

# Redcar and Cleveland Borough Council

## Planning (Development Management)

APPLICATION NUMBER: R/2017/0833/FFM  
LOCATION: REAR OF 119 CHURCHILL ROAD ESTON TS6  
9NT  
PROPOSAL: DEMOLITION OF EXISTING BUNGALOW;  
ERECTION OF 16 SEMI-DETACHED DORMER  
BUNGALOWS INCLUDING NEW VEHICULAR  
AND PEDESTRIAN ACCESSES

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### APPLICATION SITE AND DESCRIPTION

Permission is sought for the demolition of existing bungalow; erection of 16 semi-detached dormer bungalows including new vehicular and pedestrian accesses on land at rear of 119 Churchill Road Eston.

The site comprises both the bungalow and garden at 119 Churchill Road, Eston, together with an area of undeveloped land to the rear and bounded by dwellings fronting the High Street, Churchill Road, Greenway and Dorman Road, Eston. The site has area of 0.3376 Ha.

The site is within the limits to development and is approximately 500m walking distance from Eston Square which is located to the east of the site.

Access to the site is from 119 Churchill Road (recently demolished). This would have a 2.4m by 43m visibility splay. A shared access is proposed.

The submission indicates a dormer bungalow design each with one pitched roof dormer at the front and two pitched roof dormers at the rear. Each bungalow would have a ground floor front bay window. The submitted plans show four different external finishes.

The application is supported by;

- Plans showing a layout, access and house types
- Affordable Housing Statement
- Planning, Design and Access Statement
- Land Contamination Desk Study Phase 1
- Drainage Strategy Plan
- Bat Survey
- Statement of Community Involvement

### DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

## **NATIONAL PLANNING POLICIES**

National Planning Policy Framework (NPPF)

## **REDCAR & CLEVELAND LOCAL DEVELOPMENT FRAMEWORK (LDF)**

### **CORE STRATEGY DPD**

CS1 Securing a Better Quality of Life

CS2 Locational Strategy

CS3 Spatial Strategy for Greater Eston

CS13 Meeting the Housing Requirement

CS14 Phasing of Housing Development

CS15 Delivering Mixed and Balanced Communities and Quality Homes

CS20 Promoting Good Design

CS24 Biodiversity and Geological Conservation

CS25 Built and Historic Environment

CS20 Promoting Good Design

### **DEVELOPMENT POLICIES DPD**

DP1 Development Limits

DP2 Location of Development

DP3 Sustainable Design

DP4 Developer Contributions

DP6 Pollution Control

DP7 Potentially Contaminated and Unstable Land

DP10 Listed Buildings

DP11 Archaeological Site and Monuments

### **EMERGING LOCAL PLAN**

On 19 April 2017, the Council formally submitted the Local Plan Publication Draft (together with the Council's proposed Main Modifications) to the Secretary of State for examination. The Inspector's Report in to the Examination of the Redcar & Cleveland Local Plan was published on 23 March 2018 and finds that the Local Plan provides an appropriate basis for planning in the Borough provided the recommended main modifications are made. Para 216 of the National Planning Policy Framework states that from the day of publication, decision makers may give weight to relevant policies in emerging plans according to; the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies in the plan and the degree of consistency with the NPPF. Until the plan is adopted in spring 2018 decisions on applications will reflect this approach.

SD1 Sustainable Development

SD2 Locational Policy

SD3 Development Limits

SD4 General Development Principles

SD5 Developer Contributions

SD7 Flood and Water Management  
H1 Housing Requirements  
H2 Type and Mix of Housing  
H4 Affordable Housing  
N4 Biodiversity and Geological Conservation  
HE2 Heritage Assets  
LS1 Urban Area Spatial Strategy

## **OTHER POLICY DOCUMENTS**

Design of Residential Areas Supplementary Planning Document

Affordable Housing Supplementary Planning Document

Developer Contributions Supplementary Planning Document

## **RELEVANT PLANNING HISTORY**

R/2006/1156/OOM Outline application for residential development including demolition of 73 High Street. Approved 5 April 2007

R/2007/1245/VC Variation of condition 4 (visibility splay) of planning application R/2006/1156/OOM. Approved 14 August 2008

R/2008/0399/RM Residential development comprising of 16 no. dwellings; including demolition of 73 High Street, new road and car parking (revised scheme). Approved 14 August 2008

R/2016/0747/OOM Outline application (all matters reserved) for the demolition of existing bungalow to provide access for residential development (12 dwellings) (amended scheme). Approved 10 August 2017

## **RESULTS OF CONSULTATION AND PUBLICITY**

This application has been advertised by means of a press notice, site notice and neighbour notification letters.

As a result of the consultation period the following representations have been received;

8 representations objecting to the application;

- Visibility splays not accurate.
- Access road not sufficient.
- Desk top reports not satisfactory.
- Tandem parking will restrict movements.
- Impact of vehicular headlights.
- Lack of boundary details.
- Plots small.
- No external storage.
- Other housing applications are allow on appeal.

- Loss of amenity.
- Loss of privacy.
- Detrimental Impacts.
- Security.
- Road safety.
- Frustration with the number of applications on this site.
- Shared access proposed as normal access with pavement not feasible.
- Risk assessment should be undertaken for the access.
- Boundary fence should be put around the site for security.
- Agree with Councillor Nortons comments.
- Lack of consideration to existing residents.
- Object due to same reasons as before.
- Previous objections not considered.
- Road too narrow.
- Parking permits should be issued for residents on Churchill Road.
- Land prone to flooding.
- Development not thought through.
- Request a site visit.
- Reduction in Council Tax should be provided to existing residents.

3 representations in support;

- Happy with a fence to protect the adjoining properties.
- Bungalows instead of houses are better.
- No more issues.
- Pleased developer has listened to residents.
- Less obtrusive development.
- More fitting to existing properties.

### **Ward Members**

Councillor Norton has made the following comments;

*I refer to the above planning application and whilst I do not seek to object per se to the plan I do want to establish a clear understanding of the boundary treatment between houses numbers 117 and 121 once 119 has been demolished. Currently 119 forms the boundary of 117 and 121 through which there is no access to the proposed development. However, once 119 is demolished to make way for the development then the boundaries of 117 and 121 become instantly vulnerable to those who would choose to trespass. Further, that the disturbance created by construction traffic is likely to become intolerable to those who occupy either side of the access point. I am particularly concerned for the occupant of 121, who for good reasons I cannot disclose much more about given this letter will become a matter of public record.*

*I would ask the planning officer adjudicating in this matter to make stringent conditions on the builder to immediately install a substantial boundary wall that will protect 117 and 121 from the effects of trespass and other such nuisance as will be caused.*

*The layout plan is indicative of a footpath (or shared highway) with a small grass verge abounding 121 and a grass verge abounding 117. I would suggest that this is not feasible given the narrowness of the proposed new access.*

*I would welcome any discussion between the planners, developers and myself to progress a suitable option to the boundary treatment so as to protect those who occupy 117 and 121.*

### **Cleveland Police (Architectural Liaison Officer)**

*In relation to this application. I recommend applicant actively seek to develop to accredited Secured By Design Homes Gold standards, or at the least Silver accreditation. I have spoken to architect and am hoping to progress a meeting in the near future in order to offer advice, guidance in designing out opportunities for crime and disorder to occur in the future.*

### **Northumbrian Water**

*Thank you for consulting Northumbrian Water on the above proposed development.*

*In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.*

*Having assessed the proposed development against the context outlined above we have the following comments to make:*

*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. We would therefore request the following condition:*

*Condition: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.*

*Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.*

*How to Satisfy The Condition*

*The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-*

- Soakaway
- Watercourse, and finally
- Sewer

*If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at*

*<https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.*

*Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.*

### **Redcar and Cleveland Borough Council (Local Lead Flood Authority)**

*The applicant has not provided sufficient information with regards to the following:*

*No greenfield runoff calculations have been provided No calculations to support the sizing of storage on site (online storage and storage crates). The supported documents (Microdrainage print outs) do not confirm climate change applied at 40%. The LLFA would wish to see full microdrainage package print outs or be sent the MDX files) Confirmation of control mechanism at discharge point pipe 1.003.*

*Access and maintenance requirements for storage crates (Applicant indicates on drawing MD1198/0100 online storage and connection to connect to NWL) Confirmation of future responsibility of storage crates.*

*Should the above information not be submitted prior to your decision all of the above could be agreed at a later date by conditioning as per below;*

*1. Prior to the commencement of the development, or in such extended time as may be agreed in writing with the Local Planning Authority, details shall be submitted and approved of the surface water drainage scheme and the development shall be completed in accordance with the approved scheme. The design of the drainage scheme shall include;*

- (i) Restriction of surface water greenfield run-off rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm.*
- (ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method. The design shall also ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the*

system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.

(iii) Full Micro Drainage design files (mdx files) including a catchment plan

(iv) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change

Reason - To ensure the development is supported by a suitably designed surface water disposal infrastructure scheme and to minimise the risk flooding in the locality.

2. Prior to the commencement of the development, or in such extended time that may be agreed with the Local Planning Authority, details of a Surface Water Drainage Management Plan shall be submitted and approved by the Local Planning Authority. The Management Plan shall include;

(i) The timetable and phasing for construction of the drainage system

(ii) Details of any control structure(s)

(iii) Details of surface water storage structures

(iv) Measures to control silt levels entering the system and out falling into any watercourse during the construction process The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason - To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process.

3. The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted to and approved by the Local planning Authority; the plan shall include details of the following;

(i) A plan clearly identifying the sections of surface water system that are to be adopted (ii) Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

Reason - To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality.

Clarification response:

The additional conditions are required due to the applicant now detailing storage within the highway that was not shown on previous drainage plan (12 dwellings)

### **Redcar and Cleveland Borough Council (Archaeology Consultant)**

We commented on outline application reference number R/2016/0747/OOM for residential development consisting of 14 dwellings in April last year, and our assessment and recommendation appear below. This new application presents the same issues for archaeological consideration, though with slightly amended indirect affects on setting of the nearby listed church.

Archaeological Assessment

*As stated in our previous advice, 'Setting' itself is not a heritage asset, but adverse impacts on setting have the ability to detract from the value of a heritage asset, and so cause harm. This new application however specifies the type of housing to be provided.*

*Comments from the Council's conservation officer indicate that given the prominence of the listed church that there will be no adverse impact on setting, and bearing in mind that the current proposal is specified as for dormer bungalows rather than indeterminate 'dwellings' in outline, we would agree with this view.*

#### *Recommendation*

*No further archaeological assessment and/or archaeological mitigation are required.*

#### **Redcar and Cleveland Borough Council (Natural Heritage Manager)**

*I would advise that the recommendations contained within the bat survey are followed*

#### **Redcar and Cleveland Borough Council (Conservation Adviser)**

*No objection. GII listed Christ Church has a primarily aesthetic significance, being a key building within Eston and on a prominent raised plot. Key views are from the road to the front of the church, which the building was doubtless designed to face. Historically on the periphery of the settlement, during the latter part of the 20th century land to the north and west of Christ Church has seen significant residential development, often in the form of dormer bungalows along with two storey houses.*

*The proposal is to develop a site which is encircled by residential development immediately to the west of the church by the erection of dormer bungalows. It is not however considered that the proposal will have an adverse impact upon the setting of the heritage asset precisely because of the prominence of the building, in that its elevated position raises its above its suburban surroundings. Further, the development will have no impact upon key views of the Church from the adjacent B1380 road and its aesthetic significance will be unaffected. The application is therefore considered to comply with Policy DP10 of the LDF and Policy HE2 of the draft Local Plan as the setting of the listed building is preserved.*

#### **Redcar and Cleveland Borough Council (Development Engineers)**

Initial Response:

*I refer to the above application and would offer the following comments from a highway point of view:-*

*The proposal is for 16 three bed dwellings with no garages but all have two car parking spaces on driveways, which is acceptable. These should be of a*

*permeable construction and not shed water onto the adjacent highway. The visibility splay onto Churchill Road can be achieved however the geometry of the internal road layout is not to our adoptable standards. No turning head has been created at the end of the of the western leg of the internal road and is required.*

*Please forward these comments to the applicant and in the meantime I would not wish the application to be determined.*

Final Response:

*I refer to the revised plan for the above application and would offer no objections from a highway point of view. The highway layout is acceptable with the provision of a private drive to serve the end two dwellings.*

**Redcar and Cleveland Borough Council (Environmental Protection)  
(Contaminated Land)**

*With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:*

*I note a Phase 1 Desk Study has been submitted with the above application. The desk study states that the site is unlikely to have been exposed to anything other than minimal contamination, with construction/demolition waste and possibly oils or fuel from vehicle spills the most likely source local to the structures. Asbestos may also be present on the site from previous building materials used on/adjacent to the site.*

*The study states that made ground is expected on site, therefore ground gas assessment is recommended due to the nature of the development. In order to ensure the site is suitable for use the study recommends a Phase 2 Site Investigation is recommended to verify the assumptions made in the desk study.*

*In order to minimise the environmental impact I would recommend the inclusion of the full standard Contaminated Land condition onto any planning permission which may be granted:*

*Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

**Redcar and Cleveland Borough Council (Environmental Protection)  
(Nuisance)**

*With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:*

*I note this proposed development would be located in close proximity to existing residential properties whose amenity could be affected from construction activities.*

*In order to minimise the environmental impact I would recommend the inclusion of the following conditions onto any planning permission which may be granted:*

- The working hours for all demolition and construction activities on this site shall be limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Bank Holidays. Reason: In the interest of neighbour amenity*
  
- No development shall commence, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide the following;*
  - i The parking of vehicles for site operatives and visitors;*
  - ii Loading and unloading of plant and materials;*
  - iii Storage of plant and materials used in constructing the development;*
  - vi Methods of demolition*
  - vii Measures to control the emission of noise dust and vibration during the demolition/construction period.**Reason : To protect the amenity of nearby residents*

### **Redcar and Cleveland Borough Council (Planning Strategy)**

*The application seeks outline permission for the demolition of 119 Churchill Road, Eston, to enable the construction of 16 dwellings on vacant land to the rear, as shown on the indicative layout accompanying the application. This application is similar to the outline proposals for 12x 3-bed semi-detached bungalows which was submitted by the same applicant and approved with conditions on 10 August 2017 (application ref R/2016/0747/OOM).*

*This application site occupies a slightly larger land area than the permission site as it also takes in vacant land to the rear of nos. 71-73 Eston High Street, with this additional land accounting for the 4 additional semi-detached dwellings. Under this revised scheme, the gross density would marginally increase from 45 to 47 dwellings per hectare. Notwithstanding these differences, in determining this application it is appropriate to take into account the acceptability in planning policy terms of the previous proposals.*

*The site is located within the development limits as defined by DP1 of the Local Development Framework and Policy SD3 of the emerging Local Plan, which is in the later stages of the examination process. The site is not allocated for other purposes in either plan. The National Planning Policy Framework includes a presumption in favour of sustainable development where it accords with an up-to-date Local Plan or, in cases where the plan is silent or out-of-date, any adverse impact would significantly and demonstrably*

*outweigh the benefits when assessed against the NPPF as a whole. As the site is within the development limits and not allocated for another use, there are no policies within the adopted Local Development Framework or emerging Local Plan that would prevent residential development in principle on this site, the presumption in favour of sustainable development should apply. The site is in an established residential area and a sustainable location within 200 metres of Eston District Centre and a main bus route connecting to Middlesbrough and Redcar.*

*The proposed indicative development is for 16 dwellings and will be required to provide an appropriate mix of housing, to be negotiated based upon need and aspiration identified in local housing assessments and in line with Policy CS15. Policy H2 of the emerging Local Plan allows for an appropriate mix to be provided, which enhances local housing options and is acceptable for the site and its location. The 2016 Redcar & Cleveland Strategic Housing Market Assessment (the "SHMA") indicated unmet aspirational demand for detached housing and bungalows in the Greater Eston North sub-area; the proposals would therefore contribute to meeting an assessed local demand and on that basis would be expected to be capable of development in the short-term. The application site is most strongly related to the Churchill Road residential area, including adjoining streets, which contains a mix of post-war suburban detached and semi-detached houses, bungalows and dormer bungalows. It is considered that the proposed dwellings, while uniform in nature and occupying comparatively smaller plots, would be broadly in keeping with the residential character of that area.*

*Policy DP4 requires that developer contributions are sought from developments in line with the Developer Contributions and Affordable Housing SPDs. The Affordable Housing SPD states that housing developments are required to provide affordable housing where 15 or more units are proposed. However, as the SHMA confirms that there is no requirement for affordable housing in the Greater Eston North sub-area, within which the site is located, no affordable dwellings or financial contributions towards affordable housing provision are proposed in this revised scheme.*

*The design of the proposals and impact on the amenity of the surrounding area would also need to be considered in accordance with DP2 and DP3 and the guidance given within the SPDs.*

## **CONSIDERATION OF PLANNING ISSUES**

The main considerations in the determination of the application are;

- The principle of development;
- Impacts on the character and appearance of the area;
- Impacts on residential amenity;
- Contamination;
- Highways safety;
- Flooding and drainage;
- Ecology;
- Heritage;

- Affordable Housing;
- Crime.

### **Principle of Development**

The site is located within the development limits as defined by DP1 of the Local Development Framework and policy SD3 of the emerging Local Plan. The site is not allocated for other purposes within the adopted or emerging development plan.

The site is within an existing residential area and in walking distance of Eston District Centre. Planning Strategy advice is that it is to be considered to be in a sustainable location.

The site has not been allocated for housing in either the Local Development Framework or emerging Local Plan; the National Planning Policy Framework includes a presumption in favour of sustainable development where it accords with an up-to-date Local Plan or, in cases where the plan is silent or out-of-date, any adverse impact would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As the site is within the development limits and not allocated for another use, there are no policies within the adopted Local Development Framework or emerging Local Plan that would prohibit residential development, in principle, on this site and there should, therefore, be a presumption in favour of sustainable development.

This site would be considered a windfall site and account is taken of the potential for achieving development on windfall sites in the calculation of the Councils 5 Year Housing Supply.

### **Character and Appearance**

The plans show a development comprising 16 dwellings on an irregular shaped plot lying to the rear of dwellings fronting the High Street, Churchill Road, Greenway and Dorman Road Eston.

In line with policy CS15 the development would be required to provide an appropriate mix of housing based upon need and aspiration identified in local housing assessments. Policy H2 of the emerging Local Plan allows for an appropriate mix to be provided, which enhances local housing options and is acceptable for the site and its location. The Borough wide Strategic Housing Market Assessment (SHMA) currently indicates an aspiration for detached housing and bungalows within the Greater Eston Area North sub-area; the proposals would therefore contribute to meeting an assessed local demand and on that basis would be expected to be capable of development in the short-term. Churchill Drive in the vicinity of the site is predominantly detached bungalows. Policy CS17 seeks development with a density of at least 30 dwelling per hectare (dph) whereas policy H2 of the emerging Local Plan is less prescriptive with regard to density excepting for executive/executive style houses.

The provision of a discrete cul-de-sac of modest semi-detached dwellings would assist in providing a mix of housing opportunities in line with policy CS15. The proposed dwellings being set back from the Churchill Road frontage gives the opportunity to provide a design alternative to the existing bungalows without materially disrupting the appearance of the streetscene. The surrounding area is predominantly residential. Each dwelling would occupy a modest plot each with a small garden and vehicle hardstanding. The development would not create conditions prejudicial to the character or appearance of the area.

Subject to securing details with regard to landscaping, boundary treatment, levels, materials and any lighting it is considered that the development would not create conditions prejudicial to the character or appearance of the area and the development complies with policies CS20, CS3, DP2 and DP3 of the Local Development Framework and policies SD4 and H2 of the emerging Local Plan.

### **Residential Amenity**

The site lies to the rear of dwellings fronting the High Street, Churchill Road, Greenway and Dorman Road. The relationship shown on the drawings is considered acceptable as the dwellings could achieve acceptable separation distances between the proposed and existing dwellings with regard to privacy and massing. To ensure a satisfactory form of development it is considered that a planning condition be imposed with regard to the resulting ground and finished floor levels.

The general activity associated with the occupation of 16 dwellings would be unlikely to create a nuisance to neighbouring occupiers. It is however; recommend that conditions with regard to boundary treatment, construction hours and a construction management plan be imposed on any planning permission.

On the basis of the information available, it is considered that the development will not cause material harm to the living conditions of nearby residential occupiers and that the proposal complies with policies DP2, DP3 and DP6 of Local Development Framework and policy SD4 of the emerging Local Plan with regard to residential amenity.

### **Contamination**

The application is supported by a Contaminated Land Assessment and this does not highlight any area of potential concern with regard to contamination. However, the contaminated land officer has advised that the desk study states that the site is unlikely to have been exposed to anything other than minimal contamination, with construction/demolition waste and possibly oils or fuel from vehicle spills the most likely source local to the structures. Asbestos may also be present on the site from previous building materials used on/adjacent to the site. Further, the study states that made ground is expected on site, therefore ground gas assessment is recommended due to the nature of the development. In order to ensure the site is suitable for residential use the

study recommends a Phase 2 Site Investigation is recommended to verify the assumptions made in the desk study. Therefore, due to the sensitive end use it is recommended that a full contaminated land assessment is carried out. This may be secured by planning condition. The proposal therefore is considered to comply with policy DP7 of the Local Development Framework and policy SD4 of the emerging Local Plan with regard to contamination.

### **Highway Safety**

Access to the site would be from Churchill Road between no.117 and 119 Churchill Road. The layout plans show an inverted T-shaped cul de sac with shared access arrangement. Each dwelling is shown to be served by two car parking spaces. A visibility splay of 2.4m by 43m can be achieved and this, together with the layout (with the revised layout showing a private drive within the south east corner serving two dwellings), is acceptable to the Highway Authority. To achieve a satisfactory form of development a number of conditions are recommended with regard to securing a Construction Method Statement and materials.

In the light of the advice received it is considered that the development would not create conditions prejudicial to highway safety and would accord with current highways standards for new development. It is concluded that development can be accommodated at this site without detriment to highway safety. The proposal therefore complies with policies CS20, DP2 and DP3 of the Local Development Framework and policy SD4 of the emerging Local Plan with regard to highway safety.

### **Flooding and Drainage**

The submitted documentation indicates that surface water would be dealt with by a system of storage crates and oversize pipes connecting to the mains drainage system. No objections have been raised to the proposal by the Council as Local Lead Flood Authority (LLFA) or Northumbrian Water. They have, however, both requested that conditions be attached to any planning permission to ensure that surface water and foul drainage at the site is adequately dealt with. This will ensure that this site does not create or exacerbate at flooding problems in the area by reason of surface water disposal.

The proposal complies with policies CS20, DP2 and DP3 of the Local Development Framework and policies SD4 and SD7 of the emerging Local Plan with regard to drainage.

### **Ecology**

A bat survey has been submitted to support this application and the report summarises the position:

A number of trees within the site had been felled prior to the surveyors visit. The survey notes that the site consists of an area of land recently cleared of vegetation with semi mature trees to the periphery of various species. There

are no structures within the site, a number of trees within the site have recently been felled as part of site preparation together with the clearance of dense scrub vegetation. The surveys were undertaken outside of the bat breeding season when bats are hibernating and potentially scattered in the wider environment, observing bats at this time of the year is unlikely. Semi mature trees are located to the periphery to the site primarily to the eastern and western boundaries. The bat roost potential of the features within the site has been assessed with reference to the criteria laid out in the Bat Mitigation Guidelines (Mitchell-Jones, 2004). The trees do not possess sufficient stem diameters or features consistent with use by bats as a roosting site. There is no evidence that bats use the trees to the periphery of the site as roost locations. Potentially bats may be present to the numerous dwellings surrounding the site. Bats potentially could use the trees to the periphery of the site for foraging purposes. Bats may also cross the site whilst commuting between roost locations and other foraging areas. The habitat surrounding the site was considered to be reasonable for the potential presence of foraging bats.

It was noted that breeding birds may nest to the trees to the site perimeters no evidence of past nesting behaviour was observed. No evidence of nesting by birds was found to the various trees to the site periphery however there is potential for nesting birds to use these trees. There is no evidence of barn owls being present within the site.

The survey report recommends the following:

The following mitigation proposals are considered necessary as part of a planning application.

- Provision of Habitat bat roost boxes and bird nest boxes to the new structures within the site in order to provide additional habitat for wildlife as per the National Planning Policy Guidance
- Birds could potentially utilise the trees to the site for breeding and therefore no works should be conducted to prevent disturbance during the bird breeding season 1st March to 31st August.
- In order to maintain the potential for bats to forage to the tree lines to the perimeter lighting within the site should be low wattage and downward facing.

The comments of the Natural Heritage Manager have been sought and he advises that the report is satisfactory. As a result it considered necessary to require mitigating conditions with regard to bat and bird boxes, lighting and to ensure there is no vegetation clearance on site during the bird breeding season (March to August inclusive) unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present and require the provision of bat and nest boxes.

Overall it is considered that the development complies with policies CS24, DP2 and DP3 of the Local Development Framework, policies SD4 and N4 of the emerging Local Plan with regard to ecology.

## **Heritage**

The site is adjacent to the listed Christ Church. The Council's conservation advisor has raised no objections to the development

The consultant archaeologist notes the comments of the conservation advisor and has stated that no mitigation is required.

Planning permission has previously been granted on part and all of the application site although the previous permissions have not been implemented.

The proposal, due to the proposed scale and massing and given the existing development in the area, would not have an adverse impact on the setting of the listed Church.

The application accords with the aims of policies CS25 and DP11 of the Local Development Framework and policies SD4 and HE2 of the emerging Local Plan with regard to heritage.

## **Crime Prevention**

The introduction of the 16 dwellings on this site would introduce both passive and active surveillance over the area. The advice of Cleveland Police of the offer to work with the developer and the contact with the developers architect is noted. The proposal complies with policies CS20 and DP3 of the Local Development Framework and policy SD4 of the emerging Local Plan.

## **Affordable Housing**

Policy DP4 requires that developer contributions are sought from developments in line with the Developer Contributions and Affordable Housing Supplementary Planning Documents.

The Affordable Housing Supplementary Planning Document states that housing developments are required to provide affordable housing where 15 or more units are proposed. Policy H4 of the emerging Local Plan also seeks affordable housing contributions subject to economic viability in appropriate cases outside the Low Value Area.

The site is within the Low Value Area and the Strategic Housing Market Assessment (the "SHMA") confirms that there is no requirement for affordable housing in the Greater Eston North sub-area, no affordable dwellings or financial contributions towards affordable housing provision are proposed in this revised scheme.

As a result of the location there is no requirement for an affordable housing provision. The proposal complies with policy DP4 of the Local Development Framework and policy H4 of the emerging Local Plan.

## **CONCLUSION**

The site is within an existing residential area and therefore the principle of residential development is acceptable.

The development can be accommodated at this site without undue detriment to the character or appearance of the area, residential amenity, highway safety, heritage, ecology, flooding or crime prevention.

The development is in accordance with the aims of both national and adopted and emerging local Development Plan policy.

## **RECOMMENDATION**

Taking into account the content of the report the recommendation is to:

GRANT PLANNING PERMISSION subject to the following conditions:

## **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:1250 and Block Plan Scale 1:500, Drawing Nrs 03, 04, 05 and 06 (each showing the dwelling type and variety of external treatments) received by the Local Planning Authority on 24 November 2017 and drawing Nr 14 showing the extent of the proposed adopted vehicle access and dwelling layout received by the Local Planning Authority on 17 April 2018

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

2. Details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved in writing by the Local Planning Authority, prior to the implementation of the development beyond foundation level and the development shall not be carried out except in accordance with the approved details.

REASON: To ensure the use of satisfactory materials.

3. Details of materials to be used for all hard surfaces shall be submitted to, and approved in writing by the Local Planning Authority, prior to the implementation of the development beyond foundation level and the development shall not be carried out except in accordance with the approved details.

REASON: To ensure the use of satisfactory materials.

4. Any external lighting installed at this site shall be in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of development in close proximity to the railway. The approved details shall be implemented in their entirety and thereafter be maintained.

REASON: In the interests of amenity.

5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the substantial completion of the first of the dwellings hereby approved. The details shall include size, type and species of plant and indicate the proposed layout and surfacing of all open areas. A programme of work shall also be submitted and implemented in accordance with the approved details.

REASON: To reserve the rights of the Local Planning Authority with regard to these matters.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the satisfactory implementation of the approved scheme in the interests of the visual amenities of the locality.

7. Prior to the first occupation of any part of the development hereby approved boundary walls and fences shall have been erected in accordance with a scheme that has first been agreed in writing with the Local Planning Authority and shall thereafter be maintained.

REASON: In the interests of visual and residential amenity.

8. Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (a) to (c) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (e) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be

produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part (a) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

(e) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. The development shall not proceed beyond site clearance until details of the existing and proposed ground levels together with finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development.

10. The development shall not recommence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide the following;
  - i The parking of vehicles for site operatives and visitors;
  - ii Loading and unloading of plant and materials;
  - iii Storage of plant and materials used in constructing the development;
  - iv Methods of demolition;
  - v Measures to control the emission of noise dust and vibration during the demolition/construction period.

REASON: To protect the amenity of nearby residents

11. Details regarding bin storage shall be submitted to the Local Planning Authority for approval in writing prior to the completion of the first dwelling of the development hereby approved. The approved details shall be implemented in their entirety and the bin storage shall be available to each individual dwelling prior to first occupation and shall thereafter be maintained.

REASON: In the interests of residential amenity and the appearance of the development.

12. As part of the development habitat bat roost and bird nest boxes shall be incorporated within the new development in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority prior to the substantial completion of any of the dwellings hereby approved. The approved scheme shall be implemented in its entirety prior to the substantial completion of the last dwelling at the site and the bat roost and bird nest boxes shall thereafter be maintained.

REASON: In the interests of local wildlife.

13. Notwithstanding the details submitted development shall not commence beyond the demolition of the existing dwelling until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. The drainage scheme shall include:
  - (i) Restriction of surface water greenfield run-off rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
  - (ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method. The design shall also ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.
  - (iii) Full Micro Drainage design files (mdx files) including a catchment plan
  - (iv) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change

Thereafter the development shall take place in accordance with the approved details.

REASON: To ensure a satisfactory drainage scheme for the scheme is achieved and to prevent the increased risk of flooding from any sources.

14. The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been

submitted to and approved by the Local Planning Authority in writing.

The plan shall include details of the following;

(i) A plan clearly identifying the sections of surface water system that are to be adopted (ii) Arrangements for the short and long term maintenance of the SuDS elements of the surface water system.

The approved management and maintenance plan shall be implemented in its entirety and thereafter shall be adhered to.

REASON: To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality.

15. Prior to the commencement of the development beyond the demolition of the existing dwelling, or in such extended time that may be agreed with the Local Planning Authority, details of a Surface Water Drainage Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall include;
- (i) The timetable and phasing for construction of the drainage system
  - (ii) Details of any control structure(s)
  - (iii) Details of surface water storage structures
  - (iv) Measures to control silt levels entering the system and out falling into any watercourse during the construction process.

The development shall be carried out in accordance with the approved Management Plan.

REASON: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process.

16. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

REASON: In the interest of neighbour amenity.

17. Any vegetation clearance on site should avoid the bird breeding season (March to August inclusive), unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to works.

REASON: In the interests of the protection of breeding birds

## **STATEMENT OF COOPERATIVE WORKING**

The Local Planning Authority considers that the application as originally submitted did not meet with the local policies and guidance. Following discussions with the applicant / agent a satisfactory scheme has been negotiated.

## **INFORMATIVES**

1. The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure mud, debris or deleterious material is not deposited from the site onto the public highway and, if it is, it shall be cleared by that person.
2. At no point shall the adopted highway be blocked up without the prior consent of the Councils Highways Maintenance section.
3. It is recommended that the developer puts in place temporary boundary treatment during the construction phase in order to protect the adjacent residential occupiers.