

REGULATORY COMMITTEE

29 MARCH 2018

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A meeting of the Regulatory Committee was held on 29 March 2018.

PRESENT. Councillor Foggo (Chair),
Councillors Ayre, Baldwin, Foley McCormack,
Mrs Forster, Morgan, Ovens, Smith, Turner,
Walsh (substituting for Councillor Dick), Watts
and Wilson

OFFICIALS. E Dale, E Garbutt, C Griffiths and C Stannard

IN ATTENDANCE. Councillors Jones and Quartermain

APOLOGIES FOR ABSENCE.

An Apology for absence was submitted on behalf of Councillor Dick.

DECLARATIONS OF INTEREST.

Councillor Baldwin declared an interest in application R/2017/0484/FF as the Ward Member.

Councillor Foggo declared an interest in R/2017/0823/CA as he had been involved in the initial discussions on the project.

Councillor Mrs Forster declared an interest in application R/2017/0484/FF as a Member of Redcar Citizens Club.

Councillor Walsh declared an interest in application R/2017/0823/CA as the Ward Member.

106. **MINUTES.**

RESOLVED that the Minutes of the Regulatory Committee held on 8 March 2018 be confirmed and signed by the Chair as a correct record.

107. **PLANNING APPLICATIONS FOR DECISION.**

Councillor Baldwin declared an interest in the following application as the Ward Member.

- 107.01 **R/2017/0484/FF Change of use and conversion including external alterations of former bus station/ticket office to a mixed use development comprising of ground floor retail unit with first floor residential flat at front; tyre repair centre at rear; car wash facility to forecourt with new canopies and associated parking Bus Station**

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High Street Redcar.

Permission was sought for change of use and conversion including external alterations of former bus station/ticket office to a mixed use development comprising of ground floor retail unit with first floor residential flat at front; tyre repair centre at rear; car wash facility to forecourt with new canopies and associated parking at the former Bus Station, High Street, and Redcar.

The application site was situated at the eastern end of the High Street in an area of mixed uses. The site had a dual frontage as it was both visible and accessible from the High Street and Lord Street. To the north and west of the application site were other High Street properties which were mainly commercial in nature, to the east of the site were residential dwellings and to the south of the site were Redcar Citizens Club and St Peters Church.

The application had been supported by existing and proposed elevation and floor plans of the site. During the consideration of the application additional technical information in the form of a noise assessment had been submitted.

The consultation exercise had resulted in 249 letters of objection being received making the following comments:-

- Planning application was the antithesis of the proposed plans and future aspiration for the High Street and town centre regeneration
- Currently no businesses with this type of daytime, day long and potentially 7 days a week noise/nuisance on the High Street
- Proposal would have further impact on this end of the High Street that included 2 hotels, St Peters Church and a care home
- Potential traffic issues due to close proximity to traffic light junction
- Already 2 car washes in close proximity to the site
- Tyre repair use would be very noisy
- Water would run from the site onto the main road
- Concern over chemicals used in the car wash
- How would waste water be disposed of
- Would be better suited on an industrial estate
- Development out of character for the area
- Would this be allowed in a housing development?
- Impact on pedestrian safety for those walking close to the site
- What would happen to the spray from the car wash due to winds on sea front location
- Site should be used for something that would benefit Redcar
- Visual impact of the development
- Concern of noise levels from equipment and lack of appropriate screening

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- Impact on neighbouring business
- Impact on those attending church across the road from the development site
- Already had noise disturbance from other car washes and late night uses don't need any more
- Fire safety of chemicals and tyres
- Would a right of way for pedestrians be lost
- Would be more appropriate to change building back to residential use
- No staff parking provided at site
- Limited onsite staff facilities

Northumbrian Water had assessed the proposed development against the context outlined above and advised that the proposed hand car wash may require a trade effluent application for the disposal of wastewater to the sewerage network. We recommend that the applicant contact Northumbrian Water to discuss this matter further.

Redcar and Cleveland Borough Council (Local Lead Flood Authority) had discussed with NWL the LLFA had no objections to the proposal, providing the applicant followed the guidance and submitted a Trade Effluent Application with NWL.

Redcar and Cleveland Borough Council (Development Engineers) asked that the applicant intended to utilise a one way system into the site; whilst regular customers would in time get used to this, I would ask that the applicant looks into signing and lining measures to ensure that the one way system was adhered to; in the interests of highway safety. There was sufficient waiting room within the site for 6 vehicles queuing whilst 2 vehicles were being cleaned, therefore acceptable on highway grounds.

Redcar and Cleveland Borough Council (Environmental Protection) (Contamination) had no objections.

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance) advised that in order to minimise the environmental impact he would recommend the inclusion of the following conditions onto any planning permission which may be granted:

- No development shall take place until a scheme of noise mitigation measures from the proposal has been submitted to and been approved in writing by the Local Planning Authority.

The noise mitigation measures shall be designed to ensure that nuisance will not be caused to the occupiers of nearby residential accommodation from the proposed development.

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The noise mitigation measures shall be provided by a suitably qualified acoustic consultant/engineer.

REASON: To safeguard the amenities of residential properties

- The premises shall not be open to customers outside the following hours 08:30-18:00 Mon – Saturday and 08:30 – 14:00 Sunday and public holidays.

REASON: To safeguard the amenities of residential properties

In order to minimise the environmental impact he recommended the inclusion of the following conditions onto any planning permission which may be granted:

- There shall be no use of vacuum cleaners

REASON: To safeguard the amenities of residential properties.

- Prior to commencement of use a revised scheme for noise mitigation measures specifically to the noise barrier to the car wash shall be submitted to the LPA in writing for written approval

REASON: To safeguard the amenities of residential properties.

- The premises shall not be open to customers outside the following hours 08:30-18:00 Mon – Saturday and 08:30 – 16:00 Sunday and public holidays.

REASON: To safeguard the amenities of residential properties.

The main considerations in the determination of the application were;

- Principle of development and accordance with national and local policies
- Impacts on character and appearance of the area and neighbour amenity
- Transport
- Contaminated land and nuisance
- Drainage

The development complied with policy DP1 of the Local Development Framework and policy SD3 of the emerging Local Plan.

Policy CS18 of the Local Development Framework and policy ED1 of the emerging Local Plan managed development within town centres.

a) Safeguarding the retail character and function of the centre;

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- b) Enhancing the appearance, safety and environmental quality of the centre;
- c) Encouraging diversity of uses within the centre and the provision of a wide range of retail, leisure, social, education, arts, cultural, office, residential and commercial uses;
- d) Promoting the reuse of vacant buildings; and
- e) Maintaining and enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips.

The proposed development was considered to comply with criteria (c) and (d) of policy CS18.

While it was acknowledged that the provision of a tyre repair centre and a car wash were not uses that were exclusively associated with town centres, it was considered that the uses were appropriate for this site within the town centre. It was also acknowledged that there were two other similar uses (car washes) in close proximity to the application site with both these businesses located off Lord Street.

Taking the above into consideration the principle of the proposed development was one that was considered to be acceptable. The development complied with national policy and policies CS18 and DP1 of the Local Development Framework and policies SD3 and ED1 of the emerging Local Plan.

The application site, as stated previously, was situated within the designated boundary of Redcar town centre. Within the centre there were a variety of commercial uses including general retail premises, hot food takeaways, pubs and clubs. There were also residential properties within the town centre including both flats at first floor above retail units and two storey dwellings. It was also noted that there were residential dwellings adjacent to the application site.

The area of the town centre within which the proposed development was situated, does contain a greater proportion of residential dwellings, however there were also a number of late night uses including takeaways and a night club. A number of residents had raised concern that the use of the site for a car wash and tyre would impact on neighbour amenity due to noise and spray from the car wash.

The appearance of the proposed shop front and flat above were not considered to have an adverse impact on the character and appearance of the area, while they were not also considered to have an adverse impact on the amenity or privacy of neighbouring properties due to the location of proposed window and door openings and their orientation in relation to the residential dwellings to the east.

The site was currently served by two access points, one from the High

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Street and one from Lord Street. It was proposed that these openings would be maintained with a 'one way system' being in operation with vehicles accessing the site from Lord Street and exiting out on to the High Street. This was how the site previously operated when used as the bus station. The road markings were still in place at the site stating 'no entry' from the High Street.

The submitted plans illustrated four parking spaces at the southeast corner of the site adjacent to Lord Street. These would serve both the car wash and the tyre change facility. It was considered that given the scale of the proposed facility and the fact the site was within the town centre, there was not a requirement for additional parking to be provided beyond that illustrated on the plans.

With regard to contamination, no objections had been received. The development involved the reuse of an existing building, while the proposed car wash was to be sited on an area of existing hardstanding. The development raised no issues with regard to contamination and complied with policy DP7 of the Local Development Framework.

Due to the nature of the proposed development with the introduction of a tyre repair centre and a car wash, consideration had been given to the generation of nuisance mainly in the form of noise. Initial concerns were raised by the Council's Environmental Protection Team with regard to the location of the proposed development and its proximity to residential dwellings. As a result a detailed noise report had been prepared and subsequently considered by the Environmental Protection Team.

Conditions had been suggested from the environment health team with regard to the following matters;

- No vacuuming at the site
- Revised scheme for noise mitigation measures
- Opening hours for the business

The suggested condition relating to no vacuuming at the site was not considered to be precise or necessary and therefore did not meet the tests in relation to the use of planning conditions set out in the NPPF. The applicant had applied for a car wash and had not indicated that vacuum cleaners were to be used at the site. Should in the future the applicant use such appliances and they cause a statutory noise nuisance, environmental health could pursue this under their legislation.

A condition had been suggested with regard to a revised scheme for noise mitigation measures. It was considered that the current submitted elevation plans did not provide suitable attenuation to protect neighbouring properties. Further mitigation measures had been proposed through the noise assessment, however it was considered that these may

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not even go far enough and therefore it was requested that a final design be submitted for consideration by way of a planning condition.

The suggested condition relating to the hours of operation was considered reasonable and would limit the operations to day time hours with an earlier finish on a Sunday. The applicant had not indicated the hours of operation on the application form, however those suggested were considered to be reasonable.

Taking the above into consideration the proposed development, subject to suitable conditions was considered to comply with policy DP6 of the Local Development Framework.

The application had been considered by Northumbrian Water and the Council as Local Lead Flood Authority. No objection had been raised to the proposed development with regard to flood matters; however advice had been given that the provision of the car wash may require a trade effluent application for the disposal of wastewater to the sewerage network. This would be applied for outside of the planning application and would be for the applicant to deal directly with Northumbrian Water on the matter.

Taking the above into consideration, the proposed development was not considered to have an adverse impact with regard to drainage or flooding matters. The development was therefore considered to comply with policy DP3 of the Local Development Framework and policy SD7 of the emerging Local Plan.

The site was situated within Redcar town centre which contained a mix of commercial properties as well as residential flats and dwellings. The proposal was one that was considered acceptable and complied with the Councils adopted policies with regard to the principle of development.

The development was not considered to have an adverse impact with regard to the character and appearance of the property within the existing street scene.

The development was accepted to introduce a level of noise due to the associated activities with the operation of the business. It was considered that though the provision of suitable screening and noise attenuation, the residential amenity of neighbouring properties would not be significantly adversely affected.

Consideration had been given to the impact of development with regard to drainage and contamination. No objections had been raised with regard to these matters, however it was noted that the developer would need to liaise with Northumbrian Water regarding the need for a trade effluent application.

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The development was not considered to have an adverse impact on the local highway network or crime prevention.

The proposal therefore accords with policies CS1, CS5, CS18, CS20, DP1, DP2, DP3 and DP6 of the Local Development Framework.

The objectors in attendance at the meeting made the following comments:-

- Since the initial submission there had been a further 270 objections;
- The restrictive site would mean that anyone pulling into the tyre repair centre would not be able to get out of their driver's door due to the adjacent wall;
- The steep gradient of the entrance ramp would result in serious issues of health and safety;
- Concerns regarding the stability of the wall;
- The proposed development would block an established access route;
- Too many industrial processes in the same environment;
- Officers would have been less aware of the risks when they recommended the application for approval;
- The area was already plagued by drugs, theft, noise and violence but this development would result in more disturbance during daylight hours;
- Asked Members to refuse the application and assist the applicant to locate elsewhere;
- Would result in further noise problems and traffic backlogs;
- Asked where this development sat in relation to the Councils vision for Redcar and tourist development;
- The proposal was not fitting in a retail setting;
- Could drive customers away from existing businesses when they had only recently returned due to the free hour parking. This could lead to redundancies;
- Concerns about noise, safety and additional traffic for parishioners at St Peter's Church;
- Safety for elderly parishioners who walk to church and would encounter more dangers and the wet surfaces would result in more accidents;
- Already had indiscriminate parking on our burial grounds;
- The church was open to all of the community and an industrial setting would change the whole scape.

Councillor Quartermain was at the meeting and made the following comments:-

- Proposal contrary to LS2 of the emerging Local Plan.

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- Contrary to Council Corporate Plan, Town Masterplan, Visitor Destination Plan and Growth Plans.
- Nothing in the Council plans and policies supports this application.

Councillor Jones was at the meeting and made the following comments:-

- Referred to the noise impact assessment and Environmental Health Officer's assessment that significant adverse impact on nearby houses should be avoided;
- The noise impact assessment stated that previously assessed noise levels were used. He questioned where these levels were measured? The Local Authorities requirements had not been met and therefore noise mitigation measures had been requested;
- Environmental Health had commented that there should be no significant effect on the occupiers of nearby properties;
- Apex Acoustics make reference to noise levels recorded at a similar jet wash but made no reference to where this was located;

The applicant's agent was present at the meeting and made the following comments:-

- The site was previously used as a bus station until 10pm;
- Many of the concerns were in relation to noise disturbance however a full acoustic report had been submitted, the environmental health officer was satisfied and the applicant had agreed to build in any extra sound proofing that was required;
- The jet wash and tyre change would be outside but they would be low pressure noise washes. The applicant had a similar site at Ayresome Street in Middlesbrough which was surrounded by houses and which had recently had their planning permission renewed without complaint;
- The applicant was an experienced operator who was responsible and respectful, tidy and clean and would liaise with residents and businesses on a regular basis.

RESOLVED that Planning Permission be refused for the following reasons:-

The proposed development, in particular the car wash and tyre change element, would have an adverse impact on the vitality and viability of the designated commercial centre of Redcar and would not enhance the appearance, safety and environmental quality of the centre. The application is, therefore, contrary to Policy CS18 (Part b) of the Local Development Framework and Policy ED1 (Part e) of the emerging Local Plan.

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107.02 **R/2018/0049/CA Change of use from former art studio to a mixed use café/bar (Class A3/A4) and one residential flat (Class C3) 1-3 Bath Street Saltburn.**

This application was withdraw prior to the meeting of Regulatory Committee.

Councillor Foggo declared an interest in the following item vacated the Chair and took no part in the discussion nor voted thereon.

Councillor Wilson took the Chair for this particular item.

107.03 **R/2017/0823/CA Provision of plinth mounted sculpture land to front of the old School House South Terrace Skelton.**

The Director of Economic Growth advised that permission was sought for the provision of a plinth mounted sculpture on land to the front of Old School House, South Terrace, Skelton.

The application site was located within Skelton Conservation Area and the Old School House was a Grade II Listed Building.

The plinth would be 1m by 2m and would have a height of 0.7m. The sculpture would be 1.95m high giving an overall height of 2.65m.

The sculpture would be of three miners and would be cast in resin with an ironstone effect finish.

The consultation exercise had resulted in 2 petitions containing 30 signatures, the petition stated the following;

Friends of Skelton Community Orchard have applied for grants to have a statue of an Ironstone miner places outside the old Schoolhouse adjacent to Cross Green, if you are in favour of such a project please sign this letter of support.

4 representations had been received making the following comments:-

- Admirable venture, will be a lasting tribute to the many Skelton men who worked the mines
- Skelton History Group offered its support to the project to erect a statue of an Ironstone Miner.
- Skelton Men's Group fully supported the commissioning of a statue.
- The statue would define the heritage of the area.
- In favour of a statue of a miner.

Skelton and Brotton Parish Council were in support of the application.

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Councillor Walsh had stated that the proposal had his full support.

Redcar and Cleveland Borough Council (Development Engineers) had no objections from a highway point of view.

Redcar and Cleveland Borough Council (Conservation Advisor) objected to the application as it was considered the proposal would harm the character of the conservation area and the setting of the nearby listed schoolhouse, thus conflicting with policies CS25, DP9 and DP10 of the LDF and Policies HE1 and HE2 of the draft Local Plan.

The Director of Economic Growth advised that The main considerations in the determination of the application were;

- the impacts on the character and appearance of the conservation area and
- the impacts on the setting of the Grade II Listed Building.

The application site was located within Skelton Conservation Area and to the front of a Grade II Listed Building

He then went on to refer to paragraphs 131, 132 and 134 of the NPPF, Policy CS25, DP9 and DP10. He advised that Policies HE1 and HE2 of the emerging Local Plan reflected the views contained within policies CS25, DP9 and DP10 of the Local Development Framework.

The Councils conservation advisor had commented;

The part of the conservation area surrounding the application site is characterised by its rural, bucolic nature. It forms the historic pre-industrial heart of Skelton, in contrast to the later expansion of the High St and the development of New Skelton and North Skelton. This objection should not however be taken as opposition to the concept of drawing attention to the industrial heritage of the area, but is based on concerns that doing so will detract from one of the few well preserved historic village centres. These concerns are increased by the size of the sculpture, which will be even more prominent by being mounted on the stone planter and will draw focus from the historic village green and the remains of the market cross, which are an historic focal point.

The proposed sculpture due to the location, scale and design would detract from the character and appearance of Skelton Conservation Area. The application does not preserve or enhance this part of the Conservation Area and the application was contrary to policies CS25 and DP9 of the Local Development Framework and policy HE1 of the emerging Local Plan.

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The Councils Conservation Advisor had stated

With regard to the setting of the GII listed schoolhouse, concerns are centred around aesthetic and historic significance. Views of the schoolhouse, which currently enjoys a largely open forward vista, will be obstructed by the sculpture. The historic significance of the schoolhouse will also be affected, with the presence of the sculpture likely to result in many presuming the schoolhouse was erected as a response to the largescale industrial expansion of the area, when it in fact pre-dates that period.

The proposal would impact on the immediate setting of the listed building in so far as the development was located within the open space to the front of the building. The application would detract from the setting of the listed building and was therefore contrary to policies CS25 and DP10 of the Local Development Framework and policy HE2 of the emerging Local Plan.

The application raised no issues in terms of crime prevention.

Given the nature and location of the development the proposal raised no issues in terms of neighbour amenity.

The application had been reviewed by the Councils Development Engineers who had stated they have no objections to the proposal.

For the reasons outlined above the proposal was not considered acceptable. While the application raised no issues in terms of neighbour amenity, highways safety or crime prevention the concerns in relation to the impacts on the conservation area and the listed building were of such that the application was recommended for refusal. The application was contrary to policies CS25, DP9 and DP10 of the Local Development Framework and policies HE1 and HE2 of the emerging Local Plan.

The supporters at the meeting made the following comments:-

- Skelton Community Orchard were working with the Clean and Green Team to improve the borders outside the rectory. There were plans to clear the weeds and replant to making it maintenance free;
- Aware of the need to maintain the character of the Conservation Area but this proposal would preserve the area and should sit nicely on the site;
- The statue would be an important entrance feature for the village;
- The plinth the statue would sit on was already there;
- The statue would honour the miners and highlight the village's heritage;

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- One of the objections was that it would harm the character of the Conservation Area yet there were telegraph poles, street furniture and the BT building which were far more detrimental;
- Another objection was that it would impact on the view of the school house however the front elevation would still be fully visible from the Green;
- The historical significance of the school house would not be significantly affected in fact the statue would complement the existing mining heritage on the Green;
- There were no suitable alternative locations.

Councillor Walsh represented the Ward and made the following comments:-

- Advised Members that he had supported the application from conception and that he was disappointed with the recommendation to refuse;
- The area had a long mining history with the 1871 census showing that there were 16 miners living in the area around the Green and a further 20/30 living in the immediate area. The Annual Miners Demonstration started here.

Councillor Foggo represented the Ward and made the following comments:-

- Agree with the comments made by Councillor Walsh regarding the mining history in the area. The miner's children attended the school;
- The existing plinth would be used and its position meant that it would not be in direct line of the school house;
- Policy HE1 of the emerging Local Plan referred to the heritage environment and respecting the architecture however, the plinth was outside the curtilage of the school house.
- Policy HE2 advised that there should be no harm to the heritage asset or effect the boundary or layout. This proposal would be an advantage to the village and would provide a focal point at the entrance to the village.

RESOLVED that Planning Permission be granted subject to the following conditions:-

1. The development shall not be begun later than the expiration of **THREE YEARS** from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan received by the local planning authority on 13 12 2017
Sculpture Details received by the local planning authority on 09 01 2018

REASON: To accord with the terms of the planning application.

Councillor Foggo resumed the Chair.

108. **DELEGATED DECISIONS.**

The Director of Economic Growth circulated a schedule of delegated decisions determined by the Director of Economic Growth under the delegated power procedure.

: - NOTED.

109. **PLANNING APPEAL RECEIVED.**

R/2017/0622/FF Two storey extension at rear at 80 Lincoln Road Redcar.

The appeal was made against refusal of planning permission (Delegated Decision 8 November 2017).

Written representations.

R/2017/0618/CA Replacement of existing false sash timber windows with false sash UPVC windows at front and replace existing timber front door with GRP/wood composite door at 21 Yearby Road Yearby.

The appeal was made against the refusal of planning permission (Delegated Decision on 25 October 2017).

Written representations.

R/2017/0242/FF Use of vacant taxi office and associated car parking as a car wash and mini valet facility at land rear of 152 High Street Eston.

Written representations.

:-NOTED.

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110. **SCHEDULE OF ENFORCEMENT ACTIONS.**

The Director of Economic Growth presented Members with the schedule of enforcement actions which had been undertaken in the period 27 February 2018 to 20 March 2018.

:-NOTED.

111. **PLANNING APPEAL DECISION.**

R/2017/0523/FF Erection of a dwellinghouse with attached orangery and detached double garage at front (revised scheme) at Clifton Holdings Ormeby Bank Ormesby.

The appeal was made against refusal of planning permission (Delegated Decision 18 October 2017) and had subsequently been ALLOWED.

:-NOTED.

112. **REDCAR AND CLEVELAND STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT.**

The Director of Economic Growth outlined the justification for and the process of preparing the Strategic Housing and Economic Land Availability Assessment (SHELAA), on which work had recently commenced.

:-NOTED.

113. **SOUTH TEES AREA SUPPLEMENTARY PLANNING DOCUMENT UPDATE.**

The Director of Economic Growth updated Members on the progress of the preparation of the South Tees Supplementary Planning Document (SPD) and the timetable for adoption.

:- NOTED.

114. **CURRENT SECTION 106 AGREEMENTS RECOMMENDATION OF AUDIT REPORT.**

The Director of Economic Growth presented a response to a recommendation of the Tees Valley Audit and Assurance TVAAS report (April 2016) in respect of the reporting of progress on the completion of Section 106 agreements.

:-NOTED.

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