



## ADDENDUM REPORT

### Item No 1

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#### APPLICATION DETAILS

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

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#### Amendments to Main Report

1. On Page 3 of the Main Report, within the Site and Surroundings and Proposed Works section, reference is made to a 3 metre high wall surrounding the delivery bay on the eastern elevation. This should be the western elevation.
2. On Page 5 of the Main Report, within the Planning Policy section, under the headline National Planning Policy Framework, reference is made to Paragraph 38 of the NPPF, although it should be Paragraph 39.
3. In Paragraph 78 of the Planning Consideration and Assessment section, reference is made to Paragraph 126 of the NPPF, although this should be Paragraph 131.
4. In Paragraph 160 of the Planning Consideration and Assessment section, reference is made to the three objectives of Paragraph 8(c) of the NPPF. However, it should state that Paragraph 8 has three objectives, one of which is objective (c).

#### Additional Representations

5. Subsequent to the completion of the Officer Committee Report, the following comments/representations have been submitted for consideration as part of the application.

6. In **objection**, a further comment has been received from No. 9 Harrow Road. It is noted that the resident has already commented and their previous comments taken into account but they wish to highlight certain parts of the scheme.
7. Another letter was received from an unknown address which stated that they intend to *speak against* the proposals.
8. The addresses of those submitting letters of **support** are given below. It is noted that the contents of the letters of support are broadly similar to those received by others, so it is considered that a summary of their comments is not required.

<b>Letters of Objection:</b>	<b>2</b>
<b>Letters of Support:</b>	<b>32</b>
<b>Other Representations:</b>	<b>0</b>

### Letters of Objection:

#### Harrow Road, No. 9

- The Government Planning inspector in his comments on the previous design, outlined the detrimental effects the proposed building would have on the residents of Harrow Road.
- Not only have Lidl in their new proposal not taken into account his comments, but their new design is even more dominant.
- Lidl's new design increases the height of the building by 1.3m (6.5m as compared to 5.2m) i.e. 25% higher.
- They are also still proposing to plant trees in this area, again ignoring the comments of the Government Planning inspector.
- I understand that even new build houses have to have a back to back separation of between 21m and 25m. The back to back separation of the houses to the proposed massive Lidl building is only 16.5m.
- The small gardens on our side of Harrow Road are south facing, and some of the houses backed onto the car park of the Art College, and so were never overlooked. The huge structure of the Lidl Store will put the gardens into permanent shade with an outlook dominated by a massive wall.

#### Letter with No Known Address

No address was provided for the letter with general representations but its contents can be summarised as follows:

- Lidl are once more refusing to accept the well considered decision to twice refuse their idea for a supermarket adjacent to Middlesbrough's Linthorpe Conservation area.
- I have contacted your colleague Joanne McNally asking to speak against this unwelcome idea at the meeting. Having attended both previous meetings and spoken at one I am surprised and disconcerted that Lidl are seemingly allowed to just keep appealing. I presume this comes at considerable cost in time effort and resources of MBC which can be ill afforded. Obviously Lidl are not bound by the same fiscal or altruistic rules.

- As I am sure you are aware previous attempts by Lidl to shoehorn an ultra modern box structure into this residential area have been turned down after painstaking research by departments of MBC mainly due to traffic and safety concerns.
- As the busy junction at the proposed site is already subject to traffic problems which Lidl have no power over I cannot see how they have even been allowed to appeal again.
- Obviously I do not have the benefit of your expertise and knowledge but hope you will advocate strongly for the townsfolk you serve in your defence of previous council decisions with regard to this matter .
- I am sure you are aware there are 8 similar stores within 1.5 miles of the proposed site including 2 other Lidl stores within 8 minutes drive
- I hope the proposal will finally be refused on traffic , pedestrian safety and environmental grounds.

**Addresses of Letters of Support:**

Acklam Road, Nos. 118 and 229  
Asterley Drive, No. 45  
Bentinck Avenue, No. 33  
Birchgate Road, Nos. 14, 23 and 26  
Briardene Avenue, No. 26  
Carnaby Walk, No. 4  
Cavendish Road, No. 11  
Cherryfield Drive, Nos. 25 and 66  
Church Lane, No. 49  
Clough Close, No. 210  
Easby Avenue, No. 16  
Edinburgh Avenue, No. 8  
Glendale Road, No. 73  
Harrow Road, No. 20  
Hatfield Avenue, No. 42  
Highbury Avenue, No. 33  
Mulgrave Road, No. 32  
Newham Avenue, No. 28  
Neville's Court, No. 1  
Oxford Road, No. 2b  
Parkfield Avenue, No. 15  
Patey Court, No. 32  
Phillips Avenue, No. 5  
Rockcliffe Road, No. 16  
Roman Road, No. 50  
Salton Close, No. 6  
The Prospect, No. 5  
Tollesby Road, No. 59  
Valley Road, No. 22A  
Westbeck Gardens, No. 15

**Noise Assessment**

9. It has been recognised that the main source of noise during deliveries will be from the rolling cages that will be moved from the inside of the lorry to the shop, which takes place at the rear of the lorry. However, the refrigeration units on the lorries are usually

positioned behind the bulk head of the trailer, which may not be covered by the acoustic wall.

10. In response, the agent informed Officers that the fridge unit on the HGVs will be switched off once the HGV is docked, therefore not creating any noise or disturbance to neighbouring properties. The agent was asked to include this in a revised Noise Impact Assessment, which has been received. If Members support the recommendation of Officers, the relevant Noise Assessment condition (Condition 4) is recommended to be updated to reflect the updated Assessment.

### **On Site Lighting**

11. The developer has advised that the site lighting will need to be in operation 30 minutes before the opening of the store and remain on for up to 30 minutes after the store closes. It is understood that this is common practice and required for safety and security purposes. It is considered that lighting at such times will not be unduly harmful to the living conditions and residential amenities of surrounding occupiers, and Environmental Health Officers have advised that they would not raise an objection to such a request. Currently, the lighting condition (Condition 7) requires the lighting to not be in use outside the store opening hours, however, it is recommended to alter this to include an additional 30 minutes of lighting either side of the store opening.

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## **CONCLUSION**

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12. As this update report does not include all matters under consideration, it needs to be read in conjunction with the original Officer report which put forward a recommendation for conditional approval.
13. The comments raised by the occupier of No. 9 Harrow Road are considered to have been addressed in Paragraphs 122-130 of the Main Report. These paragraphs discuss the overall height and separation distance of the proposed building from the houses along Harrow Road. It was concluded that, although the height is greater, the separation distance was now deemed sufficient not to unduly harm amenity. It also discusses the tree planting, which is further away and includes species where the mature height is deemed appropriate for the location.
14. It is the Officer opinion that the application should be approved in line with the conditions in the main report, subject to the following alterations to Conditions 4 and 7:

### **Approved Noise Assessment**

The use hereby approved shall be developed in accordance with Noise Assessment Reference 9399/FD Rev J (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.

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, except for 30 minutes either side of the approved 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.

Case Officer: Peter Wilson  
Committee Date: 09-April-2026

## Appendix A – Inspector’s Decision



The Planning Inspectorate

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# Appeal Decision

Hearing held on 24 September 2024

Site visit made on 24 September 2024

**by Jonathan Bore MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 07/10/2024**

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## **Appeal Ref: APP/W0734/W/24/3341975**

### **Green Lane, Middlesbrough, TS5 7RJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Lidl GB against the decision of Middlesbrough Council.
  - The application Ref is 22/0570/MAJ.
  - The development proposed is the erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works, including the closure of Thackeray Grove.
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### **Decision**

1. The appeal is dismissed.

### **Background and main issues**

2. The proposal is for a discount food store with a gross internal area of 1,895 square metres and a net sales area of 1,251 square metres. The site is in the built up area, and although it is an out-of-centre retail location, the scheme would pass the sequential and retail impact tests. There would be advantages to local people in providing an additional retail store in this area, the proposal has a significant level of support, and the Council does not oppose a retail scheme in principle. The site is brownfield land and there are frequent bus services nearby. There is no conflict with those parts of Local Plan Policies H1 or CS13 which support the development of land in the built up area and seek to protect Middlesbrough’s retail centres. The scheme would generate additional employment and economic activity.
3. However, concerns have been expressed about the design and layout of the scheme, highway safety, and whether the scheme would encourage non-car modes of travel, and these constitute the main issues in this appeal.

### **Reasons**

#### **The design and layout of the scheme**

4. The site was formerly occupied by the Northern School of Art, now demolished, and its surroundings are strongly residential in character. It is generally acknowledged that the former college buildings were not attractive. They occupied much of the site and came close to some of the houses in Roman Road. However, the College buildings have gone and should have no influence over the quality of any future development, including its siting, dimensions and layout.

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<https://www.gov.uk/planning-inspectorate>

5. The locality consists almost entirely of two and three storey dwellings with pitched roofs, gables, and varied materials in the domestic styles of the late 19<sup>th</sup> and the 20<sup>th</sup> Centuries. Houses tend to be set back in their plots, which provides space for trees, shrubs and lawns at the front, giving the area a spacious, green appearance. The site is close to the Linthorpe Conservation Area which contains finely detailed residential properties.
6. The scheme does not have sufficient regard to this context. 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. It is recognised that a retail scheme, which is not opposed in principle, would inevitably have a larger floorplate than the buildings around, and a different character. However, 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, to which it would cause less than substantial harm.
7. Despite the substantial planting belt, the wide entrance on Green Lane would afford an unobscured view into the site towards the loading bay, a large acoustic fence, part of the car park and the long blank southern wall of the store, introducing a hard appearance which would further detract from the character of this leafy area. Both vehicle 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.
8. 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. This would create a poor outlook, to the detriment of the residents' living conditions. The proposed tree planting in this area, being close to the rear of the houses and gardens, would have the potential to make matters worse by reducing daylight and increasing the dominance of the scheme. 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.
9. In conclusion, the design and siting of the building and the access arrangements would not protect the character of the surrounding area, including the conservation area, and would adversely affect living conditions in neighbouring homes. It is recognised that there may be operational and security advantages in having a car park at the front with the store behind; similar layouts have been employed by the Appellant in many other locations. But there is also evidence of schemes by the same retailer that have been designed to reflect more closely the character of the area. Given the overwhelming residential character of the surroundings, and the proximity of the conservation area, the proposal does not display a sufficiently design-led approach towards mitigating its impacts on the character of the area.
10. For all the above reasons, the scheme would conflict with Local Plan Policies DC1, CS4 and CS5 which together seek high quality development that is well integrated with its context, protects Middlesbrough's townscape and heritage, and protects the living conditions of nearby properties.

### **Highway safety**

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. A further benefit would arise from the Appellant's offer to allow on-site drop off and pick up parking for the nearby school, potentially reducing the congestion caused by twice-daily verge parking on Green Lane. But these potential benefits do not outweigh the other objections to the scheme.
14. The other safety issues raised by the Council are less significant. The manoeuvring of delivery vehicles within the customer car park is a normal arrangement at the Appellant's 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 manoeuvring of HGV delivery vehicles immediately behind parent and child parking spaces, as shown on the submitted site plan, is not a desirable arrangement, but were the scheme acceptable in other respects this would be a matter of detailed site layout.
15. In conclusion, the scheme as it stands without the junction improvements described above would conflict with Local Plan Policy CS19, Road Safety. The potential for delivering a junction improvement scheme is recognised, although currently there is no design, but on its own such a scheme would not overcome the other objections to the appeal proposal.

### **Whether the scheme would encourage non-car modes of travel**

16. The scheme would be well located to take advantage of local bus services and would provide an adequate number of cycle parking spaces. The Council has expressed some concern about unprotected pedestrian routes through the car park and the potential for walk-in customers to use the vehicular entrances,

but it must be recognised that a degree of give and take between pedestrians and vehicles is inherent in any food store car park. These detailed matters, and other items of concern to the Council including the position of the cycle parking, could be resolved through minor design changes were the scheme acceptable in other respects.

17. However, the substantial bell mouth of the proposed Green Lane entrance, as designed for this scheme, would be a significant obstacle for pedestrians, including children going to and from the nearby school. The entrance would be well-used by two-way traffic and, although a central refuge would be provided, the crossing would be so wide that pedestrians would feel exposed and the crossing would be daunting for some. This aspect of the scheme would conflict with Local Plan Policy CS5, which seeks the removal of barriers to access and movement, Policy CS17, which promotes integrated and safe pedestrian routes, and Policy CS19, which aims to protect the safety and quality of the environment in residential and commercial areas.
18. Local Plan Policy CS18 promotes schemes for cycling and walking. Green Lane is intended to form part of the strategic East/West cycle corridor identified in the Integrated Transport Strategy 2018-2028. The Council argues that the proposed ghost right turn lane at the proposed Green Lane entrance would prevent the future implementation of cycle lanes in that location. But as yet there is no designed and funded scheme for cycle lanes here, and the Green Lane entrance as designed would be unsatisfactory anyway, for the reasons described above. Any cycle route designed for this part of Green Lane would need to take into account the potential development of the site, and vice versa, and as well as any proposals for the junction of Green Lane, Roman Road and Thackeray Grove.
19. As regards car parking, 91 spaces are proposed and the Council argues, citing Local Plan Policy CS18, that this number could be reduced. But the scheme already provides significantly less than the maximum of 135 spaces indicated in the Tees Valley Highway Design Guide. The suggestion that parking should be further reduced in order to bear down on the use of the private car is unconvincing. The store would attract walk-in trade and some cyclists, but food stores of this nature are principally attractive to households who purchase larger amounts and arrive by car. The model works because the number of spaces provided give confidence to shoppers that they will find a parking space. Insufficient parking provision, or a difficulty in finding available parking spaces, can lead to undesirable queuing on the highway.
20. The diagrams of the anticipated car park usage in this case suggest that there might be some potential parking capacity to allow for adjustments in layout and design to overcome the criticisms of the appeal scheme, but that is not a matter for this appeal.
21. To conclude, the only substantive concern on this issue relates to the Green Lane access, which would be a deterrent to pedestrians, and for this reason the scheme would conflict with Local Plan Policies CS5, CS17 and CS19. The other items are matters of detailed design.

**Other matters**

22. Noise from plant and equipment and from manoeuvring vehicles has been raised as a concern. If other aspects of the scheme were acceptable, noise

mitigation could be addressed by a condition. However, this does not alter my conclusions on the main issues.

**Conclusion**

23. The site consists of brownfield land and is accessible by public transport. A retail scheme is acceptable in principle and carries local support. The development would have economic and employment benefits. It would be possible by means of a Grampian condition, and subject to appropriate funding and design, to address the additional impact of the scheme and improve crossing facilities for pedestrians and cyclists by signalling the junction of Green Lane, Roman Road and Thackeray Grove. However, the design and siting of this particular 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. It would also create a significant obstacle for pedestrians on Green Lane. These deficiencies outweigh the benefits of the scheme. 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.
24. I have considered all the other matters raised but they do not alter the balance of my conclusions. For all the reasons given above, the appeal is dismissed.

*Jonathan Bore*

INSPECTOR