

REGULATORY COMMITTEE
THURSDAY 8 DECEMBER 2022 AT 10:00AM
CIVIC CENTRE, RIDLEY STREET, REDCAR, YORKSHIRE, TS10 1TD



CONTACT
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29 November 2022

CIRCULATION

Councillors Stuart Smith (Chair), Head (Vice Chair), Ayre, Baldwin, Hixon, Lockwood, Morgan, Ovens, Richardson, Rider, Thomson and Watts.

Managing Director

All Members of the Council (For information)

The Press [except for Confidential item(s)]

A G E N D A

	<u>Pages</u>
1. Apologies for Absence.	
2. Declarations of Interest.	
3. To confirm the Minutes of the Taxi Panel held on the 2 November 2022 and Regulatory Committee held on 10 November 2022.	3-130
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REPORTS OF THE MANAGING DIRECTOR

PLANNING APPLICATIONS FOR DECISION

6. R/2022/0670/FFM Detached two storey care home (20 units) with attached single storey nursing home (3 units) with new vehicular access and associated parking and landscaping Yew Tree Care Centre Yew Tree Avenue Redcar – Officer's recommendation approval.	149-169
7. R/2022/0465/FFM Erection of a new discount food store (Use Class E) with new vehicle access, car parking, landscaping, and other associated works land at Redcar Racecourse West Dyke Road Redcar – Officer's recommendation approval.	170-194
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TAXI PANEL

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TAXI PANEL

A meeting of the Taxi Panel was held on 10 November 2022 in the Redcar & Cleveland Leisure and Community Heart.

PRESENT Councillor Smith (Chair),
Councillors Baldwin, Lockwood and Morgan

OFFICIALS E Dale, A Hand, D Iceton and J Morgan

MINUTES SILENCE

The Chair announced the sad death of Councillor Foley McCormack and Members joined him in a minute's silence as a mark of respect.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting on the grounds that the following items contain exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

1. RENEWAL PRIVATE HIRE DRIVER LICENCE- PM.

The Managing Director asked Members to consider whether PM was a fit and proper person to continue to hold a Private Hire Driver licence.

The applicant PM was present at the meeting.

RESOLVED that having taken all the facts into consideration and the Council's guidelines, PM be allowed to continue to hold a Private Hire Driver Licence.

2. GRANT OF PRIVATE HIRE DRIVER LICENCE – FB.

The Managing Director asked Members to consider whether FB should be granted a Private Hire Driver licence.

The driver FB was present at the meeting and was accompanied by RW.

RESOLVED that, having taken all the facts into consideration and the Council's guidelines, FB be not granted a Private Hire Driver Licence .

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A meeting of the Regulatory Committee was held on 10 November 2022.

PRESENT. Councillor Stuart Smith (Chair),
Councillors Ayre, Baldwin, Head, Hixon,
Lockwood, Ovens, Richardson, Rider, Thomson
and Watts.

OFFICIALS. E Dale, E Garbutt, C Griffiths, L Hall and
S Plumpton

MINUTES SILENCE

The Chair announced the sad death of Councillor Foley McCormack and Members joined him in a minute's silence as a mark of respect.

AN APOLOGY FOR ABSENCE was submitted on behalf of Councillor Morgan.

34. **DECLARATIONS OF INTEREST**

Councillor Baldwin declared an interest in R/2022/0656/F3 as the Coatham Ward Member and took no part in the discussion nor voted thereon.

Councillor Hixon declared an interest in R/2022/0986/FFM as a resident of Guisborough and the Hutton Ward Member.

Councillor Rider declared an interest in R/R/2022/0607/FF as a Longbeck resident.

Councillor Watts declared an interest in R/2022/0986/FFM as a resident of Guisborough.

35. **MINUTES**

RESOLVED that the minutes of the Regulatory Committees held on 15 September 2022 and Taxi Panel held on 29 September 2022 be confirmed and signed by the Chair as correct records.

Councillor Hixon declared an interest in R/2022/0986/FFM as a resident of Guisborough and representing the Hutton Ward.

Councillor Watts declared an interest in R/2022/0986/FFM as a resident of Guisborough.

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36. **R/2022/0986/FFM Residential Development of 65 houses with associated access, open space, landscaping, parking and drainage infrastructure land off Trefoil Close and Meynell Avenue Guisborough.**

The Managing Director advised that Planning permission was sought for the development of a site for 65 family dwellings with associated access, landscaping, parking and drainage infrastructure.

The application related to an area of land located in the west of Guisborough bound by Tidkin Lane / Fanacurt Road and Meynell Avenue to the south; The Avenue to the west; Sorrell Grove / Trefoil Close / Lucerne Drive and properties on Stokesley Road to the north; and a private road adjacent to Newstead Farm to the east. The application site formed a prominent strip of privately owned land which separated two areas of existing residential development bound by Stokesley Road to the north and Hutton Lane to the south.

The application site comprised an undeveloped greenfield area with a total area of 4.62 hectares. Physically, the site forms two distinct areas in terms of topography with the western part of the site lying at a lower level than the central and eastern part of the site on which the development was proposed.

The site accommodated some existing mature planting characterised by tree and shrub planting to most boundaries and tree and understorey growth in several bands across the site.

The Hutton Beck entered the site from the west adjacent to The Avenue and crossed the site in a north easterly direction emerging at the north eastern boundary of the site at Stokesley Road, an existing drain also crossed the site and formed the eastern boundary of the application site.

The development proposed was 65 family dwellings, this would comprise ten 2-bed (affordable) dwellings, twenty-seven 3-bed and twenty eight 4-bed open market dwellings. Access to the site would be taken from Trefoil Close which would take the form of a single spine road; development would take place on the northern and southern side of the new access road along with one main cul-de-sac at the eastern end of the site. All the properties were two storey in scale and of contemporary design. Each would have in curtilage parking provision and private garden space.

The remainder of the undeveloped site would remain as open space to which the public would have access. In term of the ratio of development to non-development, the development would cover approximately 50% of the site

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The application had been advertised by means of a press notice, site notices and neighbour notification letters, two rounds of consultation were carried out in respect of the application, the second consultation relating to amended plans and additional information submitted by the applicant in respect of ecological matters

As a result of the consultation period 435 objections were received and 2 representations in support, these were summarised as follows;

- *Unnecessary development, the town does not need more new houses*
- *Infrastructure is already overstretched with limited places in schools and health services*
- *We need to protect our few green/wildlife areas*
- *The access to the site is totally unsuitable for construction traffic and the construction impact of the development will be over a wide area*
- *The development will increase danger to children walking to school and access for emergency vehicles will be impaired*
- *The development would increase flood risk locally*
- *The development will have an impact on local ecology and wildlife*
- *The development will impact on an ancient hedgerow*
- *The council's own assessment rejected allocation of the site for development and it not part of the adopted Local Plan*
- *The development brings no benefit to the community*
- *The development will bring more air pollution*
- *Designating part of the site as open space is an appeasement measure and public access to this area will simply impact on wildlife*
- *The development will increase the risk of crime and disorder for existing residents*
- *The development will overload foul water systems*
- *This is the only remaining green corridor in the town and if the council is serious about climate change it will reject this proposal*
- *The development will exacerbate parking issues around the estate*
- *Needless destruction of another green area*
- *The town is becoming one big housing estate with no character*
- *We need more green belts not housing*
- *The council's own data shows this development is not required to meet housing policy requirements, question the statement this is much needed housing given low demand locally*
- *The local plan is not out of date and to ignore policy would set a precedent for other speculative applications in the borough*
- *If this development is granted an application for further development will follow*
- *The area is one of the most sought after in the town, this*

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- development will change the dynamic of the area*
- What is the point of a local plan if you keep changing it*
- The council should look to alternative brownfield sites for development for affordable homes*
- The town has experienced major growth in housing over the last 10 years but no increase in services we have little or no leisure facilities or adequate open space*
- The development will result in loss of views for existing residents and turn Guisborough into a housing estate not a market town*
- The council should look to improve facilities for existing residents and not more new housing*
- The area is already a public open space with existing wildlife and the area as a whole would benefit from protecting such spaces from future development*
- The transport assessment is flawed and did not take into account peak school time movements*
- There are currently 40 houses for sale in the town and these should be occupied before new houses are built*
- The development is not in keeping with the surrounding area*
- The ecological studies are incomplete and have not been carried out correctly and the conclusions are in error*
- There will be two years of construction impacts*
- The report does not contain any acknowledgement of the existing ridge and furrow configuration of the fields*
- Access to this site for 2 years during construction will be through a residential housing estate, there is no consideration given to how the developer will achieve this without causing substantial disruption*
- The land is in a flood plain and not suitable for housing*
- The development will impact protected species and other wildlife*
- Planning permission has previously been refused for the site*
- The development conflicts with key tenets of the local plan*
- There has been a lack of investment in the town infrastructure over the last 25 years and this development will make matters worse*
- The development will lead to increased commuting without appropriate rail and public transport links exacerbating the use of the private car*
- The development will exacerbate already existing traffic congestion on main road such as the Avenue, Rectory Lane and Stokesley Road*
- Although surrounded by housing the area is an oasis in Guisborough*
- The proposed development seriously impacts the freedom and access of visitors to the local area, detracting from the visitor experience of facilities within Guisborough Town whilst reducing the ability to quickly and safely access the North York Moors National Park area directly from the town*

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- *The proposed development is in opposition of Guisborough Town which is aiming to place itself at the heart of exploration of the North Yorkshire Moors National Park via investments in the restoration of its historic Guisborough Town Hall Gateway CIC project to provide much needed visitors with high level holiday accommodation suited to the pursuit of cycling, walking and mountain biking in the National Park*
- *The local sewerage system in the proposed development area is already above its design capacity causing raw sewage to be very regularly discharged into the beck that runs through the proposed development*
- *The proposed development has not chosen to build houses to a building standard more fitting to their 100-year lifespan. If we are to meet our climate change targets, we cannot continue to build houses that only meet the current building standard*
- *The development will result in the loss of ancient woodland*
- *Can the council consider buying this land to develop as public open access parkland*
- *The density of the development is too high for access to light, privacy and outdoor space*
- *Guisborough has few open spaces and the development will exacerbate this*
- *The development will lead to more intensive use of roads and footpaths*
- *This development is a serious destruction of a safe haven for rare and endangered wildlife and should not be allowed*
- *There will be significant noise and air pollution from the additional vehicles*
- *Potential destruction of ancient hedgerows and ridge and furrow land*
- *Further building will worsen the flood risk*
- *Fear the sewers will flood and sewage will be washed out into the surrounding areas. Also subsidence, the development will descend into a slum as some owners will be unable to afford stabilisation*
- *Consideration also should be given to noise pollution. As a majority of residents are of an elderly age you can imagine that the noise would impact their lives considerably*
- *A developer attempted to seek permission on the same land circa 20 years ago. However, on appeal the over-riding conclusion was that the land should be safeguarded as a public amenity area and become available for public use*
- *We also have right of way over the bridge which would be curtailed by a lot of traffic*
- *We need to have some breathing space left in the town without dwelling on the effects on wildlife in these open spaces*
- *There is nothing affordable about these homes Guisborough housing stock is healthy, the current developers in Guisborough*

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- are having difficulty in selling their properties*
- *The only shortage of housing in Guisborough is for homes for retirees who wish to downsize and subsequently would release more family homes*
 - *The development will significantly reduce the value of neighbouring properties*
 - *The local people demand all independent environmental, traffic and ecological investigations and surveys to be undertaken (at different times of the day) to take account of busy times and of the year to take account of breeding considerations be carried out before any consideration is given to this proposal*
 - *We should trust our local authorities to think of our future and not just the financial ambitions of developers and land owners*
 - *A previous proposal for this site resulted in a public inquiry funded by the taxpayers which decided the land was unsuitable for further development. What has changed since this full and extensive process was undertaken, and what was the point of it if the respectable and considered outcome can be ignored*
 - *We value our health and safety, our quality of air, our last little piece of totally natural wild habitat in the town itself, and our flora and fauna. Guisborough has been rapidly developing (not in a good way) with hundreds of new houses over the last few years but no additional amenities or services, and more houses on this particular site are certainly not what are in our best interests either now or for the future*
 - *The NHS are seeking £31k for improvement to local services , therefore £0.5m must have been received from development over the last 10 years, where has this been spent?*
 - *The site has been omitted for allocation in the past and the council currently has in excess of 5-year land supply so the development is not needed*
 - *The Local Authority should commission tests on the disposal of foul water into local watercourses to check levels of pollution*
 - *Concerns over surface water flooding onto existing properties*
 - *The development will damage the setting of Tudor Croft Gardens*
 - *With the extensive development in Guisborough over the last 10 years it is important we retain open spaces*
 - *There is an ancient American Indian saying " When we have killed the last Bison, caught the last fish, felled the last tree and poisoned the last stream, only then will we realise that we cannot eat money"*
 - *For a major development planning application, no detailed quantitative risk assessment (Phase II) has been provided as recommended in the preliminary desktop appraisal undertaken on behalf of the developer. The conceptual site model in the desktop*

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appraisal has identified areas of potential contamination, along with potential human health and ecological receptors. Therefore the information provided by the applicant is incomplete and a decision cannot be determined

- *The traffic impact information provided by the applicant is incomplete*
- *The ecological study is incomplete and omits references to protected species e.g. otters*
- *The access road to serve the development does not meet with approved standards*
- *The council has a poor track record of maintaining open space, how with the new public open space be managed*
- *The development has a wider impact outside Guisborough in terms of traffic and pressure on infrastructure*
- *The application is just for phase 1, if approved more development will follow*
- *The topography, changes in surface levels and boundary treatments across plots 1 - 13: creates multitudinous division of space, fragmented and incoherent streetscape; topography, changes in surface levels, engineering structures and boundary treatments across Hutton Beck, compromising the qualities of the natural feature, and engineering ugly, overbearing and dangerous streetscape; changes in surface levels and engineering structures opposite plot 8 engineering ugly, overbearing and dangerous streetscape; there are issues with the level of detail provided in respect of hard surfaces; there are errors of terminology and horticultural judgement in respect of the described Landscape Masterplan; the bio net gain detail set out in the application cannot be believed; there are issues with SUDS elements of the development; the public appetite for this outmoded, generic twentieth-century built form (the toy town, model-railway, dolls house) with associated and equally outmoded material, land and energy demands must be replaced with more sustainable models; the electric car charging points, cycle stands and landscaping included in this proposal are mere tokenism to distract from the true environmental costs of the development*
- *The development is not consistent with local plan policy SD4 and Article 1 and 8 of the Human Rights Act*
- *The council need to take into account the adverse impact on tourism of the development*
- *There are flood risk reason why the application should be refused*
- *Open spaces are vital to communities and mental health*
- *The development conflicts with the sustainability objectives of the local plan; policy SD4(c) N4 (a)(b) and LS(q) and it is clear from the SHLAA and HELAA that there are alternative sites*
- *Members of the community, within the existing estate, new and old moved to the area for its closeness to nature and open space,*

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developing on this land will take away from the charm, character and natural environment that surrounds the existing homes, some of which would have their longstanding open views diminished in not removed

completely with this development

- *The development will result in the destruction of a parish boundary*
- *Refuse the application on grounds of insufficient sewer capacity under normal wet weather conditions*
- *Conflict with policy H2 of the local plan*
- *The associated ecological reports do not contain sufficient information to adequately assess the potential impacts of the development on materially important ecological features*
- *Guisborough Town Council would like to draw up a Neighbourhood Plan, in support of RCBC's biodiversity aims expressed in its Local Plan. The Neighbourhood Plan will designate this unique wildlife refuge as a 'Local Green Space', giving it the protection it so clearly needs. They cannot start the process until this application from Newitt is rejected*
- *The proposed footpath link to Champion Drive is across land that does not appear to be in the applicant's ownership*
- *The suggestion of using this space as a biodiversity asset that Newitt or another developer could use to offset housing developments in more suitable locations by them paying the current landowners an annual fee for the next 30 years for safeguarding it, would surely be the best outcome*
- *Newitt's amended ecology objection response only confirms how poor the original ecology documentation was. They are now admitting that insufficient survey work has been carried out and that there isn't time to do any more before the end of the submission period. They also admit that the conclusions and recommendations in their report were just preliminary and incomplete. So they have no way of knowing what irreversible harm may be done to what is currently a unique reservoir of biodiversity*
- *The amendments to the application in respect of drainage, sustainable transport and ecology so not address the main objection submitted in these respects*
- *The application should be subject to the provisions of the new nutrient neutrality policy*
- *I have found a juvenile Great Crested Newt on my property adjacent to the above development we are concerned the proposal will be hazardous to this species*
- *I am providing videos of otters to demonstrate their presence on the site; I feel that the studies that have been done have not taken into account the confirmed the presence of otters, a designated protected species*

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- *It is apparent that the existing sewage system is already overburdened with little prospect of improvements by NWA. This development flies in the face of what is expected by the Department of the Environment and clearly puts the onus on local authorities to act accordingly and in this case reject the proposal*
- *I am concerned that Trefoil Close, being originally designed for light traffic to turn and park only (Trefoil Close has 6 houses), has not been designed to carry heavy building and through traffic and that either the building traffic and building activity (vibrations from piling or soil compaction) or the subsequent suburban traffic will cause subsidence of the Close and the dwellings in the Close.*
- *I have reviewed the additional documents and consider them to be without any value*
- *Despite mitigation offered on the part of the developer the harsh reality is that this area is the one remaining wildlife corridor in Guisborough and housing development would have a catastrophic impact on what has been revealed to be a sensitive, rich and diverse habitat, containing species of national and international importance.*
- *The protected species report does not reference Great Crested Newts and there is evidence of presence on the site*
- *Drainage proposals for the site will impact GKN habitat*
- *The impacts of the development described are not considered acceptable*
- *Foul water will overburden drainage infrastructure serving the site*
- *The report suggests that the addition of 65 houses will not increase the number of people disturbing the flora and fauna of the area - this is simply not the case. Currently a limited number of people use the site quietly, there are no lights, no additional noise to speak of, no cars and the only pollution comes from the sewer overflowing regularly into Hutton Beck which the proposed development will add to.*
- *Provision should be made for vibration meters to assess the impact of construction works on ecology*
- *Matters relating to the possibility of a french drain adjacent to properties on Tidkin Lane have not been finalised and we are concerned about the impact of the development in this respect*
- *The Biodiversity Net Gain report is flawed as are the submitted net gain calculations*
- *The preliminary ecological report has not been carried out in an acceptable manner, its conclusions are flawed and cannot be relied upon and by default the BNG report lacks transparency is littered with errors and is incorrect as is the post development part of the calculations raises concerns in a number of areas*
- *There is a failure to apply the mitigation hierarchy and the reports are supported by incomplete surveys*
- *The supporting reports were written after the land had been cleared*

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and trees and vegetation removed 3 years ago, wildlife is now starting to return

- *The development will exacerbate the foul water pollution of the Beck which is a regular occurrence*
- *The submitted reports clearly identifies adverse impact on otters and hedgehogs and habitats destroyed*
- *I have no confidence in the BNG report and neither should the committee*

In support

- *All new house building in the Redcar and Cleveland area should be encouraged and supported. New homes are needed to drive down the extortionate cost of housing. To many people have to rent homes which they will not be able to afford when they are living on a pension*
- *I think this development will be good for the area. I support this development and would be interested in purchasing a property myself. My reasons for supporting the development are ease of purchase having previously purchased a new build in Guisborough. High specification and choice of options when the house is being built*

Guisborough Town Council objected to the application for the following reasons:-

“Impact on heritage assets/ecology/trees/landscape. This land is one of the few areas of natural open space left in Guisborough. It forms a link between the N.Y.M. SSS1 (Special Site of Scientific Interest) and open ground to the North of Guisborough. There is an ancient hedgerow, wildflowers/plants and other natural habitats for birds and other wildlife. Heritage England has not been consulted; the surveys carried out were done at the wrong time of the year. As historical documents state that this used be a medieval ridge & furrow field then consideration should be given by RCBC to the area being established as a conservation area. An application to build housing on this land some 20 years ago was rejected.

Highway safety – there is only one access road into the proposed site and this and the surrounding roads are narrow, and traffic is already very busy; there are 3 primary/junior schools nearby and increased traffic, which would be inevitable, would be a hazard for children in particular. There would be an increase of about 130 cars (proposal says 158 car parking spaces) and heavy construction traffic for 2 years. The developer’s traffic survey did not include observations of traffic at the schools finishing time in the afternoon.

Design and layout. In our opinion this is overdevelopment . Even the pre-application advice given by RCBC said they had concerns about the

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density. When the site was considered in the SHLAA (161a) it was said that the land at Newstead was undevelopable and unachievable – if expensive work was carried out then only 44 houses could be built.

In the developer's own design & access statement at 3.3 – Design Objectives, a new vehicular access will be provided from Trefoil Close; the proposed new road will have access provisions to a future new development on the Eastern boundary. This indicates further development and even more impact on all of the above items.

The review of the SHLAA in August this year said it was not necessary for any new sites; in fact development of Phase 2 in Galley Hill has been put on hold due to lack of house sales. This points to this development is not much needed as alleged by the developer.

Noise/Impact on amenity. This will be considerable during construction work as the proposed site is in the middle of established housing. If the development was to be allowed it would create ongoing additional noise and impact on the amenity for existing residents.

Views of stakeholders/consultees. Lots of objections (over 140) have been lodged by residents from all parts of Guisborough and these must to be listened to. This proposed estate will have an effect on all residents, not only the neighbouring ones – lack of services such as schools, doctor's surgeries etc.

In view of the above GTC asks that the application is refused."

GAMBOL (Guisborough Against More Building on Open Land - Stovell and Millwater Ltd) made the following comments:-

- *"The applicant has quoted from a number of development plan policies in support of the application. None are specifically supportive of the proposal. Without exception, these are multi-faceted policies with numerous criteria to be taken into account. We acknowledge that it will be necessary for officers and Members to come to a balanced view taking into account the development plan as a whole but we ask that significant weight be given to the policies we refer to below which in this case we consider all point towards a refusal of planning permission.*
- *It is clear from the amount of objections being lodged by local residents, and the strength and substance of their views, that they represent the views of the community of Guisborough*
- *The land is demonstrably special to the community and holds a special significance as an important piece of green infrastructure within an otherwise built-up area, providing an important landscape asset for*

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biodiversity, special habitats and a link within the town's ecological network

We are generally familiar with the site, the proposal and the concerns of residents. From this it seems to us that the main issues include: -

The harmful effect on a wildlife corridor and the town's green infrastructure

The proposed development has not adequately demonstrated that biodiversity net gain has been considered from the outset and there are insufficient details regarding the proposed landscaping and the loss, mitigation and net gains that are to be delivered on site, without resorting to offsetting, on what is an important site for local nature conservation. The site forms part of an important wildlife corridor within the urban area of Guisborough. The importance of such spaces and the role of green infrastructure to local wellbeing are recognised within the Local Plan and National Design Guide (NDG). The proposal would be contrary to LP policies SD4 and N4 as it related to biodiversity and the protection of wildlife corridors. It is contrary to NPPF advice in paragraphs 174 and 180 on enhancing the natural environment and the importance of net gains in biodiversity. It is contrary to the NDG N1 and N3 on the effect on green corridors and biodiversity.

There is no present need for new housing sites within Guisborough;

The Local Plan 2018 did not allocate the site for housing for the following reasons: -

'There are alternative sites in Guisborough which are more sustainable and less environmentally sensitive locations and are less physically and environmentally constrained'

'There are significant physical and environmental constraints and the associated abnormal costs may prohibit the provision of genuine executive housing developed at a particularly low density (perhaps of 10 dwellings per hectare or less as defined in the emerging plan), which would be similar to the adjacent housing at Stokesley Road and would be most appropriate at the site'

Nothing has materially changed since this assessment, to indicate any different conclusion; there is no exceptional need for any general housing in this location, there are still alternative housing sites.

At the present time we understand that the council have a rolling programme of housing delivery that is in excess of any 5-year housing need and this is expected to be maintained into the foreseeable future.

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Development in Guisborough is placing additional pressure on community services and depriving other towns in East Cleveland of new development. There is no need to meet a specific windfall number, particularly now when the council are delivering in excess of their annual numbers through planned provision.

The layout does not meet present design guidance;

The proposed development is a poor fit within the local context in terms of grain, density, and plot size. The general housing proposal, a mix of detached and semi-detached dwellings would be completely different to the low density detached houses in the surrounding area. The parking arrangements for the proposed dwellings would result in frontages dominated by car parking and the streets do not include a suitable boundary treatment. The proposed development does not include this feature and overall, the street scene will be bland, monotonous, and dominated by car parking, as a consequence of poor design and an inappropriate residential density and plot sizes. The proposed layout appears to lack any kind of hierarchy in terms of orientation, wayfinding, and character and the use of a limited number of private shared drives does nothing to mitigate this. We consider the proposed development fails to meet the requirements of LP policy SD4 and the NPPF (para 130) in this regard. No effort has been made comply with the National Design Guide or the advice in the Councils UDG. We consider this proposed scheme should be refused in line with NPPF paragraph 134.

The impact on highway safety.

The Transport Assessment is flawed resulting in flawed junction capacity analyses being presented in that document; the surveys undertaken did not include the schools peak periods; substandard junctions form part of the access into the site; the proposal would use existing inadequate road infrastructure making an existing poor situation worse and increasing problems of highway safety contrary to policy SD4(p) as it relates to this matter; traffic calming and turning areas have not been provided in accordance with adopted standards; there are legitimate concerns that in case of emergency this number of houses from a single access point, should it become blocked or unsafe is unacceptable; It seems to us that the existing bridge is clearly inadequate in terms of width and the detail of this structure remains unclear from the proposal. Impacts on biodiversity and the natural function and processes of the beck have not been considered alongside the potential flood risk associated with this structure and the consequences of an obstruction or flood water reaching soffit level; we believe the proposal would be contrary to LP policy SD4 and the Tees Valley Design Guide on the above matters of highway safety

The layout does not meet present sustainable development requirements

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The development does not comply with key policies in the NPPF and National Design Guide; there has been little or no regard to climate change adaptation, either in the assessment of flood risk and reducing reliance on the private car. Whilst no specific requirement is made for reducing greenhouse gas emissions through the Local Plan, over and above the Building Regulations, the National Design Guide and NPPF require a consideration of these matters at both a site and building scale. The proposal does not meet these requirements. Access and distance to services are not conducive to active travel or appropriate access to local bus stops or services; it is unlikely that many people would walk to any amenities further away than the two local schools, the Sainsbury's Local and the Voyager pub/restaurant. The development would be located in an unsustainable location in relation to accessibility. We consider the proposal would not be in accordance to LP policy SD4, the NPPF and NDG as they relate to this sustainable issue.

The Flood Risk Assessment is flawed and it has not been demonstrated that the scheme can be developed without increasing flood risk

- *GAMBOL support the position of the Environment Agency in this respect and express concerns over safety and design concerns about the bridge and surface water run off impacts evacuation routes*

No evidence is provided to demonstrate that foul sewerage can be discharged without increasing present harmful contamination

- *LP policy SD4 (g) requires that proposals should have access to adequate infrastructure. At present evidence on the ground indicates that the capacity of the existing main to accommodate foul sewerage from the proposal must be in doubt. There is no evidence provided to demonstrate that it is sufficient for this proposal and much evidence that it is not. The proposal would therefore not be in accordance with LP policy SD4 as it relates to this matter*

There has been insufficient analysis of a non-designated heritage asset

- *It is of note that the proposed development adjoins an important historic garden (Tudor Croft) with a distinct setting and this would be harmed by the proposed development. The importance of this non-designated heritage asset has been identified by residents and the Yorkshire Gardens Trust. Insufficient analysis of the impact on the significance of this non-designated heritage asset has been made and as such the proposed development does not comply with the NPPF and NDG in this regard.*

Second response (7/7/2021)

- *Developers Agents Response to Ecology Objection dated 22/03/22 -*

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The response states that further ecology survey work will be undertaken as soon as seasons allow. The developer has been permitted 3-time extensions to the application (in total more than 6 months) any in that time has not made any attempt to undertake further survey work

- *Whilst a footpath access to Campion Drive will shorten the journey times to the local schools and amenities on The Avenue by a small amount it does not improve journey times to the local bus service, nor does it improve journey times into the Town Centre hence encouraging the use of private cars. This does not meet the requirements of sustainable travel and connectivity.*
- *The developer fails to acknowledge the current concerns of residents with regard to the traffic situation at school opening and closing times and maintains the opinion that peak traffic flows are between 1600 and 1800 hours. A cursory site visit at the appropriate times would convince the developer otherwise.*
- *No concessions have been made over the potential for flooding as recommended by the Environment Agency.*
- *No concession to layout and housing density has been made as recommended by the Strategic Planning Team.*
- *On inspection of the revised drainage drawing there are anomalies, e.g. the indicative elevation of the centreline of the road, which would be expected to be the highest point of the road, is up to 500mm lower than the elevation of the cover levels of the manholes. GAMBOL trusts that this is drawing error. The drainage drawing needs to be checked and updated.*
- *GAMBOL asserts firmly that the amended plans and additional information uploaded to the Planning Portal do not provide significant improvements to the applicant's basis of design and therefore the points raised in the GAMBOL letter (DFS/RC/21/006, Date: 7 January 2022) prepared by its Consultants Stovell & Millwater Limited remain valid "*

Yorkshire Garden Trust made the following comments:-

“First Response (10/12/2021)

- *Strongly objects to the application which it states will permanently damage the setting of Tudor Croft, Stokesley Road, a significant Arts and Crafts designed house with associated gardens*
- *This is a unique house and associated garden in our region, is much visited on open days and other charitable events and raise in the region of £250,000 for charity*
- *The application site, known as Hutton Meadows is the last area of open space within Guisborough and is medieval ridge and furrow*
- *In the 1970s Guisborough Town Council stated their intention to keep*

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the area as open space, in the 1980s their successors, Langbaugh Council agreed.

- *The matter was further debated at a planning inquiry into a refusal or permission in 1999 and the local plan inquiry 1977; the intention to create a public open space was never realised, this is now the opportunity to rectify this omission*
- *We note that the council is overachieving on the supply of new housing, there is therefore no need for this site to be developed but there is need to retain open green space*
- *Part of the 'borrowed landscape' of the Tudor Croft Garden is Highcliff, which dominates the views from the garden to the south and towards the moors. By building houses on raised ground between the gardens and Highcliff, the unique setting and beauty of this special garden would be lost for ever and would undoubtedly result in ecological damage*

Second response (28/10/2021)

- *Although the site includes some very wet areas the reports do not indicate amphibians however, we understand that Great Crested Newts have been seen near the site*
- *There is no doubt that Tudor Croft Gardens are the best known and probably the most beautiful, unique private gardens on Teesside. The media often refer to them as Botanic Gardens since every plant, shrub and tree planted since 1995 has been labelled and catalogued. They are a significant heritage and horticultural asset to the area, much appreciated by locals and visitors alike who have visited since 1954 raising huge sums for charity. (This year they opened on eight days and raised over £10,000 for local charities.)*
- *The damage that a development such as that proposed will be permanent. Part of the 'borrowed landscape' of Tudor Croft gardens, is Highcliff, which dominates the views from the garden to the south and towards the moors. By building houses on raised ground between the gardens and Highcliff, the unique setting and beauty of this special garden would be lost for ever. The effect of the increased human activity, hard landscaping, the noise and light pollution and especially even greater sewage pollution will adversely affect the wildlife and the natural balance of the garden would be lost; it is unlikely to survive. This would be a huge loss to us all, and to Redcar and Cleveland in particular.*
- *We understand that the Heagneys' offer to allow the regulatory committee to visit Tudor Croft has not yet been taken up and in our view your committee cannot reach a balanced understanding of the proposals and their impact without spending time at Tudor Croft as part of their site visit. We also understand that many years ago when a previous application was refused there was a pledge from your council to keep the land in question as green open space.*

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Yorkshire Gardens trust wishes to continue to register its strong objection to this planning application.”

CPRE North Yorkshire (KVA Planning) made the following comments:-

- *“The Council has an up-to-date local plan but the site is not an allocated development site*
- *The site is within development limits and is therefore a windfall site*
- *Policy SD2, SD3, SD4 and LS3 are key policies and policy requires development to be designed to high standard*
- *The development proposed avoids within area at risk of flooding and there are no PROW across the site but there are informal accesses used by residents for dog walking, the site is not designated as open space on the local plan.*
- *Whilst there does appear to be some policy support for the proposals, in that it is effectively ‘white land’ within the development limits of a sustainable rural settlement, the principal factors most prudent to the determination of the proposal seem to be whether there is a ‘need’ for the site to be developed and whether the impacts of the proposal are appropriate in that specific location*
- *Policy H1 of the LP confirms an annual housing requirement of 234 net additional dwellings over the plan period to 2032*
- *The LP does not have a specific Windfall policy although paragraph 6.31 highlights the fact that ‘windfalls tend to exceed stock losses and there is an expectation that this trend will continue though out the plan period’. The Council’s most up to date ‘Five Year Housing Supply Assessment’ (August 2021) confirms that there is no shortage of supply at section 3.7 setting out ‘it is therefore apparent that housing completions have heavily overachieved against the local plan minimum requirement, which is also reflected in the ongoing strong performance against the annual housing delivery test; and there is a substantial supply of ongoing commitments which, if augmented by prospective major permissions, would be sufficient to maintain a relatively high deliverable supply over and beyond the next five years.’*
- *In the context of housing land supply the application is not one for which there is a specific ‘need’ CPRENY consider that whilst the site is within the development limits of a sustainable settlement, simply because it could be developed does not mean it should be in all circumstances. CPRENY are aware that Phase 2 of the allocated site at Galley Hill has been placed ‘on hold’ due to lack of sales, therefore, any promoted ‘need’ is considered questionable at present.*
- *The site itself is one of the few large open spaces left within the settlement which is not developed. Whilst not designated as formal open space, the area is locally valued as is evident by the numerous objection responses on the Council’s planning portal pages*
 - *CPRENY are concerned that despite the reduction in units from the pre-application enquiry, the proposed 65 units is still a considerable*

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amount for the site and could constitute over-development

- *The Council's own SHLAA considered the site (site reference 161a) for potential residential development, however, discounted the site believing 'there are alternative sites in Guisborough which are in more sustainable and less environmentally sensitive locations and are less physically and environmentally constrained'*
- *CPRENY are aware of the planning history of the site and applications for development which have been refused, this proposal seeks to achieve a similar yield over a reduced site area and a higher site density. As such, CPRENY see no change in circumstances, especially considering the Council's current housing supply position, that should alter the outcome of this renewed proposal and consider the proposal to be contrary to LP policy H2(e) which requires housing proposals 'to achieve a density appropriate to the proposed housing type and mix which supports wider sustainability objectives'.*
- *The policy is supported by text at paragraph 6.22 which states that there must be an appropriate balance between 'the character of the surrounding area including typical densities, the proposed type of development and housing mix and ensuring proposals are likely to be economically viable ...' This is also supported by the general development principles set out at Policy SD4(j)*
- *The applicant proposes a new vehicular access be provided from Trefoil Close, running through the centre of the developable area eastwards. CPRENY are concerned that a future development to the east of the proposed site could then be facilitated leading to further overdevelopment of the overall site. This is also raised as a possible second phase of development in the applicant's own Design and Access Statement and is not something that CPRENY would support.*
- *CPRENY cannot support the proposal for 65 new dwellings in this location and therefore wish to register their objection. The Council's current (and future) housing land supply position does not warrant the need for additional windfall development in Guisborough which has already seen a significant proportion of the district's new builds located here. The proposed site is one of the few remaining natural open spaces left within the settlement and CPRENY consider development in this locally valued open space would not be appropriate at this scale. As such, CPRENY consider the proposal is contrary to the LP Policies SD4, H2(e) and LS3.*

Second response (12/7/2021)

CPRENY had no further comments.

Third response (13/10/2021)

CPRENY had no further comments on the second consultation on respect of ecology.

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Councillor Waterfield representing the Ward made the following comments:-

“Objects to the application for the following reasons

Transport Assessment

The Transport Assessment carried out by Andrew Moseley Associates on the 22/11/21 focused on the current the traffic volumes and projected increases but only in respect of queuing at junctions and delay times etc. There was nothing in it looking at the acceptability of the current, and proposed volumes, past the school entrances on The Avenue for St Paulinus and Campion Drive for Galley Hill schools.

The report also stated that all primary schools were accessible by existing footpaths and while this may be true traffic volumes at all schools would suggest this isn't the preferred option of most parents so I feel a sense of reality needs to be accepted. Also the surplus, or otherwise, of school places is assessed Borough wide which may facilitate travel by car from the new development which also hasn't been taken into account.

The assessment also did not take into account the additional, although temporary, loading due to the construction traffic which in effect is accessing the site through a built-up residential area, there is no main road access to the site.

I think these factors should be a focus of the RCBC highways assessment as a previous application for this site was rejected in part due to the use of Campion Drive as the main access point. By switching to Trefoil Close, traffic must still pass the school entrance on Campion Drive before turning into Bracken Crescent as one of the access options, the other option of turning down Sorrel Grove will still have a direct impact on St Paulinus and associated impact Galley Hill due to the close proximity of the school entrance.

In fact the Transport Assessment referred to above estimates that 85% of the new traffic associated with the development will in fact use the Campion Drive / Bracken Crescent route. Also the RCBC highways assessment must be carried out at the appropriate time due to the close location of schools.

Submitted Documentation

Some of the documentation submitted with the application is quite high level and, in some cases, promising more detail to follow.

- *The Flood Risk Assessment which has been cited by the Environmental Agency as inadequate. Previous applications have highlighted the concerns around aspects of flooding regarding development of this area.*

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- *The Strategic Planning (Policy) response suggests that lower density housing be considered which will be in keeping of the surrounding areas.*
- *Northumbrian Water has concerns around the existing sewerage infrastructure and a report has been produced detailing upgrades, I trust this will get full scrutiny from the Borough Engineers.*
- *The Initial Biodiversity Net Gain Assessment (BNGA) carried out by ECUS shows a projected reduction in all areas with a recommendation that discussions with the land owner or further measures be put in place, again this should be in the plan before the application is approved.*

Local Infrastructure

Whilst the suitability of local infrastructure can be difficult to use as a reason to support or reject an application due in the main for lack of tangible evidence. There is a growing and understandable local concern regarding this issue, which is an ongoing subject I discuss with residents as a Councillor, to suggest that following the recent amount of house building and retail development in Guisborough at some point soon a review of local infrastructure needs to be completed to ensure that the local area is suitable for additional developments. The only real evidence would be a review, and in reality, the Council would have to commission this.

To continue to ignore this due to lack of evidence is becoming a null argument, basically there is no evidence to suggest the local infrastructure can cope as well that it can't. There is also still outstanding planning consent for up to another 150 houses and a further application to be submitted for an older persons / assisted living development close to the town centre.

The council can be seen as slow or uninterested in this aspect of planning, for example the recent decision to re-route HGV traffic, which should have been a fairly simple issue, took far too long to implement making people feel that the council are more interested in placating the developers than the residents they are actually there to serve and who pay their Council Tax.

Evidence will exist, that RCBC can access, to show the status of schools, doctors, dentists etc, however increasing concern is being voiced around the high traffic volumes that now exist in the town which in itself carry's a potential safety issue for residents. Additionally the suitability of parking and access to other amenities such as leisure facilities is a growing concern.

Whilst there is a need for housing in the whole of the Borough, I think RCBC has a greater responsibility to existing residents to maintain a good quality of life in the town.

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So whilst in principle there always has to be a good and measured local growth of housing stock, in this particular case I think there are too many outstanding questions to be answered and for that reason I would support a rejection of the application at this time in its present form.”

Northumbrian Water made the following comments:-

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

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled “Flood Risk Assessment”. This document reflects our pre-planning enquiry advice identifying that foul water flows will discharge to the existing public combined sewer at manhole 0303. Surface water flows will discharge via gravity to the existing watercourse, Hutton Beck.

We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above-named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment” dated “9 November 2021”. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 0303. Surface water shall discharge to the existing watercourse, Hutton Beck. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

It should be noted that we are not commenting on the quality of the flood

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risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria asset out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

For information only

We can inform you that a public foul sewer and a public combined sewer cross the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application.”

Cleveland Police (ALO) made the following comments:-

“I recommend applicant actively seek to develop to accredited Secured by Design Gold standard, Silver should be the minimum sought although I note within the Design & Access Statement accreditation is not being sought. I also note that the statement refers to SBD New Homes 2016, this has in fact been superseded by SBD Homes 2019 which specifies the current recommended security standards. There is also a reference to the principles of Secured by Design, there is as yet no guidance to Principles Of, a scheme would either be compliant or not.

Full information is available within the SBD Homes 2019 Guide at www.securedbydesign.com In any eventuality I recommend applicant contact me for any input I can give in relation to designing out opportunities for crime and disorder to occur.”

NHS Clinical Commissioning Group made the following comments:-

“I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved.

Local surgeries are part of CCG wide plans to improve GP access and

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would be the likely beneficiaries of any S106 funds secured.

Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers.

In calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation.

We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement. This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

Should you have any queries in relation to this information, please let me know.

Natural England had no comments to make on the application.

“The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision-making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.”

Second response (13/7/2021)

Summary of Natural England’s advice

No objection

Based on the submitted plans , Natural England considers the proposed development will not have significant impacts on statutory protected nature conservation sites

Natural England’s generic advice on other natural environment issues is

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set out at Annex A

Protected Landscapes North York Moors National Park

The proposed development is for a site within or close to a nationally designated landscape namely North York Moors National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 176 and 177 of the National Planning Policy AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape contribution to the planning decision. Where available, a local Landscape Character Assessment to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.”

Environment Agency made the following comments:-

“In the absence of an acceptable flood risk assessment (FRA) we OBJECT to this application and recommend that planning permission is refused.

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Reason(s) The submitted FRA does not comply with the requirements for site-specific FRA, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- *consider how a range of flooding events (including extreme events) will affect people and property;*
- *consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event. Specifically, the assessment will need to ensure that proposed units to the north of Tidkin Lane (that are likely to need to cross an area of flood zone 3 in the event of high flows) are assessed; and*
- *take the impacts of climate change into account:*
- *Different climate change allowances have been used to assess future flood risk than those advised in 'Flood risk assessments: climate change allowances', without adequate justification.*
- *Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for the Tees Management Catchment Peak River Flow Allowance, 2080s, central allowance. Consequently, the development proposes inadequate:*
 - *Raised finished floor levels*
 - *Resistance and resilience measures*
 - *Safe access and egress routes.*
 - *Drawing 45948/004/A, Drainage Appraisal Pump Station Option identifies that a culvert crossing will be required as part of the development. However this is not currently assessed within the submitted FRA. An assessment of this will need to be provided within the updated FRA.*

Second response (15/7/2021)

Thank you for referring the amended plans which we received on 29 June 2022.

We have reviewed the information provided and note that the additional information has addressed some of our previous concerns. However additional assessment is still outstanding to demonstrate the development is safe from flooding. Therefore, we wish to maintain our objection to the proposed development.

Environment Agency Position

In the absence of an acceptable flood risk assessment (FRA) we OBJECT to this application and recommend that planning permission is refused.

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Reason(s) The submitted FRA does not comply with the requirements for site-specific FRA, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- *Adequately assess if the design of the proposed culvert will increase flood risk to the proposed dwellings near the watercourse. Document 4598_004B – Drainage appraisal PS Option (1) provides the dimensions of the culvert. However an assessment has not been provided to demonstrate it is sized to the design flood event.*

Third response (30/9/2021)

We have NO OBJECTIONS to the proposed development as submitted. However, we have the following comments to offer:

Flood Risk

We do not consider the development will have an increased risk of on or off-site flooding.”

Redcar and Cleveland Borough Council (Planning Strategy) commented as follows:-

“Site Background

The application site forms part of the 11ha. ‘Newstead Farm’ site between Hutton Lane and The Avenue which is in two ownerships (Mudd and Brunton). The application site comprises most of the Mudd ownership at the western end.

Newstead Farm has an extensive planning policy and application history dating back to the 1990s, which provides some context to these proposals. Newstead Farm was designated as recreational open space in the previous Local Plan (1991-2006) in seeking to address open space deficits and provide a strategic footpath link to connect town, suburb and countryside. However, as the council was unable to purchase the site within the plan period the allocation was deleted through the plan review process. The site was subsequently included in the Local Development Framework for limited residential development for approximately 40 executive dwellings, to be developed on plots of at least 0.1ha (equivalent to a density of up to 10 dwellings per hectare (dph), with the remaining land to be given over to green space and a footpath link through the site. The associated development plan document reached draft consultation stage in 2009 but was later abandoned in response to the coalition government’s changes to the planning system. In 2016, representations were submitted on behalf of Taylor Wimpey for Newstead Farm to be allocated in the new local plan for ‘executive-style’ housing. The site was

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not allocated for the following reasons:

- There were alternative sites in Guisborough which are in more sustainable and less environmentally sensitive locations and are less physically and environmentally constrained.*
- There are significant physical and environmental constraints and the associated abnormal costs may prohibit the provision of genuine executive housing developed at a particularly low density (perhaps of 10 dwellings per hectare or less, as defined in the emerging plan), which would be similar to the adjacent housing at Stokesley Road and would be most appropriate at this site.*

It is also the case that Guisborough had a substantial supply of housing commitments towards the start of the current plan period, thereby reducing the need for new allocations.

Different proposals for residential development and open space at Newstead Farm have been forthcoming since the 1990s. In each case, proposals have been for low density 'executive' or 'executive-style' housing, including a detailed application from Persimmon Homes for 56 dwellings on approximately one third of the land area, which was refused on appeal in 1999.

The last detailed layout was submitted in 2008 on behalf of both landowners and proposed 65-75 dwellings with the remainder of the site to be given over to linked areas of public space and a footpath connecting Hutton Lane and The Avenue. Within the application site area, the layout showed approximately 30 dwellings, with higher proportions of public open space and detached dwellings. The layout also showed that most of the development would be accessed via an extension to the Campion Drive distributor road, and by a separate access from Stokesley Road which would primarily serve development on the Brunton land. A small number of dwellings (6) were to be served from a short extension to Trefoil Close.

The application proposals seek to achieve a similar housing yield over a reduced site and development area through a more intensive form of development. It is only since the current local plan was adopted in 2018 that the two adjoining land areas have been promoted separately. It is not apparent from the application as to why general housing is evidently considered a more commercially viable proposition than executive-style dwellings as previously advocated on the wider site.

National Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) was revised

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by the government in July 2021 and at paragraph 2 it is confirmed that the NPPF is a material consideration in making planning decisions, and that planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Redcar & Cleveland Local Plan 2015-2032

The Local Plan was adopted on 24 May 2018 and comprises the development plan for the borough for the purposes of the 2004 Act. The following policies in the plan are considered relevant to this application:

- *Policy SD1: Sustainable Development*
- *Policy SD2: Locational Policy*
- *Policy SD3: Development Limits*
- *Policy SD4: General Development Principles*
- *Policy SD5: Developer Contributions*
- *Policy SD7: Flood and Water Management*
- *Policy LS3: Rural Communities Spatial Strategy*
- *Policy H1: Housing Requirements*
- *Policy H2: Type and Mix of Housing*
- *Policy H4: Affordable Housing*
- *Policy N3: Provision of Open Space and Recreation Facilities*
- *Policy N4: Biodiversity and Geological Conservation*
- *Policy TA1: Transport and New Development*

Supplementary Planning Documents (SPDs)

- *Design of Residential Areas SPD*
- *Urban Design Guidelines SPD*
- *Affordable Housing SPD*
- *Developer Contributions SPD*

Other Documents

- *Redcar & Cleveland Five Year Housing Land Supply Assessment 2021-2026 (August 2021)*
Redcar & Cleveland Housing and Economic Land Availability Assessment (Update December 2020)
- *Redcar & Cleveland Windfall Allowance Technical Background Paper (2019)*
- *Redcar & Cleveland Strategic Housing Market Assessment (2016)*
Policy Comments

Policy SD1: Sustainable Development

Policy SD1 confirms that in accordance with the NPPF, the Council will exercise a presumption in favour of sustainable development and that proposals which accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

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The NPPF, at para. 8, sets out economic, social and environmental objectives which underpin sustainable development. In meeting those objectives, it is advised at para. 9 that 'planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.

Policy SD2: Locational Policy

The broad locational strategy in policy SD2 requires that approximately 40% of all new development should be in the rural area and the majority of that development should be in Guisborough and the East Cleveland towns of Skelton, Brotton and Loftus. Reflecting its larger size and range of services, Guisborough sits above the other three settlements in the SD2 settlement hierarchy, but the policy does not set proportionate development targets between them. Policy SD2 also prioritises development on previously developed land in sustainable locations, providing it is not of high environmental value. It does not, however, prevent development taking place on other, undeveloped land within development limits.

Policy SD3: Development Limits

It is confirmed in policy SD3 that development proposals within development limits will be supported subject to compliance with other policies in the plan. The application site, although defined as greenfield land and forming part of the Newstead Farm site which was rejected as a local plan allocation, is inside development limits, is not safeguarded for other uses and is within a residential neighbourhood. As such, the plan does not prevent the site coming forward for appropriate and acceptable development proposals.

Policy SD4: General Development Principles

Policy SD4 sets parameters for assessing the acceptability of development proposals and requires that all development should be designed to a high standard.

Part (b) of policy SD4 confirms that development should not 'have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings'; Consideration should be given to the acceptability of access being taken from Trefoil Close and the impact that would have on the residential amenity of households at Trefoil Close and adjacent streets.

Policy SD4 at part (f) advises that development should 'not increase flood risk either on site or downstream of the development'. The application site is undeveloped land and parts of it, along the beck corridor, are within flood zones 2 and 3. As such, the impacts of increased run-off rates arising from the proposed development on flood risk both on and off-site should be taken into account, including in relation to the adjacent Chapel

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Beck flood catchment area and other areas susceptible to surface water flooding. In connection with those checks, the proposed drainage enhancements should be compliant with the requirements of policy SD7.

SD4 (g.) requires that development proposals should 'have access to adequate infrastructure, services and community facilities to serve the development'. Linked to that, policy TA1 states that new development should 'seek to promote sustainable travel to minimise environmental impacts and support residents' health and well-being'. TA1 supports proposals which 'a. improve transport choice and encourage travel to work and school by public transport, cycling and walking; and b. minimise the distance people need to travel'.

Guisborough contains a range of services and facilities, but convenient access to them would be constrained by the limited connectivity of the site which would only be accessible from the west, when the majority of shopping, business, healthcare and recreation facilities are located to the east, in central Guisborough along with further education colleges and the town's secondary school on the far periphery. The distances involved in reaching those destinations (between 2.2 km and 3.4km from the end of Trefoil Close, and beyond that from the main proposed housing area), coupled with the need to initially proceed in the opposite direction, would disincentivise sustainable travel, especially walking, and could encourage car dependency. These locational factors restrict the ability of the site to meet the objectives of TA1 and, in turn, its sustainable housing capacity.

There are facilities in the adjacent residential area to the west, comprising Galley Hill Primary School off Champion Drive and, along The Avenue, a small Roman Catholic primary school and church (St. Paulinus), a convenience store and a pub/restaurant. There are also bus stops located along The Avenue with two different hourly daytime services connecting with the town centre. Further afield there is a half hourly daytime service from Stokesley Road.

With regard to travel behaviour, the Chartered Institution of Highways and Transportation (CIHT)² has noted that 80% of journeys of under one mile are undertaken on foot (beyond one mile, the car becomes the dominant mode of transport). Tied in with that, it is also noted that depending on route quality, people are typically prepared to walk for up to 10 minutes to reach their destination (approximately 800 metres and equivalent to a one-mile return journey); though for bus stops in residential areas the tolerance drops to 5 minutes walking time (approximately 400 metres).

Applying the CIHT distance benchmarks using a straight-line measurement to Trefoil Close and then the existing street network, all of the application site would fall within 800m of Galley Hill school and part of it would be within or marginally beyond 800m of The Avenue. But most of

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the site would be more than 400m from The Avenue, including the main development area east of Hutton Beck which would be between approximately 520m and 720m distance. On that basis, the proximity of the site to bus services would be seen to be of limited significance in moderating car usage.

Any attempt to improve connectivity and shorten travel distances through establishing an access towards Hutton Lane would evidently also involve additional housing development.

With that in mind, it is noted that the submitted Design and Access Statement raises the possibility of a second development phase extending onto the more constrained Brunton land. Further development would add to the environmental impacts on the site, the surrounding residential area and on highway and other infrastructure, and those effects would be compounded if due to the significant highway constraints, an upgraded vehicular access from Stokesley Road or Hutton Lane remained unfeasible, thereby further detracting from the acceptability and sustainability of any expanded development scheme.

Policy SD4 also requires that development proposals should '(j) respect or enhance the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features'; and '(k). take opportunities available to improve the character and quality of the surrounding area and the way it functions by establishing a strong sense of place, responding to local character and history and using streetscapes and buildings to create attractive places to live, work and visit'.

The proposals seek to preserve site character in the first instance by leaving over 50% of the land area undeveloped, mostly along the environmentally significant beck corridor. Within the development areas, the layout also seeks to achieve more generous separation distances on those plots bordering existing properties. Overall however, it is apparent that the proposals would result in a noticeably different form of development compared to the adjacent housing areas. The development would comprise a mix of house types built on smaller plot sizes at higher residential densities, particularly within the main (northern) development area to the east of Hutton Beck where the dwellings would be more distant from existing properties.

The adjacent residential areas, including the estate through which the site would be accessed, overwhelmingly comprise larger private detached dwellings built at low or very low suburban densities. The wider neighbourhood encompassing the Newstead Farm site and bounded by The Avenue, Stokesley Road, Middlesbrough Road / West End and Hutton Lane, can be similarly described as an upmarket residential area

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dominated by larger, typically detached suburban dwellings.

Consideration should therefore be given as to whether the proposed variations in terms of residential character, form and density would meet the requirements of SD4 (j.) and (k.). We consider that a lower density scheme comprising fewer dwellings on larger plots would be more appropriate as it would reflect its surroundings. Furthermore, given the site connectivity limitations, reducing the number of dwellings would promote a more sustainable form of development and would place less pressure on local highways drainage and other infrastructure. Policy SD4 (p.) requires that development proposals should 'provide suitable and safe vehicular access and parking suitable for its use and location'. Having regard to technical highway guidance, consideration should be given as to the suitability of Trefoil Close, which currently serves 6 properties, as an appropriate access point to serve a further 65 properties, and to the impacts on the local road network and traffic safety.

Policy SD7: Flood and Water Management

Policy SD7 and the supporting text sets out the detailed specifications which the proposed development should fully comply with in order to be considered acceptable, and to satisfy policy SD4 (f.).

Policy LS3: Rural Communities Spatial Strategy

Among other things, policy LS3 seeks to 'a. enhance the role of Guisborough as the principal rural service centre and promote independent businesses including the retail, leisure and tourism sectors, as well as a focus for new housing; .and 'd. develop new housing of an appropriate scale, with a mix of types and tenures, in suitable rural settlements'.

It is considered that the proposals would make a limited contribution to the above objectives. During the plan period, Guisborough has received significant commercial investment which has reinforced the status of the town as the main service centre in the rural area. The town has also concurrently undergone substantial housing growth through a range of new developments, amounting to 837 net dwelling completions between 2015 and 2021. Further new developments are also proposed on other sites in the town.

Policy H1: Housing Requirements

Policy H1 sets a net minimum requirement equivalent to 234 net additional dwellings per annum over the plan period from 2015/16 to 2031/32 (3,978 dwellings in total). H1 also advises that the supply requirement will be met through completions to date, existing commitments, allocation sites and other sites with residential planning permission.

The plan provides for an estimated supply of 6,236 dwellings comprising

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pre-adoption completions, commitments and allocations which equates to a substantial buffer of 57% against the minimum requirement, to ensure the supply requirement is still likely to be met in the event that housing delivery rates underperform against expectations.

The submitted Planning Statement refers to the inclusion of a windfall allowance in the supply assumptions. For clarification; the windfall allowance was added to annual updates of the delivery schedule after the plan was adopted following detailed analysis and as set out in the associated 2019 background paper, it only reflects past delivery rates on minor developments (sites of fewer than 10 dwellings and conversion schemes).

Housing delivery comfortably exceeded the average annual requirement over the first six years of the plan period with 2,365 net additional completions by 31 March 2021, (equivalent to 59% of the minimum requirement and leaving a residual balance of 1,613). The latest assessment of five-year land supply evidences a deliverable supply of 1,676 dwellings (excluding any windfall allowance) for the period to 31 March 2026, thereby exceeding the residual balance. The same document also includes an estimated developable supply of 1,926 dwellings from year 6 to the end of the plan period.

As a significant proportion of the supply is on major development sites with successive delivery phases, it is anticipated that a deliverable five-year supply position will be maintained into future years and that the government's annual housing delivery test will continue to be met.

Therefore, while the proposed development (or an alternative scheme) would add to the supply pipeline, the impact it would have in supporting the H1 objectives of meeting the local plan requirement and maintaining a five-year land supply would be negligible.

Policy H2: Type and Mix of Housing

Among other things, policy H2 advises that proposals will be expected to:
'a. contribute to meeting affordable housing requirements, market housing demand and specialist housing needs as indicated in the strategic housing market assessment or by other evidence; and
'b. provide an appropriate mix of house types and sizes which reflects local housing needs and demand, having regard to the strategic housing market assessment, its successor documents or other appropriate supporting evidence'.

The proposed development would add to the supply of general and affordable housing. As the application has not had regard to the SHMA or provided other supporting evidence, it is not apparent how far the proposed mix of house types would reflect housing needs and demand in Guisborough.

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In the same context, the application has not acknowledged housing completion levels in Guisborough within the plan period, and the impact that may have had on addressing housing needs and demand as previously expressed through the SHMA. As indicated above, Guisborough has been a major driver of recent housing growth, and it has moreover received a disproportionate share of new dwellings. The town contains less than 15% of the borough population but over the first six years of the plan it accounted for 35% of all net completions and 87% of net completions in the rural area, thereby creating a spatial imbalance in terms of new supply. Going forward there is identified potential for a further 250 completions in the town over the next five years. While the plan does not prevent additional sites coming forward for development, the need for further housing land in Guisborough is not considered a priority, regardless of the wider supply position in the borough.

Given the volume of completions, the proposed supply contribution of 65 dwellings would be comparatively modest, and the mix of house types would not be markedly different from that which has been recently provided on other sites in the town. At the same time, building in a higher value residential area would be expected to translate into more expensive purchase prices compared to similar dwelling types elsewhere. As such, the range of household incomes which could access those properties would be more restricted, thereby reducing the comparative effectiveness of the proposed development in addressing market demand.

The proposed development includes 10 affordable dwellings, which is line with the standard 15% requirement in policy H4. Within the plan period to 2020/21, 173 affordable units had been completed in Guisborough (equivalent to 17% of supply and all of it on market-led sites, some of which have delivered more than a 15% contribution). A further 118 units are currently anticipated on other sites, mostly on dedicated affordable schemes on sites which are also in more appropriate and sustainable locations close to local services. The proposed contribution is therefore considered to be of limited significance in increasing the supply of affordable dwellings in the town.

Policy H2 (part c.) advises that proposals for housing development will be expected to:

'where appropriate, increase the supply of detached dwellings in the borough, including 'executive' or 'executive style' housing, which the policy goes on to define, and those definitions are expanded on in the supporting text at paras. 6.20 and 6.21.

Within the plan period to 2020/21, a substantial proportion of completions were detached dwellings (46% and 54% in the borough and at Guisborough respectively), but the proportion of 5-bed+ detached dwellings was only one per cent. Although not allocated for development, the application site is in a location suited to 'executive' housing. As such,

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and subject to satisfactory resolution of physical constraints, an appropriate development could support H2(c.), broadening the higher end housing offer in Redcar & Cleveland and in Guisborough. The application proposals would remove any such potential opportunities.

Policy H2 (e.) requires housing proposals to ‘achieve a density appropriate to the proposed housing type and mix which supports wider sustainability objectives’. The explanatory text at para. 6.22 states: ‘Appropriate housing densities should seek to utilise land efficiently and promote sustainable development, bearing in mind the location of the site and its proximity to key (trip-generating) services and achieving an appropriate balance between the following: the character of the surrounding area including typical local densities; the proposed type of development and housing mix; and ensuring proposals are likely to be economically viable throughout the delivery timeframe’.

In this case, the density of the main development area to the east of Hutton Beck, which would accommodate 80% of the dwellings and is also the most remote part of the site, is given as 27 dph3. This is higher than that on the western site, and significantly higher than the densities in the adjacent housing areas.

Policy N3: Provision of Open Space and Recreation Facilities

Subject to economic viability considerations, policy N3 requires new development to incorporate open space provision (or equivalent financial contributions where appropriate). The application proposals include formalising public access to the natural space in the south-western portion of the site, including the provision of a footpath link between the development area through part of the open space and crossing Hutton Beck to Meynell Avenue.

It is recommended that any potential adverse impacts on biodiversity are taken into account in working up an appropriate scheme of safe public access, having regard to policies N4 and SD4(m.). Reference should be had to the Developer Contributions SPD in considering how the open space would be managed and maintained.

Policy N4: Biodiversity and Geological Conservation

Policy N4 seeks to protect and enhance biodiversity and geological resources including the preservation of local, national and international priority species and habitats and the protection and enhancement of wildlife corridors and other habitat networks, particularly hedgerows, watercourses and linking habitat features. In connection with that, policy SD4 (at part o.) requires that proposals should ‘respect or enhance the landscape, biodiversity, geological features, the historic environment and both designated and non-designated heritage designations that contribute positively to the site and the surrounding area’.

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Previous appraisal work undertaken by Tees Valley Wildlife Trust on behalf of the Council as part of the local plan preparation process has identified biodiversity interest in the form of species rich hedges, mature trees within the site and on its boundaries and evidence of protected species (otter and water vole) on Hutton Beck.

Taking that into account, and the submitted Preliminary Ecological Appraisal, the acceptability of the proposals, including the proposed footpath, should be assessed against the requirements of policies N4 and SD4 (parts m. and o.).

Conclusion

Notwithstanding the resolution of technical matters including access and highways arrangements and drainage solutions, from a planning policy perspective determining the application should include consideration of the following:

- Bearing in mind the site setting in an area of lower density suburban housing, whether development would accord with policy SD4 at parts (j.) and (k.).*
- The impact on residential amenity, having regard to SD4 (b.) and (p.).*
- Given the physical constraints of the site including its limited connectivity with the surrounding urban area, whether the proposals would be acceptable in terms of promoting sustainable development, having regard to policies SD1, SD4, TA1 and N4 and any other relevant policies or material considerations.*

The above issues outweigh any justification in terms of adding to the housing land supply pipeline or other benefits of the scheme.

As previously advocated by the Council and other parties, we consider the site location would only be potentially suitable for lower density housing comprising larger, and fewer dwellings than are proposed in the application. The more disconnected nature of the application site serves to reinforce that view. An acceptable scheme could also support the housing aspirations in the plan at policy H2 (c.) and would, as suggested above, be more appropriate in responding to local character, and in promoting sustainable development on the basis that a less intensive development would have less of an impact on the site and the surrounding area.”

Redcar and Cleveland Borough Council (Local Lead Flood Authority) made the following comments:-

“First response (15/12/2021)

The LLFA wish to raise an objection to the proposed development. At this stage the LLFA are unable to fully assess the flood risk based on

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the submitted information including the FRA. The Submitted information fails to fully comply with policy SD7

The LLFA have identified a number of properties in close proximity to Hutton Beck, as such to overcome the objection the applicant will be required to model the watercourse for various extreme events and produce a drawing that shows the flows from the flood events, that shows the extent of flooding on site.

The above will further provide confirmation of the flow paths should the pumping station fail and potentially cause flooding.

The site is historically wet, as such the FRA does not detail the risk of flooding from groundwater at the surface sufficiently.

Furthermore, the unnamed ordinary watercourse on the eastern edge of development site, has no maintenance regime by current owners, this has the potential to cause flooding to the applicant site, further consideration should be given to this possible issue.

Any revised submission shall be accompanied by calculations to support the sizing of the culvert, storage attenuation and the calculations shall include 1 in 100yr +40% not 20% as referred to in documents.

Second response (18/7/2021)

Further to being re-consulted on the above planning application please see further LLFA comments.

The applicant has failed to indicate on the plan, the proposed discharge point of the French drain, it is assumed it either discharges to the beck or into the storage tank at the bottom of the site. There is also another issue that the French drain requires two MH constructing one at the change of direction of the drain to allow cleansing if needed and one at the end of it before it then potentially discharge into the beck if this is the option they choose.

There is also no indication of the dimension of the perforated pipe in the French drain, the LLFA would wish to see upsized pipe.

If discharging into the beck this would require an headwall outfall detail with non-return flap, or alternatively discharging into the storage tank which would then pump the excess water back up the site before finally discharging back into the beck further up the site.

Due to the above comments, the LLFA would still raise an objection until the discharge point is finalised and supporting information and calcs is supplied for assessment. The applicant will also be required to provide a

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plan showing overland flows to ensure no increased risk of flooding to the locality.

Third response (1/11/2021)

The LLFA have reviewed the information submitted and the continued discussions with the agent, subject to the following the LLFA can withdraw the initial objection.

Upon review of the additional information, it is established that a suitable scheme for the disposal of surface water can be achieved. Whilst at this stage there is insufficient detail, the LLFA would recommend the following conditions (non-standard) should the application be recommended for approval.

LLFA 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) Discharge point for the disposal of surface water.

(iii) 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.

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

(v) 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.

LLFA 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

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*(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.

LLFA 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.”

Redcar and Cleveland Borough Council (Housing Area Services) had no objections.

Redcar and Cleveland Borough Council (Natural Heritage Manager) advised that it was important that the appropriate planting of trees was incorporated into this scheme to ensure a net gain in biodiversity.

Redcar and Cleveland Borough Council (Archaeological Advisor) commented as follows:-

“The application is accompanied by an archaeological DBA by MAP. We would recommend that a prior geophysical survey should inform the application where practical. This is considered by the submitted DBA to be a possible step to more clearly identify any impacts, and, bearing in mind the relevant national guidance (in the NPPF), would be sufficient with regard to a significant part of the possible archaeological resource. Cutting of grass to facilitate would be required, but that should not be an impossible task.

*On the line of the putative medieval road, if vegetation makes geophysical assessment impossible, we recommend that other forms of ground investigation are undertaken, e.g., trial trenching, to ascertain the presence/absence, condition and extent of such feature.
As the geophysical work itself could (if producing positive results)*

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constitute a requirement for further evaluation, any trial trenching of the road line could be delayed until the results of the geophysical survey are known.

We agree with the findings of the submitted DBA, that the impacts of the proposal on the setting of designated heritage assets would be 'neutral'."

Redcar and Cleveland Borough Council (Schools Capital Officer) made the following comments:-

"Having reviewed the anticipated impact of the development based on established pupil yield figures relative to current and projected school capacities within the catchment of the development, I can confirm that there is anticipated to be local primary capacity that would accommodate the numbers of pupils this development would generate. However, we expect this development will place pressure on the catchment secondary schools capacity, assuming typical industry rates for delivery of dwellings. As such, it would be expected that the developer into an agreement with the Council to provide a financial contribution for secondary education pupil capacity provision in line with the provisions in the Developer Contributions SPD. In addition, a contribution toward the need for SEND places should be provided, noting an increase in pupil numbers is likely to also impact on the need for SEND places."

Redcar and Cleveland Borough Council (Development Engineers) commented as follows:-

First response (26/1/2021)

"The proposal is for 65 dwellings to be accessed from Trefoil Close, the layout of which is considered acceptable. The road width of 5.5m and 2 x 2m footways are to our adoptable standards. The car parking requirements in our Design Guide & Specification are two car parking spaces within curtilage for 3 bed dwellings and three car parking spaces for 4 bed dwellings. Garages can be considered as counting towards this provision providing, they are 6m x 3m internally – please ask the applicant to amend the garage details to suit. Six plots do not meet our car parking requirements- plots 1, 2, 7, 11, 12 and 13 as they are one space short; additionally, these are located on the main road through the site and require adequate off-street provision.

I have no concerns regarding the traffic figures.

The problem is the lack of accessibility of the site with access only available from Trefoil Close at the western end of the development. There are no public rights of way or apparent private paths linking into the site to provide alternative walking and cycling routes to the facilities that residents would need to access. Possibly the opening up the farm access

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to Champion Drive could be a start to make a more direct route to The Avenue but there are no eastward routes towards the town centre therefore access to the site is likely to be car dependent. The proposed site Travel Plan is fairly meaningless unless action can be taken to provide sustainable access routes into the site.

Should the application be granted, the development will be considered for adoption subject to the applicant entering into a Section 38 Agreement to ensure adoptable standards.

Please condition that there is to be no obstruction of the adjacent adopted highway for the duration of the works; in the interests of highway safety. Please also condition that details are to be submitted and approved in writing showing the wheel wash facilities, contractor car parking and material storage within the site for the duration of the works. A traffic management plan will also be required for the site.

Second response (17/8/2021)

Highway comments on the revised plans:-

The parking provision has been increased as per my last comments and acceptable. Plots 50 -53 – oriented through 90 degrees and acceptable. The boundary treatment plan is ok except annotated incorrectly at plots 50 -53 due to being amended.

Whilst the revised plans show a proposed pedestrian/cycle link towards Champion Drive – which should be 3m minimum width - it is dependent upon land being available for connectivity outside of the red line boundary. Without this land then the link will not be completed and useable.

The comment not addressed was any connectivity eastwards towards the town centre for public amenities and public transport links. None has been shown and therefore does not lend itself to encouraging walking and cycling from within the development.”

Redcar and Cleveland Borough Council (Environmental Protection) made the following comments:-

“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 Preliminary Appraisal Report has been submitted in support of this application.

The report states that contaminant linkages may be possible to a variety of receptors although risks are likely to be limited in extent to areas of any

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localised made ground. Potential heavy metals, asbestos, organic and inorganic contaminants in topsoil, localised made ground and/or shallow soils may pose a potential risk to construction workers and site end-users. Risks related to these potential linkages are currently given a qualitative assessment of “low to moderate”.

The report states that possible risk from hazardous gas sources exists, principally associated with any organic alluvial soils and any localised made ground present.

The report recommends the precise nature of the risks should be investigated further through site investigation.

- *Trial pitting to investigate shallow soil and groundwater conditions and allow the recovery of soil samples for laboratory testing.*
- *Window sampling to allow the recovery of any made ground and deeper soil samples, and to assess potential foundation options. Standard Penetration Tests (SPTs) should be undertaken to provide geotechnical data for the underlying soils.*
- *Ground gas monitoring wells should be installed within selected boreholes.*
- *Geotechnical and contamination testing at UKAS accredited testing laboratories to adequately characterise the made ground and shallow soils.*
- *A programme of ground gas monitoring visits should be undertaken, to allow a ground gas risk assessment to be produced for the site, comprising six visits over a three-month period.*

In order to minimise the environmental impact and to ensure that the site is fully characterised and suitable for the proposed end use 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) commented as follows:-

“I note the development will be in close proximity to existing 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:

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

REASON: In the interest of neighbour amenity.

2. *Prior to commencement of construction, a CEMP shall be 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. The erection and maintenance of security hoarding including decorative displays;*
- V. Wheel washing facilities;*
- VI. Measures to control the emission of noise dust and vibration during the construction period.*
- VII. A scheme for recycling/disposing of waste resulting from demolition and construction works.*

REASON: To protect the amenity of nearby residents and in the interests of highway safety.”

The Managing Director advised that the main considerations in the assessment of the application were;

- The principle of development in respect of policy set out in the NPPF and Redcar and Cleveland Local Plan 2018
- Housing delivery and RCLP policy H1
- Issues in respect of RCLP policy SD1;SD2;SD3 and LS3
- The general impacts on the character and appearance of the area and local landscape
- Design and form of development
- The impact of the development on neighbour amenity
- The impact of the development in terms of ecology
- Trees
- Transport and highways
- Flood Risk and drainage
- Archaeology
- Ground investigation
- Section 106 and Planning Obligations

Planning Assessment

The principle of development in respect of policy set out in the NPPF

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and Redcar and Cleveland Local Plan

Site History

Colleagues in the Planning Strategy team had set out the broad history of this particular site.

The site which formed part of Newstead Farm was designated as recreational open space in the previous local plan (1991-2006). However the Council was unable to purchase the site within the plan period and that allocation was deleted in the subsequent local plan review process. The site was then allocated as development site for approximately 40 dwellings in the Local Development Framework (LDF) with the remaining land being given over to open space. The Communities DPD, part of the previous Local Development Framework (LDF), reached draft consultation stage but was abandoned in view of changes to planning regulations and a new local plan was commenced. A developer made representations to allocate the site in the then emerging plan for *executive style* housing but that was rejected because officers concluded at the time that there were more sustainable and less environmentally sensitive sites and there were considered to be key constraints that would constrain delivery.

Several proposals had been forthcoming for development including a detailed application for 56 dwellings which was refused permission on appeal in 1999 and a scheme submitted for comments for 65-75 dwellings in 2008.

The current application proposals sought to achieve a similar housing yield over a reduced site and development area through a more intensive form of development. It was only since the current local plan was adopted in 2018 that the two adjoining land areas had been promoted separately.

At this point it was appropriate to make several observations on the background to the site which had been raised by some objectors, GAMBOL and other consultees.

(i) whilst it was noted that historically there was a suggestion that the site and wider area be secured as public open space / amenity land, this intention was never carried forward because the council was unable to secure the acquisition of the land for that purpose; there was no prospect that this proposal could be revisited but members would note that there was an offer of a planning obligation to secure the remaining undeveloped area of the land not included in the development proposal, as publicly accessible open space

(ii) the previous appeal decision in 1999 was not relevant to this application and could be given no weight in the determination of the application. The Planning Act required the LPA as decision maker to

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determine the application in accordance with the current development plan (RCBC Local Plan 2018) and to take into account in that decision planning policy, national planning guidance and policy set out in the NPPF.

(iii) a number of stakeholders had submitted that the site was not *needed* because the Council was exceeding the delivery of housing over the plan period to date. The NPPF and associated planning policy required a council to deliver a *minimum* number of new dwellings based on the agreed assessed need and housing delivery test, there was no *maximum* level of provision. The delivery of new housing in the borough and our current housing land supply would be a material consideration in a case where a development site was outside development limits but this application site was *within* development limits and planning policy in the local plan was permissive of such development where other policy requirements and development management considerations were met.

(iv) the analysis of the application site and the suggestion that it be developed for 'executive' lower density housing did not find expression in the current development plan and the development of the site for up to 40 dwellings was given consideration in the past. It was recognised the application proposals sought to achieve a similar housing yield over a reduced site and development area through a more intensive form of development. It was only since the current local plan was adopted in 2018 that the two adjoining land areas had been promoted separately. It was not apparent from the application as to why general housing was evidently considered a more commercially viable proposition than executive-style dwellings as previously advocated on the wider site

(v) whilst the value of the application site and wider area to the local community was noted, the site did not benefit from an open space designation and was not protected for that purposes under development plan policy.

Housing Delivery and policy H1

A number of objections had been received that referred to the Councils performance in respect of housing delivery in the current plan period and suggested that the development was not required. As stated above, there was no current policy test of *need* and the annual housing target expressed as objectively assessed need (OAN) was a *minimum* level of delivery required by government policy, there was no maximum figure set out in policy.

Policy H1 sets a net minimum requirement equivalent to 234 net additional dwellings per annum over the plan period from 2015/16 to 2031/32. H1 also advised that the supply requirement would be met through completions to date, existing commitments, allocation sites and

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other sites with residential planning permission.

The plan provided for an estimated supply of 6,236 dwellings comprising pre-adoption completions, commitments and allocations which equated to a substantial buffer of 57% against the minimum requirement, to ensure the supply requirement was still likely to be met in the event that housing delivery rates underperformed against expectations.

The submitted Planning Statement referred to the inclusion of a windfall allowance in the supply assumptions. For clarification; the windfall allowance was added to annual updates of the delivery schedule after the plan was adopted following detailed analysis and as set out in the associated 2019 background paper, it only reflects past delivery rates on minor developments (sites of fewer than 10 dwellings and conversion schemes).

New housing delivery comfortably exceeded the average annual requirement over the first six years of the plan period with 2,365 net additional completions by 31 March 2021, (equivalent to 59% of the minimum requirement and leaving a residual balance of 1,613). The latest assessment of five-year land supply evidenced a deliverable supply of 1,676 dwellings (excluding any windfall allowance) for the period to 31 March 2026, thereby exceeding the residual balance. The same document also included an estimated developable supply of 1,926 dwellings from year 6 to the end of the plan period.

In terms of strategy policy SD1, SD2, SD3 and LS3 Policy SD1 confirmed that in accordance with the NPPF, the Council would exercise a presumption in favour of sustainable development and that proposals which accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise. The NPPF, at para. 8, sets out economic, social and environmental objectives which underpin sustainable development. In meeting those objectives, it was advised at para. 9 that;

'planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.

Policy SD2 identified Guisborough as a main rural service centre. Local plan policy directs new development to the most sustainable locations and the plan provides that the majority of new development would take place in Guisborough and the East Cleveland Towns; priority would be given to brownfield sites and development outside development limits restricted.

The broad locational strategy in policy SD2 required that approximately 40% of all new development should be in the rural area and the majority

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of that development should be in Guisborough and the East Cleveland towns of Skelton, Brotton and Loftus. Reflecting its larger size and range of services, Guisborough sat above the other three settlements in the SD2 settlement hierarchy but the policy did not set proportionate development targets between them. Policy SD2 also prioritised development on previously developed land in sustainable locations, providing it was not of high environmental value, it did not, however, prevent development taking place on other, undeveloped land, within development limits.

The last Annual Monitoring Report noted that for housing delivery, 62% of new development was delivered in the urban / costal area and so the Council was on general track in terms of the development spatial split.

Policy SD3 defined development limits that separated the built-up area from the open countryside where development was more strictly controlled. It was confirmed in policy SD3 that development proposals *within* development limits would be supported subject to compliance with other policies in the plan. The application site, although defined as greenfield land and forming part of the Newstead Farm site which was rejected as a local plan allocation, was inside development limits, was not safeguarded for other uses and was within a residential neighbourhood. As such, the plan did not prevent the site coming forward for appropriate and acceptable development proposals

Policy LS3 (Rural Communities Spatial Strategy) identified Guisborough as a higher order settlement; policy LS3(a) of the plan was to

(a) Enhance the role of Guisborough as the principal rural service centre and promote independent business including retail, leisure and tourism sectors as well as a focus new housing and

(d) develop new hosing of an appropriate scale, with a mix of types and tenures, in suitable rural settlements

It should also be noted at this stage, although some matters were assessed in greater detail below, that the site had no other designation or allocation in the development plan. It did not have a landscape designation under policy N1; it was not identified as a strategic gap or green wedge under policy N2; it was not identified as primary or secondary open space under policy N3; it had no nature conservation or wildlife designation under policy N4 and the site and surrounding area was not in a Conservation Area.

The submitted supporting Planning Statement dealt with a range of planning issues which were also considered in this report. In terms of the general matters under consideration the applicant notes that the site was not designated and was not the subject of any protective policies. The previous assessment of the site and identified constraints were noted but

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they observed that site had been considered for development previously as suitable for development, subject to resolving technical constraints, they submit that the present limited scheme presented had resolved outstanding technical matters and as a *windfall site* was policy compliant.

Planning officers concluded that subject to the detailed assessment of the application there were no policy conflicts with policy SD2, SD3 and LS3 of the Local Plan and there were no planning reasons why the development of the site should be resisted as a matter of principle.

The general impacts on the character and appearance of the area and local landscape

The site did not lie in an area of special control and officers concluded that the design of the proposed development was generally acceptable. The prevailing form of development in the locality of the site was of modern two storey dwellings which was reflected in the proposal. No issues were raised in respect of the detailed design of the proposed dwellings. It was also noted that development was restricted to that part of the site which was not constrained by technical matters, in particular flood risk, and this would see development restricted to the north and eastern part of the site and so , apart from the proposal to allocate the remaining undeveloped part of the site for public open space to the south and west of the development, change, in terms of local landscape and character would be restricted to the north east section of the site.

One of the main issues that had been raised in respect of the development of the site was the relationship of the development to the existing low-density housing on Stokesley Road and in particular Tudor Croft and its associated Gardens.

The objections submitted in respect of the impact of the development on Tudor Croft were noted but Tudor Croft was not listed nor were its associated gardens and it did not lie in an area of special control.

In terms of landscape designation in the SPD Guisborough and its surrounding area lay within the Guisborough Lowlands Broad Landscape Area which was classed as restoration landscape i.e. where the land had lost a greater or lesser degree of landscape structure and would benefit from measures to restore that structure and character.

In terms of the relationship to the Tudor Croft, this was formed by the northern boundary of the proposed development site for a length of some 177m. It was noted that the development site abutted the southernmost section of the garden area which was separated from the main house and garden by the Hutton Beck.

The main Tudor Croft house was separated from the development site by

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some 88 - 160m and there was heavy planting in the form of trees and understory planting on that boundary which would provide a degree of screening between the main gardens and the new development.

In terms of this impact the applicant submitted;

Local topographic mapping suggests that the gardens sit at around 94m AOD and that the nearest proposed houses are at a broadly similar level- albeit those to the east of the site would be some 2m lower than the gardens, with the lowest being at 91.35m. There is considerable mature vegetation at

the southern boundary of the garden, between the garden and the site. Given the similar and reducing levels, as well as the intervening vegetation, it is highly unlikely that there will be any significant intervisibility between the two sites.

Our view is that it is highly unlikely that there will be any meaningful impact on the attractiveness of that garden. There will be no direct impacts, as none of the garden will be lost to the development, and it is highly unlikely that there will be any indirect impacts caused by visual intrusion.

In the absence of any further explanation of what makes this garden significant, and how the development would actually impact on it, we suggest that there is not likely to be a meaningful impact on this non-designated heritage asset.

Whilst it was recognised that the development of the application site would alter the character of the area, officers did not believe that the development of the main part of the site, as a matter of policy principle, would alter the character of the area to the extent that permission should be withheld.

In terms of strategic landscape impact, officers recognised the advice set out in the response of Natural England and the observations made in respect of the impact of the development on the special character of the National Park. Whilst the officers view was that the development was not one which was required to be supported by a specific Landscape and Visual Impact Assessment (LVIA) it was also concluded, based on the assessment of the application and site assessment, that the development would not have an adverse setting of the National Park and its special landscape character.

The application site was located within the built-up area of west Guisborough and, whilst it formed a substantial area of undeveloped green space, it was largely screened from views by the existing surrounding development. Spatially it had a limited direct link to the chain of open space to the boundary of the National Park which lay to the south of Hutton Lane. Where there was an impact this was limited to views from

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higher ground in the National Park at significant distances from the site and from which there was no demonstrable impact on the National Park's setting.

In summary, it was noted the application proposals sought to achieve a similar housing yield over a reduced site and development area through a more intensive form of development than had been suggested in the past. Colleagues in the Planning Strategy Team also commented it was not apparent from the application as to why general housing evidently considered a more commercially viable proposition than executive-style dwellings as previously advocated on the wider site. With respect to this matter, this was largely a matter for the applicant and commercial market considerations

From a development management point of view, the narrative history of the site in planning terms was noted, officers noted that critically, whilst there were recognised planning constraints to the delivery of the site previously, nothing prevented a land owner or developer undertaking to overcome those technical constraints and the current Local Plan did not seek to protect the application site from development.

In terms of the impact of the development on the character of the area, this was considered acceptable, the development may be at variance with the planning assessment of the site in the past but the development in terms of its design and layout, general character and form did not adversely impact the character of the site and the surrounding area and gave rise to no landscape impacts locally or strategically that were not unacceptable.

The development made efficient use of the land being a smaller development area than had been suggested in the past, incorporating open space. The development generally respected the character of the site and its surroundings in terms of scale, form, massing and detailed design features. The variance of the density in terms of the character of the larger properties to the north of the site off Stokesley Road was noted but for the reasons set out above, this was not considered to be a reason to withhold planning permission. The development created a sense of place with its own character creating an attractive streetscape and was a safe and secure environment. Since the site did not have a particular policy designation it was considered the development of part of the site would not result in the unacceptable loss, or significant adverse impact on important open spaces or environmental, built or heritage assets which the development plan considered were important to the local environment. In addition, of particular note was that over 50% of the site would remain undeveloped and would be given over to open space to which the public would have access.

In view of the above assessment officers concluded there was no

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unacceptable conflict with policy SD4(c)(i)(j), LS3(q)(t) and N1 of the Local Plan.

Design and form of development

The application was supported by a Design and Access Statement which explained the design approach to the development.

The D&A described the site and its location and provided a site context; a site and local character assessment was set out . In terms of the design of the proposed development the D&A recognised constraints to the development of the site including the site topography; watercourse; site planting; the lack of connectivity within the site, lack of footpaths and surrounding existing development. In terms of opportunities these were stated to be; access to the site; improvement of connectivity; creation of footpaths; retention of boundary and site planting and generous separation distance to maintain privacy.

The development would support the delivery of new public open space on the southern part of the site; there would be a clearly defined hierarchy to facilitate access by all means of transport.

The D&A then identified key design components of the scheme in terms of layout and appearance, in terms of the houses themselves the D&A notes that they were all two-storey designed to be sympathetic to their surroundings; open space and the access were overlooked. There were three styles of properties incorporating brick and brick and render and the development was within a landscape setting. The layout had been designed to achieve the key principles of Secured by Design. Section 4.7 applies the 10 National Design Characteristics

Although not in an area of special control, policy SD4 of the Local Plan sets out criteria that would be applied to new development. SD4 required all new development to be designed to a high standard and would be expected to, inter alia;

- (i) make efficient use of land incorporating green space and landscaping
- (j) respect or enhance the character of the site and its surroundings in terms of its proportion, from massing , density, height, scale, materials and detailed design features
- (k) establish a strong sense of place , responding to local character and history and using streetscapes and buildings to create attractive places to live
- (m) create a healthy, active, safe and secure environment

In addition to Local Plan policy SD4, the Council had adopted a design guide (Design of Residential Areas SPD) which sets out general guidance

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on the design of new development and series of design objectives.

The general layout and disposition of buildings on the site raised no issues; the entrance to the site off Trefoil Close being characterised by development on the north of the access road with limited development to the south of two units. This gave way to a higher density development. The development would contribute to the creation of a number of street typologies and whilst it was noted most of the car parking would be at the front of each dwelling, this was no different to the surrounding character of the existing estates.

Each of the houses would have access to private garden space and the application was accompanied by a landscape master plan that sets out the design approach to the landscaping of the application site which included street planting; enhancement of existing planting features such as hedgerows; new planted areas on the proposed public open space a planting strategy to improve the area including a community orchard and ecologically appropriate seed mixes.

In terms of the comments of the Cleveland Police ALO the applicant responded;

The applicant accepts that Secured By Design should be adhered to and is willing to accept a condition on this. They will also liaise with the ALO, following any layout changes that may result from the ongoing consultation process, to ensure that opportunities to secure that standard are not missed.

The outstanding matters in respect of design; use of materials, surface treatments and landscaping were able to be dealt with by planning conditions.

In view of the above assessment officers conclude there was no unacceptable conflict with key criteria of policy SD4(i)(j)(k)(m) in terms of detailed design considerations, policy N3 in respect of the delivery of new public open space or the relevant adopted design SPDs.

The impacts on neighbour amenity

The proposed development achieved satisfactory separation distances to existing properties and in many cases exceeds adopted standards even taking into account changes in site levels. In view of this the development would not result on adverse impacts on amenity by reason of loss of privacy and unacceptable overlooking.

A number of objections had been received in respect of the likely impact on construction on the surrounding residential areas but construction

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impacts were temporary and was not a valid reason to refuse planning permission. It should also be noted on any approval planning conditions may be employed to minimise these impacts through, for example, a Construction Environment Management Plan and control over hours of working.

In response to the comments of the environmental protection officers the applicant had confirmed that planning conditions in respect of hours of working and the submission of a Construction Environment Management Plan (CEMP) were acceptable. In addition they noted that no issues had been raised by officers in respect of noise, air quality or other olfactory issues.

The concerns and objections expressed in respect of construction impacts were noted however, the development process was a transitional and temporary impact. It may be appropriately mitigated and minimised through the use of planning conditions and other legislation but was not, in itself, an appropriate reason to refuse planning permission.

The development raised no issue in respect of policy SD4(b) of the Local Plan.

The impacts of the development in terms of ecology

The application was supported by an ecological assessment and associated surveys.

Executive Summary of Phase 1 Study

- *The Site consists predominantly of semi-improved neutral grassland with hedgerow boundaries to the north of the Site with an unnamed ditch along the north eastern boundary. To the west, habitats on Site also comprise predominantly of semi-improved neutral grassland with areas of tall ruderal vegetation, dense scrub, hedgerow, hardstanding and broadleaved woodland. Broadleaved woodland is present on Site predominantly adjacent to running water (Hutton Beck) that flows from the south west to the north of the Site, intersecting its centre. Broadleaved woodland is also present to the east of the Site along with semi-improved grassland, tall ruderal vegetation and hedgerow. To the south of the Site, habitats comprise of dominant tall ruderal vegetation and scattered trees*
- *There are two statutory and nine non-statutory designated sites within 2 kilometres (km) of the Site. No significant impacts are anticipated to any designated sites based on their relative distance from the Site, nature of the designations and nature of the proposals*
- *The semi-improved neutral grassland, dense scrub, scattered*

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trees, running water, tall ruderal vegetation and hedgerow on Site are all considered to be of no more than site level value to nature conservation. The area of hardstanding is considered to be of negligible ecological value to Site

- *The semi-natural broadleaved woodland on Site is considered to be of local level value to nature conservation in relation to its connectivity to habitats in the wider area, which forms a 'green corridor' valuable resource for wildlife*
- *Land take of semi-improved grassland, dense scrub, scattered trees and part of a single hedgerow (H6) is anticipated to facilitate the proposed development. Habitat loss is considered to be of no more than site level importance to nature conservation for these habitats. No loss of woodland is anticipated within the proposed development, although cutting back is anticipated in the south-west of the Site*
- *It is recommended that the areas of POS are managed and enhanced for wildlife including the planting of native pollen/nectar rich shrubs and the use of a suitable wildflower seed mixture (e.g. Wildflower Turfs, WFT-Bespoke planted)*
- *A Biodiversity Net Gain Assessment (BNGA) is recommended for this Site to ensure measurable improvements for biodiversity by creating or enhancing habitats within the proposed development. If a 10% net gain cannot be met through measures incorporated on Site, off-site compensation investigations and/or financial contribution towards biodiversity enhancements may be necessary*
- *Based on the absence of suitable breeding habitat for great crested newts Triturus cristatus (GCN) this species is not considered a constraint to the proposed works. Best Practice Measures are recommended in relation to common amphibians*
- *No badger Meles meles setts were identified during the survey however, signs of badger in the form of snuffle holes and a latrine were noted. Dense vegetation prohibited thorough searches for badger in some areas and as such the presence of badger on Site cannot be ruled out. Further survey is recommended*
- *Trees on Site have Potential Roost Features (PRFs) of Low to High suitability for use by roosting bats, therefore, trees that require removal or will be directly disturbed by the proposed works should be subject to direct inspection by a licensed bat ecologist and/or nocturnal bat surveys in accordance with current guidelines*
- *It is considered that the Site has moderate suitability for foraging/commuting bats. Therefore, one activity survey per month (April-October) accompanied by the deployment of two automated/static detectors in two locations per transect which are left in-situ for five consecutive nights, is recommended to assess the level of use and impacts the proposed development may have*

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on bat species using the Site. Task lighting should be minimised during works, angled away from Hutton Beck and boundary features e.g. mature trees and hedgerows and it is recommended that a sensitive lighting scheme is developed for retained and new vegetative habitats on the Site post development, to minimise the impact upon foraging and commuting bats using these features. Lighting should avoid features such as hedgerows and trees and light spill should be avoided in any areas where planting may occur within the POS

- *The Site has potential to be used by common nesting and foraging birds and by species such as Wildlife and Countryside Act (WCA) 1981 (as amended) Schedule 1 listed barn owl *Tyto alba* for foraging. There is potential for impacts to nesting birds during vegetation clearance if scheduling cannot avoid the nesting season (typically recognised as March – August inclusive). Where avoiding the bird nesting season is not possible, further survey is recommended by an experienced ecologist no more than two days prior to works commencing, to confirm the presence/absence of active bird nests. The installation of bird boxes upon the new dwellings and upon the retained trees on Site should be considered to enhance the Site's ability to support nesting birds post development.*
- *Habitats on Site are connected to suitable habitats within the wider area for reptiles and records confirm the presence of common lizard *Zootoca vivipara* and slow worm *Anguis fragilis* within the wider area. It is considered possible that reptiles could be present within the Site and as such further survey is recommended.*
- *Hutton Beck is considered suitable for use by otter *Lutra lutra* and water vole *Arvicola amphibius*, and records confirm their presence within the wider area. Further survey is recommended*
- *Brown hare *Lepus europaeus* have some potential to use the Site but are considered more likely to favour habitats adjacent the Site. No further mitigation or compensation measures are considered necessary*
- *Hedgehogs *Erinaceus europaeus* are highly mobile and inquisitive animals that have potential to be resident within the Site or move onto/across Site at any time. To allow for dispersal between gardens, small gaps beneath or between garden fences should be incorporated across the development if close boarding fencing is to be used. Alternatively, railing and hedgerows provide free passage for hedgehogs*
- *It is recommended that areas of POS and hedgerow are managed and enhanced for invertebrates via the installation of insect houses/hotels e.g. bee bricks, the creation of wildflower meadows within the areas of POS, sensitive management of hedgerows and the planting of*

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*native species shrub. Invasive species were noted on Site comprising of Himalayan balsam *Impatiens glandulifera* and a cotoneaster species *Cotoneaster* sp. Treatment to attempt to manage and/or eradicate the invasive species (Himalayan balsam in particular) by a suitably qualified professional at an appropriate time of the year to manage and avoid spread of this species is recommended*

Survey results

The purpose of the preliminary ecological appraisal was to record and map habitats and assess the potential for the Site to support species which were protected under UK and/or European nature conservation legislation. The study described the data consultation employed and the extent of the Phase 1 survey and the results recoding methodology.

Hedgerows on Site were assessed under the landscape and wildlife criteria listed in Schedule 1 Part II of the Hedgerow Regulations 1997, using the standard methodology in the Regulations.

Surveys for particular species included amphibians; badger; bats; birds; reptiles; riparian mammals and White-clawed Crayfish and other key and notable species.

The final report recognised survey limitations but commented that;

The survey was completed in an acceptable season for completing a robust botanical survey and in good weather conditions. Therefore, there are no significant limitations associated with the survey to determine baseline habitats

The report identified statutory and non-statutory designated sites within 2km of the application site. The report noted the site supports semi-improved grassland; semi-natural broadleaved woodland associated with the Hutton Beck; scattered trees; tall Ruderal vegetation and hedgerows. In terms of hedgerows the report concluded;

None of the hedgerows on Site are considered to have the sufficient number of woody species or Sub Paragraph 4 features to classify as Important under the Hedgerow Regulations 1997. However, seven of the eight hedgerows comprise of 80% or more native species and these seven are therefore considered to be of importance in accordance with Section 41 of the NERC Act 2006. Hedgerows are not listed within the Redcar & Cleveland BAP. Therefore, the hedgerows are considered to be of importance at site level only

No evidence of ash die back was detected on the site and the dense scrub and hardstanding (bridge) were noted to be of limited or no impact

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in ecological terms. The report then sets out the results of the survey of species types drawing from data such as ERIC NE (Environmental Records Information Centre)

Amphibians

GCN were not known to be present in the local area, did not have a network of waterbodies to support a metapopulation or disperse on to Site for and therefore were discounted as an ecological constraint; the report noted the existence of a garden pond on an adjacent site which could provide suitable breeding and foraging opportunities for common amphibians, which in turn could disperse on to Site for shelter opportunities. The Site habitats were unsuitable for breeding common amphibians due to the absence of waterbodies. They could be used by common amphibians during their terrestrial phase, although other garden habitats in the immediate vicinity may also offer sheltering opportunities. The Site habitats were considered to be of importance to common amphibians at a site level.

Badger - On the day of the survey, no badger setts were identified however, a potential latrine with aged faeces present, snuffle holes and a mammal path were identified within the broadleaved woodland in the east of the Site. The report concluded that badger presence could be as a result of foraging of a wider resource, if not present on the site. The report noted, given that suitable badger habitat was present within the site but extensive suitable habitat was also available within the wider area, habitats on site were considered to be of importance to badger at a site level.

Bats - The report noted bat records within 2km of the site and other records and assessed the site for roosting bats. In terms of foraging and commuting bats the report concluded;

The Site contains linear broadleaved woodland and hedgerow features with direct connectivity to and from other suitable, potentially high quality, habitats in the wider area and is therefore considered to provide high quality commuting and foraging opportunities for bats as part of a valuable resource within the wider landscape. The Site also contains tall grassland, scattered trees and areas of dense scrub which will also contribute to the foraging opportunities for bats if they divert into the fields as they pass along the linear features.... given that the Site is well connected to suitable habitats within the wider area via a 'green corridor' it is considered to be of importance to foraging and commuting bats at the local level

Birds - Of the records returned one is a Schedule 1 bird species, as listed within the WCA 1981 (as amended) comprising barn owl *Tyto alba* and one was an introduced species, pheasant *Phasianus colchicus*; There

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were also 12 BoCC Red and 13 BoCC Amber listed species. The remaining species were either BoCC Green or unlisted species.

On the day of the survey, several bird species were recorded within the Site including; pheasant, blackbird *Turdus merula*, house sparrow *Passer domesticus*, goldfinch *Carduelis carduelis*, greenfinch *Chloris chloris*, carrion crow *Corvus corone*, starling *Sturnus vulgaris*, black-headed gull *Chroicocephalus ridibundus* and wood pigeon *Columba palumbus*

The report concluded;

Habitats on Site are considered unlikely to support roosting barn owl as no trees on Site were noted to have cavities large enough to be used for shelter purposes and there are no buildings on Site. However habitats in the wider area such as arable fields with farm buildings may provide shelter and roosting opportunities nearby. Additionally, anecdotal evidence of up to two barn owls perching in trees just off Site to the north and foraging across the Site was provided on the day of survey.

Taking into account the results of the survey, and the availability of suitable foraging habitat within the wider area, the site was considered to be of value for barn owl at the local level. In terms of other species the report noted that other species could utilise the habitats present and habitat was available in the wider area and as such, the site was considered to be of importance for common nesting and foraging birds at site level only.

Reptiles - ERIC NE provided a total of 38 records for reptiles for locations within 2 km of the Site. The records related to five common lizard, 27 slow worm and six adder *Vipera berus*. The closest of the records pertained to slow worm approximately 840 m west of the Site dated 2007.

The report stated;

*The semi-improved grassland, dense scrub, woodland edges and hedgerows on site are suitable for common lizard and slow worm. It is therefore possible that these species could use the semi-improved grassland, woodland and hedgerows on site as they provide foraging, shelter and dispersal opportunities from other suitable habitat in the wider area via the green corridor. Whilst there were no records of grass snake *Natrix helvetica*, D1 and Hutton Beck on Site have good suitability to be used by this species*

Given the presence of reptiles within the wider area and their connectivity to suitable habitats on site, it is considered possible that reptiles may be present on Site. However, habitats in the wider area are considered to provide higher value habitat for these species in the form of vast areas of woodland, hedgerow and open space and as such, habitats on Site are

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considered to be of site level value for reptiles.

Riparian Mammals and White-clawed Crayfish - No evidence of otter or water vole presence were noted along Hutton Beck on the day of the survey but this observation was qualified;

Hutton Beck and the associated broadleaved woodland along its banks is considered to offer suitable habitat for riparian mammals as it provides the necessary water levels, steep earth banks and vegetative features associated with these species for commuting, temporary shelter and holt/burrow creation opportunities and for foraging for both otter and water vole. A possible suitable otter lay-up location was found in the form of a hollow within the base of a mature tree adjacent to the stream.

The Site is considered to be of importance for these species at a site level, given that Hutton Beck is well connected to a number of nearby watercourses and the presence of records for otter and water vole within 2 km of the Site, although there are no records relating to Hutton Beck itself

Hutton Beck is considered to provide suitable habitat for white-clawed crayfish due to its earth banks and pebbly/rocky substrate base however, given the lack of records for the area and presence of invasive signal crayfish in the Beck which can carry a disease that is lethal to white-clawed crayfish, it is considered that white-clawed crayfish are likely absent

Other Key and Notable Species

Brown Hare - the report noted;

Brown hare is identified within the NERC Act 2006 but is not listed within the Redcar & Cleveland BC BAP. The semi-improved grassland in Fields 1, 2 and 3 as well as the broadleaved woodland habitat edges within the west and east of the Site provide both foraging and shelter opportunities for brown hare. However, brown hare prefer arable/woodland edge habitats and given the presence of these habitats within the wider area and that they are considered to be higher value than those on Site, the Site is considered to be suboptimal in comparison and therefore of site level importance only.

Hedgehog - the report noted;

It is considered that the Site has suitability for hedgehog in the form of foraging, shelter and dispersing opportunities within the semi-improved grassland, tall ruderal vegetation, hedgerow, broadleaved woodland and dense scrub. Hedgehogs have become increasingly urbanised and it is likely that they occur within the local area and will use the Site as part of

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their wider foraging resource....

Given the presence of suitable habitat within the Site and extensive habitat in the wider area adjacent to the Site (i.e. hedgerow, woodland and a networks of residential gardens), the opportunities that the Site provides are considered to be of importance to hedgehog at site level.

Invertebrates - the report noted;

The species incidentally recorded on Site are common and widespread, with similar habitats to those on-Site present within the wider area. The Site is therefore considered to be of importance to invertebrates at site level

Invasive species

Himalayan balsam was frequently observed throughout the north, south, east and west of the Site, predominantly within areas along Hutton Beck and within the area of broadleaved woodland to the east of the site, a Cotoneaster sp., was also noted within the broadleaved woodland

Incidental Anecdotal Evidence -the report noted;

*On the day of survey, anecdotal evidence was provided for a number of species by residents living within the existing housing adjacent to the Site. This included sightings of; barn owl, otter, brown hare, deer Cervidae sp.,, common fox *Vulpes vulpes*, water voles, hedgehog, signal crayfish badger and smooth newts*

Impact Assessment, Mitigation and Enhancements

The report then moved to assess and describe the impacts of the proposed development and how mitigation could limit those impact and how the ecological value of the site could be enhanced.

In terms of the general impact proposals were expected to result in a loss of semi-improved neutral grassland, dense scrub and scattered trees, no loss of broadleaved woodland was anticipated although cutting back of woodland within the south of the site was anticipated, Hutton Beck was also to be culverted (via pipe installation) in the location of the existing bridge crossing.

There would be no impact on ecologically sensitive sites with the local area or the Nation Park to the south. Hutton Beck would continue to flow in the direction of Chapel Beck LWS and standard pollution prevention was outlined which would aim to protect the LWS site in the event of accidental pollution.

The report stated;

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Whilst the broadleaved woodland on site is not designated, it is the most valuable of all the habitats on Site, providing a woodland corridor for wildlife through the south western outskirts of Guisborough. As such, particular attention should be made to minimise impacts to this habitat with regards to increased footfall from the proposed development that may result in trodden paths, dog walking, litter and vandalism. It is therefore recommended that a welcome pack is produced for residents to encourage the use of POS areas and existing pathways to limit negative affects upon the woodland habitat.

In terms of habitat impacts the report stated;

A Biodiversity Net Gain Assessment (BNGA) including a river morphology assessment (MoRPH) is recommended to ensure measurable improvements for biodiversity by creating or enhancing habitats within the proposed development. If a 10% net gain cannot be met through measures incorporated on Site, off-site compensation investigations and/or financial contribution towards biodiversity enhancements may be necessary.

The production of a Landscape and Ecological Management Plan (LEMP) to detail species planting and maintenance for the Site is recommended as the current proposals are not detailed at this stage.

Some land take of the semi-improved grassland to the north and west of the would be required but no notable species were recorded in this area, the area was dominated by common species. It was suggested that public open space should be managed and enhanced for wildlife this would allow compensation for the loss of the grassland habitat and consequently areas of the 'green corridor' and ensure that there was continued species diversity along with commuting, dispersing and foraging opportunities for wildlife.

In terms of Hutton Beck the development would be limited to the culverting of the current bridge site and the report noted that measures would be required to prevent pollution from site works, running water (Hutton Beck) would not be lost to the development.

In terms of the semi-natural broad leaf woodland and scattered trees the report noted that the majority of trees would be retained and not be affected by the development save for an area around the Beck. Some scattered trees would be lost as a result of the development and for those trees that remained tree protection measures should be employed during the construction process.

The development would see all existing hedgerows retained save a section to facilitate the new access and hedgerows would require protection during the development process; existing hedgerows would be

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improved through additional planting and management to encourage biodiversity; new hedge planting would take place on property frontages as part of a landscaping scheme. Planting of native pollen and nectar-rich shrubs at the Site would provide suitable compensation for any loss of this habitat, by retaining varied habitat structure on site in the long term.

In terms of mitigation of impact on species this included;

Amphibians; habitat loss affecting amphibians would be limited by the lack of water bodies but some parts of the site might provide terrestrial habitat; mitigation measures would include tool box talks for site personnel; management of strimming and clearance; management of site storage.

Badger; badgers and their setts benefited from comprehensive legal protection. As the site offered badgers both foraging and sett creation opportunities, it could not be ruled out that at the very least foraging badgers would move across the site from time to time as part of a wider territory, therefore, further survey for badgers was recommended, the outcome of the additional confirmatory survey would inform and require mitigation.

Bats; No trees would be lost as a result of the development although some would require works, any tree which were required to be removed would be subject to inspection. Any disturbance to bat roosts subsequently surveyed would require the necessary license. In terms of foraging bats the environment would be impacted but key corridors and foraging opportunities were likely to be strengthened in the long term as gardens and public open spaces mature and provided the report recommendations were incorporated, it was expected that the works would not have a significant negative impact on bat species in the local area.

Birds; all wild birds and their active nests were legally protected; the development would have some impact on local bird populations and range of management measures were required such as nest checking before works were carried out and the development might include provision of bird boxes and other measures including the area of the semi-improved grassland to the east of the site which was proposed to be an area of POS should be retained as foraging habitat for barn owl.

Reptiles; the development would result in the loss of some habitat and monitoring of the impact of the development would be required during works and the development would make provision for enhanced habitat as part of the development of the remaining open space.

Riparian Mammals; both otter and vole benefit from protection under legislation but habitats on the site around the Beck would not be lost as a result of the development but the installation of the culvert would have

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implications if there are otters commuting the water course. The installation of a culvert suitable for wildlife i.e. those large enough to contain a ledge to allow wildlife to pass through or alternatively, the construction of a bridge that would allow banks to be created should be considered. This would allow otter and water vole to safely pass through the culvert or under the bridge along with appropriate panting of native species.

Hedgehog; as a precautionary measure, it was recommended that any excavations left overnight should be covered or have a suitable escape ramp; scrub, tall ruderal and hedgerow habitat on Site which provided suitable shelter for hedgehogs should be cleared using hand tools; Should a hedgehog be discovered when clearing vegetated habitats, it should be moved carefully with gloved hands to a sheltered area away from the footprint of works and gaps left in suitable coalition in gardens to facilitate foraging.

Invertebrates; It was recommended that areas of POS and hedgerow were managed and enhanced for invertebrates; the installation of insect houses/hotels e.g. bee bricks, the creation of wildflower meadows within the areas of POS; it was also recommended that at least one area within the POS favoured taller structure plants to provide a like for like replacement of habitats lost to the proposed development. Nearby to the planting, the installation of insect houses/hotels would also be beneficial.

Invasive species; treatment to attempt to manage and/or eradicate the invasive species (Himalayan balsam in particular) by a suitably qualified professional at an appropriate time of the year to manage and avoid spread of this species was recommended.

Biodiversity net gain

The application was supported by a Biodiversity net gain assessment. The report noted;

The need for a BNGA is in accordance with The Environment Act 2021 and the National Planning Policy Framework (NPPF, 2019) which includes a statement that encourages developments to 'identify and pursue opportunities for securing measurable net gains for biodiversity'. A 10% net gain is the standard measurable amount that developments are expected to deliver by most local authorities.

The initial report was a draft technical document which calculated the delivery of 10% net gain based on assumptions and the current plan its delivery would be based on detailed landscape plans and further development of the ecological mitigation strategy.

In terms of the objections raised to the development on ecology grounds

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the applicant responded;

It was noted that the statutory consultee, Natural England, had not raised any objection to the development, in terms of protected species or nationally important ecological designations, issue raised in respect of ecology were important at the local level only. They also noted the comments of the Council's Natural Heritage Manager in respect of additional tree planting and further discussion of the details of the landscaping of the site.

In terms of the additional objection raised by the Guisborough Town Council and GAMBOL, the applicant responded;

The hedgerows on the site were being retained save for one small section required for the access road. The applicant maintained that none of the hedgerows met the definition as ancient or important under the regulations they were recognised as a priority habitat. The proposed development left large areas of the site undeveloped and available to meet biodiversity objectives.

In terms of the criticisms of the survey

- The preliminary ecology appraisal could be undertaken at any time of year. The survey work was done in August 2021, which coincided with a large number of protected species survey periods, and so offered good insight into the presence of those species as well. It was also active growing season, so no rare flora were likely to have been missed
- Riparian mammal surveys were undertaken in October 2021, following initial appraisal in the PEA. Otters could be surveyed all through the year, although it was acknowledged that October was on the fringe of the water vole survey period. However, October 2021 was a particularly mild part of the year, and this was not considered to undermine the validity of the initial surveys, and further surveys would be undertaken in the 2022 season
- Surveys for Badger could also be undertaken throughout the year, but the key period was between October and April. The initial survey was in August as part of the PEA- which was arguably less robust due to scrub cover causing an obstruction at times- but the main Badger survey was in October, when vegetation had begun to die back.
- Further reptile surveys were needed, but this could only be done in suitable weather conditions (April/May and Sept were optimal).
- Additional survey work was needed for bats during the next activity season, with multiple visits required. However, the initial transect undertaken in early October 2021 had provided an

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initial indication of the likely species and levels of usage.

The applicant acknowledged that additional survey work was required but submits the PEA was a survey rereport which was robust and had not identified any protected species or other ecologically critical issue that indicated a permission could not be granted. In addition to the representation by the town council, GAMBOL submitted a detailed critique of the ecology report supporting the application. In response the applicants ecologist Ecus, submitted a lengthy and detailed response to that submission.

It was not appropriate or necessary to set out in this report the full details of that response which had been reviewed by officers but, in summary, the following general points were made;

Ecus submitted that the assessment carried out was authoritative , robust and compliant with current guidance; it was acknowledged that further survey work was required and had identified that survey effort in the report. The current development preserved the corridor function of the site and the applicant had commissioned additional work in respect of biodiversity net gain based on the landscape plans; the key conclusions submitter by Ecus were;

- The ecological assessment work undertake to date suggests that despite some gaps in information, the application site was of local and site level importance only
- There was no ecological interest present on the site which was either
 - of such significance that it could not be mitigated
 - of such importance that it would warrant refusal of the application
 - Further work had been undertaken in respect of confirmatory surveys and net gain linked to the development.

Officers note the additional information submitted in respect of ecological matters but it was not considered appropriate and did not inform decision making, to become involved in a debate between *experts* on the form and content of such reports. The ecology report had been prepared by suitably qualified person and was set out in a form which officers recognised as appropriate to preliminary ecology surveys; the applicant did recognise that additional checking surveys would be required but concluded that in the absence of any objection from Natural England the issue of ecology in relation to the site was limited to the local level. The ecology report submitted concluded that there were no unacceptable ecological impacts that would occur as a result of the development and those impacts that would occur, could be mitigated through biodiversity improvement measures.

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On the wider issue of landscapes the applicant submitted;

.. that Natural England have not raised a concern about effects on the Moors. This site is neither designated for ecological purposes, nor does it have any significant ecological value as demonstrated by its lack of protection in the Local Plan.

Whilst we accept that any undeveloped land has some local ecological and connectivity value, the applicant's ecology work suggests that the site does not perform a significant role as an ecological resource in its own right.

The currently proposed layout also retains large areas of undeveloped land and offers wildlife connectivity – particularly along the beck corridor- which will maintain this function, even if the site is developed.

Policy N4 sought to protect and enhance biodiversity and geological resources including the preservation of local, national and international priority species and habitats and the protection and enhancement of wildlife corridors and other habitat networks, particularly hedgerows, watercourses and linking habitat features.

In connection with that, policy SD4(o) required that proposals should '*respect or enhance the landscape, biodiversity, geological features, the historic environment and both designated and non-designated heritage designations that contribute positively to the site and the surrounding area*'.

Previous appraisal work undertaken by Tees Valley Wildlife Trust on behalf of the Council as part of the local plan preparation process had identified biodiversity interest in the form of species rich hedges, mature trees within the site and on its boundaries and evidence of protected species (otter and water vole) on Hutton Beck.

The broad conclusions of the ecological study noted that the development would not have a direct impact on the nearest identified local plan ecological designation areas; local nature reserves (LNR) and local wildlife sites (LWS).

The application had been the subject of consultation with Natural England who confirm that the development would not have significant adverse impacts on statutorily protected nature conservation sites.

The ecological appraisal did however note that the site was of ecological value at the local level, the assessment reflected this local significance and the conclusions of the study for the most part related to site level impacts.

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Officers concluded that the preliminary ecological appraisal had not identified any adverse impacts on ecological interest that would support refusal of the application. It was recognised that the development would have some impacts but the assessment had identified those risks and set out measures to minimise those impacts through additional checking survey work and mitigation which could be dealt with by planning conditions.

The application was supported by a preliminary technical assessment in respect of biodiversity net gain and the outstanding matters in respect of checking surveys, mitigation measures and the delivery of on-site biodiversity net gain can be dealt with by planning condition.

Additional reports were submitted in respect of Biodiversity Net Gain and Protected Species. This additional information was the subject of a further round of public consultation and had been assessed by officers.

Protected Species

A protected species report was submitted to expand and enhance the analysis provided by the general ecology survey work and so the report reviewed all those survey reports and planning proposals.

Data was reviewed in respect of bats; riparian mammal surveys (otter and water voles); reptiles and an assessment made of important ecological features. The report recognised the limitations of survey work largely as a result of site conditions e.g. dense growth but where this occurred permitter surveys were completed.

The survey results were presented in respect of;

Reptiles where the report concluded;

No reptiles or signs of their presence such as sloughed skins were found during surveys completed during the optimal survey seasons and during optimal weather conditions. No anecdotal information of their presence was obtained. Reptiles are considered likely to be absent from the Application Site

Bats

Bat species recorded included common pipistrelle, soprano pipistrelle, bats from the Nyctalus/Eptesicus and Myotis genera and a single Brown long eared bat. Common pipistrelle was the most frequently recorded bat both at the Development Footprint monitoring location and in the Zone of Influence location. Bats from the Nyctalus/Eptesicus and Myotis genera were recorded but with relatively few registrations.

Myotis bat calls were not identified beyond the genus but some calls

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resembled and contained characteristics of Whiskered / Brandt's and Daubenton's bats when analysed using Anabat Insight. A single Brown Long Eared bat registration was recorded within the Zone of Influence monitoring point on one occasion, but the echolocation characteristics of this species make the species hard to detect and as the habitat is ideal for this species

it is presumed to be more common than actually identified. Other bat records were not distinguishable beyond the large bat Nyctalus/Eptesicus genera and some were considered to be social calls or otherwise unidentifiable

Riparian mammals

The entire stretch of Hutton Beck within the Application Site and for a distance of 30m off site to the north was surveyed for signs of water vole and otter.

The presence of otter has been confirmed on the site The field evidence collected indicates a very low level of infrequent use of the site by otter. The evidence collected appears compatible with use of the site by otter as a corridor enabling commuting from one part of the catchment to another rather than as a place of frequent rest, shelter or foraging habitat. It is noted that downstream of the Application Site otter have to traverse a number of culverted sections of the water course from Chapel Beck, including a main road junction between Middlesborough Road and Stokesley Road approximately 550m downstream of the northern site culvert, and another about 1km downstream of the culvert where Chapel Beck flows beneath Hutton Lane. There are at least two similar culverts downstream of the site.

Hutton Beck within the Application Site was considered to offer few habitat features of value to otter due to it's generally shallow and narrow morphology which provided very few areas of foraging habitat (the Beck is considered to offer sub-optimal to negligible foraging habitat). While some areas of the woodland habitat adjacent to the Beck could provide suitable temporary resting places, there were very few features which offered more permanent or secure places of rest, shelter or protection, potential breeding or holt sites, or areas away from disturbance by members of the public or their dogs. For example a hollow tree and areas of overhanging shrubs adjacent to the Beck and which would provide potentially suitable places of rest, shelter or protection or even a breeding site were used by children as play areas and therefore highly unlikely to be used by otter. This type of disturbance will also reduce the likelihood of other potentially suitable resting places/breeding sites nearby being used by otter.

Water Vole

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No signs of water vole were found and although some parts of the Beck were considered suitable for the species, large stretches were unsuitable. The species was considered likely to be absent from the application site.

Badger

No badger setts were found within the Application Site boundary but on rare occasion field evidence of badger in the form of footprints (Photograph 4) and foraging signs in the form of snuffle holes was found. Vegetation disturbance and shallow digging characteristic of rabbit was more commonly found and rabbit was seen in high numbers during every visit to the application site.

The application site was not thought to provide essential foraging habitat for badgers and was concluded to be used only occasionally for supplementary foraging as one component area of their total range.

The report also noted incidental observations;

Although privately owned with no formal public footpaths the Application Site was freely accessible and frequented by members of the public. The site was observed to be commonly used for dog exercise and toileting and although most dogs seen were on leads or were otherwise under control, there were anecdotal accounts of wildlife being chased by dogs and evidence of dogs roaming freely..... Such types of disturbance are likely to reduce the suitability of the site for sensitive species.

Barn Owl

A single Barn was observed foraging during each bat transect overlying the development area and adjoining fields but no nest sites were discovered during the field work

Hedgehog

...Individual hedgehogs were observed foraging over the central field during most bat transect surveys. Several recordings of hedgehog were also captured by a camera trap positioned to view a mammal path on the northern bank of Hutton Beck extending to/from a boundary fence to the south of the same field.

Signal Crayfish

A shed crayfish carapace was found in a shallow section of Hutton Beck during the riparian mammal survey on 10 June 2022. Assessment of the rostrum...indicated that this was from a signal crayfish (which were recorded within the catchment). It was therefore considered unlikely that the native white clawed crayfish (*Austropotamobius pallipes*) was present

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within this stretch of the Beck.

The report then sets out an assessment of likely effects on specific species including bats; otter; badger; hedgehog; barn owl in terms of the construction and occupation phase of the development.

Bats

Construction phase

.. In the absence of mitigation the Proposed Development is predicted to have a negligible short term, temporary and reversible detrimental effect on bats at a local (i.e. site) scale within the development footprint part of the Application Site only, due to the removal of grassland habitat adjacent to habitat features used by foraging and commuting bats. The habitat of use to bats within the Zone of Influence will not be affected. However, the presence of optimal foraging and commuting habitat within the wider landscape external to the Application Site, notably within the off-site river and stream corridors, grasslands and deciduous woodland areas, will remain accessible via the Hutton Beck corridor and surrounding network of vegetated gardens, as will the on-site Hutton Beck corridor habitat. Bats will be able to commute and forage without significant detrimental effect at the local scale

Occupation Phase

The Proposed Development will enhance 250m of existing hedgerows and create a further 590m of species rich hedgerows as well as add native species of trees across the site and introduce almost 10,000m² of vegetated gardens. This will increase the extent and value of bat foraging and commuting habitat at the Application Site and is predicted to have a positive impact. The Occupational Phase will however increase night-time light levels across the site and in the absence of mitigation this is predicted to have a negative, permanent, irreversible impact on bat foraging and commuting.

Otter

Construction phase

In the absence of mitigation the Proposed Development has the potential to cause death, injury and/or disturbance to otter and may obstruct access to places of shelter or protection if otter are unable to traverse Hutton Beck through the culvert or alternative routes onto and off the site. In the absence of mitigation this may cause a negative permanent and irreversible but local impact to otter due to the potential for installation of an inappropriate culvert design and temporary negative impact due to increased noise and lighting levels.

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Occupation phase

The occupation of the Proposed Development will not directly affect the habitat features used by otter.

It was noted that the land was private but frequently used by the public as an amenity for dog walking; therefore activity on the site was likely to increase but this would only have a negligible impact compared to the current baseline and the local water course would only be impacted by surface water disposal.

Badger

Construction phase

In the absence of mitigation there were potential impacts but these were limited and unlikely to occur. The risk of direct impact, foraging habitat would be permanently lost during the construction phase. However, based on the field survey findings such indirect impact was predicted to have a negligible effect only.

Occupation Phase

The interior will contain relatively large areas of hardstanding and unsuitable/inaccessible habitat, as well as nocturnal street level lighting both of which may deter badgers from the developed area. However, the course of Hutton Beck and its adjacent woodland and the fields to the south of the development footprint would not be effected and badgers were expected to utilise this habitat for foraging purposes.

Hedgehog

Construction phase

In the absence of mitigation there may be direct impact on hedgehogs on the site from groundworks, temporary loss of habitat. The foraging habitat of use to hedgehog, which would be lost during the construction phase, comprised the grassland areas of the northern fields. However the woodland and other grassland areas would not be affected and would continue to provide foraging habitat for the species.

Occupation phase

The Proposed Development would create and enhance habitats of use to hedgehog and introduce almost 10,000m² of vegetated gardens and if the recommendations in the report were adopted, this would increase the extent and value of hedgehog habitat at the application site with an overall positive impact predicted. The occupational phase would however,

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increase night-time light levels across the site and result in the erection of multiple barriers to hedgehog movement over the developed area of the site, which in the absence of mitigation was predicted to have a negative, permanent, irreversible impact on hedgehog foraging

Barn Owl

Construction impacts

Although there was no evidence of nesting found in the surveys foraging by a single owl was noted.

A permanent negative impact is predicted to occur during the Construction Phase due to the removal of foraging habitat from within the development footprint. The observed behaviour of the barn owl indicated that it uses a number of foraging habitats in the wider area and is able to switch between locations during foraging periods. Therefore although a negative impact is predicted it is believed to be minor. However mitigation is recommended below which is predicted to reduce the negative impact of the Proposed Development on individual barn owl and the habitat loss is therefore reversible to some extent

Occupation impacts

The Occupational Phase of the Proposed Development introduces the opportunity to enhance the southernmost field for barn owl foraging thus compensating in part for the loss of foraging habitat within the development footprint. Consequently if the recommendation....are adopted the negative impact on barn owl is predicted to be minor to negligible

The report, having assessed the phased impacts on protected species sets out the mitigation to be employed to limit or eliminate those impacts which were in terms of development design;

- *Retention of all of the Hutton Beck corridor and adjacent deciduous woodland which maintains an important wildlife corridor extending through the entire site from the south west boundary to the northern boundary.*
- *Avoidance of cylindrical culvert designs and the selection of an appropriate culvert design to use in the replacement of the northern culvert in order to enable permanent unrestricted access to / from the site by otter. The selected design is as specified in DMRB27 which requires the incorporation of suitable ledge features to allow dry passage by otters, including during flood events.*
- *Retention of the southernmost fields within greenspace zones of the Proposed Development and with the introduction of sensitive landscape and planting designs using native species to enhance*

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these areas for biodiversity, most notably for foraging by bats, badger, hedgehog and barn owl.

- *Creation of a considerable quantity of native, species rich hedgerows across the development footprint which will extend and enhance bat and hedgehog foraging habitat. Management of existing and new hedgerows for wildlife.*
- *Minimisation of the scale and extent of the built zone which will reduce the extent of detrimental impacts on wildlife.*
- *Design of site drainage to avoid effluent discharges to Hutton Beck. Sewage effluent will be discharged from the site via the municipal sewer system for off-site treatment.*
- *Surface water run-off will be discharged to Hutton Beck at a rate equivalent to the undeveloped greenfield rate and will be collected via oil-water separator and sediment traps with final discharge via attenuation tanks to regulate the flow.*
- *Specification of native tree, grass and wildflower species for inclusion in re-instatement works and new planting scheme.*

In terms of the specific species assessed above the report sets out avoidance, mitigation and compensation/ enhancement measures.

In terms of more general measures the report sets out site wide and general actions to be carried out including;

1. *A Construction Environment Management Plan: Biodiversity (CEMP: Biodiversity) should be produced to establish activities and procedures necessary to safeguard important species and habitats and to remove the potential for disturbance or other harm during enabling and construction phases. The CEMP will detail aspects such as the avoidance measures necessary to safeguard otters during the culvert replacement and surface water discharge pipe placement work, new deciduous tree planting, and the measures required for the creation of the new species rich grassland, wildflower meadows and hedgerows. It is presumed that the CEMP and mitigation measures will be required by and secured through condition by planning consent.*
2. *A separate Ecological Management Plan (EMP) should be prepared to detail the work required over the lifetime of the development to create, manage and monitor ecological features in line with the mitigation measures specified in this and related reports, and to maximize the opportunities presented by the Proposed Development to enhance the long-term ecological value of the Application Site. It is presumed that this will be required by, and be secured through condition by planning consent*
3. *The EMP should include relevant details of grasslands and wildflower meadows, hedgerows and new deciduous tree planting*

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etc. including the species to be seeded/planted to ensure the use of native species and the creation of optimal habitats. The EMP should also specify the management/maintenance and monitoring regime, especially for hedgerows, grasslands and wildflower meadows so that optimal habitat can be established and species diversity maintained

4. *The EMP should detail, in conjunction and making reference to arboricultural survey, the veteranisation procedures to be employed within the deciduous woodland habitat.*
5. *Both the CEMP: Biodiversity and EMP should be prepared in advance of site works to ensure that protective measures and ecological enhancements are factored into the detailed design of each new feature, and the design of and mobilization for each phase of the development.*
6. *Ecological monitoring is required to audit predicted impacts and effect against the actual situation on site so that remedial action can be taken, if needed, for example to adjust the mitigation or compensation measures. Annual monitoring of habitats is required to assess the speed and success of new habitat establishment and to identify if changes become necessary. For this site the monitoring should be relatively superficial but should include habitat and protected species monitoring during the Construction Phase and intermittently during occupation*

Biodiversity Net Gain

The report noted;

Biodiversity within the UK is in decline, with a few exceptions, despite conservation efforts. The recent 2019 State of Nature report¹ reveals declines in species abundance and states that 15% of species are now threatened, with species distributions also in decline. The report cites a number of causes for these declines including climate change, pollution and urbanisation, amongst others.

National Planning Policy has incorporated the need for environmental improvement and sustainable development, and local planning authorities are encouraged to incorporate biodiversity improvements in and around developments through the National Planning Policy Framework (NPPF revised 2021).

The NPPF requires planning policy and decisions which contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (Paragraph 174).

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Biodiversity Net Gain (BNG) calculations and assessment has become an important component of the overall ecological assessment process, enabling the planning regime to quantify changes in biodiversity at the individual site level and aiming to deliver an overall net gain in biodiversity.

This Biodiversity Net Gain report provides an assessment of the biodiversity impact of the Proposed Development at the Application Site.

The purpose of the report it was stated was;

This report aims to describe the ecological baseline of the Application Site and the biodiversity changes to be introduced by the Proposed Development and should be read in conjunction with the BNG Metric 3.1 assessment spreadsheets for this site.

The objectives of this Biodiversity Net Gain (BNG) report are to:

- Confirm the ecological baseline of the Application Site by identifying the habitat types and features of potential ecological value.
- Identify ecological features of particular value to be retained by the Proposed Development, if any.
- Undertake calculation of the Biodiversity Units for the baseline, pre-developed site using the Defra / Natural England Metric 3.1 tool.
- Undertake calculation of the Biodiversity Units for the Proposed Development, post intervention using the Defra / Natural England Metric 3.1 tool.
- Present the net change in Biodiversity Units calculated by the Defra / Natural England Metric 3.1 tool in order to quantify the impact of the Proposed Development on the overall biodiversity of the Application Site.

The report then sets out a summary of the desk study and field surveys; the assessment and evaluation of the baseline conditions on the site and the post intervention ecological environment that would be created on the site in terms of habitat and species. The report stated that the Metric 3.1 calculation tool had been used and stated;

While the Metric 3.1 tool predicts a net loss of 2.68 area-based habitat units, this does not reflect a significant enhancement of the woodland habitat at the site, nor intended activity to retain areas of more species diverse grassland sward and orchids from field F2.

The Proposed Development will therefore deliver a significant enhancement in functionality of wildlife corridors across the site via improvements to the woodland habitat and via a significant net gain in hedgerow units which are considered to be of strategic importance both at the site level and throughout the NCA areas and beyond. These are

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considered to provide a significant biodiversity net gain for the Proposed Development which will enhance biodiversity at the site level while also facilitating better cross boundary movement of wildlife through the creation of more species and structurally diverse habitat corridors.

While a net loss of area-based habitats is predicted, the development masterplan has included key habitats from the baseline to enable continued ecological functioning of these habitats and the faunal species assemblages present.

The habitats to be introduced by the Proposed Development are anticipated to be of benefit to a variety of associated species including but not limited to bats, hedgehog, foraging/nesting birds and invertebrates.

The post intervention habitats are also considered to provide benefit to the wider landscape beyond the site and neighbouring land by providing stepping stone habitats which will aid in supporting district wide wildlife corridors and habitat connectivity at a wider landscape scale, particularly for mobile species tolerant of urban environments such as a wide range of invertebrate and bird species.

In addition, the Proposed Development will also incorporate significant biodiversity features not included by the Metric 3.1 tool as follows:

- 1. Removal and eradication of area of invasive Japanese Knotweed.*
- 2. Removal and eradication of Himalayan balsam from the woodland and riparian habitat.*
- 3. Removal of Himalayan balsam from fields F3 and F4 which will be retained as green areas of open space with either species diverse grassland and / or tree planting.*
- 4. Removal and eradication of the cotoneaster and snowberry specimens.*
- 5. Transplantation of some areas of more species diverse grassland sward from field F2 to fields F3 and F4.*
- 6. Transplantation of common spotted orchid specimens from field F2 into fields F3 and F4.*
- 7. The use of native species of tree only in new planting schemes, and the development of native species rich hedgerows. All areas to managed in perpetuity for wildlife.*
- 8. Following removal of Himalayan balsam, Japanese knotweed and cotoneaster from the woodland habitat, a programme of habitat improvement works within this habitat will be implemented.*

In addition the report stated there would be active management of tree stock; additional planting of native species and veteranisation procedures including bird nest boxes, bat roost feature; artificial woodpecker holes use for deadwood and creation of decaying habitats.

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The report concluded that preparation of a “Construction Environmental Management Plan: Biodiversity” and an “Ecological Management Plan” will facilitate initial development and on-going management in an ecologically sensitive manner.

The survey reports provided a robust assessment of the ecological baseline of the application site and identified those species and ecological areas that would be potentially impacted by the development. The Protected Species Report and Net Biodiversity Gain report provided a greater level of detail in respect of the predicted impact of the development on several named species and a suitable framework for the application of conditions to a grant of planning permission. It was noted that the site was one which was one ecological value at the local level and the main issue was not that the development would not impact on the site and its ecological interests but whether those impacts were acceptable and could be satisfactorily mitigated.

Officers were satisfied that the applicant had provided a comprehensive and robust assessment of the potential ecological impacts of the development and identified appropriate prevention and mitigation strategies to address those impacts and a plan to secure biodiversity net gain in the future.

In view of the above comments it was considered the development was consistent with policy N4 and SD4(o) of the Local Plan and policy set out in the NPPF.

Trees

The application site benefitted from a number of mature trees and understory planting, particularly on the site boundaries.

The application was supported by an arboricultural impact assessment. The report surveyed all trees on the site, a total of 25 according to the published schedule. In order to facilitate the development it would be necessary to remove three of the identified trees which were reported to be of low value. No pruning works to trees were required at this stage.

In order to protect trees during development, they would be protected by measures in accordance with the approved BS standard around the root protection area (RPA) to create a construction exclusion zone (CEZ). The report then described the measures to be provided in respect of any works within a RPA, access construction and hard surfacing; construction and foundation design; utilities; site compound and landscaping.

The broad conclusions of the report were;

- The development will require the removal of three trees identified

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- on the tree schedule
- Works to protect the trees will be installed to protect root systems and create construction exclusion zones

The submitted report sets out measures to retain the maximum number of trees of the site and to protect those to be retained during the construction process. The approach outlined in the report was considered acceptable, remaining issues in respect of trees could be dealt with by planning conditions. and no issues in respect of policy SD4(o) of the Local Plan were raised.

Transport and Highways

The application was supported by a Transport Assessment which assessed the impact of the development.

The report set out national and local planning policy in respect of transport policy (NPPF and Local Transport Plan LTP3 and Redcar and Cleveland Local Plan 2018)

The report then described the site and the local highway network with traffic base flow figures, a junction capacity analysis and accident records concluding;

...that there are no extant road safety issues on the highway network in the vicinity of the development site. The frequency of collisions that occurred on the wider network, given the extent of the search area assessed within this TA are considered to be low and no mitigation measures are proposed at this stage.

The assessment then described the access profile of the site in terms of walking, cycling and bus services and the key local services including; the town centre, employment, schools, health, shopping and recreation and then described the proposed development in terms of access parking and other technical matters.

The study then assessed the detailed impact of the development in terms of traffic generation. The study assessed the development impact until 2026, traffic growth and generation was assessed and then distributed and assigned, the study concluding;

Trip distribution for the development has been derived based on a gravity model of 'Redcar and Cleveland 019 MSOA Journey to Work' data to determine route choice and turning proportions. This is considered a robust method for assessing traffic movements to and from the site and where these trips may impact on the local highway network.

It should be noted that the trips calculated to be generated by the site

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have not taken account of potential reductions in trip generation as a result of the Travel Plan measures to be implemented on site, which will invariably reduce the number of estimated car-based trips. In summary, the trip generation and distribution methodology adopted in this TA is considered appropriate and robust.

This TA assessed the impact that the proposed residential development would have on the following junctions on the local highways network:

- The Avenue (N) / Campion Drive (E) / The Avenue (S) priority T-junction;
- Stokesley Road (E) / The Avenue (S) / Stokesley Road (W) priority T-junction; and
- A173 (S) / Stokesley Road (E) / A173 (N) priority T-junction

The study assessed the impact of traffic generation as acceptable, the impact of the development generated traffic on the surrounding area had been shown to be minimal and it was therefore concluded that the proposals could be accommodated without resulting in a detrimental or severe impact upon the local highway network.

The application was supported by an Interim Travel Plan (TP) which set out those measures that would be employed to encourage sustainable transport choices. In summary the TP set out; objectives , targets and benefits, the present sustainable transport provision and key service destinations. It then identified roles and responsibilities of a Travel Plan Coordinator and the practical measure to promote sustainable travel choices and the model split targets, implementation strategy and the process of monitoring and review

The Council's highways engineers commented on a first response with some deficiencies in respect of the provision of car parking on the development but did not have any comments to make on the overall conclusions of the Transport Assessment and the impact of the development on the local highway network.

Comment was made in respect of the Interim Travel Plan to the effect;

The problem is the lack of accessibility of the site with access only available from Trefoil Close at the western end of the development. There are no public rights of way or apparent private paths linking into the site to provide alternative walking and cycling routes to the facilities that residents would need to access. Possibly the opening up the farm access to Campion Drive could be a start to make a more direct route to The Avenue but there are no eastward routes towards the town centre therefore access to the site is likely to be car dependent.

The proposed site Travel Plan is fairly meaningless unless action can be

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taken to provide sustainable access routes into the site.

On the same issue colleagues in the Planning Strategy Team commented;

Guisborough contains a range of services and facilities, but convenient access to them would be constrained by the limited connectivity of the site which would only be accessible from the west, when the majority of shopping, business, healthcare and recreation facilities are located to the east, in central Guisborough along with further education colleges and the town's secondary school on the far periphery. The distances involved in reaching those destinations (between 2.2 km and 3.4km from the end of Trefoil Close, and beyond that from the main proposed housing area), coupled with the need to initially proceed in the opposite direction, would disincentivise sustainable travel, especially walking, and could encourage car dependency. These locational factors restrict the ability of the site to meet the objectives of TA1...

Applying the CIHT distance benchmarks using a straight-line measurement to Trefoil Close and then the existing street network, all of the application site would fall within 800m of Galley Hill school and part of it would be within or marginally beyond 800m of The Avenue. But most of the site would be more than 400m from The Avenue, including the main development area east of Hutton Beck which would be between approximately 520m and 720m distance. On that basis, the proximity of the site to bus services would be seen to be of limited significance in moderating car usage.

The highways officers second respond confirmed that parking provision had been amended as was acceptable. They noted the inclusion of the pedestrian link but observed this may be on land outside the application site boundary and re-affirmed the difficulty of accessing services to the east by means other than the car.

Planning officers recognised the physical constraints presented by the site in terms of accessibility and the promotion of a sustainable development in terms of transport choices and the issue had also been raised by objectors to the application including GAMBOL, there had also been criticism of the Transport Assessment by many who commented the study sided not include survey of the local network at peak school times.

In response to those and other highways representations applicant had submitted written responses. In summary they submitted;

- *The site is clearly in a sustainable location as it is within the development limits of a larger settlement*
- *The comparison of small differences in walking distance is not a helpful or necessary approach- the macro position is that this is a*

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- more sustainable location than many others in the District, and the settlement hierarchy encourages growth in the larger settlements*
- *The accessibility of these homes is little different to either those adjacent to the site access point, or some properties on St Leonards Lane / Tidkin Lane... we consider this to be an accessible urban location with a good range of bus services. We also note that the Travel Plan will encourage use of non-motorised modes*
 - *The Transport Assessment has been completed in accordance with current transport study technical guidelines*

Officers had considered all the information submitted in respect of application and noted the objections raised by GAMBOL and others in respect of detailed aspects of the transport study. In respect of the objections submitted by GAMBOL and others and the approach set out in the Transport Assessment the applicant had taken the opportunity to submit a detailed response to the points raised. Again, it was not appropriate or necessary in this report to review in detail the criticisms of the methodology of the TA, in arriving at a recommendation on the application planning officers had consulted with colleagues in the highways team, who, subject to amendments confirmed that they had no objections to the development in terms of traffic generation and the capacity of the local road network to accommodate the development.

Whilst it was recognised that there were some limitations in terms of promoting some sustainable transport choices, it was concluded that since the site was located within a higher order settlement and in a mature neighbourhood in a settlement with access to the full range of services, the accessibility deficiencies noted were not, on balance, sufficient reason to withhold planning permission. In this respect the development was largely consistent with policy SD4(g)(p) and TA1 of the Local Plan.

Flood Risk and Drainage

The application had been assessed in respect of two key aspects of drainage, foul water disposal and surface water and flood risk.

Foul Water

The application was supported by technical details in respect of foul water drainage which had been the subject of consultation with Northumbrian Water.

NWL had responded to the councils consultation raising no objection to the development subject to a condition;

We have no issues to raise with this application, provided it is approved

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and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment". This document reflects our pre-planning enquiry advice identifying that foul water flows will discharge to the existing public combined sewer at manhole 0303. Surface water flows will discharge via gravity to the existing watercourse, Hutton Beck.

In terms of the objections raised in respect of foul drainage the applicant notes that NWL require planning conditions for the development to conform to the submitted amended Flood Risk Assessment and drainage strategy, they note that NWL raise no objection to the development as statutory undertaker and hat the applicant has complied with advice secured at the pre application stage.

Officers recognised the concerns expressed by objectors in respect of the performance of current foul drainage infrastructure and evidence of pollution events but in the absence of an objection from the statutory undertaker responsible for foul drainage infrastructure, these grounds of objection did not present a reason to refuse permission which could be sustained. In view of this officers concluded the development complied with key policy requirements of policy SD4(e)

Surface Water and Flood Risk

The application was supported by a Flood Risk Assessment (FRA) which had been the subject of extensive consultation with the relevant statutory body, the Environment Agency.

The FRA sets out policy and the national and local level and assessed the potential for flood risk based on fluvial; surface water; groundwater and foul drainage. It assessed historical flood issues locally along with residual risk and flood mitigation measures; the report set out a full drainage strategy relating to the development and mitigation which stated;
The proposed surface water drainage system is to be designed to current best practice and to the standards laid out in the publication 'Design and Construction Guidance for foul and surface water sewers' and Building Regulations Part H 2010. In the event of surface water exceedance as a result of rainfall in excess of the design standard, the site is laid out so that surface water runoff is directed away from houses, including those on neighbouring streets.

The broad conclusions of the FRA were;

- 1. The site lies within Flood Zones 1, 2, and 3 at low to high risk of fluvial flooding from Hutton Beck*
- 2. There is a very low to high risk of surface water flooding across the site.*
- 3. Finished floor levels of residential buildings should be set 600 mm above the 1 in 200-year event flood level which varies across the*

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- site.*
4. *The site has been split into two catchments and surface water disposal will be to the onsite watercourses, attenuated for each catchment to QBAR greenfield rates.*
 5. *Attenuation for rainfall events will be provided for each catchment up to the 1 in 100 year plus climate change event.*
 6. *Foul effluent should discharge to the public 300 mm combined public sewer within the site. Maximum discharge rates have been identified by Northumbrian Water.*
 7. *The level of risk and safeguards available are considered appropriate to this class of development.*

The FRA had been the subject of full consultation with the Environment Agency and Northumbrian Water. The ES initially raised objections to the application and the data and information provided in the FRA but after an exchange and submission of further information the EA had confirmed there were no technical objection to the application based on flood risk matters.

In respect of the LLFA officers had advised that an issue in respect of surface water disposal formed part of the site adjacent to Tidkin Lane remained unresolved however, colleagues advised that they were content for this matter to be dealt with by a pre-commencement condition.

The many comments received in respect of foul water disposal and the local sewerage system were noted however, in the absence of any objections from the statutory bodies in respect of this matter, planning officers advised that the Council had no planning grounds to refuse the application

In view of the conclusion of the FRA and response of the statutory bodies there were no objections to the development in respect of policy SD7 (Flood and Water Management) of the Local Plan.

Archaeology

The application was supported by an archaeological appraisal which had been assessed by the Councils archaeological advisor.

The Desk Based Assessment had been prepared in accordance with best practice guidelines issued by the Chartered Institute for Archaeologists Standard and Guidance for historic environment desk-based assessment, An assessment was required that would consider the likely survival of buried archaeological deposits on the site, the likely significance of such deposits and the impact on them of the proposal.

The aim of the assessment was stated as;

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- *establish the potential for hitherto unrecorded and unknown sites*
- *assess the relative importance of the sites*
- *assess the likely impact of the proposed development on the sites*
- *make recommendations to mitigate any impact of the development on the sites*

The study sets out the policy context for archaeological evaluation in the context of the local plan policy HE2 and HE3 and drew from data collected previously within 1km of the site.

The study sets out a narrative of periods of history and key finds;

Prehistoric period; was defined by stray finds a polished stone axe; numerous prehistoric monuments area recorded on moorland to the south of Guisborough including barrow cemeteries and dyke systems; Later prehistoric activity had been identified through aerial photography including enclosure systems identified to the north of the A171, to the north-east of the town, prehistoric flint and pottery scatters had also been identified in the locale

Roman; a number of Roman find spots had been recorded in the wider area of Guisborough; a hoard of Roman coins was recovered from Guisborough Grammar School in the late 19th century; a copper alloy Roman cavalry helmet was recovered from Barnaby Grange Farm to the west of the town in the late 19th century; the helmet, which was donated to the British Museum, was found in isolation and it is likely that Roman period occupation of the Guisborough Area consisted of dispersed farmsteads and associated field systems, rather than formalised settlement.

Anglo Saxon; limited Anglo-Saxon remained had been identified within the grounds of Guisborough Priory; Guisborough Priory (NLHE 1007506) was founded in the early 12th century around which time a cemetery was also present to the north of the church; Westgate was established as the main road in the town during the Medieval period; The presence of strip fields depicted on early Ordnance Survey mapping suggests settlement was established along the road after the establishment of Medieval agricultural practices.

A possible 12th century road is recorded by the Redcar & Cleveland HER as running through the Proposed Development Area. Ruthergate (HER ID 754) is recorded in 12th century references as running along the boundary of Guisborough and Hutton. The route is also depicted in the 1st edition Ordnance Survey map of 1856 where it is shown to run on a north-west to south-east orientation towards Galley Hill and Kemplah Wood. The remains of a small cross stands there Ruthergate crossed Hutton Lane (HER ID 7192, NLHE 1159569). The route of the road can be seen as earthworks of a hollow way on Kemplah Hill to the south of Guisborough. Although depicted by the HER as being present within the

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Proposed Development Area, the form and state of survival of the rod is unknown.

The assessment was supported by a site walkover that found no immediate archaeological finds and no Designated Heritage Assets were visible from the site due to the undulating topology of the land and the presence of tall, mature vegetation.

The study provided narrative of records from the Council's HER (Historic Environment Record) assessing prehistoric, Roman, Anglo Saxon /Early Medieval , Medieval and post medieval to modern periods within 1km of the site, the report noting that the settling of no listed buildings would be impacted by the development and there would be a neutral impact on the Conservation Area to the east.

The report stated;

The potential for unrecorded archaeological remains to be present within the main Proposed Development Area is considered to be low and of local to regional significance. The route of a Medieval Road is recorded as running through the site and potentially forming part of the boundary. The road has historically been utilised as a field boundary and its route currently consists primarily of mature vegetation which has the potential to disturb any surviving archaeological deposits.

It is likely that the site has been under agricultural use since at least the Medieval period and as such ridge and furrow may exist within the site boundary.

Given the proximity of the site to Hutton Beck and the lack of pre-Medieval archaeological activity in the vicinity, the potential for earlier archaeological deposits to be present on the site is considered to be low

There are sixteen designated and twenty non-designated Heritage Assets within 1km of the Proposed Development Area. With the potential exception of the Ruthergate Medieval road, any development within the boundary of the site will not impact upon the setting or significance of any Heritage Asset

In terms of the impact of the development the report concluded;

The results of the Heritage Assessment have shown there are no known nationally important archaeological remains located on the site to prevent development.

The route of a Medieval road is believed to run through the site, currently obscured by tall mature vegetation. At present its state of preservation is unknown and as such deposits or features may exist within the site. It is

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also likely that the remains of ridge and furrow would be present within the site.

It is recommended that a programme of Geophysical Survey is carried out across the site to assess the archaeological potential, although tall grasses and thistles present across much of the site would require strimming to ground level to facilitate such work.

There are sixteen Listed Buildings and two Conservation Areas within 1kn of the Proposed Development Area. Any development within the site would have a neutral impact on all as the site is for the most part surrounded by modern development and therefor would not alter the setting or significance of any heritage assets.

The archaeological report had been assessed by Council's agroecological consultant who commented that;

a prior geophysical survey should inform the application where practical. This is considered by the submitted DBA to be a possible step to more clearly identify any impacts, and, bearing in mind the relevant national guidance (in the NPPF), would be sufficient with regard to a significant part of the possible archaeological resource. Cutting o grass to facilitate would be required, but that should not be an impossible task. On the line of the putative medieval road, if vegetation makes geophysical assessment impossible, we recommend that other forms of ground investigation are undertaken, e.g., trial trenching, to ascertain the presence/absence, condition and extent of such feature.

As the geophysical work itself could (if producing positive results) constitute a requirement for further evaluation, any trial trenching of the road line could be delayed until the results of the geophysical survey are known.

We agree with the findings of the submitted DBA, that the impacts of the proposal on the setting of designated heritage assets would be 'neutral'

In respect of the comments made by NEAR the applicant stated;

This consultee recommends undertaking a geophysical survey to inform trial trenching, particularly focused on the putative line of a Medieval Road.

As noted in the planning statement, there are areas of dense scrub which have inhibited geophysical survey. We agree that this additional work should be undertaken to inform trial trenching, but suggest that this should be controlled by condition, and undertaken following any planning approval on this site.

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This approach will ensure that the archaeological resource is properly investigated and will also ensure that existing scrub is not removed until such time as it is necessary to do so- This approach is considered to benefit ecology and biodiversity interests on the site.

The applicant is willing to discuss this further with the archaeology team if necessary and is also willing to remove the vegetation which has hampered their ability to undertake this work – although we felt it would be prudent to retain that vegetation until a later stage in the process.

There was nothing in the conclusions of the archaeological assessment that suggested there were archaeological remains or interests on the site that would suggest that permission should be withheld as a matter of principle. There were physical constraints on the site which prevented a full and comprehensive survey at the pre-application stage. Planning Practice Guidance required the local authorities response to such matters to be proportionate and a planning condition could be applied to any approval which required a Written Scheme of Investigation (WSI) to be agreed with the local planning authority and for the WSI to set out in detail the archaeological investigation that would be completed before the commencement of the development proper and in this respect no conflict with policy HE3 of the Local Plan arose.

Ground Investigation

The application was supported by a site investigation report which had been assessed by the Council's Environmental Protection officers who commented;

The report states that contaminant linkages may be possible to a variety of receptors although risks are likely to be limited in extent to areas of any localised made ground. Potential heavy metals, asbestos, organic and inorganic contaminants in topsoil, localised made ground and/or shallow soils may pose a potential risk to construction workers and site end-users. Risks related to these potential linkages are currently given a qualitative assessment of "low to moderate"

The report stated that possible risk from hazardous gas sources existed, principally associated with any organic alluvial soils and any localised made ground present.

The report recommended the precise nature of the risks should be investigated further through site investigation.

- Trial pitting to investigate shallow soil and groundwater conditions and allow the recovery of soil samples for laboratory testing.
- Window sampling to allow the recovery of any made ground and deeper soil samples, and to assess potential foundation options. Standard Penetration Tests (SPTs) should be undertaken to

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- provide geotechnical data for the underlying soils.
- Ground gas monitoring wells should be installed within selected boreholes.
- Geotechnical and contamination testing at UKAS accredited testing laboratories to adequately characterise the made ground and shallow soils.
- A programme of ground gas monitoring visits should be undertaken, to allow ground gas risk assessment to be produced for the site, comprising six visits over a three-month period

In order to minimise the environmental impact and to ensure that the site was fully characterised and suitable for the proposed end use I would recommend the inclusion of the full Standard Contaminated Land Condition onto any planning permission which may be granted.

In response to the advice of the environmental protection officers the applicant had confirmed that the imposition of a condition was acceptable.

The officers noted this advice and confirmed that any approval would be subject to the full standard contaminated land condition. In view of this assessment no conflict arose with policy SD4(e) and (m) of the Local Plan.

Section 106 and Planning Obligations

Policy SD5 of the local plan required developments to make provision for planning obligations secured under section 106 of the Planning Act.

In this case the following planning obligations had been agreed;

- In accordance with policy H4 of the Local Plan the developer would deliver 15% affordable housing on the site
- A financial contribution of £31,395 would be made towards the improvement health services as requested by the NHS Clinical Commissioning Group
- A financial contribution to secondary education and SEND provision
- The mechanism to secure the delivery of the public open space and the maintenance arrangements for the open space

The objectors at the meeting made the following comments:-

- Northumbrian Water had a legal responsibility to ensure there was sufficient capacity in the network and there was not sufficient spare capacity;

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- Northumbrian Water were legally obliged to recommend the application regardless as they could not object on capacity grounds;
- The Environment Agency confirmed that it was the Local Authority's legal responsibility to determine whether there was sufficient capacity;
- The older sewer was 12 inches wide and flowed just below capacity when dry but overflowed in rain and ran into Hutton Beck;
- In 2021 the sewer overflowed 57 times over 303 hours and the problem had increased over the years;
- The photographs submitted showed that there had been pollution since the 1960's with pollution flowing down to Saltburn and onto the Blue Flag Beach demonstrated by the sample brought in today which included a condom;
- The sewer was built in the 1930's for Hutton Village;
- The existing network was not fit for purpose;
- On rainy days the new properties discharged 290 tonnes of sewerage;
- The Council had a legal obligation to reject the application;
- Voting in favour was a vote in favour to pollute;
- Shocked at the lack of regard for biodiversity;
- There were Great Crested Newts, Otters and 5 species of bats on the site;
- Government guidance was in place to ensure the developer submitted enough information regarding protected species;
- Lack of a detailed botanical survey;
- No Ecological Impact Assessment Report;
- The presence of Great Crested Newts seemed to have been ignored and before planning permission was granted the Local Authority needed to be satisfied that a licence would be granted by Natural England and there was little prospect of that licence being granted;
- I suspect that Natural England were unaware of the presence of Great Crested Newts;
- The biodiversity gains outlined in the report were full of errors;
- There would be a net habitat loss of 15%;
- This was the most biodiverse area in Guisborough;
- It would be an unacceptable loss and I would urge Members to refuse;
- In 1999 the Planning Inspector rejected the Persimmons application and recommended that the area be safeguarded;
- This application was for more houses with a more difficult access;
- There were over 400 objections and the Strategic Planning Team raised 5 points of objection;
- Why do we have a Strategic Planning Team if their concerns were being ignored;

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- The advice of Rural England had also been ignored;
- Would like Members to visit the site to look at the proposed access;
- The traffic assessment referred to an additional 260 traffic movements per day being generated from this site;
- An application in 1999 was rejected due to the access to 2 schools;
- There was no need for more housing as the quota had been met many times over with the minimum heavily over achieved;
- The correct decision was made in 1999 but the Local Authority failed to safeguard the area;
- Implored Members not to fail the community, the environment or our children.

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

- I would endorse the report with officers confirming that the principal of development was acceptable and accords with policy;
- National Policy supported the development as did Local Policy;
- A number of issues had been identified by objectors as reasons for refusal however all ecology surveys had been undertaken, we have gone beyond policy requirements and the land was of low level ecological value;
- The land would be managed to improve biodiversity;
- Half of the site would be for formal public access;
- There would be a significant contribution to education and the NHS;
- The development would support improvements to local bus services and shops;
- The issue of drainage had been addressed by Northumbrian Water and the Environment Agency had not objected;
- The development would improve any flood risk as there was an increase in storage capacity;
- There had been no objections from highways and they agreed the proposed development was safe and the location sustainable;
- The proposal would deliver affordable housing which would exceed current policy requirements and he asked Members to endorse the officer's report.

Following the presentation of the report of the Managing Director and taking into account the representations, the Committee made the following comments:-

- Listened to the presentation and on that basis received no perceived reasons to object having noted the strategic planning teams comments;
- The proposal was for lower density larger houses and fewer dwellings;

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- The points raised regarding foul water and sewerage were guided matters with the appropriate authorities saying matters would be addressed;
- If there was already insufficient capacity in infrastructure then it was not appropriate to add to it even though policies appeared to have been adhered to;
- The options were to refuse or defer and invite Northumbrian Water in to satisfy us that there was adequate capacity in the system before we agreed to the proposal;
- Whilst it was a greenfield site it did not appear in the plans for development but it was in the development area;
- Sought guidance as to whether it would be worth seeking a deferment or refused as over development and the infrastructure was not appropriate;
- The conclusion of consultees was borderline as to whether to accept the proposal but felt that if we refuse it would be overturned on appeal and costs awarded against us;
- The pipes were too small in the whole of the sewerage system within Guisborough;
- This land was a designated recreational open space and wildlife corridor and the need for this land had not changed;
- In relation to carbon capture a lot of trees had been removed from the site and any development would result in the loss of more trees;
- Could not recall a proposal having resulted in 400+ objections and the whole of Guisborough was concerned, with the sewerage issue only being the tip of the iceberg;
- This area of land adds to the heath and wellbeing of residents;
- Surprised by the findings of the Wildlife Trust as this area was a haven for hedgehogs and was well stocked with a variety of wildlife;
- There was no need for more housing;
- This was a greenfield site which was not listed for housing and had been refused in the past;
- Concerned for the safety of children attending the 3 schools;
- Should be refused on ecological reasons, over development and the impact on infrastructure;
- Refusing on the grounds of the sewerage issues should be sufficient grounds in its own rights;
- If refuse then we run the risk of losing the protection provided by the Section 106 Agreement on half of the site;
- The entire beck was a green corridor with an abundance of wildlife and it should be better managed;
- Agree that there were significant traffic problems at peak times of the day;
- The Local Authority had a duty to protect wildlife and would like to see further assurance that this would be done and see more

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- extensive investment;
- What happened on these sites with wildlife once building works commenced;
- Acknowledge that the site was within development limits however it was a green area which ran right through the Town;
- The proposal does not meet the requirements of SD4 (j) and (k);
- The majority of the site would be out of character with the surrounding property as this would be a dense closely packed development;
- Part of the Government's levelling up Policy was to have the right homes in the right places with Local Authorities only consenting to development where the right infrastructure was in place and the environment protected;
- The proposal should be refused as this was an ecologically rich site which would not be enhanced by building on it;
- Digging up the site would destroy wildlife;

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

The proposed development, by reason of the number of units and the detailed design and layout, would not reflect the character and appearance of wider established residential area. The development would therefore be contrary to parts J and K of policy SD4 of the Redcar and Cleveland Local Plan (2018).

R/2022/0465/FFM Erection of a new discount food store (Use Class E) with new vehicle access, car parking, landscaping and other associated works land at Redcar Racecourse West Dyke Road Redcar.

The Managing Director advised that the above application had been pulled by the agent and would be heard at a later date.

:-NOTED.

Councillor Baldwin declared an interest in R/2022/0656/F3 and took no part in the discussion nor voted thereon.

37. **R/2022/0656/F3 Siting of 9 adapted shipping containers (single storey and two storey) for use as a water sports activity centre, toilets and showering facilities, creation of a landscaped plaza and reconfigured parking facilities car park land north of Majuba Road Redcar.**

The Managing Director advised that Permission was sought for the siting

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of 9 adapted shipping containers (single storey and two storey) for use as a water sports activity centre, toilets and showering facilities; creation of a landscaped plaza and reconfigured parking facilities

The application related to part of the existing car park, Majuba Road, Redcar. The application site was 0.35ha and was located to the north of Majuba Road, it was located within the Coatham regeneration area.

The 9 shipping containers would provide;

- 2no. 12sqm ancillary activity accommodation containers (Use Class E);
- 2no. 12sqm WC containers (which includes 4no. 2sqm WCs per container) ;
- 1no. 12sqm accessible WC container (which includes 2no. 5sqm accessible WC per container);
- 1no. 12sqm shower container (which includes 4no. 3sqm shower per container);
- 1no. 12sqm water sport centre and welcome point container;
- 2no. 3sqm dry store container (stacked); and
- 1no. 15sqm outdoor wet store terrace.

The majority of the development would be single storey in height. There would be a two storey staked element to the east of the site which was shown on the plans as the activity accommodation with wet store above and the two stacked dry store area.

The application site was currently car parking and provides 93 spaces. The proposed redevelopment included provision for 45 spaces including 10 accessible spaces and 4 EV spaces. 10 cycle spaces were also provided for within the development.

Landscaping was proposed through the development in the form of raised planted and ornamental planting to link the site to Coatham Common. A walkway would connect the site to the existing promenade. A public plaza was also provided as part of the development.

The supporting documentation stated that 5 full time jobs would be created along with 37 temporary full time jobs connected to the construction. Opening hours were not defined at this time.

The consultation exercise had resulted in 5 representations having been received making the following comments:-

- Loss of car parking.
- Additional parking would be required.
- Nice idea but need to sort access to Redcar out if attracting more

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- people.
- Use of shipping containers was a cheap idea.
 - Would become an eyesore over time.
 - Other Councils had rejected similar uses as not viable.
 - Lack of investment.
 - Lack of consultation.
 - Arena and hotel should be built.
 - Seasonal use only.
 - Council should listen to residents.
 - Hideous proposal.
 - Residents do not like design.

2 representations in support of the development which made the following comments;

- Tees Valley Sport support the application.
- Councils has a good track record.
- Exciting proposal.
- British Triathlon support the application.
- Centre will support priorities.

Councillor Baldwin submitted the following response:-

“Could I please submit the following as my consultee response & reserve the right to speak on the application when it goes to planning committee.

I am writing to support the above planning application.

Majuba Rd is primarily a place for leisure, to create a place for people to hire watersports equipment & to socialise fits into that remit. The area is about to undergo total regeneration & this project is a part of that. Whilst a number of parking spaces will be lost, the partial reinstatement of some of these spaces & the 100 space car park on the Bowl site will leave us with a small net increase. However the break up of Majuba Carpark, will help to remedy the car cruising, anti social behaviour that has been blighting this area for years. The area has also become synonymous with sporting events such as the Triathlon, half marathon, the Tour of Britain (this year). These events have always had an issue with public conveniences not being available, it cannot be forgotten that this development is to include permanent public toilets, which have been absent from this area for decades, any serious seaside resort needs and provides public toilets as the most basic support. I notice at least one of the representations mentions the view being lost, but as we know, the loss of a view is not a valid planning consideration. However the view in this area is nothing to be lost. The view of Majuba carpark is obscured by the dune on the boundary of Coatham Green & the view of this area would be HGVs parked up, to remove this view & replace it with a landscaped area with

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low level buildings supporting the tourism industry, can only be a positive. The use of shipping containers as a destination has become normal & standard. There are multiple areas around the country that have done it to great effect, namely The Stacks in Gateshead, with numerous business' operating out of them. Containers are built to survive the marine environment with the obvious example being cargo ships! Obviously they would need to be maintained, but this is true of all buildings."

Natural England made the following comments:-

"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 the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site <https://designatedsites.naturalengland.org.uk/>.*
- damage or destroy the interest features for which the Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.*

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

- The mitigation measures as stated in the submitted Habitats Regulations Assessment and SSSI Impact Assessment Report (dated: August 2022).*

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

The Environment Agency made the following comments:-

"We have reviewed the submitted information and have NO OBJECTION to the development. The development is classed as Less Vulnerable which is acceptable within Flood Zone 3 and we do not consider it to have an increased risk of on or off-site flooding, we therefore have no objection to this development. We request that the Local Planning Authority (LPA) lists the Flood Risk Assessment as an approved plan/document, to which the development must adhere."

The RSPB made the following comments:-

"The proposed scheme is within metres of the following national and internationally important designated sites:

- Teesmouth and Cleveland Coast Special Protected Area (SPA)*
- Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI)*

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- Teesmouth and Cleveland Coast Ramsar Site

the following comments regarding mitigation measures for this proposal.

Construction phase

Ensure that the sensible mitigation measures recommended in the Habitats Regulations Assessment and SSSI Impact Assessment (EcoNorth, August 2022) are implemented, particularly in relation to disturbance to birds from the effects of increased sound and light and the timings of the works.

Operational phase

Information Panels

It is positive to hear that information panels will be installed at access and egress points to inform visitors of the importance of the protected sites to birds. One of the current ways birds are likely to be already affected by the public are through disturbance caused by dogs. This issue could increase in the operational phase of this development. Therefore, it would be beneficial to use this opportunity to include information on the panels about the risks of dog disturbance for feeding and roosting birds and to promote responsible dog ownership and behaviour. In our experience, we have found that signs which include a photo, or an illustration of a dog are significantly more effective in promoting responsible dog ownership than those which feature images of the wildlife likely to be disturbed. This is because dog walkers are drawn to read it as it's something that relates to them and their interests. We are happy to provide more information on this if required.

Training Staff

In addition to the panels, we would also like to see that all staff working in the Coastal Activity Centre are trained on the legal designation of the site, including sensitivities of the area for birds and other wildlife, so that they themselves can act appropriately and also be in a position to educate visitors when they use their facilities and the beach for the coastal activities they plan to run. The Coastal Activity Centre has a great opportunity to act as ambassadors for the surrounding local habitats and wildlife and not only advise visitors of the sensitivities of the area but also on what is so special about it. RSPB would be happy to provide guidance on what such training should include.

Designated Launch and Landing Points for Watercrafts and Safe Distances for Operations

We are surprised that there doesn't appear to be any detail to mitigate

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against the increased use of the beach here as a result from the new coastal activities that will presumably take place within the designated sites. Is the applicant able to provide more information on this? During the winter, excessive disturbance could harm bird survival. In order to reduce the impacts upon the SSSI habitats and species, we would recommend that a designated and official launch and landing point area is agreed for watercrafts (e.g., paddleboards, surfboards and kayaks) to a narrow section of the beach. Natural England's "Evidence Information Note EIN028: Marine recreation evidence briefing: non-motorised watercraft including paddlesports" provides a good overview of the potential recreational impacts on birds and wildlife from watersports, as well as highlighting mitigation options. We would also like to see that customers of the Coastal Activity Centre are informed about appropriate safe distances to keep in relation to visible roosting birds on the rocks and shore. We would welcome Natural England's thoughts on what this distance should be. We would suggest at least 20 metres.
Redcar and Cleveland's Coastal Mitigation Strategy

"We are pleased to see that a contribution will be made by the applicant towards Redcar and Cleveland's coastal mitigation strategy. Is this strategy publicly available? If not, please can you send us a copy? We would welcome clarity over what this contribution will help facilitate to help ensure the best outcome for the qualifying features of the designated sites. Have you considered creating a new coastal ranger post that could help educate users of the site about the area's international importance for wildlife and to promote appropriate behaviour on the beach including the correct disposal of litter?"

Redcar and Cleveland Borough Council (Development Engineers) made the following comments:-

"The application site is located on part of the existing Majuba Road Car Park. It is acknowledged that the application sees a reduction in the number of spaces in this location however the loss is off site by other applications and redevelopments in the area including the provision of a 100space car park on the former Coatham Bowl site, for which construction has commenced.

The proposal is adjacent to the NCN1 cycle route to the north of the site and also pedestrian links. A pedestrian crossing is shown through the proposed car park for access from Majuba Road to the building. 10 cycle spaces are proposed within the site and should be in an area of natural surveillance

The level of parking proposed through the application is acceptable – the 10 No disabled user bays are located close to the entrance and 4 No.EV charging points are shown. Whilst we do not have a policy governing the numbers required, the developer could lay additional ducting to future proof the site.

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It is noted that the car parking spaces are slightly longer and wider than our usual sizes and adequate manoeuvring space of 6m behind the bays. The units are serviced by a separate access to the north of the development.

Please condition a construction management plan to agree deliveries, contractor car parking and material storage within the site. Mud and debris must be dealt with within the compound rather than being deposited onto the adjacent adopted highway.”

Redcar and Cleveland Borough Council (Lead Local Flood Authority) made the following comments:-

“The LLFA have reviewed the submitted information and would offer no objection to the proposed development in relation to flood risk and the disposal of surface water. the development accords with policy SD7 of the Local Plan.

Flood exceedance route ok, SW discharging into NWL combined sewer at 3.5l/s Precast concrete attenuation tanks now used with 1:100 & 45% CC

The LLFA would require the development to be carried out in strict accordance with all submitted plans and documentation. Further approval for additional flows connecting to NWL main sewer shall be sought.”

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land) made the following comments:-

“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 that a Phase 3: Remediation Statement and Detailed Unexploded Ordnance (UXO) Risk Assessment have been submitted in support of this application.

The Phase 3: Remediation Statement summarises the previous investigations and outlines the objectives of the remediation works that are required to render the site suitable for the proposed development and its immediate surroundings.

The Detailed Unexploded Ordnance (UXO) Risk Assessment also submitted in support of this application recommends the following risk mitigation measures.

- UXO Risk Management Plan*
- Site Specific UXO Awareness Briefings to all personnel conducting intrusive works.*
- Unexploded Ordnance (UXO) Specialist Presence on Site to support*

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*shallow
intrusive works.*

The applicant should be aware of his responsibilities under para 178 of the NPPF

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) and

b) that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

In order to minimise the environmental impact, I would recommend the inclusion of the following part conditions of the standard Contaminated land condition onto any planning permission which may be granted:

Implementation of Approved Remediation Scheme/Statement

The approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority. Remediation shall be completed prior to the end use of the development.

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 validation 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.

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.

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 and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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Following completion of measures identified in the approved remediation scheme a validation 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.

A UXO Risk Management Plan covering the risk mitigation measures shall be submitted to and have been approved in writing by the Local Planning Authority.

REASON: To ensure that risks from UXO to the future users of the land and neighbouring land are minimised 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) had no objection.

Redcar and Cleveland Borough Council (Natural Heritage Manager) asked if we could accept the reduction in car park spaces for visitors and the aesthetic view of shipping containers against the important coastal view?

Redcar and Cleveland Borough Council (Tourism) made the following comments:-

"I am writing to support the planning application for the Coastal Activity Centre at Coatham, Redcar. This development fully supports the strategic objectives of the borough's Destination Management Plan and to grow tourism for the good of Redcar & Cleveland with a dynamic year-round visitor offer and a reputation for great value and high quality experiences. In particular it fits with our target markets identified in the plan including 'fun in the sun families' and in particular 'Special interest' who love outdoor activities including sea swimming, land sailing, coastal rowing and taking part in sporting competitions.

It meets and delivers against a range of objectives but in particular the objective of 'Activity and Adventure' which is all about - Delivering the experiences which will drive year-round visits and differentiate the destination in a competitive market. There is huge rationale about building on our key assets around this and the coast is one of them. The delivery of the Coastal Activity centre is a key named action within the plan under Activity experiences to deliver against the outcomes and objectives around tourism growth.

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The Coastal Activity Centre also delivers specifically against the objective around Events and Animation – Bringing the destination story to life, and providing reasons to visit ‘now’ rather than ‘sometime’. In particular this will allow us to strengthen the Anchor events we can attract and deliver including national sporting events and the development of local and regional sporting events.

It is important to state that the Coastal Activity Centre also delivers against the Tees Valley Combined Authority Enjoy Tees Valley Destination Management Plan as well.”

Redcar and Cleveland Borough Council (Planning Strategy) made the following comments:-

“The application site forms part of the Coatham seafront regeneration area, which under policy REG1 is allocated for mixed use development comprising leisure, tourism, visitor and retail uses. Related to that, policy LS2 aims to support the growth of the visitor and tourism economy in Redcar and policy ED9 supports leisure and tourism development and enhancing visitor facilities at Redcar Seafront, including proposals for leisure-based development at Coatham.

The application follows on from the recently permissioned proposals on adjacent land within the allocation site including for other, complementary leisure uses (adventure golf and play area) and for a hotel. Through the provision of a watersports activity centre, the recreational offer in Redcar would be broadened, thereby boosting visitor potential.

The application site is located in very close proximity to the Teesmouth and Cleveland Coast SPA & Ramsar site and the underlying SSSI. The Appropriate Assessment of the Local Plan found that policies which promote leisure and tourism-related development, including REG1 and ED9, could lead to increased recreational use of the SPA site and had potential for likely significant effects through increased recreational disturbance with an adverse effect on the integrity of the site.

The development should also meet all relevant requirements of overarching policy SD4, which includes avoiding development in locations that would put the environment, or human health or safety, at unacceptable risk; will not increase flood risk; respect or enhance the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features; takes opportunities available to improve the character and quality of the surrounding area and the way it functions by establishing a strong sense of place, responding to local character and history; and provides suitable and safe vehicular access and parking suitable for its use and location.

With regard to the above matters and policies, it is noted that the

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application has been accompanied among other things by a planning statement, flood risk assessment, SUDS management plan, HRA and SSSI impact assessment report, wintering bird survey and land investigation reports. The HRA/SSSI report identifies likely significant effects as a result of disturbances a range of mitigation measures have been identified within this report to ensure that those effects do not result in adverse effects on site integrity.

To summarise, in accordance with the key policy REG1 the application can be supported subject to achieving the conditions set out in that policy, and subject to achieving compliance with policies SD4, SD7, N4, HE1 and TA1.”

Redcar and Cleveland Borough Council (Place Development and Investment) made the following comments:-

“The Place Development and Investment Team supports the application for the Coastal Activity Hub, reference: R/2022/0656/F3.

The Coastal Activity Hub will help maximise the potential of Redcar’s coastline for outdoor recreation, promoting healthier lifestyles and encouraging wellbeing. It will enable a diverse range of activities, sports and events to be hosted that could animate the coastline and create new experiences that could appeal to both residents and visitors. The development will help grow Redcar’s visitor economy by attracting additional visitors, repeat visitors and increasing the length of visitor stays. Its infrastructure and facilities will enable and support water, beach and land-based activities such as windsurfing, triathlon, kiteboarding, walking, running and cycling. This will allow Redcar to position itself as a destination for coastal events and activities. The Coastal Activity Hub will also offer support to a range of existing organisations in Redcar and will become a meeting place and an informal base for sports clubs/organisations, community groups, school groups, activity leaders, families and groups of friends.

The Coastal Activity Hub will build on Redcar’s track record of successfully hosting sporting events, including the Redcar Half Marathon, Redcar Sprint Triathlon and British Landsailing Championship Regatta. This development could enable a range of new opportunities such as British Triathlons GO TRI series and be a catalyst for the growth of new community activities. It could also in due course be a base for larger events, with the proposed new hotel providing supporting accommodation.

The container-based design solution has several benefits including the flexibility to enable the hub to be developed in a phased approach, allowing it to grow organically over time, with facilities added as its popularity grows. Containers are well-suited to the coastal environment

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and are in keeping with Redcar's industrial and maritime heritage. They are also flexible and adaptable enough to meet the needs of a wide range of activities and events.

The external space around the containers will form a flexible events area that could provide space for an event village, from which competitions could start and finish, including running festivals and triathlons. It also provides space for spectators. The design and proposed uses are aligned with the Coatham Masterplan.

The Coastal Activity Hub responds to the demand for public toilet facilities to serve Majuba Beach and the planned new leisure facilities at Coatham, including the play area and Adventure Golf course. This addresses a key gap in the visitor offer of the area.

Any loss of car parking space from this development will be mitigated by the construction of a new permanent 100-space car park on the former Coatham Bowl site. In the future there is the potential to increase this capacity further.

The Coastal Activity Hub forms one of the key projects within the Redcar Town Deal Programme."

Redcar and Cleveland Borough Council (Sport and Physical Activity Manager) made the following comments:-

"The site on Majuba Road, Redcar has proven very popular over many years with runners, cyclists, open water swimmers, surfers, walkers and manager other people who enjoy being active.

The potential development of a water sports hub with dedicated showering and toilet facilities would be a huge boost to the further development of sport and physical activity not just for local residents but people involved in sport across the Tees Valley.

The site presents a number of opportunities for development including attracting major sporting events which is current restricted due to not having fit for purpose facilities.

I would like to offer my full support towards this development."

The main considerations in the assessment of the application were;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety
- Ecological Impacts

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The application site was within the development limits defined in the Local Plan and was located in a sustainable location within the main coastal settlement of Redcar. The application accords with policies SD1, SD2 and SD3 of the Local Plan.

Policy REG1 of the Local Plan specifically identified 8.7ha of land at Coatham to be developed for a mixed use of leisure, tourism, visitor and retail use. The application supported the wider aims of the policy.

Policy ED9 of the Plan stated that leisure and tourism development would be supported throughout the borough including;

(b) enhancing the visitor facilities on Redcar Seafront, including the proposals for leisure-based development at Coatham;

The application accords with the aim of policy ED9.

The principle of development was one that was considered acceptable in this location and accords with the wider aims of policies SD1, SD2, SD3, REG1 and ED9 of the Redcar and Cleveland Local Plan.

The application site currently comprised of car park with a limited number of buildings in the vicinity. The existing buildings (Tuned In, Boat House and Golf Club) all varied in scale, design and style. Permission had been granted for a hotel to the east of the site along with an application for public realm improvements including a play area and adventure golf course.

The proposal was mainly single storey in height, with a small element of the development being two storey which was considered acceptable for the location on the sea front. The style of buildings proposed was considered acceptable for the location and would add to the variety in building styles within the area. It was proposed that a management and maintenance plan be agreed for the external appearance of the units given the nature of the buildings and the exposed location. Subject to maintenance the buildings would not have an adverse impact on the area.

The application also introduced a public plaza and landscaping. The public plaza would connect into the wider developments in the area and the use of landscaping would soften the development and be an improvement over the existing wide expanse of car park.

The proposal was suitable in relation to the proportions, massing, height, size, scale, materials and detailed design features and the application would respect the character of the site and its surroundings. The application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

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Due to the location of the site there were no residential occupiers in close proximity. The activity was acceptable for the location and raised no issues in terms of neighbour amenity.

Given the location of the site and surrounding uses it was not considered necessary to attach any conditions in relation to operating hours.

The proposal would not have a significant adverse impact on the amenity of occupiers of existing buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The application site was located on part of the existing Majuba Road Car Park. It was acknowledged that the application would see a reduction in the number of spaces in this location however the loss was off set by other applications and redevelopments in the area including the provision of a 100space car park on the former Coatham Bowl site for which construction had commenced.

The level of parking proposed through the application was acceptable and included cycle provision and EV charging points.

The application raised no issues in terms of highways safety and the application accords with part p of policy SD4 of the Redcar and Cleveland Local Plan.

The application had been accompanied by an ecological impact assessment, a habitats regulations assessment (HRA) and SSSI impact assessment and a wintering bird survey report.

The ecological survey was undertaken in July 2022.

The ecology report confirmed that the site had a negligible ecological value in terms of habitat given the dominance of the hard standing. There was opportunity to enhance the ecological habitat through the proposal and the introduction of soft landscaping.

The HRA and SSSI impact assessment focus on the impacts on the Teesmouth and Cleveland Coast SPA and the impacts on the nearby SSSI. The submitted report identified likely significant effects (LSE) or impacts from the development in relation to the increase of visitors and recreational disturbance. While it was acknowledged a level of activity already took place in the area, the proposals had the potential to increase activity. The report further identified a worst-case scenario of likely significant effects during the construction phase of the development in relation to some species. In order to address the likely significant effects a range of mitigation measures had been proposed. Subject to the use of the mitigation measures the HRA and SSSI impact assessment concluded that the proposal would not result in significant adverse effects.

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The ecology reports also referred to a number of protected species including bats, great crested newts, otter, reptiles, badger and a range of breeding birds (wintering birds is addresses separately). All these species were identified as low or negligible in terms of ecological value due to the existing site and lack of habitats. No additional surveys were required in relation to these species.

The Wintering Bird report states that 20 species of wetland bird were recorded in the allocated survey area. *Of these, a number of species listed as qualifying features for adjacent designated sites were recorded as foraging and roosting within the sandy and rocky shoreline habitats present. Ringed Plover, Redshank, Sanderling, Cormorant and Ruff have all been recorded within the survey area and are listed as notable species in citations for the Teesmouth & Cleveland Coast SPA and SPA extension, as well as Teesmouth and Cleveland Coast SSSI.*

The impacts of construction and post construction noise and visual effects had the potential to impact on the species and therefore several mitigation measures were proposed to ensure the proposals did not have a negative impact on the wintering birds.

The submitted reports identify the following mitigation in relation to ecology;

- Pre-commencement checks.
- Contractors to attend tool-box talks.
- Site clearance to take place under a precautionary method statement.
- Use of sensitive lighting schemes during construction and operation phases.
- Trenches closed overnight.
- No works to be undertaken between sunset and sunrise.
- Use of native species in the planting scheme.
- Construction work to take place under a precautionary method statement.
- Use of a construction environmental management plan.
- Where possible work would take place outside of the main overwintering period.
- Where works take place beyond this period an ecological clerk of works would monitor for the presence of certain species.
- Use of suitable screen if works took place during the wintering months.
- Use of a pollution prevention plan.
- Introduction on interpretation boards.
- Contribution towards the Recreation Management Plan.
- Provision of suitable waste bins and collection schedules.

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Natural England had reviewed the application and had raised no objections to the proposal subject to mitigation being secured. It was recommended that conditions be attached to any permission to secure the mitigation.

The development would make provision for a financial contribution to the Coastal Management Plan as required by policy N4. As the application was made by the Council for a project to be managed by the Council and was located on Council land the financial contribution would be secured through an internal transfer.

Subject to the mitigation identified within the HRA and SSSI the proposal raised no issues in terms of ecology and accords with policies SD4 and N4 of the Local Plan.

The application had been accompanied by a phase 3 remediation statement which summarised any investigations that had taken place and also outlined the remediation works which were required. The Councils contaminated land officer had reviewed the submitted information and raises no objections. Conditions were recommended in relation to validation reports and reporting of unexpected contamination. The conditions were considered reasonable and necessary. The application accords with part e of policy SD4 of the Local Plan.

Part of the site was located within Flood Zones 2 and 3 and the application had been accompanied by a range of drainage and flood risk documentation. The documentation confirmed that the proposal was at low risk from all forms of flooding. The Environment Agency and Local Lead Flood Authority had both reviewed the application. The Environment Agency had confirmed that the proposal was classed as less vulnerable which was acceptable within flood zone 3 and it did not have a risk of on or off-site flooding and therefore they had no objections to the proposal. The LLFA had also confirmed they had no objections to the development and that the proposal complied with policy SD7 of the Local Plan. Both consultees had requested that the drainage plans and documentation be conditioned to ensure the development was in accordance with the details submitted. The application accords with part f of policy SD4 and policy SD7 of the Local Plan.

The application site was within the catchment for nutrient neutrality however was out of scope for requiring additional information.

The application raised no issues in terms of crime prevention and the application accords with part m of policy SD4 Redcar and Cleveland Local Plan.

For the reasons outlined above the proposal was considered acceptable.

The proposal would not have a significant adverse impact on neighbour

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amenity and the proposal raised no issues in terms of highways safety or crime prevention.

The scale and design was acceptable for the location and the proposal would respect the character of the site and surroundings.

Subject to appropriate mitigation and conditions the application raised no issues in terms of ecology and would not have any adverse impacts on the SPA or SSSI.

The development formed part of a wider regeneration strategy for the Coatham which sought to increase tourism and leisure facilities in the area.

The proposal accords with policies SD1, SD2, SD3, SD4, SD7, REG1 and ED9 of the Redcar and Cleveland Local Plan.

Councillor Baldwin representing the Ward made the following comments:-

- In favour of the proposal as the area was allocated for mixed use development under Policy REG1;
- If you visit any seaside resort you expect to see leisure facilities;
- The use of shipping containers was considered normal;
- An additional 100 car parking spaces were being provided on the former Coatham Bowl site;
- 1 of the consultees mentioned the loss of a view however, the photographs I have supplied demonstrated that their view was blocked by Coatham Green;
- There had been no objections from neighbours, residents or businesses.

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

- This application sought to provide a coastal activity hub providing a destination for coastal activities;
- There would be 9 containers with 2 utilised for ancillary purposes providing a food offer;
- Phase 1 of the public realm work approved in March would provide an adventure golf and play area;
- In September 2021 the permission was given for the 100 space car park which would support development in the wider area and the Coatham Leisure Quarter;
- We have worked with the local community and their feedback had been positive;
- The development would bring economic benefits and employment opportunities;

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- It would provide a safe and exclusive development and would promote healthier lifestyles.

Following the presentation of the report of the Managing Director and taking into account the representations, the Committee made the following comments:-

- This development would be highly beneficial for the area;
- The Majuba Road car park was a huge space that was empty most of the time;
- The site was within development limits which complied with policy;
- The area was one of mixed use;
- There was no impact on highways or the SSSI;

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

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

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

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

Location plan received by the Local Planning Authority on 15/08/2022

Proposed part site plan received by the Local Planning Authority on 09/08/2022

Container floor plans - Coastal Activity Hub received by the Local Planning Authority on 09/08/2022

Container elevations - Coastal Activity Hub received by the Local Planning Authority on 09/08/2022

Container general arrangement plan received by the Local Planning Authority on 09/08/2022

Container elevations sheet 1 received by the Local Planning Authority on 09/08/2022

Container elevations sheet 2 received by the Local Planning Authority on 09/08/2022

Proposed site sections received by the Local Planning Authority on 09/08/2022

Landscape layout plan received by the Local Planning Authority on 09/08/2022

Topographical survey plan 1 of 4 received by the Local Planning Authority on 09/08/2022

Topographical survey plan 2 of 4 received by the Local Planning

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Authority on 09/08/2022

Topographical survey plan 3 of 4 received by the Local Planning Authority on 09/08/2022

Topographical survey plan 4 of 4 received by the Local Planning Authority on 09/08/2022

Flood flow plan received by the Local Planning Authority on 15/08/2022

Drainage plan received by the Local Planning Authority on 15/08/2022

Drainage maintenance plan received by the Local Planning Authority on 15/08/2022

Flood Risk Assessment received by the Local Planning Authority on 15/08/2022

Drainage philosophy received by the Local Planning Authority on 15/08/2022

SUDs management plan received by the Local Planning Authority on 15/08/2022

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

3. Prior to the installation of the containers on site a management and maintenance plan relating to the external appearance of the containers shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details and shall be adhered to for the lifetime of the development.

REASON: To ensure the suitable long term appearance of the containers units in order that there is no adverse impact on the visual appearance of the area in accordance with parts j and k of policy SD4 of the Redcar and Cleveland Local Plan.

4. The development shall be completed in accordance with the mitigation measures identified within table 9 of the submitted Habitats Regulation Assessment and SSSI Impact Assessment received by the Local Planning Authority on 15/08/2022. Any mitigation measures identified for the operational phase of the development shall remain in place for the life time of the development.

REASON: To ensure there are no significant effects on the ecological designations and protected species surrounding the site in accordance with policy SD4 and N4 of the Redcar and Cleveland Local Plan.

5. The approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority. Remediation shall be completed prior to

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the end use of the development.

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 validation 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.

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.

6. 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 validation 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.

Councillors Ovens and Richardson left the meeting at this point.

38. SUSPENSION OF COUNCIL PROCEDURE RULE NO. 9

The Chair reminded Members that as the meeting had lasted for nearly three hours, it was necessary to suspend Council Procedure Rule No. 9 to allow the meeting to continue.

Councillor Rider declared an interest in R/R/2022/0607/FF as a Longbeck resident.

39. R/2022/0607/FF Change of use from bakers (Class E) to micro wine

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and beer bar (Sui Generis) including outdoor seating to front 12-14 Kilbridge Close New Marske.

The Managing Director advised that permission was sought for change of use from bakers (Class E) to micro wine and beer bar (Sui Generis) including outdoor seating to front at 12-14 Kilbridge Close, New Marske, TS11 8DT.

The application related to mid terrace properties within a parade of shops. The site was situated within the designated centre at New Marske and consisted of a mix of commercial uses including three hot food takeaways and a general convenience store.

The application sought permission for the change of use of the properties to create a wine and beer bar with seating provided both internally and externally. The development required minor alterations to the existing shop front in the form of the entrance door being moved and minor changes to window proportions.

The application had been accompanied by existing and proposed elevation and floor plans of the premises.

The consultation exercise had resulted in 13 letters of objection having been received making the following comments:

- Too close to residential and elderly houses
- Not needed in this location
- Anti-social behaviour associated with the development
- Noise issues associated with the development from customers and extractor fans
- Impact on property prices
- Not in keeping with area being 30 seconds from a primary school exposing kids to drinking culture
- Inappropriate for the area
- Outdoor seating would add to current breach of privacy and relaxation in neighbouring properties
- Currently 3 pubs in New Marske less than 5 minute walk from the site
- Intimidating for people collecting takeaways
- Would not earn enough to stay open
- Should consult all residents that were affected by the development
- Seating area for 12 people seemed unrealistic and unsafe on the walkway for the shops
- Car park may become beyond capacity

There were no objections from Saltburn, Marske and New Marske Parish Council.

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Councillor Rider was not in favour but commented that she would leave it to the committee to decide.

Redcar and Cleveland Borough Council (Development Engineers made the following comments:-

“The application site is adjacent to an existing car park that serves the parade of shops and is adjacent to a bus stop and within walking distance for many properties in New Markse. It is well served for those wishing to drive, walk or using public transport.

The application states seating for 12 outside however the tables and chairs are not shown on the plans. Whilst this area is not adopted highway, there must be sufficient space left for customers to gain access to the adjacent unit unhindered.”

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance) made the following comments:-

I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:

I note that a noise impact assessment has been submitted in support of this application. The report considers booth noise from the kitchen extract and noise from external seating for up to 12 patrons, at the front of the development.

This Assessment has shown that the rated level of noise from the kitchen extract fan, at the closest residential dwelling, falls below the typical background sound level and so there has been no requirement to consider noise mitigation measures.

This Assessment also shows that the calculated internal noise level within any living rooms facing the outdoor seating area, with both windows closed and open, falls below the internal target noise criteria level and so there has been no requirement to consider noise mitigation measures from external seating.

The application seeks the following opening times Proposed mechanical and electrical plant associated with the Development: 11:00 – 23:00, 7-days; and

Outdoor seating area associated with the Development: 11:00 – 23:00, 6-days

Sunday / Bank Holiday: 12:00 - 22:30

However, as a precaution and in order to minimise the environmental impact I would recommend a condition onto any planning permission which may be granted:

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The use hereby permitted for the Outdoor seating area associated with the

Development shall only take place between the hours of 11:00 in the morning and 22:00 in the evening from Mondays to Sundays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

The Managing Director stated that the main considerations in the assessment of the application were;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety

The application site was located within the development limits as identified on the Redcar and Cleveland Local Plan Policies Map. The change of use of the property was therefore considered to comply with Policy SD3 of the Local Plan.

The application site was also situated within the designated commercial centre at New Marske (Birkdale Road). Policy ED1 of the Local Plan sought to protect and enhance the Boroughs Centres. The proposed use was accepted as a town centre use and was appropriate for the location. The principle of the change of use in this location was acceptable and the proposal would accord with the aims of policies ED1 and SD3 of the Local Plan.

The proposed use of the properties as a micro wine and beer bar was considered to be a use that would be expected to be found within a designated centre. There were noted to be a mix of uses within the designated centre including three hot food takeaways and a general convenience store and therefore the introduction of a micro bar was not considered to have an adverse impact on the character and appearance of the area.

The proposal includes minor changes to the shop fronts with one of the access doors being moved centrally, however this was not considered to impact the appearance of the premises or the character and appearance of the wider area.

The proposal sought permission for an outdoor seating area to the front of the units. While no details had been provided of this area on the submitted drawings, it was considered that final details of this should be secured by way of a planning condition. This should include location of any tables and chairs as well as any temporary means of enclosure that

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would delineate the seating area to keep this separate from the walkway that serves the parade of premises.

Given the limited alterations that were proposed to the units externally, it was considered that subject to the condition detailed above, the application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

There were a range of uses in the parade of shops including existing late-night uses including hot food takeaways and convenience store. It was acknowledged that there were residential properties to the north, west and east of the application site, with a degree of separation to these properties by the car park and public highway to the west (front) and the service yard to the east (rear).

The impact on residential amenity may arise from noise generated from patrons entering and leaving the premises, those seated on the external seating area and noise from plant and machinery. These matters had been considered by the applicant in the preparation of the application through the noise impact assessment.

The application had been considered by the Council's Environmental Protection team who raised no objection to the proposed development with regard to the impact on neighbour amenity. It was noted that the noise assessment carried out considered noise impacts from fixed plant and the proposed external seating area. The advice offered by the Environmental Protection team stated:

This Assessment has shown that the rated level of noise from the kitchen extract fan, at the closest residential dwelling, falls below the typical background sound level and so there has been no requirement to consider noise mitigation measures.

This Assessment also shows that the calculated internal noise level within any living rooms facing the outdoor seating area, with both windows closed and open, falls below the internal target noise criteria level and so there has been no requirement to consider noise mitigation measures from external seating.

The application seeks the following opening times Proposed mechanical and electrical plant associated with the Development: 11:00 – 23:00, 7-days; and Outdoor seating area associated with the Development: 11:00 – 23:00, 6-days Sunday / Bank Holiday: 12:00 - 22:30

However, as a precaution and in order to minimise the environmental impact I would recommend a condition onto any planning permission which may be granted:

The use hereby permitted for the Outdoor seating area associated with

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the Development shall only take place between the hours of 11:00 in the morning and 22:00 in the evening from Mondays to Sundays.

Taking the above advice into consideration, a condition was considered necessary to control the hours of use of the external drinking area to prevent its use after 22:00hrs.

Subject to the conditions detailed above, given the location of the development within the designated commercial centre where a level of activity was to be expected, the proposal was not considered to have an adverse impact on neighbour amenity that would require the application to be refused. The proposal therefore accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

It was acknowledged that comments had been received as part of the consultation period with regard to anti-social behaviour resulting from the proposed development. While these comments were noted, it was considered that given the existing late night uses in the parade of shops and through planning conditions limiting the use of the outside seating area, no further control could be exercised through the planning system. Any further matters relating to anti-social behaviour would therefore be dealt with by other enforcement powers including the police. The application therefore accords with part m of policy SD4 Redcar and Cleveland Local Plan.

The application fell outside of scope for requiring additional information / assessment in relation to nutrient neutrality.

For the reasons outlined above the proposal was considered acceptable. The proposal would not have a significant adverse impact on neighbour amenity and the proposal raised no issues in terms of highways safety or crime prevention. The scale and design was acceptable and the proposal would respect the character of the site and surroundings. The use was acceptable for the location within the designated centre. The proposal accords with policies ED1, SD3, SD4 of the Redcar and Cleveland Local Plan.

The objectors at the meeting made the following comments:-

- The pedestrian access would be affected by the outside seating;
- Parking would be affected during school hours;
- Sui Generis referred to something being unique which in this case was contested as there were three others in the village and four other food outlets;
- There were three established village hubs;
- Refute the suggestion that there would be no noise or noise which would be deemed as negligible;
- Noise was generated by youths, vehicles and the seating outside

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- the fish and chip and pizza shops;
- Not objecting to the shop being occupied but to the outside seating;
- Do not believe it would have a positive impact on the economy as people have a limited budget;
- The fact that shutters were required spoke volumes;
- There were 13 objections and no support for the proposal;
- The village already had a Community Centre, 3 Public Houses, 2 Off Licences and 3 fast food outlets;
- There was already anti social behaviour at night and this development would only add to the problem;
- Despite there being seating for 12 it would encourage other people to congregate;
- Children would be exposed to the drinking and there was a nurse close by;
- Residents had a right to privacy;
- The seating area was elevated giving a direct view into adjacent houses;
- Would form a bottleneck on the paved area;
- Several estate agents had confirmed that it would reduce house prices.

A representative from Saltburn, Marske and New Marske Parish Council was present at the meeting and made the following comments:-

- Confirmed that the Parish Council had passed the plans unanimously;
- Would regenerate 2 empty units;
- Licenced premises had tough regulations;
- Micro wine/beer bars were specialist and more expensive.

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

- Object on behalf of the residents and am worried about Anti Social Behaviour particularly with regard to the outdoor seating;
- Worried about damage to the flower beds and tubs in the area;
- Concerned about the free flow of pedestrians on the paved area and the flowerbeds will be used as a dustbin;
- Problem of cars racing around at night and once people can sit outside this would be far worse;
- There was a sports village and 3 other drinking establishments and did not see the need for any others.

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

- The local centre had a mix of shops and takeaways;

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- The bakers shop closed early this year;
- Use Class E allowed various uses but did not include wine/beer bar;
- The Yorkshire Lass and the Institute were at the North Eastern corner of the village;
- Believed this proposal would be an asset to the community;
- The Parish Council did not object as the aim was for a small scale niche development;
- There were no objections from the Engineer or Environmental Health;
- The outside seating would be half the width of the walkway;
- Would require a pavement and alcohol licence;
- Welcome the officer's recommendation and could confirm the applicant was content with the conditions and the timings for the outside seating area;
- The applicant would be happy with the suggestion that the outside seating area be restricted to 9pm.

Following the presentation of the report of the Managing Director and taking into account the representations, the Committee made the following comments:-

- Change of use alright but concerned with outside seating.
- Licensing would look at this proposal too.
- Have outside seating elsewhere in the borough.
- Supported proposal.
- Needed a litter management plan.
- Had concerns as increasing existing anti-social behaviour problems.
- Concerned over pub but not concerned if it was restaurant.
- No guidance on operator.
- Outside seating area too much.
- Was within designed commercial centre.

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

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

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

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

Location Plan received by the Local Planning Authority on 12/09/22

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Proposed Plans and Elevations received by the Local Planning Authority on 20/07/22

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

3. Prior to the outdoor seating area coming into use details including the location of any tables and chairs as well as any temporary means of enclosure that would delineate the seating area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the development would not cause any issues in terms of access or egress of neighbouring commercial units in accordance with policy SD4 of the Local Plan.

4. The outdoor seating area associated with the premises shall not be open to customers outside the following hours:-

11:00 and 21:00 Mondays to Sundays.

REASON: To ensure the development would not cause any issues in terms of noise and disturbance in the interest of residential amenity in accordance with policy SD4 of the Local Plan.

5. The use hereby approved shall not commence until a litter management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented in accordance with the approved details and retained at all times.

REASON: To ensure that any waste from the site is managed correctly and does not cause a detrimental impact to the street scene in accordance with policy SD4 of the Local Plan.

At this point in the meeting Councillors Ayre, Hixon and Thomson left the meeting.

Councillor Ovens returned to the meeting.

40. **R/2022/0573/FF Demolition of existing conservatory and replace with single storey extensions including external flue at rear 18 Church Lane Eston.**

The Managing Director advised that permission was sought for demolition of an existing conservatory and replace with single storey extension including external flue at rear

The application related to 18 Church Lane, Eston. The semi detached

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bungalow was located on the east side of Church Lane. The junction with Lastingham Avenue was to the west of the dwelling and the rear gardens of Churchill Road to the east. The dwelling was located within an established residential area containing a mix of bungalows and two storey dwellings of differing scale and design.

This application sought consent to demolish the existing conservatory and replace with a single storey extension. The extension would project out 3.5m from the rear elevation, be 8.6m wide and approximately 2.7m high with a flat roof. The extension would create an open plan kitchen/living/dining room and would include bi-fold doors on the rear elevation and three roof lanterns. The proposal would include a wood burner and flue. The flue would extend out from the existing hipped roof. The extension would be constructed with external bricks to match the existing.

The size of the proposed extension had been revised during the consideration of the application. The original plans proposed an extension with a 6m projection from the rear elevation. Following officer discussions with the applicant the extension had been reduced to a 3.5m projection to protect neighbouring amenity.

The application had been accompanied by existing and proposed plans and elevations.

The consultation exercise had resulted in five written representations having been received making the following comments:-

- *Neighbouring property for sale, may have disastrous impact on our sale progressing and sale price*
- *Believe application should be deferred until our property has been sold and new owner had chance to comment*
- *Lack of bungalows in area, extension would change property to family house*
- *Extension is over building on small plot effecting adjoining properties i.e. taking light, devaluation etc*
- *Design will create noise to rear of property, adjoining property different design with bedroom to the rear*
- *Extension will steal light from both inside and outside of bungalow*
- *Extension will impact on noise, views, and devalue the property*

There was a second consultation period following receipt of the revised plans (ending 20/10/2022), however no further comments had been received in respect of the revised plans.

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land) had no objections to the proposal.

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Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance) recommended the inclusion of the following conditions onto any planning permission which may be granted:-
The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

REASON: In the interest of neighbour amenity.

The Managing Director advised that the main considerations in the assessment of the application were;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impact on nuisance
- The impacts on highways safety

The application site was located within the development limits and within an established residential area. The principle of an extension to the property in this location was acceptable and the proposal accords with the aims of policy SD3 of the Redcar and Cleveland Local Plan.

The extension to the rear of the property would not be readily visible in the street scene due to its location and scale. The use of matching materials was considered acceptable.

The proposal was considered suitable in relation to the proportions, massing, height, size, scale, materials and detailed design features and the application would respect the character of the site and its surroundings. The application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

The Council's Residential Extensions and Alterations Supplementary Document (SPD) advised on rear extensions. For semi detached houses the maximum depth normally acceptable was 3.5m. The originally proposed extension was to have a depth of 6m, this had been revised to 3.5m to comply with the guidance in the SPD.

The comments regarding the impact on the adjoining property of No. 16 are noted, it was considered the reduction in depth of the extension would result in an acceptable form of development. The proposed 3.5m extension would not be overbearing, nor overdevelopment and would not have a sufficiently detrimental impact on light to warrant refusal. The existing rear of the property contained the kitchen, diner and lounge, the proposed extension would continue this use to the rear of the property. The comments regarding loss of view and devaluation of property prices

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were not material planning considerations and as such had not been discussed.

In light of the 3.5m projection and limited height due to the flat roof design it was considered the extension was acceptable and would not have a sufficiently detrimental impact on neighbouring amenity.

The extension would not have a significant adverse impact on the amenity of occupiers of existing buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan and guidance in the Residential Extensions and Alterations SPD.

The proposal included the provision of a flue to serve a wood burner. Environmental Protection had assessed the proposal and had no objections. The team had included an informative regarding the authorised fuels that could be burnt, this would be included on the decision notice should the application be approved.

Environmental Protection had also suggested a restricted construction hours condition. In light of the scale of the development such a condition was not necessary and would not be included as part of a decision.

The proposed rear extension would have no impact on parking or highway safety.

The application raised no issues in terms of highways safety and the application accords with part p of policy SD4 of the Redcar and Cleveland Local Plan.

The application raised no issues in terms of crime prevention and the application accords with part m of policy SD4 Redcar and Cleveland Local Plan.

The application fell outside of scope for requiring additional information / assessment in relation to nutrient neutrality.

For the reasons outlined above the proposal was considered acceptable. The proposal would not have a significant adverse impact on neighbour amenity and the proposal raised no issues in terms of highways safety or crime prevention. The scale and design was acceptable and the proposal would respect the character of the site and surroundings. The proposal accords with policies SD3 and SD4 of the Redcar and Cleveland Local Plan and the guidance contained within the Residential Extensions and Alterations Supplementary Planning Document.

Following the presentation of the report of the Managing Director and taking into account the representations, the Committee made the following comments:-

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- Within residential area.
- Suitable separation
- Suitable scale and depth of extension.

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

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

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

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

- Location plan received by the Local Planning Authority on 05/07/2022

- Site plan as proposed AMENDED 10 10 2022 received by the Local Planning Authority on 10/10/2022

- Plans and elevations as proposed AMENDED 10 10 2022 received by the Local Planning Authority on 10/10/2022

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

3. The external elevations of the extension(s) hereby approved shall be built in materials to match in type, style and colour the external elevations of the existing dwelling/building.

REASON: To ensure that the appearance of the development matches the existing property and would respect the site and the surroundings in accordance with policy SD4 of the Local Plan.

41. **DELEGATED DECISIONS.**

The Managing Director circulated as schedule of delegated decisions determined by the Corporate Director for Growth, Enterprise and Environment under the delegated power procedure.

:-NOTED.

42. **APPEAL INFORMATION.**

The Managing Director presented Members with a schedule of the appeals which had been received.

:-NOTED.

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43. **ENFORCEMENT SCHEDULE.**

The Managing Director presented Members with the schedule of enforcement actions which had been undertaken.

:-NOTED.

44. **SECTION 106 AGREEMENTS.**

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

RESOLVED that a list of all live s.106 agreements be presented to the Regulatory Committee on a quarterly basis.

45. **DEEMED CONSENT APPLICATIONS.**

45.01 **R/2022/0656/F3 Siting of 9 adapted shipping containers (single storey and two storey) for use as a water sports activity centre, toilets and showering facilities, creation of a landscaped plaza and reconfigured parking facilities car park land north of Majuba Road Redcar.**

Deemed consent granted subject to the following conditions:-

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

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

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

Location plan received by the Local Planning Authority on 15/08/2022

Proposed part site plan received by the Local Planning Authority on 09/08/2022

Container floor plans - Coastal Activity Hub received by the Local Planning Authority on 09/08/2022

Container elevations - Coastal Activity Hub received by the Local Planning Authority on 09/08/2022

Container general arrangement plan received by the Local Planning Authority on 09/08/2022

Container elevations sheet 1 received by the Local Planning Authority on 09/08/2022

Container elevations sheet 2 received by the Local Planning Authority on 09/08/2022

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Proposed site sections received by the Local Planning Authority on 09/08/2022

Landscape layout plan received by the Local Planning Authority on 09/08/2022

Topographical survey plan 1 of 4 received by the Local Planning Authority on 09/08/2022

Topographical survey plan 2 of 4 received by the Local Planning Authority on 09/08/2022

Topographical survey plan 3 of 4 received by the Local Planning Authority on 09/08/2022

Topographical survey plan 4 of 4 received by the Local Planning Authority on 09/08/2022

Flood flow plan received by the Local Planning Authority on 15/08/2022

Drainage plan received by the Local Planning Authority on 15/08/2022

Drainage maintenance plan received by the Local Planning Authority on 15/08/2022

Flood Risk Assessment received by the Local Planning Authority on 15/08/2022

Drainage philosophy received by the Local Planning Authority on 15/08/2022

SUDs management plan received by the Local Planning Authority on 15/08/2022

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

3. Prior to the installation of the containers on site a management and maintenance plan relating to the external appearance of the containers shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details and shall be adhered to for the lifetime of the development.

REASON: To ensure the suitable long term appearance of the containers units in order that there is no adverse impact on the visual appearance of the area in accordance with parts j and k of policy SD4 of the Redcar and Cleveland Local Plan.

4. The development shall be completed in accordance with the mitigation measures identified within table 9 of the submitted Habitats Regulation Assessment and SSSI Impact Assessment received by the Local Planning Authority on 15/08/2022. Any mitigation measures identified for the operational phase of the development shall remain in place for the life time of the development.

REASON: To ensure there are no significant effects on the

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ecological designations and protected species surrounding the site in accordance with policy SD4 and N4 of the Redcar and Cleveland Local Plan.

5. The approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority. Remediation shall be completed prior to the end use of the development.

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 validation 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.

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.

6. 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 validation 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.

45.02 **R/2022/0556/F3 Demolition of existing building for proposed future regeneration works Loftus Library Hall Grounds Loftus.**

Deemed consent granted subject to the following conditions:-

1. The development shall not be begun later than the expiration of

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THREE YEARS from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan received by the Local Planning Authority on 30/06/2022
Layout plans received by the Local Planning Authority on 30/06/2022
Elevations for demolition received by the Local Planning Authority on 12/09/2022
Existing floor plans received by the Local Planning Authority on 05/10/2022

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

45.03 **R/2022/0704/F3 Siting of a two storey container for office and welfare use with adjacent extended CCTV column Warrenby Waste Transfer Depot, Tod Point Road, Warrenby.**

Deemed consent granted subject to the following conditions:-

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

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

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

Location plan received by the Local Planning Authority on 26/08/2022

Proposed site plan received by the Local Planning Authority on 26/08/2022

Ground floor layout plan received by the Local Planning Authority on 26/08/2022

First floor layout plan received by the Local Planning Authority on 26/08/2022

Proposed elevations north and east received by the Local Planning Authority on 09/09/2022

Proposed elevations south and west received by the Local Planning Authority on 09/09/2022

Portakabin elevations side and rear received by the Local Planning Authority on 26/08/2022

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

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45.04 **R/2022/0681/CA Demolition of detached garage at rear due to arson
The Paddock Kirkleatham Lane Kirkleatham.**

Deemed consent granted subject to the following conditions:-

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

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

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

Location plan received by the Local Planning Authority on 06/09/2022

Site plan post demolition received by the Local Planning Authority on 06/09/2022

Floor plan received by the Local Planning Authority on 06/09/2022

North elevation received by the Local Planning Authority on 06/09/2022

South elevation received by the Local Planning Authority on 06/09/2022

East elevation received by the Local Planning Authority on 06/09/2022

West elevation received by the Local Planning Authority on 06/09/2022

South west elevation received by the Local Planning Authority on 06/09/2022

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

46. **DEVELOPMENT MANAGEMENT PERFORMANCE REPORT.**

The Managing Director circulated the Quarter 2 2021/22 Performance Report.

:- NOTED.

Regulatory Committee

ATTENDANCE RECORD - 2022/23

Surname	First name	26.05.2 2	23.06.2 2	21.07.2 2	18.08.2 2	15.09.2 2	10.11.2 2	dd.mm. yy
Ayre	Billy	✓	✓	✓	✓	✓	✓	
Foley-McCormack	Chris	✓	✓	✓	✓	✓		
Richardson	Carrie	Apols	Apols	✓	Apols	Apols	✓	
Head	Malcom	✓	✓	✓	Apols	✓	✓	
Morgan	Carole	Apols 1	✓	✓	✓	✓	Apols	
Ovens	Mary	✓	✓	✓	✓	✓	✓	
Hixon	Andrew	✓	✓	✓	✓	✓	✓	
Thomson	Phillip	✓	✓	✓	✓	✓	✓	
Smith	Stuart	✓	✓	Apols	✓	Apols 6	✓	
Baldwin	Neil	✓	✓	✓	✓	✓	✓	
Lockwood	Mike	✓	✓	✓	✓	✓	✓	
Brook	Adam	X	Apols3	n/a	n/a	n/a	n/a	n/a
Watts	Anne	✓	✓	✓	✓	✓	✓	
Rider	Vera	n/a	n/a	✓	✓	✓	✓	

Substitutes

Key

✓	Attended
RA	Apologies Submitted (replacement attended)
Apols	Apologies Submitted (no replacement)
X	Did Not Attend (no apologies received)
C	Cancelled Meeting
n/a	Not a Member

Reason for Absence (NB Full detail provided for reasons of confidentiality)

1	Personal Commitment
2	Work Commitment
3	Illness/Medical
4	Conflicting Council Com
5	Other
6	Civic Duties



Regulatory Committee

8th December 2022

Regulatory Committee - Procedures

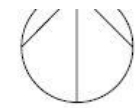
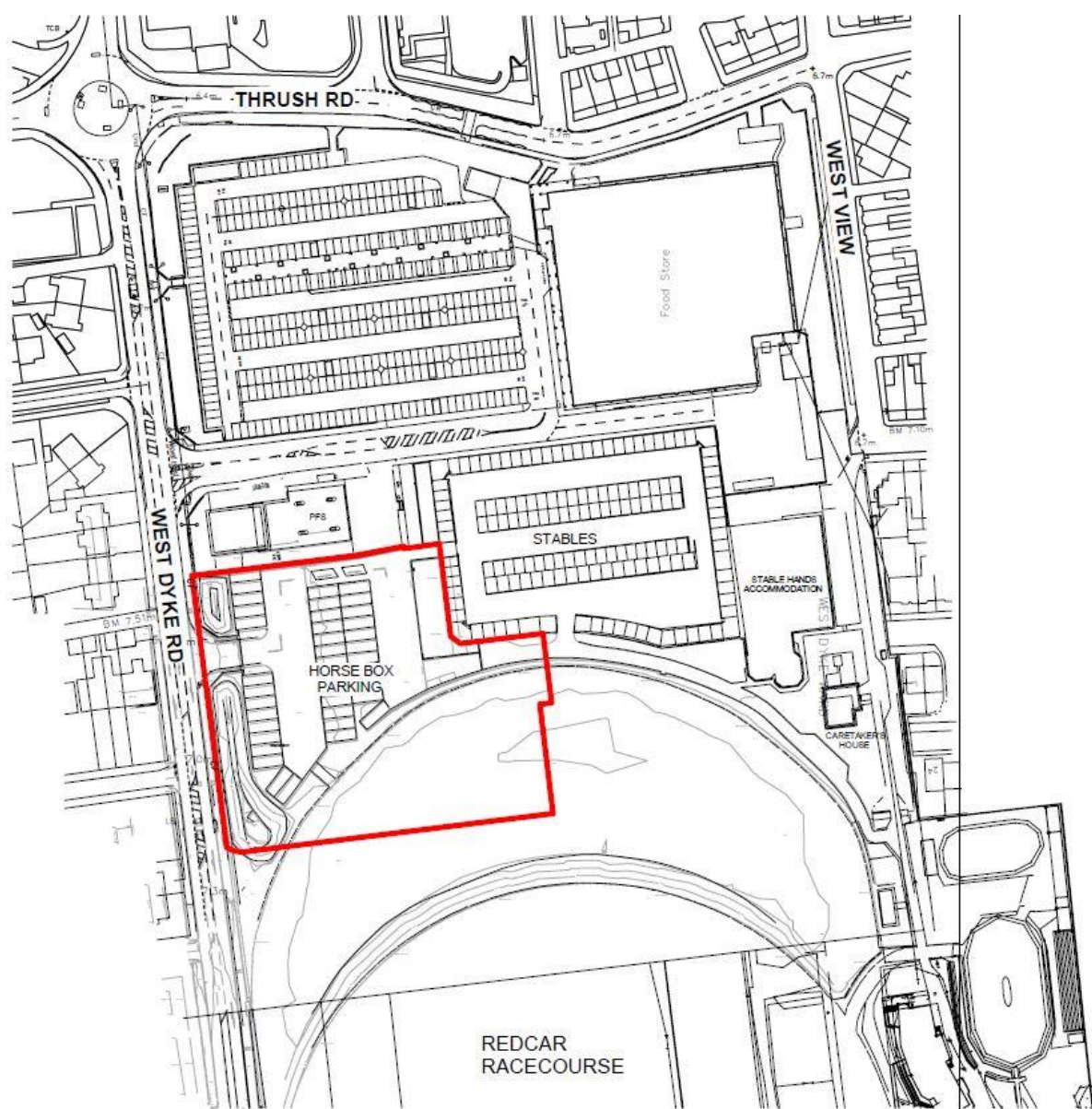
- **Planning officer's report prepared for all applications (pre-circulated):**
 - **summarises views of consultees; any comments received to the public consultation and information received from the applicant;**
 - **considers policy context and other material planning considerations;**
 - **makes a recommendation to the Committee.**
- **Objectors, supporters and applicant (or agent) may address the Committee under the direction of the Chair, those wishing to speak should have registered with officers before the meeting, a time limit of three minutes is allowed for each speaker.**
- **Committee members may then ask questions of clarification through the Chair.**

Please switch off all mobile phones

Regulatory Committee - Procedures

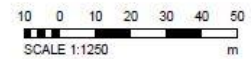
- **Officers may be asked to comment on any further planning matters raised.**
- **Members then debate the application and formulate the motion or motions on which to vote.**
- **In the event of a tie the Chair has a 'casting vote' and this is provided for in the Constitution.**
- **The Chair announces the result of the vote and the Committee moves onto the next application.**

Please switch off all mobile phones



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 This drawing is to be used solely for the information as stated only.
 For other information refer to the latest revision of any cross referenced drawings.
 To be read in conjunction with relevant design standards/protocols

This is a colour drawing. In order to ensure any subsequent reproduction is viewed correctly it should be printed in full colour.



SITE AREAS - Ltd		
	ACRES	HECTARES
LIDL DEME F 1	1.96	0.79

P2 UPDATE REQUESTED ON PLANNING PACK & ANNOTATIONS	04.04.22	HF	JM	
C1 ISSUED FOR PLANNING	03.12.21	MN	JM	
P1 FIRST ISSUE	01.12.21	MN	DM	
Rev	Description	Date	Drn	Out

Status
PLANNING

SMR
 SMALLEY MARSEY RISPIN

ARCHITECTS
 Floor 2, The Exchange, Barton Parade, Harrogate, HG9 1TB
 01423 707 757
 admin@smmrarchitects.co.uk

Project
 Redcar, West Dyke Rd



Drawing Title
 LIDL - SITE LOCATION PLAN

Proj Ref	Origin	Zone	Level	Type	Role	Num	Status	Rev
--7554	SMR	00	ZZ	DR	A	2101	A3-P2	
SMR Job Ref	Sheet	Scale	Drawn					
7554-00-2101	A3	1:1250	MN					



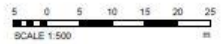
For other information refer to the latest revision of any cross referenced drawings. To be read in conjunction with relevant design standards/specifications.

This is a colour drawing. In order to ensure any subsequent reproduction is viewed correctly it should be printed in full colour.

NET AREA - GCL		
NET EXISTING BUILDING FOOT	ACCESS	RECYCLING
	1.58	0.76

LUL PARKING SCHEDULE	
LUL STANDARD SPACES	126
LUL PASSENGER CHECK SPACES	2
LUL BICYCLING	0
LUL DISABLED SPACES	0
GRAND TOTAL	128

GROSS INTERNAL AREA		
LUL 888 000 8PAC 000	SGM	1927
BASE FLOOR	1,261	13,488
MEZZANINE	407	4,729
ANEXA (INC. STABLE WING)	217	2,338
TOTAL AREA	1,885	20,555



- C7 DRAWING UPDATED - PBC ICON ADDED 12.08.22 HF JM
 - C6 DRAWING UPDATED FOLLOWING CLIENT'S NOTES 12.08.22 HF JM
 - C5 DRAWING UPDATED FOLLOWING CLIENT'S COMMENTS 01.09.22 HF SM
 - C4 UPDATE REQUESTED ON PLANNING PACK 25.08.22 HF JM
 - C3 UPDATE REQUESTED ON PLANNING PACK & AMENDATIONS CLIENTS REQUEST ON 22ND OF DECEMBER 04.04.22 HF JM
 - C2 04.01.22 SF JM
 - C1 ISSUED FOR PLANNING 03.12.21 MN JM
 - P1 FIRST ISSUE 01.12.21 MN DM
- | No | Description | Date | DM | DM |
|----|-------------|------|----|----|
| | | | | |

PLANNING

SMR

SMALLEY MARSEY RISPIN

ARCHITECTS

Floor 2, The Exchange Station Parade, Herringston, H101 1TS
01423 707 757 admin@smrarchitects.co.uk

Project
Redcar, West Dyke Rd



Drawing Title
LIDL - PROPOSED SITE PLAN

Proj/Ref	Origin	Zone	Level	Type	Scale	Num	Status	Rev
--7584--	SMR	00	ZZ	DR	A	2103	A3	C7

SMR Job Ref	Sheet	Scale	Drawn
7584-00-2103	A2	1:500	MN

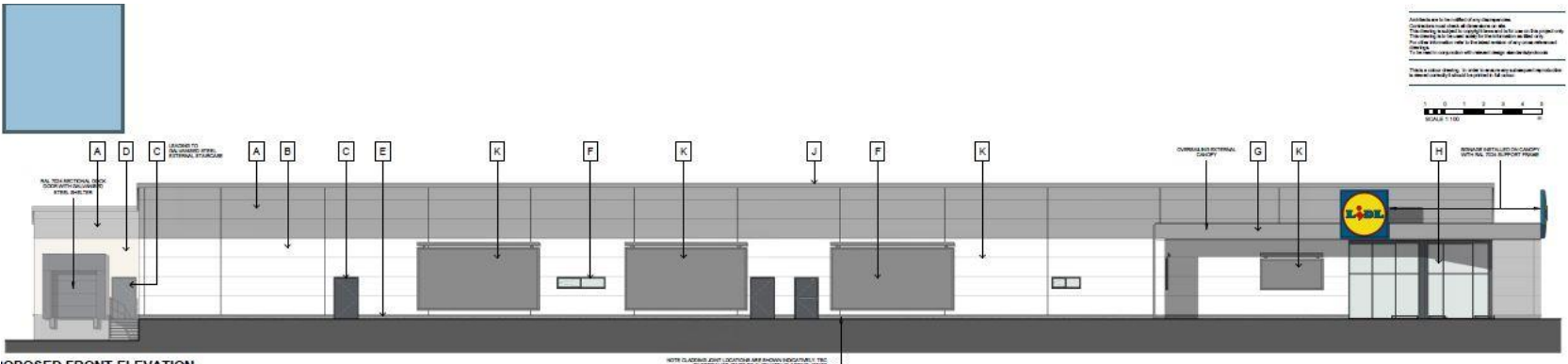
R/2022/0465/FFM Land at Redcar Racecourse

Site plan

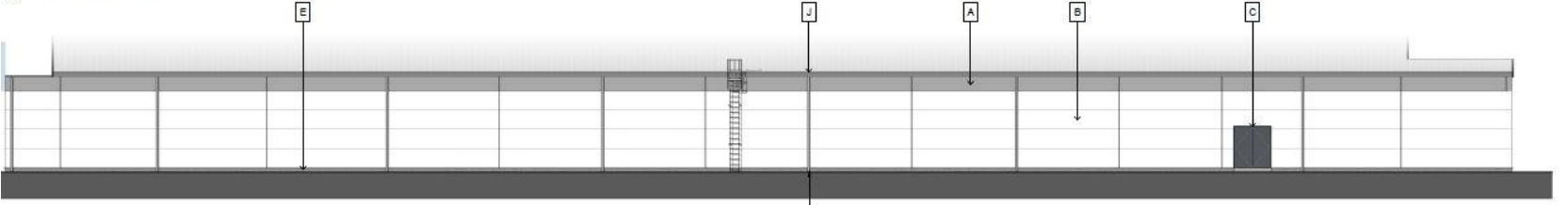
this is Redcar & Cleveland

Architect's Seal of Professional Practice
 Council of Licensed Architects in Ontario
 The Architect's Seal of Professional Practice is a mark of the Architect's
 Professional Status and is a mark of the Architect's Professional
 Standing. It is a mark of the Architect's Professional Standing.
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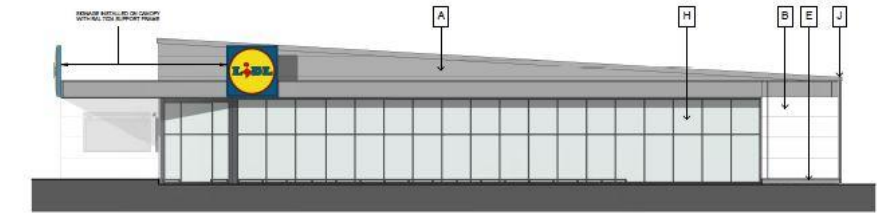
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 0 1 2 3 4 5
 SCALE: 1:100



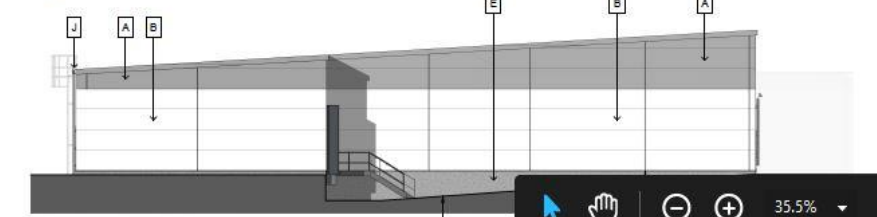
PROPOSED FRONT ELEVATION 1:100



PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100

PROPOSED MATERIALS SCHEDULE

- A INSULATED METAL WALL CLADDING PANELS OR SIMILAR APPROVED. COLOUR GREY RAL 9006
- B INSULATED METAL PANELS - WHITE RAL 9010
- C POWDER COATED STEEL DOOR - RAL 7024 WITH RAL 7024 DRIP FLASHING ABOVE
- D PRECAST CONCRETE SANDWICH PANEL WITH RENDER COLOUR RAL 9010
- E LOW LEVEL RENDER GREY - RAL 9006
- F GLAZING WITH RAL 7024 POWDER COATED FRAMES (20% GLOSS) AND RAL 7024 DRIP FLASHING SURROUNDINGS
- G STEEL FLASHINGS & FASCIA, RAL 9006 TO MATCH CLADDING
- H CURTAIN WALLING, DOUBLE GLAZED UNITS WITH RAL 7024 (20% GLOSS) FRAMES
- J METAL EAVES GUTTER & RAMP TO MATCH CLADDING COLOUR - GREY RAL 9006
- K POWDER COATED ALUMINIUM BILLBOARD FRAME RAL 9006

01 DIMENSIONED UNITS WITH MASONRY 06 08 03 HP RM
 02 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 03 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 04 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 05 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 06 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 07 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 08 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 09 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM
 10 DIMENSIONED UNITS WITH MASONRY 01 08 03 HP RM

SMR
 SMALLER MARGER RISPIN
 ARCHITECTS
 2nd Fl. The Exchange Station Plaza, Toronto, ON M5G 1Y1
 (416) 291-7577
 www.smrarchitects.ca

REDCAR WEST DIVISION

Client: **TS&M**

Drawing Title: **PROPOSED ELEVATIONS**

Proj Ref: **1554-02-0102** | Date: **2022-10-14** | Scale: **1:100** | Drawn: **AT** | Check: **AT** | Date: **2022-10-14** | Drawn: **AT** | Check: **AT** | Date: **2022-10-14**

Navigation icons: pan, zoom in, zoom out, 35.5% zoom level, and other standard CAD navigation symbols.



R/2022/0465/FFM Land at Redcar Racecourse

Photograph



R/2022/0465/FFM Land at Redcar Racecourse

Photograph



R/2022/0465/FFM Land at Redcar Racecourse

Photograph



R/2022/0465/FFM Land at Redcar Racecourse

Photograph

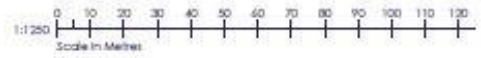


R/2022/0465/FFM Land at Redcar Racecourse

Photograph

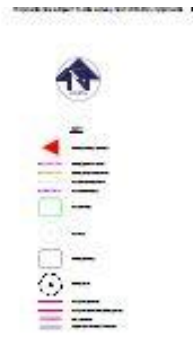
APPROVAL

All dimensions are to be checked on site. Do not scale from this drawing.
Proposals are subject to the survey and statutory approvals.



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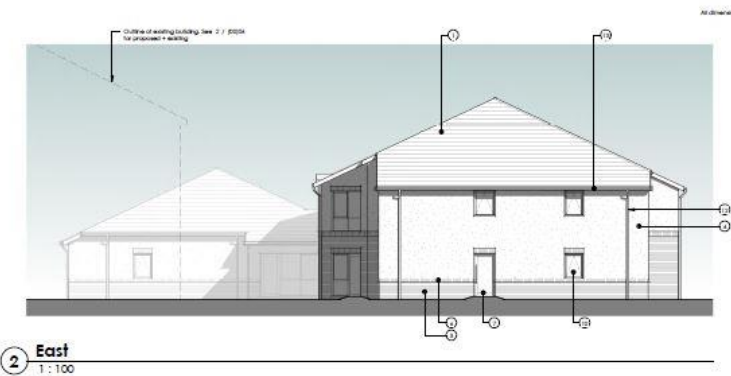
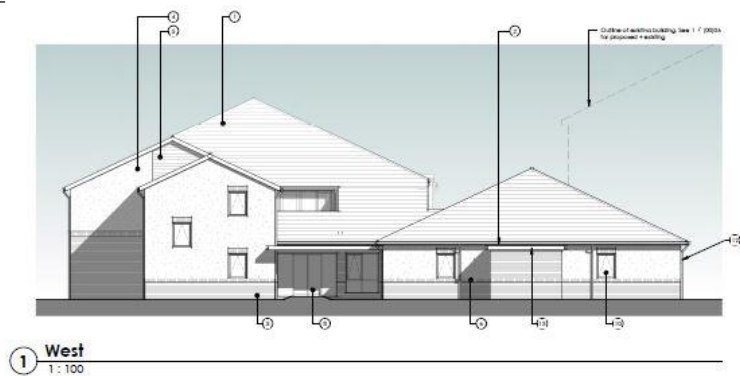
<p style="font-size: 8px; margin-top: 5px;">One Row 4 The Watermark Outwood YO17 1EJ E: info@iba-architects.com T: 0191 441 7417 www.iba-architects.com</p>	THIS DRAWING IS COPYRIGHT	A1 PLANNING APPLICATIONS	18.04.22	
	Drawn: AM	LOCATION PLAN	Date	
	Checked: MB	ADDITIONAL ACCOMODATION		
	Date: 18.04.22	Yew Tree Care Home, Redcar		
Scale: 1:1250	Sheet No: A1	1567	(SP)01	
Sheet Size: A1			A1	



Project Name	Yew Tree Care Home
Client	Redcar & Cleveland Council
IBA ARCHITECTS	
Project Description	General Accommodation for the Yew Tree Care Home
File	Proposed Site Plan
Date	15/06/2022
Scale	1:500
Sheet	1567 (SP)03 A2
APPROVAL	
1567 (SP)03 A2	

R/2022/0670/FFM Yew Tree Care Home

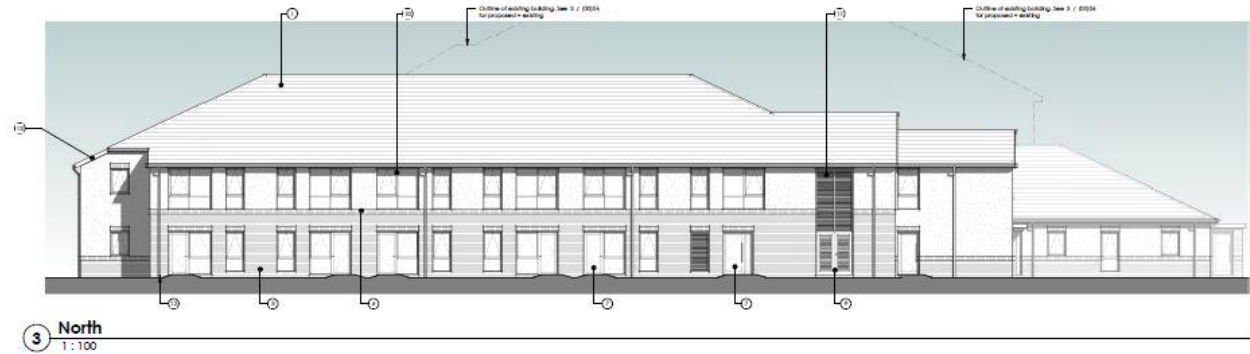
Proposed site plan



All dimensions are to be checked on site. Do not scale from this drawing.
Proposals are subject to the survey and statutory approvals.

1 West
1:100

2 East
1:100



3 North
1:100

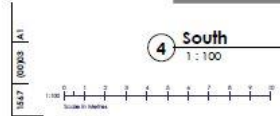
Materials

Item	Description
1	Concrete roof tile
2	Single brick masonry half roof
3	Brick (external)
4	Black vertical slat (ext. or int.)
5	Brick (ext. chimney)
6	Brick (ext. chimney - chimney course (ext.))
7	UPVC solid composite window frame (glazed door profile)
8	UPVC Aspiration screen (solid glazed window door profile)
9	UPVC Aspiration screen (solid glazed window door profile)
10	UPVC solid composite window frame (glazed window profile)
11	UPVC Aspiration screen (solid glazed window profile)
12	UPVC Aspiration screen (solid glazed window profile)
13	UPVC Aspiration screen (solid glazed window profile)
14	UPVC Aspiration screen (solid glazed window profile)
15	UPVC Aspiration screen (solid glazed window profile)

Please reference notes on external colour use to match the existing adjacent building.



4 South
1:100



Project Name	1567 (00)03 A1
Client	1567 (00)03 A1
Project	1567 (00)03 A1
Phase	1567 (00)03 A1
Scale	1:100
Date	1567 (00)03 A1
APPROVAL	
1567 (00)03 A1	
THE DRAWING IS COPYRIGHT	



R/2022/0670/FFM Yew Tree Care Home

Photographs

this is Redcar & Cleveland



R/2022/0670/FFM Yew Tree Care Home

Photographs



R/2022/0670/FFM Yew Tree Care Home

Photographs

this is Redcar & Cleveland

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER:	R/2022/0670/FFM
LOCATION:	YEW TREE CARE CENTRE YEW TREE AVENUE REDCAR TS10 4QG
PROPOSAL:	DETACHED TWO STOREY CARE HOME (20 UNITS) WITH ATTACHED SINGLE STOREY NURSING HOME (3 UNITS) WITH NEW VEHICULAR ACCESS AND ASSOCIATED PARKING AND LANDSCAPING

[Planning Application Details \(redcar-cleveland.gov.uk\)](http://redcar-cleveland.gov.uk)

APPLICATION SITE AND DESCRIPTION

Permission is sought for a detached two storey care home (20 units) with attached single storey nursing home (3 units) with new vehicular access and associated parking and landscaping.

The application relates to land at Yew Tree Care Centre, Yew Tree Avenue, Redcar. The site is located to the north of the existing home. The existing care home is located within an established residential area. Detached dwellings run along the northern boundary of the site on Tenby Road and Low Farm Drive and a mix of dwellings to the south west on St Albans Close.

This application seeks consent to build a detached two storey care home with an attached single storey nursing home. The two storey section will be approximately 44m in length, 17m wide and 9.7m high. The building will have windows on all four sides and a small terraced area at first floor on the western side of the building. The two storey section will provide 20 ensuite rooms for older residents with a variety of care requirements. All the ground floor bedrooms have direct access to amenity garden space. Bedrooms on the upper floor all have level access to a shared small external terrace. Each floor contains ancillary space, i.e. day rooms, sanitary facilities, nurse offices and storage. The single storey element will be attached to the two storey section and provide three room for individuals with more complex, longer term conditions. The single storey element will be measure approximately 15.6m x 14.7m and 6.4m high. The three rooms will have individual access into a shared amenity area.

The care home is likely to have a peak staffing level of 30 people (this figure includes 2 kitchen staff, working at mealtimes). The residents themselves are unlikely to be car owners. A total of 19 new parking spaces are proposed, including two spaces for mobility impaired drivers. Hammerhead turning is provided within the parking area. A cycle rack for at least two bicycles is also proposed. There will be provision for parking two motorbikes. The main

parking area will be access via the existing turning head of St Albans Close. Six of the nineteen spaces will be adjacent to the existing footpath/highway of St Albans Close. The garden around the proposed home will be lawned and planted. Paving and patios will be laid around the perimeter of the new building providing for access directly from the residents' rooms to the garden.

The application has been accompanied by:

- Existing and proposed plans and elevations
- Design and Access and Planning Statement
- Flood Risk Information
- Land Contamination Report
- Topographic Survey
- Sectional drawings
- Photographs of the site

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 PLAN (2018)

SD1 Sustainable Development
SD2 Locational Policy
SD3 Development Limits
SD4 General Development Principles
SD5 Developer Contributions
LS2 Coastal Area Spatial Strategy
HE2 Type and Mix of Housing
SD7 Flood and Water Management

OTHER POLICY DOCUMENTS

Design of Residential Areas Supplementary Planning Document (July 2011)

Strategic Housing Market Assessment (SHMA)

PLANNING HISTORY

- R/2012/0978/FF 3 four bedroomed special needs bungalows and daycare centre including new vehicular and pedestrian accesses and associated landscaping. Granted 01/07/2013

- R/2012/0283/FFM (Application site) Detached two storey special needs residential unit (18 beds); detached single storey daycare centre (2 beds) with associated car parking; boundary fencing and landscaping. Withdrawn 02/10/2012.
- R/2011/0117/FFM (Land to the west) Erection of 31 residential dwellings; 10 garages and associated parking and landscaping. Granted 08/08/2011.
- R/2009/0840/FF (Care Home) Proposed walls to form new entrance to nursing home (retrospective). Granted 17/02/2010.
- R/2009/0151/FF (Care Home) three storey extension and single storey conservatory on south west elevation. Granted 05/05/2009.
- R/2008/0461/RSM (Care Home) Erection of a 62 no. bedroom nursing / residential home and associated facilities (resubmission). Granted 24/09/2008.
- R/2007/0071/FFM (Care Home) Erection of a three storey nursing home with attached special needs unit; erection of two storey intermediate care home. Withdrawn 28/11/2007.
- R/2004/0825/F3 Outline application for residential development. Granted 01/10/2004.

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 consultation period 13 written representations have been received. The comments are summarised as follows:

- *Concern regarding access to development in terms of safety of children playing on the street, noise pollution and overall disruption*
- *Existing problems with visitors parking on St Albans Close instead of car park and hgv's, bin waggons, ambulances and taxis*
- *Concerns further access onto St Albans will create greater parking problems and highway safety concerns*
- *Concern insufficient proposed parking spaces*
- *Several near accidents at the junction of the close and the entrance to the existing car park, partly due to lack of road markings, the restricted line of sight because of the hedging and on occasion parked vehicles*
- *Existing turning head is integral part of the design of the close, turning into access will impact massively on any vehicle or pedestrian using the close*
- *Six spaces off the pavement will be dangerous with vehicles manoeuvring in or out of spaces*

- *Will be 100 beds in total, with 36 regular plus 4 disabled parking. Where will everyone park?*
- *Existing car park has flooded on several occasions which rendered most of it unusable for several days*
- *Could applicant considered changing access and add more parking. Could applicant work with residents to come to some sort of resolution*
- *Not opposed to development of the land just the proposed access and parking problems*
- *Turning head needed to safely turn in street. Turning head was a feature of the road as per Persimmons previous plans*
- *Problems with existing access/parking for delivery lorries. Proposed entry way for new site will be more difficult due to tangle of the turning point and space within the proposed car park*
- *Additional 6 parking spaces directly opposite where I park my car on the street next to house and will remove space used by residents and visitors.*
- *Concern regarding construction traffic, noise, dust, disturbance and potential damage to existing roads and residents vehicles*
- *Half of St Albans is unadopted narrow road that children can play in*
- *Will result in two busy care homes and entrances situated within a small close. This will be overbearing. Small area of Redcar already has a number of care homes within walking distance from St Albans Close*
- *Lack of existing road markings and no clear right of way between our road the existing car home site has been the case of several potential accidents.*
- *Light pollution during building a post build occupation*
- *Noise pollution during build and occupation*
- *Odours from meal preparation*
- *Rubbish disposal, unwanted furniture from the home has been left on proposed site*
- *Visitor gazebo likely to become a smoking area*
- *Car park could become a surety risk*
- *Loss of privacy. Structure going to be close by dwellings and occupants will have clear line of sight into gardens and upper windows of neighbouring properties.*
- *Proposed area too small for facility and too close to residential homes.*
- *Two storey building will have a big impact on our privacy and also an impact on blocking natural light*
- *Low Farm Drive used as rat run, extra traffic on road not built for this*
- *Already three very large care homes very near to each other and this build only adds to the strain on already busy residential area.*
- *Believe we have right to privacy without having to close blinds or curtains to obtain it*
- *Lack of privacy could lead to devaluation of our houses or difficulty in selling them in future*
- *Previous approved plans in April 2013 ref R/2012/0978/FF were much more suitable as single storey bungalow and would not have overlooked our properties as significantly*

Northumbrian Water (01/09/2022)

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We 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 applicant 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 and points into the public sewer network. This can be done by submitting a pre planning 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 6559.

The applicant should then submit a drainage strategy reflecting our recommendations for consideration as part of the planning application.

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

For Information Only

Please note that the site lies within drainage area 11-D32. This drainage area discharges to Marske Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

NHS Clinical Commissioning

Comments received 06/09/2022:

Request S106 funds

I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved.

Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured.

Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers.

In calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation.

We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement.

This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

Further comments received 14/11/2022:

Amended S106 contribution based on 23 single occupancy units of £4, 830.

Cleveland Police Crime Prevention (23/09/2022)

In relation to this application, I recommend applicant actively seek to develop to accredited Secured By Design standards. Full information is available

*within the SBD Homes 2019 Guide at
<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.securedbydesign.com%2F&data=05%7C01%7CPlanningAdmin.Admin%40redcarcleveland.gov.uk%7Cb983ced97ba64c8c4bbd08da9d5451bd%7Ca95b5b75274441ba91105a29c6ee2ba4%7C0%7C0%7C637995282730341375%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=mpTZbz1LiuHHC5pTBmzrccxPCBK3tTdhNc%2BmUq%2FxdBU%3D&reserved=0> In any case, I would recommend they contact me for any input, advice I can offer in relation to designing out opportunities for crime and disorder to occur. This is in relation to all aspects of the proposal.*

Redcar and Cleveland Borough Council (Development Engineers)

Comments received 27/10/2022

Highways would offer no objection to the proposed development. The number of car parking spaces is deemed adequate (no EV points have been proposed). The layout of the car park does not appear to have sufficient manoeuvring space of 6m behind the bays, this could be rectified as there is space around the designated car parking area. Should the application be recommended for approval, a condition requiring the layout of the contractor car parking and deliveries to site along with details of material storage and site cabins (construction management plan) shall be submitted to and approved in writing.

Comments received 08/11/2022

The principle of development has been established in previous planning applications and have utilised the same highway arrangements as the proposed development.

The access road has a width of 6m, which betters the standard for residential local access road (category 4b), additionally there is a 2m footway either side of the carriageway which again meets standard.

A new turning area is to be provided along the northern boundary of the site to aid with turning practices of the users of the development. The current layout of the carriage way still allows for turning area within the adopted highway.

There is additional parking adjacent to the adopted highway within the red edge boundary as such, a section 184 agreement for the construction of a new vehicular crossings over footways and verges

Redcar and Cleveland Borough Council (Planning Strategy) (23/09/2022)

Proposal

The site is considered to be a 'Class C2: Residential Institution' under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 for residential accommodation and care, to people in need of care.

Location

The site is located within Redcar's Development Limits as per Policy SD3 and is deemed a suitable location in that regard. Housing needs Policy H2 – Type and Mix of Housing outlines that housing development should contribute to meet specialist housing needs as indicated in the strategic housing market assessment. The SHMA outlines at para 3.152 that a major strategic challenge for the Council is to ensure a range of appropriate housing provision, adaptation and support for the area's older population.

There is expected to be a 35.6% increase in people aged 65 or over between 2015 and 2037 (29,200 to 39,600). Whilst Table 3.23 suggests only 4.9% would consider living in a residential care home, this still represents a significant number and the proposed development would help meet that demand.

Impacts

The case officer should determine that the proposal complies with Policy SD4 General Development Principles and particularly criteria (b) that the development will not have a significant adverse impact on the amenities of occupiers of existing nearby land and buildings.

The development should also comply with the Design of Residential Areas SPD.

Nutrient neutrality

This development will create 20 additional overnight accommodation units and therefore the latest nutrient neutrality advice should be followed.

Conclusion

From a planning strategy perspective the proposal can be supported. This is subject to the case officer's determination on design and potential impacts.

Redcar and Cleveland Borough Council (Local Lead Flood Authority) (19/10/2022)

The LLFA have reviewed the information however, there is no FRA to support this application. At this stage there is insufficient information to fully assess the application.

A drainage strategy should be submitted in order to demonstrate where surface water will discharge to. It should be noted that new development is

restricted to greenfield run off, therefore supporting calculations for required on site storage will need to be submitted alongside the surface water system design. LLFA Standard conditions 1, 2 & 3 should the above requested information not be submitted through application stage.

**Redcar and Cleveland Borough Council (Environmental Protection)
(Contaminated Land) (14/09/2022)**

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 that a geo-environmental appraisal has been submitted in support of this application. The appraisal states that no made ground, no contamination sources and no gas hazards were encountered.

The applicant should be aware of his responsibilities under para 178 of the NPPF

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) and

b) that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

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 (Environmental Protection)
(Nuisance) (06/09/2022)**

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:

The proposed development is in close proximity to residential properties and the existing care home whose occupants amenity could be affected during construction works from noise, vibration and dust.

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

- *Prior to commencement of construction, a CEMP shall be 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) *The erection and maintenance of security hoarding including decorative displays;*
 - v) *Wheel washing facilities;*
 - vi) *Measures to control the emission of noise dust and vibration during the construction period.*
 - vii) *) A scheme for recycling/disposing of waste resulting from construction works.*

REASON: To protect the amenity of nearby residents and in the interests of highway safety.

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

REASON: In the interest of neighbour amenity.

- *Prior to installation of the equipment for ventilation and filtration to suppress and disperse any fumes and/or smell created from the cooking operations on the premises (including details of noise attenuation), a scheme of works shall be submitted to and approved in writing by the Local Planning Authority.*

The development shall not be brought into end use until the approved ventilation equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority.

All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval.

REASON: In the interests of the amenity of the area.

CONSIDERATION OF PLANNING ISSUES

The main considerations in the assessment of the application are;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety
- The impacts on nuisance and contaminated land
- The impact on flooding and drainage
- Section 106

The principle of development

The site is located within Redcar's Development Limits as per Policy SD3 and is deemed a suitable location in that regard. Housing needs Policy H2 – Type and Mix of Housing outlines that housing development should contribute to meet specialist housing needs as indicated in the strategic housing market assessment. The SHMA outlines at para 3.152 that a major strategic challenge for the Council is to ensure a range of appropriate housing provision, adaptation and support for the area's older population.

There is expected to be a 35.6% increase in people aged 65 or over between 2015 and 2037 (29,200 to 39,600). Whilst Table 3.23 suggests only 4.9% would consider living in a residential care home, this still represents a significant number and the proposed development would help meet that demand.

Taking the above into consideration the proposed development is considered to broadly comply with policies SD3 and H2 of the Redcar and Cleveland Local Plan.

The impacts on the character and appearance of the area

The application proposes a two storey and single storey building. The application site is surrounded by a mix of the three storey existing care home and two storey residential dwellings. The development will be constructed with external finishing materials to match the existing home. In light of the mix of land uses, building scales and forms, it is considered the proposed two and

single storey building will be in keeping with the character and appearance of the area.

The proposals are considered suitable in relation to the proportions, massing, height, size, scale, materials and detailed design features and the application would respect the character of the site and its surroundings. The application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on neighbour amenity

Objections have been received from residents on St Albans Close, Tenby Road and Low Farm Drive. The large majority of the concerns relate to parking and highway safety concerns which will be discussed later in this report.

In terms of impact on amenity, the Design of Residential Areas Supplementary Planning Document advises to '*Protect the privacy of existing dwellings by ensuring that there is a suitable separation distance between proposed and existing dwellings. The minimum separation distance usually required is 21m between the fronts and/or backs of dwellings and 13m from the rear or front wall to the side wall of an adjacent property*'. The dwellings on Tenby Road to the north of the site have rear windows facing onto the site. There will be a minimum of 21m between the north facing two storey elevation and Tenby Road which is in accordance with the guidance in the SPD. The occupier of 62 Low Fam Drive has also objected to the impact on their privacy. This dwelling is located to the north east of the application site, the rear garden is to the side of the site. The rear windows of No. 62 face west and will not directly look onto the proposed home. It is considered due to the orientation of the neighbouring dwelling and the proposed home there will not be direct overlooking into the windows of the property and the impact on privacy will be acceptable and not sufficient to warrant refusal of the application. The proposed home will be located to the east of dwellings on St Albans Close. The closest neighbouring dwellings on St Albans Close side onto the site and as such the relationship is considered acceptable.

Discussions have taken place between the case officer and agent regarding the relationship between the existing home and proposed home and impact on existing residents. The two buildings will be relatively close to each other with windows from each building facing into a central garden area. Both buildings will be at an angle to each other, however the relationship between the two buildings will not accord with the separation distances as advised in the Design of Residential Areas SPD. The agent has provided further supporting information regarding the relationship. It is granted bedrooms on the proposed south facing elevation of the home are angled away from the existing home and the window that does face existing windows is a high level window. The agent has explained the relationship was carefully considered and the detailed design amended prior to the Full Application. The changes included the elevational treatment to reduce the direct inter visibility of bedrooms and creating greater articulation of the facade closest to the present home. It has been argued there are windows in the existing home,

where 'several bedrooms have facing distances of less than 6 metres, this relationship wasn't a barrier to obtaining Registration from the Care Quality Commission (CQC)'. The outlook will provide a variety of views, to other buildings, the landscaped garden, busy entrances and car park areas. The supporting statement argues the subject to availability there is an element of choice of rooms and outlook for residents. The design allows for visual distraction and interest with no room looking onto a blank wall. As such it is granted the proposed relationship between the two buildings is not in accordance with the guidance in the SPD, however due to the design features, option of choice of rooms and existing relationship within the home, on balance the relationship is considered acceptable.

A number of conditions are proposed to ensure the protection of the neighbouring properties during the construction activities including working hours, final ground levels and a CEMP.

The residential development subject to the imposition of the proposed conditions will not have a significant adverse impact on the amenity of occupiers of existing or proposed buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on nuisance and contaminated land

The Council's Environmental Protection team have assessed the application in terms of nuisance and contaminated land. In terms of nuisance, the proposed development is in close proximity to residential properties and the existing care home whose occupant's amenity could be affected during construction works from noise, vibration and dust.

In order to minimise the environmental impact Environmental Protection have recommended the inclusion of several conditions. The first being the submission of a Construction Environmental Management Plan (CEMP), secondly a condition restricting construction hours and finally a condition requiring the submission of details of any ventilation and extraction system. In light of the nature and location of the application, it is considered all three conditions are necessary and will be included if the application is recommended for approval.

In terms of land contamination, a geo-environmental appraisal has been submitted in support of this application. The appraisal states that no made ground, no contamination sources and no gas hazards were encountered. As such Environmental Protection have requested the inclusion of an unexpected land contamination condition, will be included should the application be recommended for approval.

The impacts on highways safety

Neighbouring residents have objected to the proposal due to the use of the existing turning head in St Albans Close as the access/entrance into the application site and highway safety issues, especially the safety of children

playing in the street. Residents are concerned about the lack of parking at both the application site and the existing home and existing problems with people parking on St Albans Close to visit the existing home, delivery vehicles and lack of care and attention from visitors to the home leaving the site without looking on St Albans Close.

The application proposes to use the existing turning head in the north east corner of St Albans Close as access into the site. The access will create a parking area containing 11 parking spaces and two disabled parking spaces. The area will include a turning head within the site. In addition, the proposal includes a further 6 parking spaces directly to the west of the proposed single storey element. The spaces will be accessed directly off St Albans Close and will be located to the east side of 1 St Albans Close.

The Council's Highway team have no objection to the proposed development. The number of car parking spaces is deemed adequate. The proposed site plan has been amended to allow for 6m manoeuvring space behind the bays. The access road has a width of 6m, which better the standard for residential local access road (category 4b), additionally there is a 2m footway either side of the carriageway which again meets standard.

A new turning area is to be provided along the northern boundary of the site to aid with turning practices of the users of the development. The current layout of the carriage way still allows for turning area within the adopted highway.

There is additional parking adjacent to the adopted highway within the red edge boundary as such, a section 184 agreement for the construction of a new vehicular crossings over footways and verges.

The highway concerns raised by neighbouring occupiers are noted, however the Council's Highway team are satisfied with the parking provision and width of existing highway. The application raises no issues in terms of highways safety and the application accords with Policies SD4 (p) and of the Redcar and Cleveland Local Plan.

The impact on flooding and drainage

The site is located with Flood Zone 1. Northumbrian Water and the Local Lead Flood Authority (LLFA) have commented on the application. At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water and the LLFA to assess capacity to treat the flows from the development. Both consultees have requested the inclusion of conditions which are to be submitted prior to commencement of the development.

Subject to conditions, outlined above, the proposal raises no issues in terms of flooding and / or drainage and the application accords with the NPPF and policy SD7 of the Redcar and Cleveland Local Plan.

Section 106

The NHS Clinical Commissioning team have commented on the application. It is noted the three nearby GP practices are within the Redcar Coast Primary Care Network which are at full capacity. The Clinical Commissioning team have requested Section 106 funding to support creating extra capacity for the practices to provide appropriate services to patients. The sum of £4, 830 has been requested. The agent has been in discussions with the Clinical Commissioning team following the initial sum requested which was incorrectly calculated. The agent has confirmed the applicant is agreeable to the payment via a Section 106 agreement.

Other matters

The application falls within the catchment for nutrient neutrality, however the site drains to Marske Treatment Works, which has an outfall pipe to the east of the catchment area. Confirmation has been received from NWL and Natural England to confirm this position. As such no further additional information or assessment is required for this site as the development would not impact on the River Tees.

The application raises no issues in terms of crime prevention and the application accords with part m of policy SD4 Redcar and Cleveland Local Plan.

The application has been considered by Cleveland Police ALO who have raised no objection to the proposed development and offered advice to the applicant in terms of secured by design.

CONCLUSION

The site is within the development limits and is considered to be in a sustainable location. The principle of residential care home on the site is one that is accepted.

Matters relating to residential amenity and highways have been considered and accessed.

Matters relating to noise and contamination have all been considered and assessed. For the reasons outlined above and subject to a number of conditions the proposal raises no issues in relation to these topics.

The site is within flood zone 1 and is at low risk of flooding. Foul and surface water details are to be submitted and agreed prior to works commencing on site. Subject to conditions the application raises no issues in relation to flooding or drainage.

Subject to the completion of a S106 agreement and the recommended conditions the application raises no issues which would warrant the refusal of planning permission.

Taking the contents of the report into consideration, the development is one that is considered to comply with policies SD1 (Sustainable Development) SD2 (Locational Policy) SD3 (Development Limits) SD4 (General Development Principles) SD5 (Developer Contributions) SD7 (Flood and Water Management) LS2 (Coast Area Spatial Strategy) H2 (Type and Mix of Housing).

RECOMMENDATION

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

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

- (i) COMMUTED SUM OF £4, 830 FOR NHS GP PRACTICES FUNDING

AND

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan received by the Local Planning Authority on 12/08/2022
 - Site plan as Proposed - AMENDED 25 11 2022 received by the Local Planning Authority on 25/11/2022
 - Site plan as existing and as proposed received by the Local Planning Authority on 25/11/2022
 - Topographic survey received by the Local Planning Authority on 12/08/2022
 - Elevations as proposed received by the Local Planning Authority on 12/08/2022

- Ground floor plan as proposed received by the Local Planning Authority on 12/08/2022

- First floor plan as proposed received by the Local Planning Authority on 12/08/2022

- Roof plan received by the Local Planning Authority on 12/08/2022

- Site constraints received by the Local Planning Authority on 12/08/2022

- Sections (Sheet 1) received by the Local Planning Authority on 17/08/2022

- Sections (Sheet 2) received by the Local Planning Authority on 17/08/2022

- Elevation of fencing as proposed received by the Local Planning Authority on 17/08/2022

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

3. Prior to the commencement of development plans showing the existing and proposed ground levels over the site together with finished floor levels and maximum building heights 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 relationship between existing and proposed buildings in accordance with policy SD4 of the Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as construction activity and site preparation can change existing levels resulting in increased ground levels which the authority needs to consider.

4. 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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to drainage details which are often the first works on site and relate to site preparation.

5. 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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to drainage details which are often the first works on site and relate to site preparation.

6. 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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to drainage details which are often the first works on site and relate to site preparation.

7. 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.

8. Prior to commencement of construction, a CEMP shall be 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) The erection and maintenance of security hoarding including decorative displays;
 - v) Wheel washing facilities;
 - vi) Measures to control the emission of noise dust and vibration during the construction period.
 - vii) A scheme for recycling/disposing of waste resulting from construction works.

REASON: To protect the amenity of nearby residents and in the interests of highway safety

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to site preparation.

9. 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.

10. 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 Holiday.

REASON: To ensure that the any activity during the construction development would not have a significant adverse impact in relation to noise and disturbance in accordance with policy SD4 of the Local Plan.

11. The external elevations of the extension(s) hereby approved shall be built in materials to match in type, style and colour the external elevations of the existing dwelling/building.

REASON: To ensure that the appearance of the development matches the existing property and would respect the site and the surroundings in accordance with policy SD4 of the Local Plan.

12. Prior to installation of the equipment for ventilation and filtration to suppress and disperse any fumes and/or smell created from the cooking operations on the premises (including details of noise attenuation), a scheme of works shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be brought into end use until the approved ventilation equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority.

All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval.

REASON: In the interests of the amenity of the area in accordance with Local Plan Policy SD4.

13. Prior to the construction of the final surface treatment, for any hard surfaced areas, details of the materials to be used shall have first 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 that the appearance of the development would respect the site and the surroundings in accordance with policy SD4 of the Local Plan.

STATEMENT OF COOPERATIVE WORKING

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2022/0465/FFM

LOCATION: LAND AT REDCAR RACECOURSE WEST
DYKE ROAD REDCAR

PROPOSAL: ERECTION OF A NEW DISCOUNT
FOODSTORE (USE CLASS E) WITH NEW
VEHICLE ACCESS, CAR PARKING,
LANDSCAPING AND OTHER ASSOCIATED
WORKS

[Planning Application Details \(redcar-cleveland.gov.uk\)](http://redcar-cleveland.gov.uk)

APPLICATION SITE AND DESCRIPTION

Permission is sought for erection of a new discount food store (use class E) with new vehicle access, car parking, landscaping and other associated works

The application relates to land at Redcar Racecourse, West Dyke Road, Redcar and comprises 0.7hectares. To the north of the application site is Tesco foodstore and petrol filling station. To the east and south of the site are the stables and land of Redcar racecourse. To the west of the site are a mix of residential properties which are separated from the site by West Dyke Road. The application site is currently the horse box parking and some grassed area outside of the actual racetrack. It is proposed that the horse box parking and entrance be relocated, and permission has been sought and granted for this work through application R/2022/0385/FF.

The application indicates that the operator of the proposed foodstore would be Lidl.

The originally submitted scheme has been amended throughout the lifetime of the application. The two tables below show the changes between the original and amended schemes.

Floorspace

Original Scheme	Amended Scheme
2,275 sqm GIA	1,895 sqm GIA
1,411 sqm net sales	1,251 sqm net sales
1,129 sqm (convenience)	1,001 (convenience)
282 sqm (comparison)	250 (comparison)

Car Parking

Parking	Original	Amended
Standard Spaces	101	109
parent & toddler spaces	9	9
EVC spaces	2	2
Disabled spaces	6	6
Grand Total	118	126

The development is described within the November 2022 Planning Statement as:

The proposed single-storey foodstore will have a Gross Internal Area of 1,895 sqm, of which 1,251 sqm will be sales area. The sales area will incorporate an 80:20 split between convenience and comparison floorspace, meaning that around 1,001 sqm will be dedicated to convenience retail and 250 sqm will be used for comparison retail. The remaining floorspace will comprise 427 sqm of warehouse floorspace, comprising a warehouse area, a delivery area, chiller, freezer and storage; and 217 sqm of ancillary space, including customer toilets, a bakery, staff welfare facilities and associated office space.

Access to the site will be taken off West Dyke Road, via an improved access road in roughly the same location as the existing access point. Pedestrian access will be taken in the same location and marked crossings will convey customers across the car park to the store building.

The proposed foodstore will be served by a dedicated car park with a total of 126 car parking spaces, comprising 109 standard spaces, six accessible parking bays, nine parent & child spaces and two 'rapid' EV charging spaces. Both the accessible and the parent & child spaces will be located close to the store entrance, along the western and northern elevation respectively. The number of parking spaces proposed is based on Lidl's operational model; and are designed to ensure that the site will safely and conveniently accommodate maximum demand and prevent overspill onto adjacent streets.

Parking facilities will also be provided for cyclists, in the form of six Sheffield style bike stands, offering secure parking for 12 cycles. Lidl employees are permitted to store their bikes in a suitable location within the warehouse. The proposed provision will provide secure cycle parking for customers and staff alike.

A shopping trolley bay for the Lidl store will be provided under the canopy close to the store entrance on the northern elevation of the foodstore, to allow easy access to shopping trollies for all customers.

A dedicated Lidl delivery bay, which will enable deliveries to be made safely and conveniently, will be located along the eastern elevation of the store building.

The application has been accompanied by the following plans and documents (some of which have been updated and amended throughout the application process);

- Location plan
- Existing site plans
- Proposed site plan (Revised August 2022)
- Proposed external works (Revised November 2022)
- Proposed floor and roof plans (Revised August 2022)
- Proposed elevations(Revised August 2022)
- Landscape details (Revised November 2022)
- Lighting layout and schedule (Revised November 2022)
- Ecological Impact Assessment (Updated November 2022)
- Planning and Retail Statement (Updated November 2022)
- Sequential Assessment Addendum (November 2022)
- Air Quality Assessment
- Statement of Community Involvement
- Noise Impact Assessment (Updated November 2022)
- Design and Access Statement (Updated November 2022)
- Redcar Household Survey Report
- Travel Plan (Updated November 2022)
- Energy Usage and Sustainability Statement
- Flood Risk Assessment (Updated November 2022)
- Transport Assessment (Updated November 2022)
- Nutrient Neutrality Assessment

Given the nature of the application and the location of the proposal, out of a designated centre, the Council has commissioned an independent retail assessment and review of the submitted information. The assessment undertaken on behalf of the Council is attached in full to this report at Appendix 1 with key sections summarised and included in the consideration section of this report.

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 PLAN (2018)

SD1 Sustainable Development
SD2 Locational Policy
SD3 Development Limits
SD4 General Development Principles

SD7 Flood and Water Management
ED1 Protecting and Enhancing the Borough's Centres
N4 Biodiversity and Geological Conservation
TA1 Transport and New Development

OTHER POLICY DOCUMENTS

None

PLANNING HISTORY

R/2022/0385/FF Creation of a new 50 space horsebox car park including new vehicular and pedestrian accesses off West Dyke Road, 2.5m high boundary wall and associated works. Approved 29/07/2022

RESULTS OF CONSULTATION AND PUBLICITY

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

The consultation was undertaken in June when the application was initially submitted. It is acknowledged that the application has amended through the lifetime of the application however, the changes (outlined above) reduced the footprint of the store and the sales area but did not fundamentally change the development and therefore no formal additional rounds of consultation have been undertaken. Some of the comments summarised below have been made in relation to the updated / revised information outside of any formal consultation period.

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

34 representations objecting to the proposal and making the following comments;

- The Local Plan does not support this out of centre retail development
- The proposal is not environmentally sustainable so does not accord with national and local planning policy
- Redcar already has a competitive food retailing market.
- The proposal will not 'grow' the retail market in Redcar but will divert sales from existing retailers and will worsen things for Redcar Town centre.
- Creativity and flexibility might have found a town centre site that was workable.
- Employment opportunities for the local population are unclear.
- Existing key traffic issues have not been analysed and/or addressed.
- The impact of traffic from the possible catchment area for the store has not been assessed.
- Highway's safety issues

- Existing highways problems/traffic tailbacks/congestion on West Dyke Road caused by volume of traffic, railway crossing, and roundabout will be exacerbated by proposed development.
- Already difficult/dangerous to access/egress Tesco's, Easson Road, Orchard Road, Westfield Avenue and Brooksbank Avenue; proposal will exacerbate this.
- Weekly car boots sale on the racecourse already cause congestion.
- Safer if Lidl used the existing Tesco's slip road for access/egress.
- Insufficient/unfeasible parking spaces provided, too close to road resulting in congestion with cars waiting to go in and out of site, users may park in surrounding streets.
- Difficult for emergency vehicles to access/egress Easson Road and other roads
- Proposed road markings are not to the legal requirement.
- HGV's use West Dyke Road route in and out of the town centre as it is quickest.
- Will increase traffic past Lakes Primary School which has had one of its school crossing patrols removed.
- No need for another supermarket.
- Existing noise, exhaust smells, anti-social behaviour and night time deliveries will increase.
- Conflict between horse boxes access point to racecourse from West Dyke Road and vehicles access point to Lidl.
- Where will horse boxes park to deliver/pick up horses
- Racecourse stables will require re-siting, resulting in new gateway onto West Dyke Road with more disruption and loss of green space.
- Detrimental to racecourse, a major asset for Redcar.
- Congestion will disrupt bus services
- The car park should be reduced in size to allow retention of the wide grass verges/raised earth bunds adjoining West Dyke Road; the bunds enhance amenity, screening and privacy and can be further landscaped to achieve this.
- The car park should be lower than West Dyke Road to minimise its impact on amenity/privacy for the properties located opposite.
- Better locations / sites available.
- Contrary to policy SD4 of the Local Plan.
- Site is not in the town centre.
- The Council should not ignore the Local Plan.
- Lack of consultation.
- People in support do not live near the site.
- Already have trouble accessing drives the proposed road markings will not help this but almost make the manoeuvre illegal.
- Failure of the sequential test
- The only site considered has the same status as the application site.
- The site considered is better connected to the town centre.
- The other site considered meets all the parameters of the identified operator.
- The other site is not suitable dismissed.

- Lack of condition for floor space restrictions.
- Application does not provide suitable or sufficient information in relation to the highway access and ghost right hand turn lane.
- Any ghost right hand turn lane will not work.
- Existing road layout is substandard and does not work.
- There are highway safety issues and the proposal does not accord with part p of policy SD4.
- The application should be independently reviewed by a highway consultant.
- An application has also been submitted for a Lidl store in Middlesbrough with the same footprint and design with the same projected turnover.
- The comments by Middlesbrough Borough Council should be considered.
- Lack of flexibility in sequential assessment.
- Five minute drive time catchment is questionable.
- Oversized car park.

26 representations in support which make the following comments:

- Create new jobs
- Will increased choice, and competition for existing supermarkets, leading to reduced prices overall.
- Convenient as can walk to, less fuel used than travelling to Lidl's elsewhere; needed due to high cost of living and fuel prices.
- Existing stores are too busy; extra stores needed.
- Electrical charging points, and solar panels are sustainable
- Investing money into Redcar
- Will ease traffic congestion around other supermarkets, railway and roundabout, as some traffic will go to Lidl.
- West Dyke Road is already set up to accommodate traffic.
- Reuse of unusable car park to benefit the community
- Investment will improve look of the area
- Raise funds for the racecourse/secure its future.
- Perfect place for a food store.

Northumbrian Water (08/06/2022)

We note a Flood Risk and Drainage Impact Assessment has been submitted with the planning application which sets out the proposed drainage strategy for this development which states a Pre- Planning Enquiry has been undertaken. However, at the present time the connection points and discharge rates are yet to be agreed with our pre-planning enquiry team. We advise that the applicant submits a copy of their Pre-Planning Enquiry response and demonstrates that the drainage strategy aligns with our recommendations. In the interim we 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.

Cleveland Police (22/06/2022)

The applicant is recommended to contact them, for advice/guidance they can offer regarding designing out opportunities for crime and disorder in the future.

Redcar and Cleveland Borough Council (Development Engineers)

07/09/2022

The car parking spaces are in accordance with the Design Guide & Specification and includes 6 no disabled user bays, 9 No parent and child spaces plus 2 No EV charging bays. 118 No in total.

The bays are generally larger than our standard bays of 2.3m x 4.8m. It is noted that the spaces around the perimeter of the development are only 4.7m in length, however as they overhang the landscaped areas then this is acceptable.

The existing entrance into the horse park is to be enlarged – this will be subject to a S278 Agreement to ensure adoptable standards.

The NCN1 cycle route runs across the site entrance therefore new pedestrian and cycle crossing tactiles will need to be included. The footway and cycleway should continue into the development to link with the store and cycle stands.

The swept path analysis demonstrates that deliveries into and out off the development can be accommodated both within the site and on the adopted highway. As with the horse box application, the ghost right hand turn lane appears to be sub standard– can this be demonstrated that it will be workable?

Contents of the Travel Plan are noted – 3.5 refers to North Yorkshire LTP- this is not Redcar & Cleveland.

The site is readily assessable for staff and customers to walk, cycle and use public transport links, both bus and rail.

From the Transport Assessment, the trip generation is considered acceptable and will not adversely affect the local highway network and the site junction and West Dyke Road/ A1085 roundabout will operate within capacity.

Please condition that prior to commencement, the layout of the site compound, material storage and contractor car parking will be agreed; in the interests of highway safety.

01/11/2022

The ghost right hand turn lane into the proposed Lidl store be is amended as part of the S278 Agreement. Currently the two ghost righthand turn lanes are evenly split and I'd propose lengthening the Lidl lane to aid the higher volume of right turners over the Easson Road junction.

Also, in order to strengthen that the routes of the delivery vehicles are adhered to, please condition a service management plan be agreed in writing, to ensure that all deliveries approach from a northerly direction and exit the same way.

**Redcar and Cleveland Borough Council (Local Lead Flood Authority)
(14/07/2022)**

The LLFA would offer no objection to the proposed development. The applicant has advised that surface water will be restricted to 5l/s with appropriate on site storage and will discharge via a culverted watercourse. Whilst no details of this connection have been submitted at this stage the LLFA is unable to fully assess. It is further advised that a separate Ordinary watercourse Consent application will be required for a connection to be made. Should this application be approved the LLFA would request the inclusion of standard conditions 1, 2 & 3

**Redcar and Cleveland Borough Council (Business Growth Team)
(24/06/2022)**

From a Business Growth perspective we would broadly welcome this proposal which positively contributes towards our key local growth and regeneration priorities linked to job creation - 40 FTE's. We would welcome an opportunity to engage with the client to explore maximising local labour and skills on site and where possible would suggest/request recruitment needs are drawn from the 'local' community. Introductions to our local Training and Employment Hubs can be arranged and advice given linked to financial incentives for recruiting apprentices and work placement roles.

**Redcar and Cleveland Borough Council (Environmental Protection)
(Contaminated Land) (04/07/2022)**

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:

Although I note that there is no supplementary information submitted with this application the site appears not to have any previous contaminating use.

The applicant should be aware of his responsibilities under para 178 of the NPPF

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) and*
- b) that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.*

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 (Environmental Protection)
(Nuisance) (04/07/2022)**

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 that an Air Quality Impact assessment and a noise impact assessment have been submitted in support of this application.

Both assessments are satisfactory and providing the mitigation measures for air quality in the construction phase are adhered to I have no objections.

Redcar and Cleveland Borough Council (Health & Safety-Food) (Food Team) (08/06/2022)

This office has no objections to this proposal

Offer comments to be referred on to the applicant should the proposal be successful.

Redcar and Cleveland Borough Council (Strategic Planning) (28/09/2022)

The site is located within the Redcar development limits and can be supported in terms of Policy SD2 and SD3.

A proposed Class E use is considered a 'main town centre use' in national policy terms. Policy ED1 of the Local Plan sets out that development proposals for such uses will be focused in town, district and local centres to safeguard and enhance the vitality and viability of those centres. Therefore, a sequential assessment is required which has been submitted with the application (Planning and Retail Statement).

The search area used for the sequential assessment is appropriate covering Redcar Town Centre and three closest Local Centres (Park Avenue, Roseberry Sq. and Ennis Sq.). The parameters for flexibility are deemed appropriate. The sequential assessment found no suitable or available sequentially preferable sites to accommodate the proposed development. This has been corroborated against the Council's town centre monitoring data and can be confirmed.

As per paragraph 90 of the NPPF and Local Plan Policy ED1, a retail impact assessment is also required which has been submitted with the application. The largest impact on any centre is considered to be a 6.72% or £0.48m diversion from Roseberry Square, which is not considered to be significantly adverse. No single retailer in a town centre will be impacted more than 7.6% (Morrison's). Therefore the main impact will be against a direct foodstore competitor and there will be more limited impact against the diverse range of retailers in the town centres.

Summary

The proposed site is located within Redcar's development limits and on unallocated (or 'white land') but outside a town, district or local centre. Local policies promote Class E (retail) development in centres. However, national policy allows sequential and impacts assessments to be undertaken. That assessment has shown there to be no suitable or available sites in nearby centres and no significant adverse impacts. As such the application is acceptable in planning strategy terms.

CONSIDERATION OF PLANNING ISSUES

The main considerations in the assessment of the application are;

- The principle of development
- Sequential Assessment and Retail Impact
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety

The principle of development

The National Planning Policy Framework (NPPF) states that new applications should be considered in the context of the presumption in favour of sustainable development.

Policy SD1 of the Local Plan confirms the policy in the NPPF in relation to the presumption in favour of sustainable development.

Policy SD2 of the Local Plan sets out the locational strategy for the borough and confirms that Redcar is within the coastal area. The policy confirms that the majority of development would be focused within the urban and coastal areas. Policy SD2 also states that priority will be given to brownfield land in sustainable locations.

Policy SD3 relates to development limits and confirms that *within development limits, development will be supported, subject to meeting other policies in the Local Plan.*

The application site is located within the identified development limits and on an area of unallocated previously developed land. There is a mix of uses in the area including racecourse, existing commercial and residential developments.

The site is in a sustainable location and is in close proximity to a range of public transport methods, including bus routes and Redcar Central train station. The site is well connected by the existing road network and pedestrian footpaths.

As a result of the site's location the principle of development is acceptable and the proposal would accord with the broad aims of policies SD1, SD2 and SD3 of the Local Plan.

Sequential Assessment and Retail Impact

Sequential Assessment

Section 7 of the NPPF seeks to ensure the vitality of Town Centres. Paragraphs 87-91 set out the requirements for both a sequential test and impact assessment where a main town centre use, such as food-retail, would be located out-of-centre and where the floorspace involved exceeds 2500m². The NPPF confirms that where an application fails to satisfy the sequential test, or would likely have a significant adverse impact on investment or vitality and viability in nearby town centres, permission should be refused.

Policy ED1 of the Local Plan confirms the requirement for sequential tests and sets out the hierarchy of commercial centres. Redcar is identified, through policy ED1, as the only Town Centre within the borough. The town centre boundaries are identified within the Proposal Map. The application site is outside of the town centre boundaries.

The application has been accompanied by a Planning and Retail Statement (and subsequent addendum) which includes the sequential assessment. This document has been independently reviewed by an external consultant on behalf of the Council.

National Planning Practice Guidance (NPPG) sets out that a sequential test guides main town centre uses, such as retail, towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and if neither town centre locations nor edge of centre locations are available, to out of centre locations. It is for the applicant to demonstrate compliance with the sequential test.

When undertaking a sequential test, the applicant and the Local Planning Authority (LPA) should be realistic and only consider sites suitable for the development proposed. This is recognised by NPPF paragraph 88 which states that when considering out-of-centre proposals, applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge-of-centre sites are fully explored.

The submitted Planning and Retail Statement refers to a number of appeal decisions and legal judgements which relate the business model of the developer (Lidl) and the approach of sequential assessments and the matter of flexibility.

The application seeks consents for a retail food store which is a class E use under the Use Class Order in an out of centre location. Class E uses are considered a main town centre use through the NPPF and Local Plan. Within the Local Plan policy ED1 sets out that such uses would be focused within the designated town, district and local centres in order to safeguard and enhance the vitality and viability of the commercial centres.

The Planning and Retail Statement confirms that Lidl foodstores serve a relatively compact catchment as they are considered a neighbourhood shopping facility. Based on this commercial operation the catchment equates to a 0-5minute drive from the site. Taken that approach into considerations the following designated centres have been considered for sites and vacant units;

- Redcar Town Centre;
- Park Avenue Local Centre;
- Roseberry Square Local Centre;
- Ennis Square Local Centre

As part of a sequential assessment the proposed user is required to set out their parameters and site/unit requirements. For the proposed user the requirements are;

- *Available sites with an area between 0.6ha (1.5 acres) and 1.6ha (4 acres) with the potential to house a unit measuring between 1,672 sqm and 2,461 sqm (18,000 – 26,500 sqft);*
- *Existing vacant units with a floorspace measuring at least 90% of the size of that proposed;*
- *A site that can allow for the safe manoeuvring of customer vehicles;*
- *A prominent site with the ability to attract passing trade;*
- *A site that is able to offer adjacent surface level car parking, so that customers can easily transfer goods to their vehicles;*
- *A site that can accommodate a dedicated service area to the rear of the store and associated HGV's deliveries and manoeuvres; and*
- *A single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which has the ability to be developed as such.*

Within the Planning and Retail Statement the applicant confirms that the above are the minimum requirements necessary to accommodate the proposed retailer and as such demonstrates flexibility. The parameters have therefore been accepted for the assessment.

The only site capable of meeting the above parameters and which has been assessed within the submitted sequential assessment is;

- Former Coatham Bowl site, Majuba Road

The search areas identified are suitable for the catchment and no centres have been missed. The parameters for the proposed users are considered flexible and appropriate to form the basis for site selection. The submitted sequential assessment has found no suitable or available sequentially preferable site to accommodate the development.

A further Sequential Assessment Addendum was submitted in November 2022 for assessment. The Addendum has been prepared in response to a consultation representation. The Addendum provides an assessment of the wider Coatham Bowl allocation which is set out in the Local Plan through policy REG1. For the purposes of the Addendum the allocation has been split into 5 sites, all of which are owned by the Council who have been contacted in relation to availability. The Addendum report includes copies of emails which confirm that none of the sites are available.

Two other sites are included in the addendum (Majuba Car Park West and Tingdene Holiday Park). Neither of these sites are sequential preferable to the application site, further more confirmation has been provided that the Majuba Car Park site is not available and the Tingdene site is in active use.

The Addendum confirms the position of the originally submitted sequential assessment in that no suitable or available sites were found to accommodate the development.

The Council's town centre monitoring data has confirmed and corroborated the information submitted by the applicant that there are no sequentially preferable sites.

The sequential assessment has demonstrated that there are no sites vacant, suitable or available for the proposed development taking into account the developments parameters. As a result and in respect of sequential assessment the provision of a food retail store in an out of centre location is acceptable in principle and accords with the NPPF and policy ED1 of the Local Plan.

Retail Impact Assessment

Planning Policy requires the submission of a retail impact assessment. NPPG states that the purpose of an impact test is to consider the impact over time of certain out-of-centre and edge-of-centre proposals on town centre vitality and viability, and investment.

Based on paragraph 90 of the NPPF and Local Plan Policy ED1, a retail impact assessment is also required, which has been submitted with the application.

The impact assessment first completes a health check of the Town Centre. The submitted report indicated a vacancy rate of 13%, for Redcar Town Centre, which is slightly below the national average (14.4%). None of the vacant units are suitable for the proposed development. Redcar Town Centre, in terms of the health check, has a good mix of retail uses and it is considered that the vitality and viability is good. On balance Redcar Town Centre is in good health. The Local Centres identified in the retail study are all identified as having good or very good health.

The review completed by consultants on behalf of the Council has highlighted that the review of Redcar Town Centre should be treated with caution (as outlined within appendix 1) and is considered to be in moderate health. The assessment on behalf of the Council also questions whether Ennis Square is in good health.

The retail statement includes results of a household survey which was completed in March 2022 and which obtained 500 samples from 3 study zones. The result of the household survey identified;

- Aldi appears to be trading extremely well; potentially well above benchmarked turnovers for a store of its size.
- Both Morrisons and Tesco appear to be trading at around benchmark turnover levels.

- Stores in Redcar draw most of their trade from Redcar and Marske on Sea.

Based on the survey the proposed store would divert trade for the existing foodstores in Redcar (Aldi, Morrisons and Tesco).

The household survey provides sufficiently robust evidence to determine current shopping pattern in the area.

In terms of impact the submitted Planning and Retail Statement confirms:

Overall, it is considered that the development proposed will only divert £3.14m (2027), resulting in an impact of 2.83% on Redcar Town Centre. In addition, no one single retailer within the centre will be impacted upon by more than 7% (Morrisons). As such, it is considered that this level of impact will not have a significant adverse impact on Redcar Town Centre.

In terms of the proposal's impact on all Local Centres, it is considered that the proposal will not have a significant adverse impact on any one centre; as the proposal's impact ranges from 0 – 6.72%. The largest impact (5.96%/£0.42m) is predicted to be on Roseberry Square Local Centre.

The submitted Planning and Retail Statement confirms that the application will not have a significant adverse impact on the vitality and viability of Redcar Town Centre or other centres within the study area. The existing Aldi store would continue to overtrade.

The report completed by the consultants on behalf of the Council confirms that while there is disagreement with some assumptions used and the overall health of Redcar Town Centre the conclusion is the development would not give rise to significant adverse impacts on the existing centres or their overall vitality and viability.

A condition is recommended to limit the floor space and mix based on the application as submitted. The condition is recommended to protect the vitality and viability of the Town Centre to reflect the nature of a limited assortment discounter.

In regards to trade impact on the vitality and viability of the centre, the development would not have a significant adverse impact and accord with the NPPF and policy ED1 of the Local Plan.

The impacts on the character and appearance of the area

Policy SD4 of the Local Plan refers to General Development Principles. Criteria j, k and l require proposals to respect the character of the area and seek to improve the character and quality where possible along with being sustainable in design.

Within the area surrounding the application sites there is a mix of buildings including a range of uses and a range in terms of style, massing and design. The proposal reflects a traditional food store design, single storey flat roof. To the north of the site is Tesco foodstore and petrol filling station with residential properties (mainly two storey in nature) to the west of the site. To the east and south of the site is Redcar Racecourse which also includes a number of buildings and the grandstand. Due to the location of the building, in between the existing Tesco and the racecourse, the proposal would not have an adverse impact on the street scene.

There is already a mix of materials in the area on the existing residential properties and commercial buildings. The submitted drawings show the materials to be used within the development. The materials proposed are considered acceptable for the location and would be conditioned through the approved plans.

The store proposed would incorporate a highly sustainable design which is demonstrated in the submitted Energy Use and Sustainability Statement. The application includes various fabric improvements along with the inclusion of a rooftop solar PV array.

The existing site is mainly hard surfaced car parking within limited soft landscaping. The application includes new soft landscaping through tree planting, hedges and ornamental shrub planting. In terms of hard landscaping the car park area would be tarmac with block paving pedestrian areas around the store. The details are shown on the submitted drawings which would form part of the approved plan condition. However, a condition is proposed in relation the implementation of the landscaping scheme within the first planting season.

Based on the design and the location the proposal is suitable in relation to the proportions, massing, height, size, scale, materials and detailed design features and the application would respect the character of the site and its surroundings. The proposal incorporates landscaping to improve the appearance of the site and the development includes various measures to improve energy efficiency.

The application therefore accords with parts j, k and l of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on neighbour amenity

Policy SD4 of the Local Plan at criteria b requires that proposals *will not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings.*

The closest residential properties are located on the opposite side of West Dyke Road to the application site. Given the proposed use, the development raises no issues in terms of overlooking or loss of privacy and the

development maintains sufficient separation to ensure there are no overbearing impacts.

It is acknowledged that there will be some short term disturbance from the construction of the development. However, given the location, range of uses in the area and the separation distances proposed it is not considered necessary, in the instance, to add any conditions in relation to construction hours.

Given the location of the site, adjacent to an existing food store, it is also not considered necessary to attach a condition relating to operating hours. The delivery yard is sufficiently separated from nearby residential properties to ensure there would be no adverse impacts in relation to noise and disturbance. The submitted Noise Assessment confirms that there would be no adverse impact in relation to residential occupiers and that plant and deliveries would be acceptable during day and night and therefore no restrictions are necessary.

The proposal would not have a significant adverse impact on the amenity of occupiers of existing buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on highways safety

Criteria p of policy SD4 states that developments will be expected to *provide suitable and safe vehicular access and parking suitable for its use and location*. Policy TA1 seeks to promote sustainable travel in relation to new developments.

The application has been accompanied by a transport assessment and travel plan. The Councils Development Engineers have reviewed the application and submitted documentation and have raised no objections to the proposal from a highway point of view.

The submitted report assessed the following junctions during a Friday and Saturday peak periods;

- West Dyke Road / A1085 junction
- West Dyke Road / Tesco Access T-Junction

The development, in terms of highways, is described as;

Access to the site will be taken off West Dyke Road, via an improved access road in roughly the same location as the existing access point. Pedestrian access will be taken in the same location and marked crossings will convey customers across the car park to the store building.

The proposed foodstore will be served by a dedicated car park with a total of 126 car parking spaces, comprising 109 standard spaces, six accessible parking bays, nine parent & child spaces and two 'rapid' EV charging spaces.

Both the accessible and the parent & child spaces will be located close to the store entrance, along the western and northern elevation respectively. The number of parking spaces proposed is based on Lidl's operational model; and are designed to ensure that the site will safely and conveniently accommodate maximum demand and prevent overspill onto adjacent streets.

Parking facilities will also be provided for cyclists, in the form of six Sheffield style bike stands, offering secure parking for 12 cycles. Lidl employees are permitted to store their bikes in a suitable location within the warehouse. The proposed provision will provide secure cycle parking for customers and staff alike.

In terms of the site location, it is in close proximity to a wide catchment of residential properties which would be in walking distance. The site is well served by public transport in terms of both bus routes and bus stops on West Dyke Road and Redcar Central Train Station which is in walking distance.

The submitted document states that the trip rate and generation would be;

	PM Peak			Saturday Peak		
	Arr	Dep	Total	Arr	Dep	Total
Trip rates	6.301	6.680	12.981	10.102	10.822	20.924
Trips	89	94	183	143	153	295

The document makes the statement that retail development attracts rather than generate trips. People will always need to shop and the provision of a new store does not in itself create the need to make an existing shopping trip it simply provides an alternative destination for an existing journey.

The submitted impact assessment shows that the proposed store would have a minimal impact on the local highway network and that the existing junctions would be able to cope with the traffic.

The level of parking within the site is acceptable along with the provision of accessible spaces, EV charging points and cycle spaces.

The access to the site would be subject to a S278 agreement. The submitted swept path analysis confirmed that deliveries in and out of the site can be safely accommodated. The ghost right hand turn lands would be amended through the S278 agreement and would be considered acceptable. A condition is recommended to agree the details of the highways works, which would be delivered through a S278 agreement, to ensure they are completed prior to the opening of the store.

Within their response highway colleagues have recommended a condition in relation to delivery routes. Given the location of the site in proximity to a number of adopted roads which already accommodate buses and delivery vehicles for a number of food and commercial stores it would not be reasonable to restrict the route of delivery vehicles in relation to this store

through a planning condition. It is however considered appropriate to add an information to highlight the highways preference for delivery routes.

A condition in relation to a Construction Environmental Management Plan (CEMP) is recommended to agree;

- i. construction vehicle access and routing,
- ii. any temporary traffic management/signage,
- iii. wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas,
- iv. contractor and visitor parking clear of the highway,
- v. highway safety considerations,
- vi. turning, loading and unloading of plant and materials and
- vii. hours of deliveries

The condition will ensure that there will be no adverse impact on the highway network during construction.

The proposal, subject to conditions, provides suitable access and parking. The site is in a suitable location and can be access by walking and a range of public transport. The development and predicted travel flow can be accommodated without any adverse impact on the existing network or junctions.

The application raises no issues in terms of highways safety and the application accords with part p of policy SD4 of the Redcar and Cleveland Local Plan.

Other matters

Contaminated land

Part e of policy SD4 of the Local Plan states that development should *avoid locations which would put the environment, or human health or safety, at unacceptable risk.*

The application has been reviewed by the Councils contaminated land officer. It is noted that the site is not at risk from contamination from previous uses and therefore it is not necessary to have any up front contamination information. It is however considered reasonable to attach a condition in relation to the reporting of any unexpected contamination.

Subject to the use of a condition the application would accord with part e of policy SD4 of the Local Plan.

Flooding

Part f of policy SD4 states that development will be permitted where it *will not increase flood risk either on site or downstream of the development.* Policy

SD7 supports part f of policy SD4 and further sets out requirements for proposals.

The application site is located within flood zone 1 and the submission includes a flood risk assessment. The site is at low risk of flooding and is suitable for the development proposed. The Council as Local Lead Flood Authority and Northumbrian Water have both reviewed the application and have raised no objections subject to the use of planning conditions. The LLFA has recommended the use of standard drainage conditions (1, 2 and 3) which relate to the submission of details for a surface water drainage scheme along with maintenance and management details. The conditions are considered reasonable and necessary and are recommended should planning permission be granted.

Subject to the use of planning conditions the application raises no issues in terms of drainage of flood risk and accords with part f of policy SD4 and policy SD7 of the Local Plan.

Nutrient neutrality

The application site is within the catchment for nutrient neutrality however based on the inform provided by Natural England is out of scope for requiring additional information or assessment in relation to this matter. It is acknowledged, however, that a Nutrient Neutrality Assessment has submitted with the application. The assessment states that there would be no likely significant affect.

Ecology

Policy N4 of the Local Plan seeks to protect and enhance the Boroughs biodiversity.

An Ecological Impact Assessment has been submitted with the application. The Assessment confirms that is no significant vegetation on the application site and no buildings or watercourses. There is no loss of significant habitats as part of the proposal. The submitted assessment has looked at a number of protected species and flora and fauna and given the existing site constraints all are identified as having negligible impacts. As a result of the existing site constraints and lack of impact on protected species no additional surveys or additional mitigation is required.

The proposal has the potential to have a minor positive effect in terms of ecological impacts through the additional landscaping and use of bat and bird boxes within the development. The landscaping scheme including the species and the bat and bird boxes are shown on the submitted landscaping plan which forms part of the approved plan condition.

The proposal is considered acceptable in terms of ecology and accords with policy N4 of the Local Plan.

Prevention of Crime

The application raises no issues in terms of crime prevention and the application accords with part m of policy SD4 Redcar and Cleveland Local Plan.

Training and Employment Hubs

The comments received from the Councils Business Growth Team are noted. Given the scale of development it is not considered necessary to insist upon a local labour agreement or condition the use of the hubs for training and employment. The agents attention has been drawn to the comments and contact details can be provided should the developers wish to engage with the Councils Business Growth Team.

General

The comments received as a result of the public consultation are noted, several of the comments received are not related to matters which are considered through planning. The remaining comments have been considered, however for the reasons outlined above none are considered to raise matters for which planning permission could be refused.

CONCLUSION

For the reasons outlined above the proposal is considered acceptable.

The proposal would not have a significant adverse impact on neighbour amenity and the proposal raises no issues in terms of highways safety or crime prevention. The scale and design is acceptable and the proposal would respect the character of the site and surroundings.

The submitted information and analysis has confirmed there are no sequential preferable sites and that the proposal would not have an adverse impact on the vitality and viability of the existing town centre. As a result the development of a food store outside of the designated centre is acceptable.

In terms of economic benefits the proposal would create up to 40 new employment opportunities and would increase retail competition and improve consumer choice with the potential to reduce food expenditure for local residents.

Subject to conditions the proposal accords with the NPPF and policies SD1, SD2, SD3, SD4, SD7, TA1, N4 and ED1 of the Redcar and Cleveland Local Plan.

RECOMMENDATION

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

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans (including details of materials):

Location plan (7584-SMR-00-ZZ-DR-A-2101-A3 Rev P2) received by the Local Planning Authority on 24/05/2022

Proposed site plan (7584-SMR-00-ZZ-DR-A-2103-A3 Rev C7) received by the Local Planning Authority on 13/09/2022

Proposed external works (7584-SMR-00-ZZ-DR-A-2104-A3 Rev C7) received by the Local Planning Authority on 25/11/2022

Proposed floor and roof plan (7584-SMR-XX-ZZ-DR-A-2201-A3 Rev C6) received by the Local Planning Authority on 13/09/2022

Proposed elevations (7584-SMR-00-ZZ-DR-A-2202-A3 Rev C4) received by the Local Planning Authority on 13/09/2022

Landscaping details (R/2580/1B) received by the Local Planning Authority on 25/11/2022

Lighting layout (DWG01) received by the Local Planning Authority on 25/11/2022

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

3. 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 and policy SD7 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to drainage details which are often the first works on site and relate to site preparation.

4. 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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to drainage details which are often the first works on site and relate to site preparation.

5. 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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to drainage details which are often the first works on site and relate to site preparation.

6. 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.

7. 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

8. A Construction Management Plan shall be produced and adhered to throughout the construction period. The Statement shall provide for:
- (i.) construction vehicle access and routing,
 - (ii.) any temporary traffic management/signage,
 - (iii.) wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas,
 - (iv.) contractor and visitor parking clear of the highway,
 - (v.) highway safety considerations,
 - (vi.) turning, loading and unloading of plant and materials and
 - (vii.) hours of deliveries

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

REASON: To safeguard the construction period of the development and in the interests of maintaining highway efficiency and safety in accordance with policy SD4 of the Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to site preparation.

10. Prior to the development being brought into use, precise details showing the offsite highways works, including the amendments to the ghost island right turn and pedestrian and cycle crossing arrangements should be submitted and approved in writing by the Local Planning Authority

REASON: To ensure suitable access to the site in relation to highways safety in accordance with policy SD4 of the Local Plan.

12. 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.

14. The foodstore hereby permitted shall be subject to the following restrictions:
 - (i.) The total gross internal floorspace shall not exceed 1,895 sq.m including any mezzanine floorspace.
 - (ii.) The net retail floor area (excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts) shall not exceed 1,251 sq.m including any mezzanine floorspace.
 - (iii.) The total retail sales area for the sale and display of convenience goods shall not exceed 1,001 sq.m including any mezzanine floorspace.
 - (iv.) The total retail sales area for the sale and display of comparison goods shall not exceed 250 sq.m including any mezzanine floorspace.

REASON: To accord with the terms of the planning application and to ensure no adverse impact in accordance with policy ED1 of the Local Plan.

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.

AGENDA ITEM 8

Application number	Location	Proposal	Decision Date	Decision
R/2022/0856/LAC	HUMBER LOW CARBON PIPELINE PROJECT	SECTION 42 PLANNING ACT 2008: DUTY TO CONSULT ON A PROPOSED APPLICATION PIPELINE INFRASTRUCTURE	01/11/2022	No Comments
R/2022/0862/LAC	BREATHERANS MEETING HALL GYPSY LANE NUNTHORPE TS7 0DP	CONSULTATION FROM MIDDLESBROUGH BOROUGH COUNCIL REFERENCE NO: 22/0441/OUT - OUTLINE APPLICATION FOR THE ERECTION OF 7 DWELLINGS AND ASSOCIATED WORKS (ACCESS AND SCALE OF DEVELOPMENT DETAILED)	01/11/2022	No Comment
R/2022/0449/CA	THE COTTAGE VICTORIA ROAD SALTBURN BY THE SEA TS12 1JD	DEMOLITION AND REBUILDING OF EXISTING WALL TO PROVIDE NEW WALL AND RE-POSITIONED VEHICULAR ENTRANCE	02/11/2022	GRANT PLANNING PERMISSION
R/2022/0722/RT	PREMIER FAMILY MART 23 HIGH STREET LINGDALE TS12 3DZ	CHANGE OF USE OF PART OF GROUND FLOOR SHOP TO HOT FOOD TAKEAWAY AND PROVISION OF EXTERNAL FLUE AT REAR (PART RETROSPECTIVE)	02/11/2022	GRANT PLANNING PERMISSION
R/2022/0739/AC	HSBC 12 WESTGATE GUISBOROUGH TS14 6BE	DISPLAY OF AN INTERNALLY ILLUMINATED ATM SIGN	02/11/2022	ADVERT IN CONSERVATION AREA APPROVED
R/2022/0668/LB	RIFTSWOOD HALL VICTORIA ROAD SALTBURN BY THE SEA TS12 1JD	LISTED BUILDING CONSENT INSTALLATION OF FRENCH DOORS IN LIEU OF WINDOW ON EASTERN ELEVATION	03/11/2022	GRANT LISTED BUILDING CONSENT
R/2022/0780/FF	82 INGS ROAD REDCAR TS10 2DF	SINGLE STOREY EXTENSION AT REAR	03/11/2022	GRANT PLANNING PERMISSION
R/2022/0715/FF	WOODCROSS GATE RESIDENTIAL DEVELOPMENT LAND OFF WHINFELL DRIVE AND ADJOINING A174 PARKWAY FLATTS LANE NORMANBY	ERECTION OF A TEMPORARY SALES CABIN; TEMPORARY SALES CAR PARK WITH BOUNDARY FENCING INCLUDING A GENERATOR	03/11/2022	GRANT PLANNING PERMISSION
R/2022/0734/LB	HSBC 12 WESTGATE GUISBOROUGH TS14 6BE	LISTED BUILDING CONSENT FOR REPLACEMENT OF EXISTING ATM MACHINE AND SIGNAGE AND REPLACEMENT AND REMOVAL OF EXISTING SELF SERVICE MACHINES	03/11/2022	GRANT LISTED BUILDING CONSENT
R/2022/0764/HN	58 GRETA ROAD SKELTON-IN-CLEVELAND TS12 2NF	DEMOLITION OF EXISTING CONSERVATORY AND REPLACE WITH SINGLE STOREY EXTENSION AT REAR EXTENDING 4.2 METRES BEYOND THE REAR WALL OF THE ORIGINAL HOUSE; MAXIMUM HEIGHT 2.8 METRES; HEIGHT TO EAVES 2.50 METRES.	03/11/2022	HOUSEHOLDER PRIOR APPROVAL NOT REQUIRED

R/2022/0695/VCM	FORMER LUKE SENIOR PARK LANE GUISBOROUGH	VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION R/2021/0737/FFM TO ENABLE DEVELOPMENT	03/11/2022	GRANT PLANNING PERMISSION
R/2022/0781/FF	GRANGETOWN PRIMARY SCHOOL ST GEORGES ROAD WEST GRANGETOWN TS6 7JA	PROVISION OF PERSONNEL GATED ACCESS (1.8M HIGH) TO NORTH BOUNDARY WALL; LOW LEVEL PEDESTRIAN BARRIER FENCE (1.4M HIGH) SECURITY FENCING (2.4M HIGH) AND 2 PERSONNEL GATES TO INNER NORTH BOUNDARY WALL	03/11/2022	GRANT PLANNING PERMISSION
R/2022/0797/TR	8 COACH HOUSE MEWS NORMANBY TS6 0HE	FELLING OF 6 ASH TREES AND 2 ELM TREES AND REMOVAL OF LOWER HANGING BRANCHES FROM 1 OAK TREE BY NO MORE THAN 5% OF CROWN (L/TPO/NO.34 - AREA 1 & T11)	03/11/2022	GRANT CONSENT FOR TREE WORKS
R/2022/0697/FFM	COURT GREEN FARM WILTON LANE GUISBOROUGH TS14 6QY	ERECTION OF FOUR DETACHED HOLIDAY-LET CABINS (2X 1- STOREY, 2-BEDROOM UNITS AND 2X 3-BEDROOMS UNITS WITH ACCOMMODATION IN LOFT) WITH ASSOCIATED ACCESS	04/11/2022	WITHDRAWN
R/2022/0757/VCM	VICTORIA APARTMENTS 56 MIDDLESBROUGH ROAD SOUTH BANK TS6 6LZ	VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION R/2019/0118/FFM TO ALLOW BOTH INTERNAL & EXTERNAL ALTERATIONS TO APPROVED PLANS	04/11/2022	GRANT PLANNING PERMISSION
R/2022/0444/CD	7 DAVISON STREET LINGDALE TS12 3DU	DISCHARGE OF CONDITIONS 3 (MATERIALS) AND 5 (CONSTRUCTION METHOD STATEMENT) PLANNING REFERENCE R/2020/0488/FF GRANTED ON APPEAL REFERENCE APP/V0728/W/21/3281300 FOR THE ERECTION OF 2 NO 2 STOREY TERRACED DWELLINGS	07/11/2022	CONDITION DISCHARGE GRANTED
R/2022/0754/PNT	CORNER OF BANKFIELDS ROAD AND HOLMEFIELDS ROAD NORMANBY	PRIOR NOTIFICATION FOR UPGRADE TO EXISTING 11.5M HIGH LAMPOST POLE WITH PROPOSED 17.50M HIGH MONOPOLE WITH WRAPROUND CABINET AND ANCILLARY WORKS	08/11/2022	PRIOR APPROVAL REQUIRED AND GRANTED
R/2022/0705/FF	3 LONGBECK LANE NEW MARSKE TS11 8AT	FIRST FLOOR SIDE EXTENSION ABOVE EXISTING GARAGE	08/11/2022	GRANT PLANNING PERMISSION
R/2022/0779/CD	LAND NORTH OF TEESWORKS AREA AND NORTH EAST OF STEEL HOUSE TRUNK ROAD REDCAR	DISCHARGE OF CONDITION 3 (CEMP) ON PLANNING APPROVAL R/2022/0494/FFM FOR ENGINEERING OPERATIONS ASSOCIATED WITH THE REMOVAL OF MOUNDS, INSTALLATION OF HAUL ROAD; TEMPORARY BRIDGE OVER WATERCOURSE AND ASSOCIATED WORKS	08/11/2022	CONDITION DISCHARGE GRANTED
R/2022/0820/TC	LAND ADJOINING 4 SOUTH TERRACE SKELTON-IN-CLEVELAND TS12 2EJ	FELL TWO SYCAMORE TREES (T1 & T2)	08/11/2022	NO OBJECTIONS
R/2022/0710/CA	43 CHURCH STREET GUISBOROUGH TS14 6HG	REPLACEMENT OF EXISTING WINDOWS	08/11/2022	GRANT PLANNING PERMISSION

R/2022/0826/CD	IVY BROOK COTTAGE LIVERTON ROAD LIVERTON TS13 4TB	DISCHARGE OF CONDITION 5 (FLUE METHOD STATEMENT) OF LISTED BUILDING CONSENT R/2022/0333/LB FOR INSTALLATION OF EXTERNAL FLUE ON EASTERN ELEVATION, NEW CONSERVATION STYLE ROOFLIGHTS TO NORTHERN AND SOUTHERN ROOF SLOPES, NEW OPENING IN NORTHERN ELEVATION; NEW OPENING IN WESTERN ELEVATION AND ALTERATIONS TO 3 EXISTING OPENINGS IN NORTHERN AND SOUTHERN ELEVATIONS AND REPLACE ALL EXISTING WINDOWS WITH NEW TIMBER DOUBLE GLAZED UNITS TO MATCH EXISTING	08/11/2022	CONDITION DISCHARGE GRANTED
R/2022/0709/VCM	DWELLINGS AND LAND AT CAERNARVON CLOSE, SOMERSET ROAD, CHEDDAR CLOSE, AVONDALE CLOSE, MONMOUTH ROAD, ABERDARE ROAD, BRIDGEND CLOSE, GRANGETOWN	VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION R/2019/0403/FFM TO ALLOW FOR CHANGES TO BOUNDARY TREATMENTS	08/11/2022	WITHDRAWN
R/2022/0880/PN	UNIT 9 MARGROVE PARK BOOSBECK TS12 3BZ	28 DAY NOTICE - INSTALLATION OF FIXED LINE BROADBAND ELECTRONIC COMMUNICATIONS APPARATUS - 2 X 9M WOODEN POLES (7.2M ABOVE GROUND) BVC911NE	08/11/2022	PN Permission Not Required
R/2022/0788/HR	LAND EAST AND WEST OF SOUTH TOWN LANE AND SOUTH OF HOLYWELL FARM SOUTH LOFTUS LOFTUS	HEDGEROW REMOVAL NOTICE	08/11/2022	HEDGEROW RETENTION NOTICE
R/2022/0725/FF	41 SPRINGBANK ROAD ORMESBY MIDDLESBROUGH TS7 9EL	DEMOLITION OF REAR CONSERVATORY AND GARAGE AND KITCHEN EXTENSION TO SIDE; REPLACE WITH PART TWO STOREY SIDE EXTENSION INCLUDING DORMER TO FRONT/ PART SINGLE STOREY REAR EXTENSION; FRONT PORCH WITH SOFT AND HARD LANDSCAPING	08/11/2022	GRANT PLANNING PERMISSION
R/2022/0753/FF	9 MARTON GILL SALTBURN BY THE SEA TS12 1QU	FRONT AND REAR DORMERS	08/11/2022	GRANT PLANNING PERMISSION
R/2022/0680/CD	THE VILLAGE SCHOOL UPLEATHAM REDCAR TS11 8AG	DISCHARGE OF CONDITIONS 3 (MATERIALS) AND 4 (METHOD STATEMENT) OF LISTED BUILDING CONSENT R/2021/0683/LB FOR SINGLE STOREY REAR EXTENSION AND GLASS BALUSTRADES TO PATIO (AMENDED SCHEME)	10/11/2022	CONDITION DISCHARGE GRANTED
R/2022/0751/FF	25 COAST ROAD REDCAR TS10 3NL	FLAT ROOF CANOPY TO FRONT AT FIRST FLOOR WITH GLAZED BALCONY AND DOUBLE DOORS IN LIEU OF WINDOW; SIDE CHIMNEY STACK; DOUBLE DOORS AT SIDE AND REAR IN LIEU OF WINDOWS	10/11/2022	GRANT PLANNING PERMISSION

R/2022/0059/CD	OLD SAWMILL KIRKLEATHAM LANE KIRKLEATHAM TS10 5NW	DISCHARGE OF CONDITION 3 OF PLANNING PERMISSION R/2021/0941/CA FOR CHANGE OF USE AND CONVERSION OF PART OF KENNELS (SUI GENERIS) TO FORM 1 SELF CONTAINED HOLIDAY LET (C3) AND DETACHED STORAGE BUILDING	10/11/2022	CONDITION DISCHARGE GRANTED
R/2022/0192/FF	48 COATHAM ROAD REDCAR TS10 1RS	CHANGE OF USE AND CONVERSION OF VACANT OFFICES AND STORAGE (USE CLASS E) TO CREATE 4NO. SELF CONTAINED FLATS INCLUDING TWO STOREY REAR EXTENSION (PART RETROSPECTIVE)	11/11/2022	GRANT PLANNING PERMISSION
R/2022/0791/FF	61 OAK ROAD REDCAR TS10 3NS	SINGLE STOREY SIDE GARDEN STORE EXTENSION	11/11/2022	GRANT PLANNING PERMISSION
R/2022/0046/FF	FORMER YORKSHIRE BANK 23-25 STATION ROAD REDCAR TS10 1AN	CHANGE OF USE AND CONVERSION INCLUDING EXTERNAL ALTERATIONS OF VACANT BANK (CLASS EC(i)) TO FORM STORE (CLASS E(a)) AND MICRO BAR (CLASS SUI-GENERIS) AT GROUND FLOOR AND 8 SELF-CONTAINED APARTMENTS (CLASS C3) AT FIRST AND SECOND FLOORS INCLUDING DORMER EXTENSIONS AT FRONT AND REAR. FIRST AND SECOND FLOOR EXTENSIONS AT REAR (PART RETROSPECTIVE)	11/11/2022	GRANT PLANNING PERMISSION
R/2022/0614/AD	9 HIGH STREET REDCAR TS10 3BY	DISPLAY OF 1 EXTERNALLY ILLUMINATED FASCIA SIGN	14/11/2022	APPROVE ADVERT CONSENT
R/2022/0611/FF	9 HIGH STREET REDCAR TS10 3BY	ALTERATIONS TO VACANT BUILDING SOCIETY TO FORM CAFE INCLUDING ROLLER SHUTTER AT FRONT AND FLUE AT REAR	14/11/2022	GRANT PLANNING PERMISSION
R/2022/0719/FF	1 HAWTHORN DRIVE GUISBOROUGH TS14 8EA	DEMOLITION OF EXISTING CONSERVATORY; TWO STOREY EXTENSION AT SIDE AND SINGLE STOREY SIDE / REAR EXTENSION WITH ADDITION OF BI FOLD AND FRENCH DOORS TO SIDE AND REAR	14/11/2022	GRANT PLANNING PERMISSION
R/2022/0729/FF	LAND WEST OF KIRKLEATHAM LANE REDCAR	PROVISION OF DETACHED ELECTRICITY SUB-STATION	14/11/2022	GRANT PLANNING PERMISSION
R/2022/0794/FF	6 HAWKINS CLOSE MARSKE BY THE SEA TS11 7JF	DEMOLITION OF EXISTING CONSERVATORY AND REPLACE WITH SINGLE STOREY EXTENSION AT SIDE	15/11/2022	GRANT PLANNING PERMISSION
R/2022/0766/CD	THE COURT HOUSE TOFTS FARM MARSKE ROAD SALTBURN BY THE SEA TS12 1PP	DISCHARGE OF CONDITION 3 (METHOD STATEMENT) OF LISTED BUILDING CONSENT R/2022/0405/LB FOR INSTALLATION OF ESCAPE WINDOW IN ROOF	17/11/2022	CONDITION DISCHARGE GRANTED

R/2022/0767/CD	PADDOCK HOUSE STANGHOW ROAD SKELTON-IN-CLEVELAND SALTBURN BY THE SEA TS12 2AB	DISCHARGE OF CONDITION 3 (SITE INVESTIGATION & RISK ASSESSMENT) OF PLANNING PERMISSION R/2021/1082/FF FOR CHANGE OF USE AND CONVERSION OF VACANT STORAGE BUILDING TO HOLIDAY LET INCLUDING EXTERNAL ALTERATIONS; RENDERING; PERIMETER FENCING 1.5M HIGH AND ASSOCIATED LANDSCAPING	17/11/2022	CONDITION DISCHARGE GRANTED
R/2022/0663/CA	8A CLIFF TERRACE MARSKE BY THE SEA REDCAR TS11 7LX	PROPOSED PORCH TO FRONT; RECONFIGURATION OF EXISTING GARAGES TO INCLUDE COVERED TERRACE AREA WITH NEW BI-FOLD DOORS AT SIDE AND NEW PITCHED ROOF	17/11/2022	GRANT PLANNING PERMISSION
R/2022/0732/OO	LAND AT LORD STREET REDCAR	OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR DEMOLITION OF VACANT EXISTING GARAGES AND REPLACE WITH DETACHED BUILDING COMPRISING OF 2 RETAIL UNITS AT GROUND FLOOR AND 6 FLATS AT FIRST FLOOR	22/11/2022	GRANT OUTLINE CONSENT
R/2022/0761/CA	RAVENSWOOD VICTORIA TERRACE SALTBURN BY THE SEA TS12 1HN	TIMBER CARPORT AT FRONT	23/11/2022	GRANT PLANNING PERMISSION
R/2022/0598/FF	7 ST THOMAS GROVE REDCAR TS10 2DY	TWO STOREY EXTENSION AT SIDE AND FIRST FLOOR EXTENSION AT REAR	23/11/2022	GRANT PLANNING PERMISSION
R/2022/0787/VC	FORMER CEMEX CONCRETE PLANT SMITHS DOCK ROAD SOUTH BANK TS6 6AL	VARIATION OF CONDITIONS 2 (APPROVED PLANS) AND 3 (DRAINAGE) OF PLANNING PERMISSION R/2021/0643/FF TO SUBSTITUTE AMENDED DRAINAGE PLAN AND DOCUMENT TO ENABLE DEVELOPMENT	23/11/2022	GRANT PLANNING PERMISSION
R/2022/0795/FF	TUSCANS SOUTH TERRACE SKELTON-IN-CLEVELAND TS12 2EW	DEMOLITION OF EXISTING CONSERVATORY AND REPLACE WITH SINGLE STOREY EXTENSION AT REAR	24/11/2022	GRANT PLANNING PERMISSION
R/2022/0773/ESM	PLOTS 1A AND 1B WILTON INTERNATIONAL MIDDLESBROUGH REDCAR	CONSTRUCTION OF A LITHIUM HYDROXIDE MONOHYDRATE MANUFACTURING PLANT AND ANCILLARY DEVELOPMENT	24/11/2022	GRANT PLANNING PERMISSION
R/2022/0778/FF	37 TUNSTALL GARDENS REDCAR TS10 2TR	DEMOLITION OF REAR SUMMER ROOM REPLACE WITH SINGLE STOREY EXTENSION TO REAR AND SIDE	24/11/2022	REFUSE PLANNING PERMISSION
R/2022/0815/FF	39 PENRYN CLOSE SKELTON-IN-CLEVELAND TS12 2ND	TWO STOREY EXTENSION AT SIDE AND SINGLE STOREY EXTENSION AT REAR	24/11/2022	GRANT PLANNING PERMISSION

R/2022/0785/CA	RIGWOOD HOUSE SALTBURN LANE SALTBURN BY THE SEA TS12 1HE	CHANGE OF USE FROM CHILDREN'S HOME (CLASS C2) INTO S.E.M.H. SCHOOL (CLASS F1)	24/11/2022	GRANT PLANNING PERMISSION
R/2022/0786/CA	RIGWOOD COTTAGE SALTBURN LANE SALTBURN BY THE SEA TS12 1HE	CHANGE OF USE FROM VACANT DWELLINGHOUSE (CLASS C3) TO S.E.M.H. SCHOOL (CLASS F1)	24/11/2022	GRANT PLANNING PERMISSION
R/2022/0867/PNA	FIELD EAST OF PARK HOUSE FARM LANE LIVERTON	PRIOR NOTIFICATION FOR EXTENSION OF EXISTING AGRICULTURAL BUILDING	24/11/2022	PN Permission Not Required
R/2022/0728/CA	FORGE HOUSE NORTH ROAD LOFTUS TS13 4HP	REPLACEMENT OF TIMBER WINDOW AND DOORS TO PVC WINDOWS AND DOORS	24/11/2022	REFUSE PLANNING PERMISSION
R/2022/0845/HN	11 JUNIPER CLOSE REDCAR TS10 2UD	SINGLE STOREY EXTENSION AT REAR EXTENDING 3.94 METRES BEYOND THE REAR WALL OF THE ORIGINAL HOUSE; MAXIMUM HEIGHT 3.55 METRES; HEIGHT TO EAVES 2.975 METRES	24/11/2022	HOUSEHOLDER PRIOR APPROVAL NOT REQUIRED
R/2022/0792/FF	7 HEYTHROP DRIVE GUISBOROUGH TS14 7BT	CONVERSION OF PART OF GARAGE TO FORM HABITABLE ROOM WITH FIRST FLOOR EXTENSION ABOVE AND EXTERNAL FLUE AT SIDE	24/11/2022	GRANT PLANNING PERMISSION
R/2022/0910/LAC	DOGGER BANK C OFFSHORE WINDFARM HDD DOCUMENTS	CONSULTATION FROM MARINE MANAGEMENT COMPANY ORGANISATION TO DISCHARGE CONDITION 13 (B)(C)(D) OF DEEMED MARINE LICENCE L/2016/00020	24/11/2022	RESPONSE SENT
R/2022/0944/CD	LAND AT THE LANDFALL OF THE DOGGER BANK C OFFSHORE WIND FARM NEAR MARSKE-BY-THE SEA	SUBMISSION OF DETAILS FOR REQUIREMENT 23 (FENCING AND OTHER MEANS OF ENCLOSURE FOR ONSHORE WORKS) IN RELATION TO STAGE 1 OF THE ONSHORE WORKS FOR TWO OFFSHORE WIND TURBINE GENERATING STATIONS AND ASSOCIATED INFRASTRUCTURE IN THE DOGGER BANK ZONE AND THE BOROUGH OF REDCAR AND CLEVELAND. THE FULL DESCRIPTION OF THE AUTHORISED DEVELOPMENT IS SPECIFIED IN PART 1 OF SCHEDULE 1 OF THE DOGGER BANK TEESSIDE A AND B OFFSHORE WIND FARM ORDER 2015 (AS AMENDED)	25/11/2022	NO FURTHER ACTION
R/2022/0855/NM	SITE A CHURCH HILL LAND OFF BOWLAND ROAD SKELTON	NON-MATERIAL AMENDMENT OF PLANNING PERMISSION R/2021/0110/VC FOR CREATION OF PRIVATE DRIVE TO PLOT 133 AND MINOR ADJUSTMENTS OF PLOT BOUNDARY FENCING	25/11/2022	NON MATERIAL AMENDMENT APPROVE
R/2022/0906/LAC	TEESWORKS SOUTH INDUSTRIAL ZONE TEESWORKS SITE SOUTH BANK	CONSULTATION ON APPLICATION FOR A MARINE LICENCE - REF NO: MLA/2022/00248 - SURFACE WATER DRAINAGE OUTFALL	29/11/2022	No Comment

Schedule of appeals

Reference Number	Site	Description	Decision	Date of Planning Decision	Appeal start date	Appeal method	Appeal decision	Date of Appeal Decision
R/2021/0843/RSM	Former South Tees Motor Cross Park, Old Station Road, South Bank	Waste processing facility (resubmission)	Refused	21/01/2022	28/06/2022	Written representations		
R/2022/0537/FF	35 Kettleless Avenue, Redcar	First floor extension at side/rear	Refused	07/09/2022	11/10/2022	Written representations		
R/2022/0379/FF	46 Berkeley Drive, Guisborough	Two storey extension at side	Refused	05/08/2022	17/11/2022	Householder appeal		
R/2022/0020/CA	Badgers Restaurant, Church Street, Guisborough	Installation of an external flue ventilation system with brick effect flue cover at rear (part retrospective)	Refused	18/08/2022	08/11/2022	Written representations		

Schedule of enforcement actions

Reference	Address	Breach of Planning Control	Authorised Date	Enforcement Action	Remarks
E0134/2020	19 Milton Street and 2 Pearl Street, Saltburn, TS12 1DJ	A number of timber sliding sash window frames have been replaced for inappropriate plastic windows. The works that have taken place have an adverse impact on Saltburn's Conservation Area.	Development Services Manager on 25 th November 2020.	Served Enforcement Notice on 25 th November 2020	With Development Services Manager
E0212/2020	1 MILBANK STREET SOUTH BANK TS6 6DD	Building Adversely Affecting the Amenity of the Neighbourhood.	Head of Planning and Development on 6 th January 2022.	Served S215 Notice on 6 th January 2022.	With Legal Services.
E0014/2021	40 Pearl Street, Saltburn, S12 1DU.	Without planning permission, the unauthorised replacement of three sliding sash wooden windows and two bay wooden windows on the front elevation.	Head of Planning and Development on 2 nd September 2021	Served Enforcement Notice on 6 th March 2022	Ground floor Bay window to be replaced initially. Followed by first floor windows.
E0135/2020	4 (plot 4) Serenity Hollow, Boosbeck, TS12 3DL	Planning condition[s] have not been complied with the relevant planning permission granted by the Council on 28 th October 2021 for a detached	Development Services Manager on 3 rd March 2022.	Served Breach of Condition Notice on 3 rd March 2022.	Court on 29 th November 2022. Adjourned.

		dwellinghouse (part retrospective) reference number R/2021/0245/FF.			
E0110/2022	Former Bus Station, High Street, Redcar, TS10 3AW	Building/Land Adversely Affecting the Amenity of the Neighbourhood.	Development Services Manager on 8 th November 2022.	Development Services Manager on 8 th November 2022.	Compliance date 9 th January 2023.

Section 106 Agreements currently under negotiation.

Application Number	Application site	Head of terms	Agreement Stage
R/2018/0621/OOM	Land off Nightingale Road, Guisborough	<ol style="list-style-type: none"> 1. Provision of on-site affordable housing 2. Commuted sum towards special educational needs capacity of £79,372 	Awaiting draft