e) requires the creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both 'Secured by Design' and 'Designing Out Crime' concepts into development layouts.

112. Paragraph 135(f) of the NPPF requires planning decisions to ensure developments will 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'
113. Paragraph 187(e) of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by '...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.'
114. Paragraph 198 of the NPPF establishes that 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- (a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
 - (b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
 - (c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'
115. The National Planning Practice Guidance (NPPG) states that noise needs to be considered when new developments may create additional noise and should be considered in the context of the wider characteristics of a development proposal, its likely users and its surroundings as these can have an important effect on whether noise is likely to pose a concern.

Amenity Assessment

116. Being located within an established residential area, residential properties surround the application site. To the north and west, residential properties along Harrow Road and Green Lane respectively adjoin the site. To the south and east, residential properties are situated across the road along Green Lane and Roman Road respectively.
117. As detailed earlier in the report, the proposed site layout shows the service delivery area and the main plant and machinery area to the northwest corner of the site, close to the boundaries with the residential properties along Harrow Road and Green Lane. A noise assessment has been submitted in support of the application which considers noise from the electrical substation, deliveries and plant noise on the nearby sensitive receptors. Two noise monitors were placed within the site towards the eastern and northern boundaries over a weekend in December 2021.
118. The proposed plant for the food store would be placed above the delivery bay with a parapet louvred wall around the plant. The noise assessment established the current night-time background noises on Harrow Road as 34dB and Green Lane as 38dB; it concluded that the noise levels at the nearest noise sensitive receiver will result in a worst-case scenario of +2dB during the night. The likely levels of noise would therefore be generally below the background level and deemed of low-to-no impact when assessed with the relevant British Standard.

119. In addition, the noise assessment concludes that there is no requirement to mitigate the noise from the substation, as the noise levels from the substation are at levels that are considered would not have any adverse impact on nearby residents. The substation will be constructed out of brickwork to match the wall, which will assist in minimising any adverse noise levels.
120. Alongside the plant and delivery noise levels, the nature of the proposed retail operation is likely to result in an increase in the overall background noise levels as a result of cars accessing, manoeuvring within the site and opening of car doors, alongside the general noise from users of the food store. Whilst some level of noise would have been heard from the former educational use of the site, this was limited to term times and daytime periods only. The proposed retail use would result in an increase in the daily hours of use by customers and for servicing purposes.
121. No details have been provided of the operating hours of the food store, but the standard opening hours of Lidl stores are 08:00 to 22:00 Monday to Saturday (including Bank Holidays) and 10:00 to 16:00 on Sundays. In the event of approval, the Council's Environmental Protection service has requested a condition to limit the opening hours to be as per Lidl standard opening hours, as well as to condition the hours of deliveries and collections to be between 08:00 and 22:00. Based on the findings of the submitted noise assessment, it is considered necessary to condition the proposed use to prevent the comings and goings, and the associated disturbance to amenity continuing into the night or commencing too early in the morning. This would enable local residents to be reasonably safeguarded from excessive noise impacts.
122. The rear elevation of the proposed building would be approximately 10 metres from the northern boundary and rear garden areas of the residential properties Nos. 1-15 Harrow Road and No. 125 Roman Road. The service yard and side elevation would be approximately 10 metres from the western boundary and the rear gardens of No. 21 Harrow Road and No. 5 Green Lane. The properties along Harrow Road are semi-detached houses of traditional construction and layout, with various styles of extension in evidence to their rear. Given the range of extensions, there is no standard building line to the rear of properties along Harrow Road, however, the principal rear elevations of these houses are generally located approximately 18-20 metres from the rear elevation of the proposed building. Clearly with the range of extensions, this distance is shorter in some places.
123. Given its width of approximately 68 metres, the rear elevation of the proposed building will be directly behind the rear garden of No. 125 Roman Road and extend to include Nos. 1-13 (odd numbers only) Harrow Road. The height of the north elevation of the proposed building facing the rear gardens of Harrow Road would be 4.3 metres to the eaves and 6.45 metres overall (ridge of mansard roof, which is one metre back from the eaves).
124. In the previous application, the building had a greater width of 78 metres and was 4.5 metres closer to the northern boundary. Given the layout and arrangement, the Planning Inspector was of the view that ***the building would be sited too close to the houses in Harrow Road. It would present a very long blank and dominant feature when seen from the back windows and the short gardens of those homes, at less than 6 metres from their rear garden fences. This would create a poor outlook, to the detriment of the residents' living conditions.*** The Inspector also noted that the ***former presence of the Northern School of Art, which was an unattractive set of buildings, and has been cleared, does not provide justification for this unacceptable arrangement.***

125. Whilst the width of the food store building has been reduced (by 10 metres) and the separation distance increased (by 4.5 metres), it should also be pointed out that the height of the north elevation of the building in the current application has been increased from 5.2 metres to 6.45 metres, which reflects the incorporation of a pitched roof.
126. The Council's Urban Design SPD provides guidance for all development proposals and advises on their general layout and appropriate separation distances in order to safeguard the privacy and outlook of primary room windows. Amongst other things, the Design Guide advises that development should relate to the scale (height and massing) of the surrounding buildings, and utilise high quality materials that fit with the surrounding building materials. With regards to taller buildings and higher density development, the Design Guide advises to provide relief to elevations in order to prevent their potentially repetitive nature. During the consideration process, Officers were keen to recommend to the applicant to provide relief within the north elevation to minimise the potential impacts on the neighbouring residents along the northern boundary.
127. Whilst the Urban Design SPD provides recommendations regarding separation distances between residential developments (21 metres between primary rooms), it does not provide specific guidance on separation distances between commercial and residential developments. Recommended separation distances allow the Planning Authority to reasonably safeguard privacy and outlook between primary room windows. Although the separation distances in the SPD clearly cannot be relied on in this case – as this would not exclusively involve residential development – they do however provide a helpful steer of what might be deemed acceptable to safeguard outlook, especially given the height of the proposed food store is considered not too dissimilar to that of a residential dwellinghouse.
128. Following the demolition of the former Northern School of Arts building, the southern outlook from the properties of Nos. 1-13 Harrow Road has been somewhat unrestricted. It is clear that the proposed building would have some level of impact the favourable outlook currently enjoyed by residents.
129. Whilst the current outlook of residents is recognised, it is considered that the likely impacts of the proposed building on these residential properties would not be unduly harmful. Evidently, the construction of a 68-metre-wide building at no more than 20 metres from the rear elevations of these properties would result in some harm on current residential amenity. Significant impacts are minimised, however, through the relatively low roof height of the proposed building (4.3 metres to eaves and 6.45 metres to ridge). To provide some context for this height, the proposed eaves height would be roughly halfway up the first floor windows of the houses along Harrow Road and the proposed ridge height (which is a further metre back from the eaves) would be roughly 2.3 metres lower than the ridge height of the houses. This is considered to allow a reasonable level of outlook over the proposed building. Furthermore, the rear of the building and the space between these properties is not an area of high usage and will provide a degree of protection to the properties in Harrow Road and potentially make for a relatively tranquil environment.
130. To break up the potential impact of the building, the applicant introduced the pitched roof along the north elevation as well as introduced a row of nine trees, which are to be planted behind the building. Although it is noted that the Planning Inspector raised concerns with proposed tree planting in this area and their ***potential to make matters worse by reducing daylight and increasing the dominance of the scheme***, the trees as part of the current scheme would be planted approximately 5 metres further from the boundary which is considered to be generally acceptable and should not be overly harmful to residential amenity. Moreover, the chosen tree species are considered to be

slender and having short mature heights, which would enable them to help screen the building without appearing overly dominant.

131. The first floor element (staff facilities) is situated along the southern elevation of the building at a distance of around 40 metres from the principal rear elevations of the houses along Harrow Road, so there are considered to be no adverse effects.
132. The east and south elevations of the proposed building include curtain wall glazing panels with the remaining elevations consisting of brickwork. These elevations are set back from the highway (and by extension the nearest neighbouring properties along Roman Road and Green Lane) with screening provided by existing and proposed landscaping within the site. The location of the building and proposed design and layout will ensure that there is no impact in terms of potential loss of privacy.
133. To the west, No. 5 Green Lane occupies the majority of the boundary, with the front garden and house being adjacent to the car park and the rear garden being adjacent to the delivery bay. Along the boundary line is a solid brick wall of approximate 2 metre height, which will effectively screen the car park and substation of the development from the occupiers. The food store building will be to the east of the rear garden of No. 5 Green Lane. The proposed 3-metre high wall that stretches from the front of the delivery bay to the boundary line is considered not to be readily perceptible from the No. 5 Green Lane. Although the food store would be seen from the rooms in the rear elevation of No. 5 Green Lane, its position and distance approximately 30 metres northeast from the house would be considered not to affect the residential amenity. Existing and proposed tree planting would additionally help to provide screening.
134. To the northeast, No. 125 Green Lane adjoins the site. Similarly to No. 5 Green Lane, a 3-metre-high wall is proposed adjacent to the property, which stretches from the boundary line to the edge of the food store building. However, the brick wall is considered not to be harmful to outlook or residential amenity given its height and location. The food store would also be seen from the rooms in the rear elevation of No. 125 Roman Road, although the distance of the building and its relatively low height would be considered not to unduly harm the residential living conditions.
135. The application has also been supported by a Daylight and Sunlight Assessment, which considers the impacts of the development on the light being received at various windows of the neighbouring properties. The Assessment summarises that the proposed development passes the relevant sunlight and daylight tests set out in the Building Research Establishment (BRE) guide '*Site Layout Planning for Daylight and Sunlight: a guide to good practice*' and would sufficiently safeguard the daylight and sunlight amenities of the neighbouring residential properties. The findings of this report are considered to be acceptable.
136. The lighting plan details the locations of the external lighting on the building and the lighting columns within the car park, complete with details of the levels of light spillage. The submitted details have been considered by the Council's Environmental Protection service who have raised no objections subject to the lighting being turned off when the food store is closed. It is considered lighting will, therefore, not unduly affect residential amenity.
137. The application is supported by ground investigation reports which found no concentrations of contaminants in exceedance of the relevant screening for commercial end use. The ground investigation reports are deemed to be acceptable and no further information is required regarding contaminated land.

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

Historic Environment – Local and National Policies

139. Core Strategy Policy CS4(k) requires all development to ‘protect and enhance Middlesbrough’s historic heritage and townscape character’ with Policy CS5(h) requiring ‘...the preservation or enhancement of the character or appearance of conservation areas and other areas of special interest and character’.
140. Paragraph 203(c) of the NPPF requires Local Planning Authorities to take account of the ‘...desirability of new development making a positive contribution to local character and distinctiveness’.
141. Paragraph 213 of the NPPF establishes any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
142. Paragraph 215 of the NPPF sets out that ‘...where development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum use’.
143. The National Design Guide (NDG) Section C2 references the importance of ‘identity’ and understanding the history and heritage of the site, its surroundings and wider area, significance and settings of heritage assets and other specific features that merit conserving and enhancing and the local vernacular, including historical building typologies such as terraced house, mews, villas and treatment of facades, characteristic materials and details.

Heritage Assets

144. The site lies immediately adjacent to the southern tip of the boundary of Linthorpe Conservation Area, which was designated in July 1975. The Conservation Area boundary was amended in 2006, which included the application site’s Roman Road frontage and the corner where it meets Green Lane. The bulk of the application site forms part of the setting of the Conservation Area but falls outside the Conservation Area boundary.
145. The original village of Linthorpe, from which the area derives its name, was part of the Acklam manor in the twelfth century and early Linthorpe was an agricultural area until the mid-nineteenth century. The significance of the Conservation Area lies in its village origins, which have grown into high quality late nineteenth and early twentieth century suburbs, with streets of planned architectural consistency. The streets within the Conservation Area around the application site can be considered ‘leafy suburbs’ with the elegant, early twentieth century ‘Phillipsville’ development off Roman Road, of Westwood and Claude Avenues, amongst others.
146. Historic maps evidence the earliest development appears on the site between 1895-1899. On the site at this time is a group of buildings called Ashgate, possibly a villa or farmstead, surrounded by fields, farms, various brickworks and the southern tip of early

Linthorpe suburbs. By 1916-1929 Ashgate is clearly a villa with grounds, possibly a walled garden and orchard with outbuildings. Ashgate remains until approximately 1952 and by 1960, the college buildings appear on the site, remaining, but altered, added to and renamed, until their relatively recent demolition.

Heritage Impact Assessment

147. The Planning Inspector's decision to dismiss the appeal on design grounds (amongst other reasons) focused on the following that this scheme needs to address without causing other issues contrary to policy, in order to gain planning approval: ***The southern wall of the store facing Green Lane, together with the flat roofline, would present a long blank non-active frontage to Green Lane and to part of Roman Road which would not be sufficiently alleviated by the red brick modelling.***
148. More pitched roof elements and design details have been added. It is noted that slate-effect roofing tiles are proposed for the pitched roofs, although the use of artificial slate is not common in the immediate area, certainly not within the Conservation Area where it is resisted. Natural slate would be a significant improvement in terms of the common roofing materials in the immediate area.
149. ***Despite the substantial planting belt...vehicle entrances and their associated car parking, with their inevitable and necessary lighting, signage and displays...would appear as a jarring contrast to their domestic appearance.*** Large areas of hardstanding remain proposed for vehicle parking at the front of the site. Additional landscaping is proposed in this revision, which is positive, although there are concerns that this will not provide sufficient screening, particularly when the retail use means the building is intended to be seen by the passing public.
150. ***Furthermore, the building would be sited too close to the houses in Harrow Road. It would present a very long blank and dominant feature when seen from the back windows and the short gardens of those homes, at less than 6 metres from their rear garden fences.*** The rear elevation is now proposed further from the boundaries with the houses behind the site and there are now design improvements to the rear elevation, to reduce its visual impact.
151. Relevant in the Inspector's conclusion: ***the design and siting of this particular scheme would detract from the character of the surrounding area including the Linthorpe Conservation Area.*** In terms of this revised scheme, there remain concerns with regard to the siting of the proposed building in context with the surrounding area, including its impact on the setting of Linthorpe Conservation Area. Whilst design and materials revisions are evident and welcome, the proposed building would have a footprint and elevations that are wider than most buildings in the area and those others that make a positive contribution to the area. The siting of the proposed new building – to the rear of the site and hardstanding for vehicle parking to the front – is not typically found in the area and could be considered to detract from the character of the area.
152. A new vehicular access is proposed off Green Lane, outside the Conservation Area, at the furthest point from the corner with Roman Road; the college Roman Road access is proposed to be widened. In terms of forms of access in Linthorpe and the length of the street frontage, this is likely to have a neutral impact on Linthorpe Conservation Area. The proposed retention of the triangular area of trees on the corner of Roman Road and Green Lane is positive. A number of trees have been removed from the site already, although it is noted that the proposals include tree planting.

153. Overall, the changes to this revised scheme are considered to be an improvement on the previous application at this site, as the landscaping, design and materials improvements should reduce the harmful impact of the scheme on the character and appearance of the area. However, it is considered that these do not necessarily address all the design issues regarding the location of the proposed building near to the rear of the site and the large areas of hardstanding to the front, which are not typical of the area.
154. The development proposed is, by virtue of its siting, footprint and volume of hardstanding risks introducing anomalous features to this area of suburbs. However, it is understood and accepted that the principle of development and the site having an active use brings benefits.
155. The significance of the Conservation Area as defined by its description is noted and this will not be affected by this proposal, in as much as the Conservation Area will remain unaffected by this proposal. The setting of the Conservation Area will be affected in part given the extent of the Conservation Area, the scale of this proposal in terms of the overall height, the use of materials and the overall site layout, spacing, provision of landscaping and the general context of the wider areas bordering the Conservation Area, it is considered that there is a very low impact on the setting of the Conservation Area. Furthermore, it is considered that the present appearance of the site is negatively affecting the Conservation Area although this is given limited weight as alternative proposals would be achievable on the site for development. In view of the location of the site, the significance of the Conservation Area relating to its origins and layout, the limited impact on this significance, it is considered that the magnitude of impact on this heritage asset is very low.
156. In terms of nearby Listed Buildings and Locally Listed Buildings, it is recognised that the nearest Listed Building is The Avenue Methodist Church, which is over 500m to the northeast as the crow flies. Nearby Locally Listed Buildings can be found along Claude Avenue as well as the former Kirby College building along Roman Road, which are 130 metres and 260 metres away from the site respectively. Given the lack of proximity to the application site, it is considered that no Listed or Locally Listed Building would be affected or have its setting harmed by the proposed development.
157. Notwithstanding the above, the final built scheme needs to be controlled sufficiently to ensure that the scheme does not result in harm to the setting of the nearby Conservation Area, as this would be contrary to Policy CS5, and Policy HI2 of the 2025 Publication Local Plan, and contrary to Paragraphs 210 and 215 of the NPPF. It is recommended that a condition is imposed to secure samples of all materials to be used in the proposed development. It is also considered that the proposed building should include natural slate rather than slate effect tiles, although it is recognised there are many variations available. It is also noted that the site is adjacent to the Conservation Area rather than being within the Conservation Area. A condition is recommended to require an appropriate material to be agreed via samples to ensure a suitable material finish is secured for this setting.

Biodiversity, Ecology and Landscaping – Local and National Policies

158. Core Strategy Policy CS4(j) requires developments to ensure that ‘...biodiversity assets, geodiversity assets, wildlife species, natural habitats, water resources, landscape character, green infrastructure, air quality and water quality within and outside Middlesbrough are protected. Where possible such assets should be enhanced.’

159. Policy CS5(f) requires all new development to ensure a quality of new development that enhances both the built and natural environments.
160. Paragraph 8(c) of the NPPF sets out three objectives in terms of achieving sustainable development which includes an environmental objective with the *aim to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
161. Paragraph 135(b) of the NPPF aims to ensure all planning decisions *are visually attractive as a result of good architecture, layout and effective landscaping* with Paragraph 136 recognises that *trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.* Paragraph 136 also requires planning decisions to *ensure opportunities are taken to incorporate trees elsewhere in developments, ensure existing trees are retained wherever possible and appropriate measures are in place to secure the long term maintenance of newly planted trees.*
162. Paragraph 187 of the NPPF seeks to enhance the local and natural environment by, amongst other things, providing net gains for biodiversity.
163. Paragraph 193(a) establishes that planning permission should be refused where there is significant harm to biodiversity from the development and this cannot be adequately mitigated or compensated. Paragraph 193(d) sets out that developments which primarily support biodiversity should be supported alongside applications where opportunities exist to improve biodiversity in and around development sites and these have been integrated as part of the design, especially to secure biodiversity gains.
164. The National Design Guide (NDG) references the importance nature provides to the quality of place, peoples' quality of life and is a crucial component of well designed places. The NDG references that natural features such as landscaping and trees should be integrated within development to support and enhance biodiversity, alongside providing attractive places for individuals and to promote well-being and social inclusion.

Biodiversity, Ecology and Landscaping – Assessment

165. It is recognised that Tree Preservation Order No. 82 protects some trees on the site. Whilst the original TPO includes five trees, only four remain on site (a Silver Birch was removed approximately 15 years ago). The protected trees, as well as the other trees on the site, would need to be safeguarded during any construction works.
166. The Arboricultural Report that has been submitted with the application considers 14 individual trees and 3 groups of trees within the site and categorises them in the standard way according to their amenity value, with 8 trees and groups within the C category (moderate), 7 trees with the B category (high) and 1 within the U category (low). The report concludes that one Pear tree should be removed, regardless of the development, due to its poor condition. The root protection area (RPA) of four trees have been assessed as being within the area of development. A no-dig construction method with porous final surface within the RPA has been recommended, which Officers would support.
167. It has been reported previously that several trees were removed from the site without the necessary permissions, which resulted in the Forestry Commission serving a Restocking Notice on the owners of the land. The Restocking Notice requires no less

than 20 trees to be planted across two separate areas along the western boundary and the south/east boundary, and it sets out the required species and for the replanting to take place before 6th August 2026.

168. The proposed development has been designed to retain trees and hedgerows, whilst proposing generous planting as part of the scheme. The revised landscaping plan shows 41 trees to be planted as part of the development, which includes various species including Field Maple, Red Maple, Red Horse Chestnut, Silver Birch, Hornbeam, Cherry, Hawthorn, Ornamental Pear and Japanese Mountain Ash, which are included in the Restocking Notice. The Forestry Commission has advised that they would have no objections to the proposed landscaping scheme provided the Restocking Notice is complied with, although they acknowledge that the Restocking Notice is unlikely to be complied with by the date set.
169. The application has been supported by an Ecological Impact Assessment which includes a desk survey and field survey of the site and was completed in May 2025. The survey concluded that the site is generally not suitable for many protected species of wildlife, including badgers, bats, dormouse, reptiles and protected birds. The proposed development is considered unlikely to harm any existing wildlife at the site. The report recommends incorporating measures during construction to minimise the impacts on wildlife, such as avoiding leaving pits and trenches open which wildlife may become trapped in.
170. Alongside the proposed landscaping, further mitigation measures are recommended to ensure there was a biodiversity net gain from the development. Mitigation measurements required included native species planting, installation of bird and bat boxes and deadwood hibernation areas. A suitably worded condition is recommended to secure bird and bat boxes at appropriate positions around the site.
171. Since April 2024, Biodiversity Net Gain (BNG) has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a net gain in biodiversity of at least 10% over 30 years, which means that development will result in a more or a better quality natural habitat than there was before development. The application has been supported by the necessary completed BNG metric and a plan showing the on site habitats.
172. The Metric calculates the on-site habitat baseline value to be 3.16 units and the hedgerows equate to 0.10 units. As a result of proposed development, the habitat units would be calculated as 3.97 and the hedgerows as 0.16 units. This would equate to a 25% net gain in habitats and 62% net gain in hedgerows, which is considered to be acceptable.
173. Following the approval of any Biodiversity Gain Plan, the Local Planning Authority is required to monitor the implementation of the Gain Plan. Monitoring fees can be sought from the developer to enable the planning authority to carry out its legislative duties. However, it is not appropriate to use planning conditions to secure funding for delivering or monitoring biodiversity net gain. Monitoring costs need to be secured through legal agreements. In this case, a legal agreement is being drafted to secure the fees required for the Council to be able to monitor the biodiversity proposals. The developer has agreed a contribution of £10,270 to cover the costs of the Council's monitoring.
174. In light of the above, it is the Officer view that the development is capable of providing the net gain required, through on-site habitat provision, and this can be detailed in the biodiversity gain plan that will need to be submitted to discharge the standard BNG condition. In addition, a condition is recommended to request a

maintenance plan to give comfort to the LPA that the BNG can be achieved for the minimum 30 years.

Flood Risk – National and Local Policies

175. Core Strategy Policy CS4 requires all development to contribute to achieving sustainable development principles with criteria (m) ensuring ‘...inappropriate development is not carried out in the floodplain and that sustainable methods of surface drainage are used. This should include the incorporation of Sustainable Drainage Systems in new developments to mitigate against localised flooding, promote water conservation and help protect water quality.
176. Paragraphs 162 to 169 of the NPPF provide guidance for development plans to take a proactive approach to mitigating and adapting to climate change and to take into account the long term implications for flood risk and to support appropriate mitigation measures or make provision for future relocation of vulnerable development and infrastructure.
177. Paragraphs 170 to 182 of the NPPF provide guidance for planning and flood risk, all plans should apply a sequential, risk-based approach to the location of development taking into account current and future impacts of climate change; to ensure that flood risk is not increased elsewhere due to the development; and to incorporate sustainable drainage systems.
178. NPPG Flood Risk and Coastal Change outlines that the objectives of a Flood Risk Assessment are to establish whether a proposed development is likely to be affected by current or future flooding from any source; whether it will increase flood risk elsewhere; whether the measures proposed to deal with these effects and risks are appropriate; whether the evidence for the Local Planning Authority to apply (if necessary) the Sequential Test; and whether the development will be safe and pass the Exception Test.

Flood Risk Assessment

179. The application site is located within Flood Zone 1, which is considered to have a low probability of flooding with land having a less than 1 in 1000 annual probability of river or sea flooding. Annex 3 of the NPPF which is referenced within Paragraph 177 establishes flood risk vulnerability classifications for developments, with a retail proposal being classed as ‘Less Vulnerable’ development and not requiring exception or a sequential test.
180. The application is supported by a Flood Risk Assessment as well as surface water drainage and levels plans. The plans show that surface water from the site is proposed to be managed through an attenuation tank underneath the car park.
181. The Flood Risk Assessment has indicated that the probability of flooding from all sources is deemed to be low and that no flood water flows will be affected, and no flood water will be displaced. It is also recognised that surface water discharge rates have been calculated using Greenfield runoff rates. While this was calculated at Qbar rate of 2.3l/s, it is accepted that due to the practical minimum orifice sizes, a rate of 3.5 l/s is proposed to be used and this is considered acceptable.
182. The proposed discharge point is proposed to be an NWL combined sewer onsite. The surface water is proposed to be managed using below ground SuDS techniques

(Proprietary Storage Modules) and the attenuation will be oversized by 10% to account for internal silting which can't be removed by jetting.

183. In assessing the site levels, it is noted that the Finished Floor Level is proposed to be 13.450 and therefore will not be impacted by any flooding. The wider site has been assessed, and it was noted that the land to the east of the building between the site entrance and Roman Road appeared to fall towards Roman Road and without any intercepting drainage it was considered that there was a risk of surface water flowing off site and onto Roman Road. This has been addressed through the installation of a hump at the entrance to prevent run-off.
184. Concerns were also raised that the levels plan did not show the direction of fall for the area to the north and to the west of the proposed building. Confirmation has been provided on a revised plan that the boundary levels are higher than the internal site levels.
185. Exceedence drawing has been added to the submitted documentation which shows the above ground flooded areas for events over 1:100 year plus climate change and the direction where the flood water will eventually leave the site. The standard Lidl national specification drawings have been added showing the technical details.
186. Overall, the proposed development is considered to be acceptable from a flooding and drainage perspective subject to the revised information being approved as part of a suitably worded condition.

Conclusion

187. The application is a revision of the application 22/0570/MAJ, which was refused by the Council and later dismissed at appeal owing to concerns relating to the layout and design of the proposed development as well as highway safety.
188. The Planning Inspector noted that the scheme passed the sequential test and retail impact tests, therefore, considered the principle of the development to be acceptable. The main points of contention were deemed to be the design and siting of the scheme, which the Inspector considered to detract from the character of the surrounding area including the Linthorpe Conservation Area, and harm the living conditions of residents in Harrow Road. The vehicular access was also deemed to create a significant obstacle for pedestrians on Green Lane. The Inspector concluded that the scheme would conflict with Local Plan Policies DC1 and CS5 in respect of its design and siting and effect on neighbouring living conditions, and Policy CS5, CS17 and CS19 in respect of the Green Lane access.
189. The proposed elevations now incorporate materials that are considered to be more suitable to the character and appearance of the local area and the design of the building includes features to help break up the mass and scale. Concerns are still raised however with regard to the use of slate effect roof tiles.
190. Although not brought forward as suggested by Officers, the food store is now situated further away from the northern boundary and has a greater separation distance to the residential properties to the north. Whilst there would undoubtedly be an impact from the proposed development, it is considered that these impacts would not be overly harmful to residential amenity and not of a scale in which to raise an objection.

191. Additional soft landscaping has been introduced into the scheme, with particular note to the strategic placement of planting within the car park and around the site perimeter to soften the potential hard appearance of the proposals.
192. The pedestrian refuge previously incorporated into the Green Lane vehicular entrance has been removed, which significantly narrows the access point and has become considerably safer.
193. The Planning Inspector also considered the closure of Thackeray Grove to be a necessary measure to reduce the risk from conflicting traffic movements and provide safe pedestrian and cycle crossing facilities adjacent to the site. Whilst there remains considerable objection to the closure of Thackeray Grove, it is deemed integral to the application. It is noted that many of the objections to the road closure centre around the opinion that the closure of Thackeray Grove will result in Walton Avenue and Kingston Avenue becoming a 'rat run'. In light of which, the developer would enter into a Section 106 Agreement providing funding for a potential point closure along Walton Avenue should it be required.
194. On balance the issues of the design, layout and siting of the proposed development are considered to be broadly acceptable and the application would, therefore, generally be in accordance with local Policies subject to the conditions as recommended throughout the report.
195. The officer recommendation is to approve subject to conditions.

RECOMMENDATION AND CONDITIONS

Approve with Conditions subject to Section 106 Agreement

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

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:
 - a) Site Location Plan (ZZ-XX-DR-A-900001 S2 Rev P2)
 - b) General Arrangement Plan – Ground Floor (ZZ-00-DR-A-010002 S3 Rev P6)
 - c) General Arrangement Plan – First Floor (ZZ-00-DR-A-010003 S3 Rev P6)
 - d) General Arrangement Plan – Roof (ZZ-RF-DR-A-010002 S3 Rev P5)
 - e) General Arrangement Elevations (ZZ-XX-DR-A-020003 S3 Rev P11)
 - f) Proposed Site Plan (ZZ-XX-DR-A-910013 S3 Rev 29)
 - g) Context Sections (ZZ-XX-DR-A-910006 S3 Rev P11)
 - h) Boundary Treatment Plan (ZZ-XX-DR-A-910014 S3 Rev P6)
 - i) Landscape Details (R/2547/2T Rev T)
 - j) Highway Improvement General Arrangement (16-2018-203 Rev B)

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

3. Samples of Materials

The development hereby approved shall only be carried out using finishing materials of which samples have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Samples or specifications of all materials shall include:

- a) Brickwork to be used in the construction of the food store building, the substation and the brick walls within the site boundaries
- b) Roof Materials
- c) Glazing panels, including Spandrel glazing
- d) Fascia and Eaves detailing
- e) Timber fence used as part of the delivery bay
- f) Hardstanding throughout the car park, including block paving for pedestrian footpaths and parking bays

Reason: To ensure the use of satisfactory materials in accordance with local Policies DC1, CS4 and CS5, as well as Section 12 of the NPPF.

4. Approved Noise Assessment

The use hereby approved shall be developed in accordance with Noise Assessment Reference 9399/FD Rev H (04.08.2025), which was submitted to the Local Planning Authority in support of the application. Any deviations from the recommendations made in the report shall be submitted to the Local Planning Authority for written approval.

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.

5. Hours of Opening

The development hereby approved shall not be in operation outside of the hours 08:00 and 22:00 Monday to Saturday (including Bank Holidays) and 10:00 and 16:00 on Sundays.

Reason: In the interests of the amenities of the area and the living conditions of residents of the surrounding properties having regard to Policy DC1 of the Local Plan and Section 12 of the NPPF.

6. Hours of Collections and Deliveries

Deliveries and collections to the development hereby approved shall be kept between the hours of 08:00 and 22:00 Monday to Sunday.

Reason: In the interests of the amenities of the area and the living conditions of residents of the surrounding properties having regard to Policy DC1 of the Local Plan and Section 12 of the NPPF.

7. Lighting

No lighting shall be installed as part of the development hereby approved other than in accordance with the approved lighting details (LiAS Design Notes and Luminaire Schedule 6607817 Rev 3). The external lighting shall not be in use outside of store opening hours.

The construction and use of the lighting shall be carried out in accordance with the approved details for the lifetime of the use.

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

8. Removal of Access

The existing vehicular access to Roman Road shown as not being retained on the approved drawings shall be reinstated to full height kerb and footway in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the proposed new access hereby approved being brought into use.

Reason: To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users having regard for policy DC1 of the Local Plan and sections 9 and 12 of the NPPF.

9. Turning/Servicing

No part of the development hereby approved shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles in accordance with the approved drawings (or such drawings which are subsequently submitted to and approved in writing by the Local Planning Authority). The drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and retained thereafter for such purposes.

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.

10. Car and Cycle Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

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.

11. Off-Site Highway Works

The development hereby permitted shall not come into use until the highway works detailed below have been carried out in accordance with the submitted drawing(s) 16-2018-203 Rev B or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Closure of the junction of Thackeray Grove/Green Lane including full height kerbs, provision of new min width 3m footway through the existing junction bellmouth and soft landscaping;
- b) Formation of a new vehicular turning head to the Northern end of Thackeray Grove;
- c) Creation of a new 3 arm signal controlled junction at Roman Road/Green Lane incorporating Puffin and Toucan facilities together with dropped kerbs and tactile paving at all crossing points;
- d) Resurfacing of the Roman Road/Green Lane junction;
- e) Yellow box junctions at the junction of Tollesby Road and the Green Lane site access junction;

- f) Creation of a new vehicular site access on Roman Road including pedestrian crossing facilities consisting of dropped kerbs and tactile paving;
- g) Creation of a new vehicular site access on Green Lane including pedestrian crossing facilities consisting of dropped kerbs and tactile paving
- h) Relocation of the existing Eastbound bus stop on Green Lane including reprovision of associated infrastructure and reinstatement of the kerbing and footway at the existing bus stop location; and,
- i) All other drainage, surfacing, street furniture relocation and lining required to achieve the above.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic having regard for policies DC1 and CS5 of the Local plan and sections 9 and 12 of the NPPF.

12. Road Safety Audit

A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB GG119 and guidance issued by the Council will be required for the internal highway layout/all off-site works requiring alteration as specified in submitted drawing(s) 16-2018-203 Rev B or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 2 of said audit must be submitted to and confirmed in writing by the Local Planning Authority prior to works commencing on site.

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.

13. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details:

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

14. Travel Plan

The development hereby approved shall hereafter be occupied in accordance with the submitted Travel Plan Doc T302 Final Issue 1 dated Sept 2025 unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures for visitors/staff/residents having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

15. Surface Water Drainage Approved Details

Prior to the opening of the food store hereby approved, the approved surface water drainage works shall be implemented in full in accordance with the approved drainage plans listed below unless otherwise approved in writing by the Local

Planning Authority, which follow the principles as outlined in the Flood Risk Assessment and Drainage Impact Assessment Issue 2 (January 2026) and restricts surface water discharge from the development to a runoff rate of 3.5l/s.

- a) Flood Risk Assessment and Drainage Impact Assessment (16-3231-T003 Rev 2) (29th January 2026)
- b) Proposed Drainage (16-3231-105 Rev P2) (Jan 2026)
- c) Proposed Levels (16-3231-101 Rev P2) (Jan 2026)
- d) Surface Water Maintenance and Management Plan (16-3231-T004 Rev 1) (18th July 2025)
- e) Construction Surface Water Maintenance Plan (16-3231-T005 Rev 1) (18th July 2025)

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.

16. Fabric First/Renewables

The development hereby approved shall be constructed in complete accordance with the sustainability measures as detailed in the submitted document Sustainability Statement (Issue 00) (dated: 23.07.25). The sustainability measures shall be incorporated into the building prior to its first opening and for the lifetime of the development hereby approved.

Reason: In the interests of a sustainable development and in accordance with the guiding principles of the NPPF.

17. Approved Landscaping

The development hereby approved shall be carried out in complete accordance with the approved Landscape Details drawing. The approved landscaping shall be implemented in full during the first available planting season (October-March) after the first opening of the food store hereby approved. The Local Planning Authority shall be notified within two weeks of the landscape planting works.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for Policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

18. Replacement Tree Planting

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the first available planting season (October-March), unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

19. Retained Trees

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the final building on site for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning

authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments) (British Standard recommendations for Tree Work).

- b) If any retained tree is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree dies or needs to be removed within five years of completion, and this is found to have been the result of damage sustained during development, this replanting condition will remain in force.
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to Construction). In particular, fencing must not be dismantled at any time without the prior consent of the local planning authority.

Reason: To prevent the loss of or damage to trees and natural features during the development and to ensure so far as is practical that development progresses in accordance with current best practice having regard for policy CS4 and CS5 of the Local Plan and section 9 of the NPPF.

20. Bat and Bat Boxes

A scheme identifying the locations of two bat and four bird boxes within the development hereby approved and on the retained trees (as recommended by the Ecological Impact Assessment) shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes of the approved scheme shall then be installed at the agreed locations within six months of the first occupation and retained in perpetuity.

Reason: To enhance habitats for wildlife in accordance with the requirements and guidance of the National Planning Policy Framework.

21. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

22. Biodiversity Net Gain Maintenance Plan

The development hereby permitted shall be carried out in accordance with the approved Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development and the Biodiversity Gain Plan shall be implemented in full.

No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Local Planning Authority during years 1, 3, 5, 10, 15, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any measures needed to be undertaken to address a shortfall in predicted levels of gain.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with paragraphs 180 and 186 of the National Planning Policy Framework.

REASON FOR APPROVAL

The proposed development of a food store with associated parking, access, landscaping and associated works at the site of the former Northern School of Art at Green Lane, as well as the closure of Thackeray Grove is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposals meet the National Planning Policy Framework, and the policies regarding local centres, historic environment, sustainable development, the efficient use of land, appropriate scales of development, the protection of open spaces of different characters and uses, good quality design, and transport and accessibility, whilst proposing a development that would not be out of scale and character within the surrounding area, including the Linthorpe Conservation Area, and would not be significantly detrimental to the local and residential amenities of the local area.

Issues of principle regarding the layout and design of the scheme and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Informatives: Highways Matters

Works to Highway – S278

The proposal will require alterations to the existing highway and as such will require an Agreement under Section 278 of the 1980 Highways Act The applicant is urged to consult early with the Highway Authority (tel: 01642 728156) to discuss these proposals. This agreement must be completed and in place before work commences.

Street Furniture

Any street furniture that necessitates relocation requires early discussion to take place with the Highway Authority (tel: 01642 728156) and this work will be carried out at the cost of the applicant.

Highway Authority Discussion

It is essential that early discussion take place with the Highway Authority (tel: 01642 728156) to discuss the effect on the surrounding highway network during the construction of this development.

Informatives: Secured by Design Matters

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. It is recommended that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

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

Informatives: Environmental Health Matters

All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

- Monday to Friday 08.00 to 18.00
- Saturday 09.00 to 13.00
- Not at all on Sundays and Bank Holidays.

The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Information on the control of dust from construction sites can be found using the following link.

[Construction-Dust-Guidance-Jan-2024.pdf \(iaqm.co.uk\)](#)

All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturers instructions.

There shall be no bonfires on the site.

Informatives: Advertisements/Signage Consent

This permission does not authorise the display of advertisements shown on the submitted plans, for which separate consent is required under the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended).

Informative: Contact Northern Gas Networks

The applicant/developer is advised to contact Northern Gas Networks directly to discuss requirements in detail. 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. We are advised that should diversionary works be required these will be fully chargeable.

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 other things, visual implications, privacy and amenity, transport, 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 not 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.

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 specific implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

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

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

Community Safety Implications:

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

Financial Implications:

None.

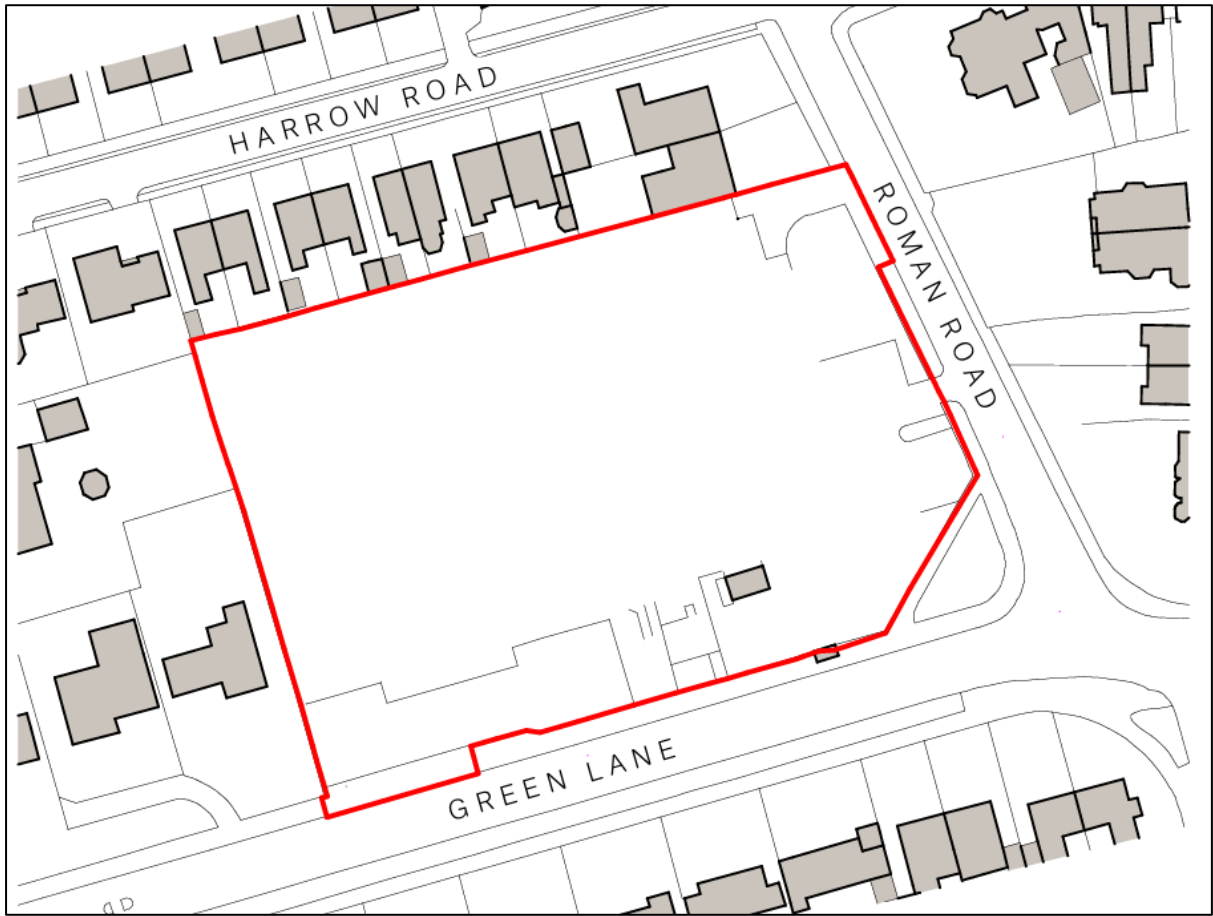
Background Papers

None.

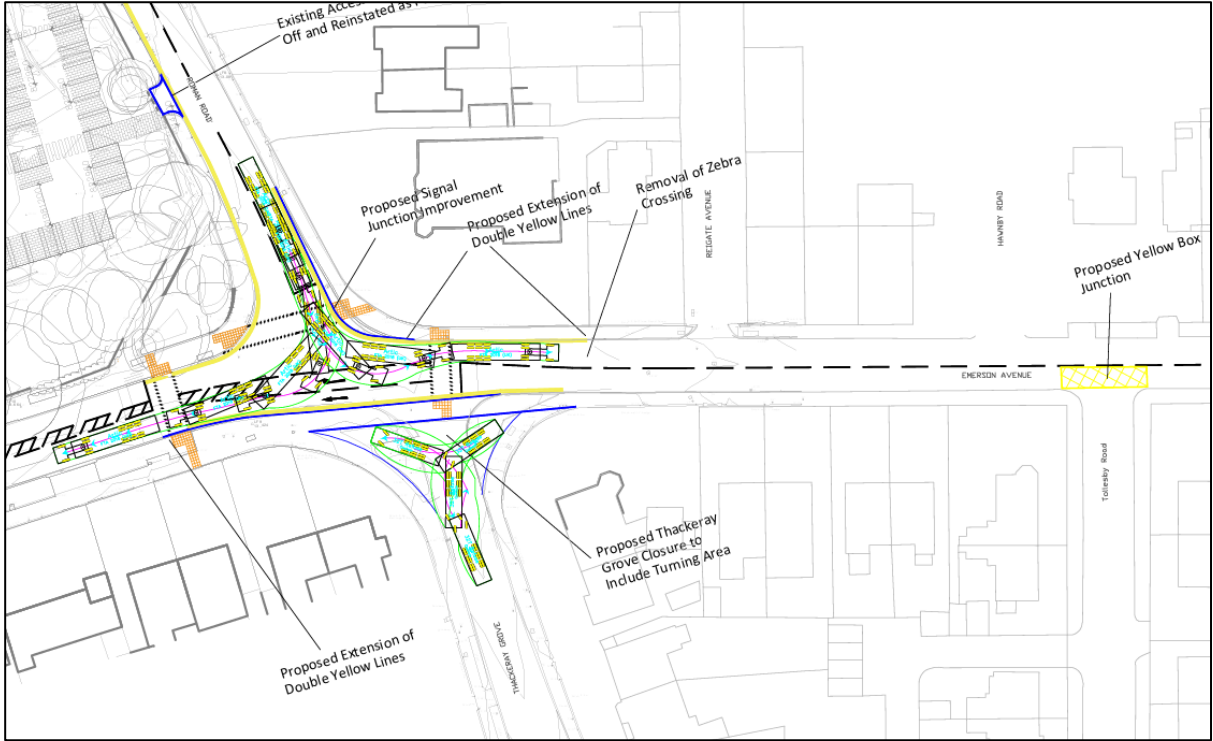
Case Officer: Peter Wilson

Committee Date: 9th April 2026

Location Plan



Proposed Site Plan and Highway Works



Proposed Elevations



Proposed Landscaping

