

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2017/0913/OOM
LOCATION: SALTburn RIDING SCHOOL MARSKE ROAD
SALTburn BY THE SEA TS12 1PW
PROPOSAL: OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT (UP TO 75 DWELLINGS) WITH
ASSOCIATED VEHICULAR AND PEDESTRIAN
ACCESSES

APPLICATION SITE AND DESCRIPTION

Outline planning permission is sought for residential development of up to 75 dwellings. Matters relating to landscape, appearance, scale and layout are reserved for later approval and with access being considered as part of this application.

The application site comprises 2.89ha of land. The site is bound by Marske Road to the north, agricultural fields to the south and west and a development site for residential dwellings to the east is under construction. The site is relatively flat rising gently to the south.

A site plan illustrating the proposed access point off Marske Road and associated highway works along with an indicative site layout plan has been submitted with the application along with the following documentation;

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Phase 1 Geo-Environmental report
- Flood Risk Assessment
- Statement of Community Involvement

The proposal has been screened for the purposes of the Environmental Impact Assessment Regulations and officers have concluded that the application does not propose development which requires the submission Environmental Impact Assessment.

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
CS5 Spatial Strategy for Redcar
CS6 Spatial Strategy for East Cleveland and the Villages
CS13 Meeting the Housing Requirement
CS15 Delivering Mixed and Balanced Communities and Quality Homes
CS17 Housing Density
CS19 Inclusive Communities
CS20 Promoting Good Design
CS23 Green Infrastructure

DEVELOPMENT POLICIES DPD

DP1 Development Limits
DP2 Location of Development
DP3 Sustainable Design
DP4 Developer Contributions
DP5 Art and Development
DP6 Pollution Control
DP7 Potentially Contaminated and Unstable Land

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

LS2 Coastal Area Spatial Strategy
H1 Housing Requirements
H2 Type and Mix of Housing
H4 Affordable Housing
N2 Green Infrastructure (Strategic Gaps)
N3 Provision of Open Space and Recreation Facilities

Redcar and Cleveland Local Plan (1999)

H9 Affordable Housing

OTHER POLICY DOCUMENTS

Design of Residential Areas Supplementary Planning Document

Affordable Housing Supplementary Planning Document

Developer Contributions Supplementary Planning Document

Strategic Housing Land Availability Assessment (August 2017)

Strategic Housing Market Assessment (February 2016)

PLANNING HISTORY

No relevant history relating to the application site and the proposed development.

The neighbouring site (Taylor Wimpey) to the east was granted outline planning permission on appeal with reserved matters being approved by Regulatory Committee.

RESULTS OF CONSULTATION AND PUBLICITY

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

As a result of the public consultation process 8 letters of objection have been received raising the following comments;

- Impact on local highway network particularly in summer months
- Saltburn does not have infrastructure to support more development
- Welcome affordable housing but does not address overall issue
- Reduces gap between Saltburn and Marske and is against new Local Plan
- No room in local schools
- Loss of local sporting amenity and potential place to exercise
- More roadworks during construction
- Each application should stand on their own merit
- Concern about the issues raised with the Council's OAN

- OAN figure now within the Local Plan
- The site will be part of Marske
- Query as to the suitability of the site in terms of schools and jobs
- Query the bus service that serves the local area is as regular as stated
- Lists local amenities: noticeably it omits the Huntcliffe GP surgery - perhaps they already know it's already been inundated
- Site intrudes into the strategic gap
- Need for suitable landscaping on the edge of the development
- Need for affordable housing in the area
- Query whether Saltburn has the capacity to accommodate more housing
- Hard to see what significant benefits the scheme would bring
- Does the development reflect local character
- The Council can demonstrate a 5 year housing land supply
- Proposal conflicts policy SD3 of emerging Local Plan
- Site is within the Strategic Gap between Saltburn and Marske which is defined
- Concern about level of landscaping proposed and impact on neighbouring residential development
- Proposals would give rise to significant adverse impacts with no real benefits which would outweigh these harms
- Concern about proposed layout with regard to impact on character of area and landscape albeit plans are illustrative

Saltburn Marske and New Marske Parish Council

Objection - The site is outside the current LDF limits The Council's new Local Plan can now deliver more than 5 years housing land supply (The Council say they can deliver 7.3 years of housing land supply) The area identified is within the Strategic Gap. Policy CS23 indicates that the Strategic Gap will be protected.

Northumbrian Water

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.

Natural England

Response on 24/01/18

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

European/International Sites

No assessment has been provided of the potential impacts that the proposal will have on the Teesmouth and Cleveland Coast Special Protection Area.

There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development. We advise you to obtain the following information:

- The application site falls within an Impact Risk Zone for Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site.*
- The proposal therefore has the potential to have indirect impacts on this designated site as a result of an increase in recreational disturbance. Research has shown that a large proportion of visitors to the coast reside within a 6 kilometre buffer, causing disturbance to overwintering birds, which are designated features of this site.*
- However, no assessment has been provided of potential impacts; if impacts are identified a mitigation strategy will be required as well.*
- Redcar and Cleveland's Local Plan (which has now been through examination) and the accompanying Habitats Regulations Assessment have assessed potential impacts from the Local Plan and windfall development. As a result, a recreation management plan was developed, which includes a strategic mitigation scheme that development can contribute to.*
- Natural England therefore advises that the applicant discusses the proposal with the local planning authority, as well as a possible contribution to the strategic mitigation scheme to prevent impacts.*

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Response on 11/04/18

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- *have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area*

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- *Mitigation measures as described in the Appropriate Assessment*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Cleveland Police Architectural Liaison Officers

With regards to this Outline Application. I recommend that applicant ultimately seek to develop to accredited Secured By Design Gold, Homes 2016 standards. If this is not to be the case then Silver standard should be sought as a minimum. In any case, I recommend that prior to any formal full application they liaise with me for any advice, guidance I can offer in relation to designing out opportunities for crime and disorder to occur in the future.

Ramblers Association

We thank you for consulting the ramblers regarding the above application. Whilst we are not entirely happy with the idea of building on what appeared in the draft Local Plan to be a protected area, the fact that no Right of Way is directly affected means the Ramblers have no objection to the proposal. However, we fully support Tony Gordon in his proposal to issue an S106 requesting support for the upgrade of the bridleway opposite the access to the development site linking Marske Road to National Cycle Route 1 alongside the railway.

Redcar and Cleveland Borough Council (Archaeology Advisor)

As the development site is to a field on the periphery of Saltburn with evidence for no more than limited historic ground disturbance, we are of the view suggested in the DBA, namely that no settings of heritage assets will be affected by the proposal, but that there is an unknown potential for below ground archaeology to be well-preserved on the site. In the circumstances it would be reasonable for the LPA to seek to clarify the presence/absence of archaeological remains before development is allowed to take place, and when that report is received from the developer to determine whether an archaeological watching brief is required during construction.

We would therefore suggest that the following condition be attached to any planning permission granted on the application.

No development shall take place until a written scheme for archaeological geophysical assessment of the site has been submitted to and approved by the local planning authority and the work specified in such written scheme has been carried out and the report submitted to the local planning authority for consideration. The development shall thereafter be undertaken in accordance with such further written scheme (if any) for maintaining an archaeological watching brief on site during construction as the local planning authority may reasonably require, the development not commencing until any such further scheme shall have been approved by the authority.

Reason: The site may contain remains of archaeological interest.

Redcar and Cleveland Borough Council (Planning Strategy)

The proposals seek outline permission for the development of up to approximately 75 residential dwellings on land to the west of the Saltburn built-up area, adjacent to the 'Larkfields' housing development and fronting Marske Road. The site is currently used for equestrian purposes.

In the adopted development plan and in the emerging Redcar & Cleveland Local Plan, the site falls outside the development limits and inside the Strategic Gap between Saltburn and Marske. The examination into the Local Plan has concluded with the publication of the plan inspector's final report in March 2018, which finds that the plan is sound subject to the inspector's recommended main modifications. The amended plan, incorporating the modifications, is due to go before Council on 24 May 2018, with the recommendation to approve. Given these circumstances, the emerging plan can be afforded significant weight in determining this application.

The proposals do not meet any of the exceptions criteria allowing development outside the defined limits as listed under Policy DP1 of the adopted development plan. Policy SD3 in the emerging replacement plan (as amended per the plan inspector's recommendations) almost replicates DP1 but includes the following further, and pertinent exception, at criterion j:

j. redevelopment of previously developed land, provided that the site is not of high environmental value and is, or can, be made accessible by sustainable modes of transport.

Consideration therefore needs to be given in the first instance as to whether the site can be defined as previously developed or greenfield land. Approximately half the site comprises a number of low rise buildings and hardstandings and a small paddock area, with the rear half occupied by a larger grassed riding paddock. It is apparent that none of the exclusions to the stated definition of previously developed land given at Annex 2 to the NPPF would apply in this case. Furthermore, from examination of recent appeal cases for similar sites, it would appear that the entire site can for planning

purposes be defined as previously developed land, with the grassed paddock area falling within the site curtilage and considered ancillary to the main use.

Turning to the other requirements of the policy, it is apparent that the site is in a sustainable location as it is adjacent to an existing housing development site at the entrance to Saltburn, fronting the main road into the town. The reference to 'high environmental quality' reflects the NPPF at Para.111 which makes reference to avoiding development of brownfield land of 'high environmental value' but as both these terms are not defined they are open to interpretation. The site does not however appear to have any significant intrinsic environmental value: it is not within a sensitive landscape area or local wildlife site or covered by any other explicit conservation designation and does not have any apparent biodiversity interest. It is apparent from the above that the proposals would meet exception criterion j. of Policy SD3 in the emerging plan.

The acceptability of the proposals also however need to be assessed in terms of the impact on the strategic gap (Policies CS23 and N2), and the landscape and amenity having particular regard to the relevant parts of existing Policy DP3 (Sustainable Design) and emerging Policy SD4 (General Development Principles). In terms of the latter considerations, regard should be had to (be not necessarily restricted to) the following contextual issues:

- The relationship of the site with the adjacent and partly-completed Larkfields housing development, which is to include a landscaped buffer along its western boundary to soften the urban edge and, bearing this mind, the potential to achieve a logical westward extension to Saltburn.*
- The ability to achieve a coherent development, bearing in mind the long and narrow site configuration and peripheral landscaping requirements.*
- Any potential impacts on the setting of the Grade-II listed buildings at Tofts Farm some 280m to the NW.*

Should the application be recommended for approval, in accordance with policies CS15 and H4 and the adopted Affordable Housing SPD, the developer should provide a minimum of 15% of the dwellings on site as affordable units. The Strategic Housing Market Assessment has identified a need to provide general and older persons affordable housing units in the Saltburn area. In accordance with Policy N3 of the emerging plan, an appropriate contribution should also be made towards public open space provision or enhancement. As the proposals would constitute major development, an artistic element should be incorporated within the scheme. Other contributions in line with the Developer Contributions SPD may also be required.

Redcar and Cleveland Borough Council (Development Engineers)

The proposed new access and highway improvement to give a ghost right hand turn lane into the development are considered satisfactory in highway

terms. A footway is proposed along the southern side of Marske Road to connect with the existing network. The Transport Assessment shows that there is sufficient capacity on the local highway network to accommodate the potential number of vehicular movements without giving cause to any adverse impacts on capacity or road safety.

The proposal is for up to 75 dwellings- our car parking requirements are two spaces to serve 2 and 3 bed dwellings and three spaces for the 4 bed dwelling. The road layout and construction is to be to adoptable standards, in accordance with RCBC's Design Guide & Specification and to be subject to a Section 38 Agreement to ensure adoption of the highway.

Before the development commences details shall be submitted and approved in writing of a traffic management plan for the construction phase of the works, site layout including contractor car parking and materials storage for the construction phase of the works, within the site boundary.

At no point during the works is the adopted highway that runs along the sites boundaries to be blocked or obstructed without prior agreement of the highway authority.

Redcar and Cleveland Borough Council (Public Rights of Way Officer)

The development would not directly affect public rights of way. A S106 contribution should be requested towards the upgrading of the 200m bridleway link from Marske Road to the railway line in order to ensure that it is in satisfactory condition for use by cyclists for access to National Cycle Route 1.

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 the proposed development site is quite close to existing and underdevelopment residential properties whose amenity could be affected by 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 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 scheme has being submitted to and been approved in writing by the Local Planning Authority detailing measures to control the emission of noise, dust and vibration during the construction period.*

REASON: To protect the amenity of nearby residents.

Redcar and Cleveland Borough Council (Environmental Protection) (Contamination)

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 contaminated land assessment has been submitted with the above application.

The assessment does not highlight any past contaminative historic use, pollution episodes or that it is affected by contamination from adjoining land.

As a precaution I would therefore recommend the following condition to cover unexpected contamination that may be encountered during the development

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, and where remediation is necessary a remediation scheme must be prepared 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

Following completion of the development a report must be submitted confirming that unexpected contamination was not encountered during the development

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 (LLFA)

The LLFA would offer the following comments;

Further clarification is required with regards to the calculation of Greenfield run off and volume of storage.

Notwithstanding the FRA dated Oct 2017, should you be minded to approve the application the following conditions would be required;

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.

CONSIDERATION OF PLANNING ISSUES

The main considerations in the determination of the application are;

- Development Limits and Housing Land Supply
- Strategic Gap
- Impact on character and appearance of the area
- Impact on neighbour amenity
- Transport and highways impacts
- Landscape
- Ecology
- Flooding
- Land Contamination/Nuisance
- Affordable housing

Development Limits and Housing Land Supply

The application site is situated outside of the defined limits of development as identified on the Redcar and Cleveland Local Development Framework Proposals Map, a fact that is continued through to the emerging Proposals Maps in support of the emerging Local Plan. The relevant policies relating to development limits are policy DP1 of the Local Development Framework and policy SD3 of the emerging Local Plan.

Policy DP1 of the Local Development Framework states that development within development limits will be generally acceptable where it accords with site allocations and designations within the Local Development Framework. Policy DP1 does however provide exceptions to where development outside development limits will be permitted. The exceptional criteria of policy DP1 are as follows;

- a) Housing essential for farming, forestry or the operation of a rural based enterprise; or*
- b) Housing meeting the rural exceptions policy; or*
- c) An appropriate diversification of an existing agricultural or forestry activity;*
or
- d) A recreation or tourism proposal requiring a countryside location; or*
- e) Facilities essential to social and community needs; or*
- f) The replacement of an existing dwelling; or*
- g) A suitably scaled extension to an existing building; or*
- h) The conversion or reuse of a suitable existing building; or*
- i) Other development requiring a countryside location due to technical or operational reasons.*

The proposed development is not considered to comply with any of the exceptional criteria within policy DP1 of the Local Development Framework.

Policy SD3 of the emerging Local Plan states that development within development limits will be generally acceptable where it accords with site allocations and designations within the Local Plan. Policy SD3 does however like policy DP1 of the Local Development Framework provide exceptions to where development outside development limits will be permitted. The exceptional criteria of policy SD3 are as follows;

- a. an appropriate diversification or expansion of an existing agricultural or forestry activity;*
- b. a recreation or tourism proposal requiring a countryside location;*
- c. facilities essential to social and community needs;*
- d. housing essential for farming, forestry or the operation of a rural based enterprise;*
- e. housing meeting the rural exceptions policy, as set out in Policy H4:*
- f. isolated single dwellings that are of exceptional quality and incorporate innovative design features, reflecting the highest standards in architecture and sustainability;*
- g. a suitably scaled extension to an existing building;*
- h. development required to ensure the conservation and, where appropriate, enhancement of assets of historical significance;*
- i. other development requiring a countryside location due to technical or operational reasons; and*
- j. redevelopment of previously developed land, provided that the site is not of high environmental value and is, or can, be made accessible by sustainable modes of transport.*

One of the main alterations to policy SD3 from that of policy DP1 is the inclusion of criteria (j) that permits the *redevelopment of previously developed land that is not of high environmental value and is or can be made accessible by sustainable modes of transport*. The application site currently consists of a number of buildings associated with the activities that take place at the site with regard to the stabling and riding of horses. It is acknowledged that there is undeveloped land to the south of the buildings on the site, however this land is associated with the main use of the site and therefore forms part of the planning unit and given there are buildings on the site the site is considered to be previously developed land.

The application site is also considered to be in a sustainable location adjacent to a housing development currently under construction which was found to be in a sustainable location by the Inspector through the consideration of the appeal. The site is served by bus stops to the front of the site, while local facilities including shops, schools and doctors are within walking distance of the site.

It is therefore considered that the proposed development complies with criteria (j) of the emerging Local Plan due to the site having previously been developed.

The Council's latest updated assessment of five year housing supply is set out in the August 2017 Strategic Housing Land Availability Assessment (SHLAA), which covers the period from 1 April 2017 to 31 March 2022 and has been presented as evidence to the Redcar & Cleveland Local Plan Examination in Public. The SHLAA shows an estimated five year deliverable supply of 2,447 dwellings, which comfortably demonstrates a deliverable five year supply, equivalent to 11.2 years against the assessed requirement of 234 per annum as set out in the emerging Local Plan under policy H1.

While it is accepted that the application site does not form part of the SHLAA and the deliverable supply within the borough, the provision of 2,477 dwellings is a minimum requirement and therefore the potential to increase this through the granting of other sites outside of those within the SHLAA is not precluded where they comply with relevant planning policies.

Taking the above into consideration the proposed development, while conflicting with policy DP1 of the Local Development Framework, is considered to comply with policy SD3 of the emerging Local Plan due to the fact that the application site has been previously developed and therefore complies with criteria (j) of policy SD3. The emerging plan is in the later stages of examination, and therefore in accordance with paragraph 216 of the NPPF, significant weight can be afforded to policy SD3 and therefore the broad principle of the development is one that is considered to be acceptable.

Strategic Gap

The application site is situated within the strategic gap between Saltburn and Marske as identified in the Local Development Framework and the emerging Local Plan. The strategic gap was identified broadly within the Local Development Framework on a Core Strategy Key Diagram within the Local Development Framework, however within the emerging Local Plan the strategic gap has been clearly defined on the emerging Proposals Map.

The relevant policies within the Local Development Framework that relate to the strategic gap are policies DP2 (a) and CS23. Policy DP2 (a) states that development should accord with site allocations and designations in other DPD's, while policy CS23 identifies four types of Green Infrastructure, which includes the strategic gap between Saltburn and Marske. The policy identifies the gap as a green area to be protected and where appropriate enhanced to improve its quality, value, multi-functionality and accessibility. The supporting narrative of CS23 also states that the strategic gaps will be protected to ensure that the settlements do not coalesce in order to maintain their identity.

The relevant policies within the emerging Local Plan that relate to the strategic gap are policies SD4 and N2.

Policy SD4 states that development should not result in the unacceptable loss or significant adverse impact on important open spaces or environmental, built or heritage assets which are considered important to the quality of the local environment.

Policy N2 in so far as it relates to Strategic Gaps sites;

Strategic gaps, as defined on the Policies Map, between:

- i. Marske and New Marske; and*
- ii. Marske and Saltburn;*

Strategic gaps are areas identified to maintain the separate identity and character of individual settlements and to prevent their coalescence.

Development within strategic gaps will only be allowed where:

- i. it would not adversely affect the separate identity and character of settlements or their surrounding landscape;*
- ii. it would not result in visual or physical coalescence of the settlements; and*
- iii. proposals are in accordance with Policy SD3.*

The consideration of the impact on the strategic gap was assessed at the Planning Inquiry relating the proposed development for 130 dwellings on land to east of the application site, and now under construction by Taylor Wimpey. The Inspector, in assessing the application, gave significant consideration to the impact of the proposed development on the strategic gap between Saltburn and Marske, and it is considered given the juxtaposition between the application site being considered through this application and the appeal site, the findings in the appeal decision are material to the assessment of the current application.

As a result of the relationship between Saltburn and Marske and the intervening topography, it is considered that the gap that currently exists between the two settlements is not one that is only seen from one location; rather it is appreciated from a number of points including public highway, public rights of ways and public footpaths. This is a view that was shared by the Inspector in his assessment of the strategic gap, and although it is accepted the Inspectors assessment was relating to the appeal site, the comments relate to the strategic gap as a whole and not in particular to the appeal site.

38. I accept that the juxtaposition of the settlements and characteristics of surrounding topography are such that appreciation of the gap does not arise from a single static view, but from a varied sequence of views drawn from a wider experience and perception of the landscape at different locations.

39. The land in and around the gap also displays significant differences in levels, and a shallow ridge runs through from Windy Hill Farm and Tofts Farm to the north of Marske Road. At points along Marske Road, views of Marske are already obscured from the road. From higher land to the south of the appeal site, a wide horizon is visible, framed by distant views of the sea. Whilst there would be some interruption of these views at different points, views of the wider horizon and of the sea would remain intact.

The gap of undeveloped land within the strategic gap that currently exists runs west from the edge of the application site towards Marske, and north across Marske Road over the fields again to the south-eastern corner of Marske. It can therefore be accepted that the strategic gap currently contains a level of development within it in the form of the riding stable buildings and a number of farm buildings on the north side of Marske Road.

The proposed development would result in an increase in the built form and a change in the nature of development on the application site, however consideration needs to be given to the impact of such a change and whether this has an adverse impact on the gap and a resulting impact with regard to the appearance of coalescence between Marske and Saltburn.

The issue of coalescence was a matter that the Planning Inspector gave consideration to in the assessment of the neighbouring site. It is accepted that this site is further west than the appeal site; however there are existing buildings on the application site that will form part of the views that currently exist when viewing Marske and Saltburn from the south and east of the application site that would have been used in the assessment of the appeal site.

The Inspector concluded the following in the assessment of the appeal with regard to coalescence of Marske and Saltburn;

44. Nevertheless, it is important not to confuse the effect on a view with harm to the identity of Saltburn. Visual coalescence in this instance must be about sightings of the two settlements as one development in the same view, and about the extent to which such views occur. This would significantly reflect matters of scale, distance and perspective. Such occurrences would be limited, and the remaining relative distance between the two settlements from the viewer would ensure that both would generally remain visually distinct.

45. Although there would be a reduction in perceived openness from short sections of local roads and footpaths, I am satisfied from the evidence presented, and from my own inspection, that there would be no significant overall reduction in the perception of a gap.

The proposed development although in outline form has been supported by an illustrative site layout plan. This plan illustrates the potential to provide a level of landscaping along the western edge of the development site. The provision of this landscaping has the ability to soften the edge of the development and therefore reduce the impact of the development on the landscape and strategic gap. The matter of provision of landscaping was given consideration by the Planning Inspector in the assessment of the neighbouring site, and it was considered that the provision of such landscaping had benefits to not only the appearance of the proposed development but also would aid in the provision of an improved approach to Saltburn from the west along Marske Road. The Inspector concluded the

following with regard to the provision of the landscaping on the western boundary of the appeal site;

47. I consider these proposals would represent a significant enhancement of the western boundary of Saltburn and of its subsequent identity. The development would provide an attractive planted gateway to Saltburn which would improve the scenic quality of its approach along Marske Road.

It is accepted that the application site is of a lesser scale than the appeal site and therefore has reduced potential to provide the similar level of planting proposed on the Taylor Wimpey site, however based on the illustrative plans submitted, it is considered that the application site has the potential to provide sufficient planting to soften the appearance of the site, resulting in a similar positive impact on the appearance of the approach to Saltburn along Marske Road.

It is therefore considered that through the submission of suitable detailed landscaping plans at Reserved Matters, the development has the potential to improve the visual appearance of the site and the approach to Saltburn. It is accepted that the proposal will incur some loss of space between the settlements of Saltburn and Marske in the form of the grazing land to the rear of the existing buildings, however it is considered that the loss of this part of land would not result in the coalescence of Saltburn and Marske or compromise their respective identities and local distinctiveness.

The scheme is therefore not considered to be materially harmful to the strategic gap between Saltburn and Marske and would provide a more appropriate and visually attractive western boundary to the settlement through the loss of the existing buildings on the site and the provision of a suitable landscaping scheme on the western edge of the site.

It is therefore concluded that the location of the proposed development would not be harmful with regard to the site's contribution to the strategic gap and would accord with policies CS23 and DP2 of the Local Development Framework and policies SD4 and N2 of the emerging Local Plan.

Impacts on character and appearance of the area

The application is in outline with landscape, appearance, scale and layout reserved for future consideration. Future reserved matters application(s) would include details of house types including internal layouts and elevations, layout of the estate including internal access roads, individual plots and landscaping throughout the site, including buffers to the edge of the site to neighbouring land. The reserved matters application(s) would also include details of open space and landscaping throughout the site.

The application has been supported by an illustrative proposed site plan which illustrates a potential layout for the provision of up to 75 dwellings on the site as well as the potential for landscape buffers to the western edge of the site. While the site plan illustrates a potential layout that may be

achieved, it should be noted that at this time these matters are not being considered and will be subject of further application(s) should outline permission be granted.

Concerns have been raised by Taylor Wimpey as a neighbouring land owner with regard to the impact of the proposed layout, albeit illustrative, on the character and appearance of the area as well as the impact on the their adjoining site. The concerns that have been raised by Taylor Wimpey with regard to the layout of the site include; the transition from the settlement of Saltburn to rural landscape, the location of the proposed access point, the provision of dwellings in close proximity to the frontage of the site, the provision of dwellings close the rear of the site and therefore in close proximity to the PROW at the rear of the site, the provision of open space within the site and the impact on the views from their site towards the west.

It is accepted that the buildings on the riding school are more closely associated with rural/farm buildings than those which would be present at the site should it be built out for residential development. However following the approval and subsequent development of the Taylor Wimpey site, it is not considered that the same transition now appears when entering or leaving Saltburn. The new residential development will adjoin the riding stables, therefore resulting in a coalescence of the residential development and what may have been considered rural enterprise in the riding stables. It is therefore considered that the provision of dwellings on this site will not significantly impact the transitional views of this area that would require the application to be refused.

The proposed location of the access point will be located further to the west of Saltburn that that of the Taylor Wimpey development, however there is an existing entrance in this area serving the riding stables. While the access point will serve a different form of development in the form of residential dwellings, this is not considered to be a reason to refuse permission subject to suitable landscaping at the entrance to soften its appearance.

The illustrative layout shows dwellings in closer proximity to both the front of the site and the rear of the site, than has been approved on the Taylor Wimpey site. The concerns raised are noted, however as layout is not being sought through this application, this plan will not form part of any set of approved plans and therefore amendments can be made at Reserved Matters stage where necessary. The application is for up to 75 dwellings, however this is not to say that this will be the final number or in a layout as illustrated. It is accepted that there would be benefits to the street scene and the views from the PROW to the rear of the site if a greater buffer was provided on a comparable basis to the Taylor Wimpey site; however these are discussions that can take place in advance of any future submissions.

The illustrative plan does show a level of open space to be provided at the site at the northern and western edges. This again is not final as this would be considered in greater detail at reserved matters stage. The dwellings on the application site could be in close proximity to the open space on the

neighbouring site, however there is considered to be potential to provide a suitable relationship that would not impact on the character and appearance of either site that would require the refusal of this application.

While it is accepted that the Taylor Wimpey site was designed to accommodate views westwards along internal roads and from private dwellings, there is no right to a view in planning, and while the development would alter the view, this is not considered to be significantly different from the change in views that were previously offered to those dwellings on Wilton Bank in advance of the Taylor Wimpey development. The change in view and appearance is therefore not considered to be a reason for refusal.

It is considered that a scheme can be achieved on site which would not cause significant harm to the character and appearance of the street scene and which would accord with the relevant aspects of policies CS20, DP2 and DP3 of the Local Development Framework policy SD4 of the emerging Local Plan and the guidance contained within the Design of Residential Areas Supplementary Planning Document.

Impacts on neighbour amenity

The application has been submitted in outline form with layout, scale, appearance and landscaping reserved for future consideration.

Whilst the application is supported by an indicative layout plan, this is submitted for illustration purposes only and details of the internal layout would be required to be agreed at the reserved matters stage with subsequent applications assessed to ensure that the relationship to existing properties and those under construction to the east on the Taylor Wimpey site is acceptable and the required level of privacy and amenity within the development accords with the Design of Residential Areas Supplementary Planning Document.

As previously stated due to the location of the application site, there are limited numbers of neighbouring residential properties adjoining the site with the closest residential properties being to the east on the Taylor Wimpey site. It is considered that given the location of the proposed development, the provision of landscaping to the edge of the application site and the neighbouring Taylor Wimpey site and the proximity to neighbouring properties, there will not be an adverse impact on neighbour amenity with regard to privacy or overlooking.

It is considered that a scheme can be achieved on site which would not be detrimental to neighbour amenity and which would accord with the relevant provisions of policies DP2 and DP3 of the Local Development Framework, policy SD4 of the emerging Local Plan and the guidance contained within the Design of Residential Areas Supplementary Planning Document.

Transport and Highways Impacts

The application is supported by a Transport Assessment.

No objection has been raised by the Council's Development Engineers with regard to the principle or detail of the proposed access point or impact on the wider highway network.

Access to the site would be via a new access point from Marske Road and plans have been submitted to demonstrate that access can be provided to the site in a safe manner.

The submitted details demonstrate that the access point achieves the required visibility splays for the road. The application also proposes works within the adopted highway including;

- The provision of a right turn lane for traffic travelling from the west allowing for access to the site;
- The provision of a footway link to the east of the proposed access point on the south side of Marske Road;

The proposed level of traffic generation is not considered to result in a significant increase of traffic on the local highway network, when considered in association with the existing flows on the highway. The proposed trip generation is illustrated in the table below.

Trips	AM Peak	PM Peak
In	14	32
Out	34	19

The analysis is also considered to demonstrate that the proposed T-junction and right hand turn lane serving the site will have sufficient capacity to accommodate the anticipated traffic levels.

A number of planning conditions are recommended with regard to traffic management plans, contractor parking and parking provision.

In view of the above comments it is considered that the application complies with national policy set out in the NPPF and policies CS1 and DP3 of the Local Development Framework and SD4 of the emerging Local Plan with regard to highways matters.

Landscape

Whilst landscape has been reserved for future consideration as a reserved matter, the submitted Layout Plan indicates the potential for the provision of a landscaping buffer at the west of the site. It is considered that such a buffer would be acceptable in principle and will result in a softening of the edge of the site comparable in nature to that which was considered to be appropriate for the neighbouring Taylor Wimpey site. It is also considered that the

provision of the landscaping would improve the visual appearance of the site that currently exists and provide a more attractive entrance into Saltburn when approached from the west.

The submission of the reserved matters for landscaping will set out the additional detail with regard to the landscaping treatment of individual plots, highway verges and the site boundaries.

It is therefore considered that, based on the information provided in the application, that the proposal is acceptable with regard to landscape impacts. It is considered that the scheme complies with national policy set out in the NPPF and policies CS20, DP2 and DP3 of the Local Development Framework and policy SD4 of the emerging Local Plan.

Ecology

The application has been supported by an ecology report.

The site is not within a statutorily designated nature conservation sites with the nearest site being Errington Wood LNR 1.17 km west of the site. There are 6 Local Wildlife Sites within 2 km of the site. The nearest site is Hazel Grove LWS which is located 184 m to the north. Pit Hills Stell on the western edge of the site flows northwards and through Hazel Grove LWS.

The application site covers approximately 2.89 ha and includes a series of agricultural buildings, a single residential dwelling, areas of hardstanding and compacted gravel, grazed pasture, a large sand paddock, tall ruderal vegetation and boundary hedgerows.

The site is surrounded to the south and west by agricultural farmland with a residential development currently under construction to the east. Agricultural farmland is located to the north of the site beyond Marske Road.

The submitted ecological reported concluded that none of the habitats within the site were considered to be notable for their ecological value.

Bats

The buildings on the site were surveyed as part of the ecological report and it was considered they hold bat roost features of low-moderate potential to support roosting bats. This was due to the gaps in the internal and external walls that provide opportunities for roosting bats, as do the gaps under roof tiles and roof sheets, and behind the timber cladding. It was also considered that due to the open doorways on several of the buildings there is open access for bat species to enter the internal areas of the buildings. The habitats on site, including the buildings and hedgerows, were also considered to be suitable for foraging bats.

As the buildings on site were considered to hold features of potential value to roosting bats, in accordance with current guidelines further survey work will be

required to provide sufficient information to determine the presence/likely absence of roosting bats within the buildings on site.

Should roosting activity be recorded, the surveys should collect data on bat species, numbers, roost type, and roost locations to provide data to inform the Mitigation and Compensation Strategy and EPSM licence application.

Nesting Birds

Several disused bird nests were recorded within the buildings on site during the survey work. There are also considered to be numerous opportunities for birds to nest in the gaps within the buildings. The surveyed buildings and vegetation on site are considered ideal for nesting birds, such as wren, blackbird and house sparrow. Given the current land management including horse grazing the semi-improved grassland on the southern region of the site is considered to be unsuitable for ground nesting birds such as skylark and lapwing, although such species may nest within surrounding farmland habitat. There was no evidence of barn owl activity recorded within the buildings on site.

The demolition, initial ground works and any vegetation removal should be completed outside of March to August (inclusive). However should such work be required during the breeding bird season, a breeding bird survey check must be undertaken in order to confirm absence or presence of nest sites. If an active nest is found within the site, it must be avoided until the nest is no longer in use which may cause delays to the development. To enhance the nesting opportunities for birds within the site it is recommended that artificial bird nesting boxes are included as part of the development.

Badgers

ERIC-NE provided records for badger within the local area and there are no records of badger for the application site or immediately surrounding habitats. No evidence of badger activity was observed during the survey. The land within the site is generally unsuitable for sett digging due to its topography, habitat and disturbance from farm activities and the nearby properties/development.

Great Crested Newts

ERIC-NE provided records of common frog, common toad, smooth newt and palmate newt within 2 km of the application site. There are also 11 records of great crested newt within 2 km of the application site; these records are for Saltburn Golf Club approximately 900 m to the south.

There are no ponds on the site. The nearest pond is located 102 m to the south-west of the site; this pond is located adjacent to a block of woodland and Pit Hills Stell. The only other pond within 500 m of the site is located 320 m to the north-west at Tofts Farm (Marske Road, which was considered to be a barrier to amphibian movements is located between this pond and the

application site). The ditch on the western edge of the site was considered to be unsuitable for breeding amphibian species. The habitats within the site, including the species-poor semi-improved grassland and boundary hedgerows, were considered to be suitable for terrestrial amphibians.

Should great crested newt presence be confirmed within the pond 102 m to the south-west a Great Crested Newt Mitigation Strategy should be produced; this strategy would detail mitigation and habitat enhancement provision to ensure there is no negative impact on the favourable conservation status of great crested newts at the site as a result of the development.

Natural England initially raised an objection based on the potential impact of the development on the Special Protection Area (SPA) being a site within 6km of the coast. This issue of the impact on the coast is well known and is a matter which has been raised via the Local Plan examination, however, Natural England have accepted in some cases, including this application, that the impact on the SPA can be mitigated by a planning obligation. In this case a financial contribution. The contribution towards the SPA is set out within a document entitled *Costs associated with the Recreation Management Plan and the Impact on Whole Plan Viability* submitted in support of the examination of the Local Plan. The submitted document related to the allocated sites within the emerging Local Plan and it is envisaged that a maximum rate of £500 per dwelling is appropriate to cover relevant costs while not impacting on viability of sites. The final calculation for such schemes is however being worked up through the preparation of the Developers Contribution SPD however this is not yet complete. There is therefore potential for the final contribution figure to change from the current £500 per dwelling. It is therefore suggested that within the Section 106 agreement, a maximum contribution of £37,500 is entered in to the agreement, with the provision of this varying based on final numbers of dwellings sought at Reserved Matters stage and the final calculation method within the SPD.

It is considered that in light of the response received from the applicant to the concerns received, along with the original survey work, the lack of an objection from Natural England and the proposed mitigation measures as detailed above which can be appropriately achieved through the details submitted as part of the landscaping reserved matters application, should permission be granted, and the contribution to through a section 106 agreement towards the improvement of the SPA.

The proposed development is therefore not considered to have an adverse impact on the ecological value of the site or the wider area. It is considered therefore that the scheme complies with national policy set out in the NPPF, policies CS24 and DP3 of the Local Development Framework and policy SD4 of the emerging Local Plan.

Flooding

The site is located within Flood Zone 1 and the application has been accompanied by a Flood Risk Assessment (FRA).

The FRA has shown the potential to provide drainage at the site, however given that the application is in outline with matters relating to layout being reserved for future consideration, it is considered that the final drainage design is best controlled by way of planning condition. These conditions have been recommended by the LLFA and NWL in their consultation response.

It is considered that the site has the potential to deal with drainage matters arising from the provision of dwellings at the site and therefore complies with national policy set out in the NPPF, policies CS20 and DP3 of the Local Development Framework and policy SD4 of the emerging Local Plan with regard to drainage matters.

Land Contamination/Nuisance

The application has been considered by the Council's environmental protection section with regard to the generation of nuisance and contaminated land.

Nuisance

The proposed development site is in close to existing and underdevelopment residential properties on the Taylor Wimpey site whose amenity could be affected by construction activities associated with the proposed development. It is accepted that any form of construction activity has the potential to cause a level of short term disturbance due to the nature of activities, however subject to a condition restricting construction hours, this is not considered to be a reason that development of the site would be considered to be unacceptable.

Contamination

The application has been supported by a phase 1 contaminated land assessment. The assessment does not highlight any past contaminative historic use, pollution episodes or that it is affected by contamination from adjoining land that would preclude the development of the site for residential dwellings. It is however suggested as a precaution that a condition to cover unexpected contamination that may be encountered during the development be attached to any approval due to the sensitive end use of the site for residential properties.

Subject to conditions relating to construction hours and how to deal with any unexpected contamination at the site, it is considered that the scheme complies with national policy set out in the NPPF, policies DP3, DP6 and DP7 of the Local Development Framework and policy SD4 of the Local Plan.

Affordable Housing

The site is located within the Saltburn area. In line with policy H9 of the Local Plan (1999) and policy H4 of emerging Local Plan and the adopted Affordable Housing Supplementary Planning Document there is a requirement for 15% of the overall number of units on site to be provided as affordable housing.

The applicants have agreed to the provision of affordable housing which will be secured through a section 106 agreement. It is acknowledged that this is an outline application and the concept plan submitted as part the application is purely indicative, with detailed consideration of these matters reserved for determination at a later date. The issues, including the exact house types and distribution of the units would be addressed through the consideration of any reserved matters application, should this application be approved.

Section 106

As mentioned above there a requirement for affordable housing to be provided on the site.

There is also a requirement for a financial contribution towards the SPA due to the site being within 6km of the SPA. The final sum of this is to be agreed with the applicant.

The suggested heads of terms are therefore;

- Provision of on-site affordable dwellings
- Commuted sum towards the SPA at a maximum of £37,500

A suggestion has been made from the public rights of way officer that a contribution should be made towards the upgrading of the 200m bridleway link from Marske Road to the railway line in order to ensure that it is in satisfactory condition for use by cyclists for access to National Cycle Route 1. This is not considered to be required to make the development acceptable and is therefore not being sought as part of the Section 106 agreement.

Other matters

As the development is considered a major application and as per the Councils adopted Development Plan a condition is required to ensure that an element of art is incorporated into the development. This will be required by planning condition. The development will also be required to deliver renewable energy on the site in accordance with the adopted policy.

CONCLUSION

The application seeks outline planning permission for the provision of up to 75 dwellings on a previously developed area of land. The application site is located on the edge of an existing residential area; however it is

acknowledged that the site does fall outside the defined limits of development. The proposal is therefore a departure from the development plan.

The examination into the Local Plan has concluded with the publication of the plan inspector's final report in March 2018, which finds that the plan is sound subject to the inspector's recommended main modifications. The amended plan, incorporating the modifications, is due to go before Full Council on 24 May 2018, with the recommendation to approve. Given these circumstances, the emerging plan can be afforded significant weight in determining this application.

Policy DP1 of the Local Development Framework and policy SD3 of the emerging Local Plan provide exceptional circumstances when development beyond development limits is considered to be acceptable. While the application does not accord with any of the exceptions set out in policy DP1, the development does accord with criteria (j) of policy SD3 of the emerging Local Plan due to the site being previously developed.

A departure from development plan policy is therefore justified in this case.

The site is also located within an area designated as strategic gap between Saltburn and Marske. As detailed in the report, one of the purposes of the strategic gap is to provide separation between settlements to allow them to maintain their individual identity. It is accepted that the proposed development is within the strategic gap, however due to its location, the existing buildings on the site, the existing landform, potential for proposed landscaping and the relationship to the nearest settlement, Marske, the proposal is not considered to result in a narrowing of the gap which would result in an adverse impact on the integrity of the strategic gap and as a result the identity of the individual settlements which would sustain a refusal of permission.

Issues in respect of access and highways have been considered by the Council's highways engineers and they confirm that there is no reason to refuse the application on grounds of highway safety or traffic impacts.

The application subject to suitable details being submitted at the Reserved Matters application is not considered to have an adverse impact on neighbour amenity or privacy or the character of the area.

The application is one which has raised a number of objections, these are noted and the main objections raised are matters dealt with in full in the report, in respect of the other objections submitted none are considered to raise material planning considerations that would support a refusal of planning permission.

For the reasons outlined above and subject to a number of conditions the proposal is considered acceptable. The application accords with the NPPF, policies CS1, CS2, CS5, CS6, CS13, CS15, CS17, CS19, CS20, CS23, CS24, DP2, DP3, DP4, DP5, DP6, DP7 of the Local Development

Framework, policies SD1, SD2, SD3, SD4, SD5, SD7, LS2, H1, H2, H4, N2 and N3 of the emerging Local Plan, policy H9 of the Local Plan (1999) along with the guidance contained within the Design of Residential Areas Supplementary Planning Document and the Affordable Housing Supplementary Planning Document.

RECOMMENDATION

[A] THAT THE DIRECTOR OF ECONOMIC GROWTH BE AUTHORISED TO ENTER INTO AN AGREEMENT UNDER S106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

(i) PROVISION OF ON-SITE AFFORDABLE HOUSING

(ii) COMMUTED SUM FOR TOWARDS THE SPA AT A MAXIMUM OF £37,500

AND

[B] THAT UPON THE COMPLETION OF THE AGREEMENT THE DIRECTOR BE AUTHORISED TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS

CONDITIONS

1. Details of the appearance, landscaping, layout and scale, (hereinafter called `the reserved matters`) shall be submitted to and approved in writing by the Local Planning Authority for each phase of development. Application for approval of the reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Application for approval of reserved matters for all further phases of development must be made not later than the expiration of 10 years beginning with the date of this permission.

REASON: To reserve the rights of the Local Planning Authority with regard to these matters and required to be imposed pursuant to Sections 91 and 92 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or not later than the expiration of two years from the final approval of the reserved matters for the first phase of development or, in the case of approval on different dates, the final approval of the last of the reserved matters to be approved, whichever is later. Development of all further phases of development shall be begun not later than the expiration of two years from the final approval of the reserved matters for the that phase of development or, in the case of approval on different dates, the final approval of the last of the reserved matters to be approved, but in either

case no later than the expiration of 12 years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Sections 91 and 92 of the Planning & Compulsory Purchase Act 2004.

3. Prior to the first occupation of the development 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.

4. Prior to the commencement of development details of the existing and proposed ground levels together with finished floor levels shall be 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.

5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. 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 phase of 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. 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 commencement of development and the development shall not be carried out except in accordance with the approved details.

REASON: To ensure the use of satisfactory materials.

8. 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 commencement of the development and the development shall not be carried out except in accordance with the approved details.

REASON: To ensure the use of satisfactory materials.

9. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. The scheme hereby approved shall then be implemented in accordance with the construction traffic management plan unless first agreed in writing with the Local Planning Authority.

REASON: In the interest of highways safety.

10. Prior to the commencement of the development, details shall be submitted to and agreed in writing by the Local Planning Authority, of proposals to provide contractors car parking and material storage within the site. The details approved shall be retained for use until completion of the phase of development unless first agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety.

11. Prior to the commencement of 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 30% 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 30%

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.

12. 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.

13. 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.

14. Development shall not commence until a detailed scheme for the disposal of foul 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.

15. 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 and where remediation is necessary a remediation scheme must be prepared, 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.

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.

16. Before any development is commenced a noise and vibration assessment shall be carried out to assess the likelihood of adverse impacts on nearby noise sensitive properties. Where adverse impacts are identified then a scheme of works detailing how the impacts will be reduced to acceptable levels shall be submitted for the prior approval in writing of the local planning authority. The assessment should have due regard to the advice and guidance contained in British Standard BS5228:2009 Code of practice for noise and vibration control on construction and open sites and the development shall be carried out in accordance with any approved scheme of works.

Reason: In the interest of neighbour amenity

17. An artwork feature(s) shall be installed at the site in accordance with details that have first been submitted to the Local Planning Authority for approval in writing and shall thereafter be maintained unless otherwise first agreed in writing. The art feature(s) shall be installed on site prior to the occupation of the final dwelling on the site.

REASON: To secure the provision of 'art' at this site in accordance with Policy DP3 of the Redcar and Cleveland Local Development Framework.

18. Prior to the commencement of development on site an Ecological Mitigation and Compensation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved strategy.

Reason: to ensure the development does not have an adverse impact with regard to ecological matters.

19. There shall be no site vegetation clearance between March to the end of August unless the project ecologist has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

REASON: To conserve protected species and their habitat

20. 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 Bank Holidays.

REASON: In the interest of neighbour amenity.

21. A minimum of 10% of the sites energy requirements shall be provided by embedded renewable energy, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: In the interests of sustainability.

STATEMENT OF COOPERATIVE WORKING

Statement of Co-operative 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.