

**REGULATORY COMMITTEE**  
**WEDNESDAY 15 FEBRUARY 2023 AT 10:00AM**  
**CIVIC CENTRE, RIDLEY STREET, REDCAR, YORKSHIRE, TS10 1TD**



**CONTACT**

Mrs E J Dale  
(01642) 444492  
6 February 2023

**CIRCULATION**

Councillors Stuart Smith (Chair), Head (Vice Chair), Ayre, Baldwin, Brook, 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)]

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**A G E N D A**

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	<b><u>Pages</u></b>
1. Apologies for Absence.	
2. Declarations of Interest.	
3. Development Managers Presentation.	2-14
<b>REPORTS OF THE MANAGING DIRECTOR</b>	
4. R/2022/0799/00M Outline application (All Matters Reserved) for erection of 48 (No) Industrial Units land east of Lantsbery Drive Liverton Mines Loftus – Officer’s recommendation approval	15-37
5. R/2022/0802/FF Change of use and conversion of first floor office space (Use Class E) into 10 bed HMO (Use Class Sui Generis) including installation of first floor windows to side and velux rooflights to front rear of 60 Station Road Redcar – Officer’s recommendation approval	38-38
6. Any items the Chair certifies as urgent.	

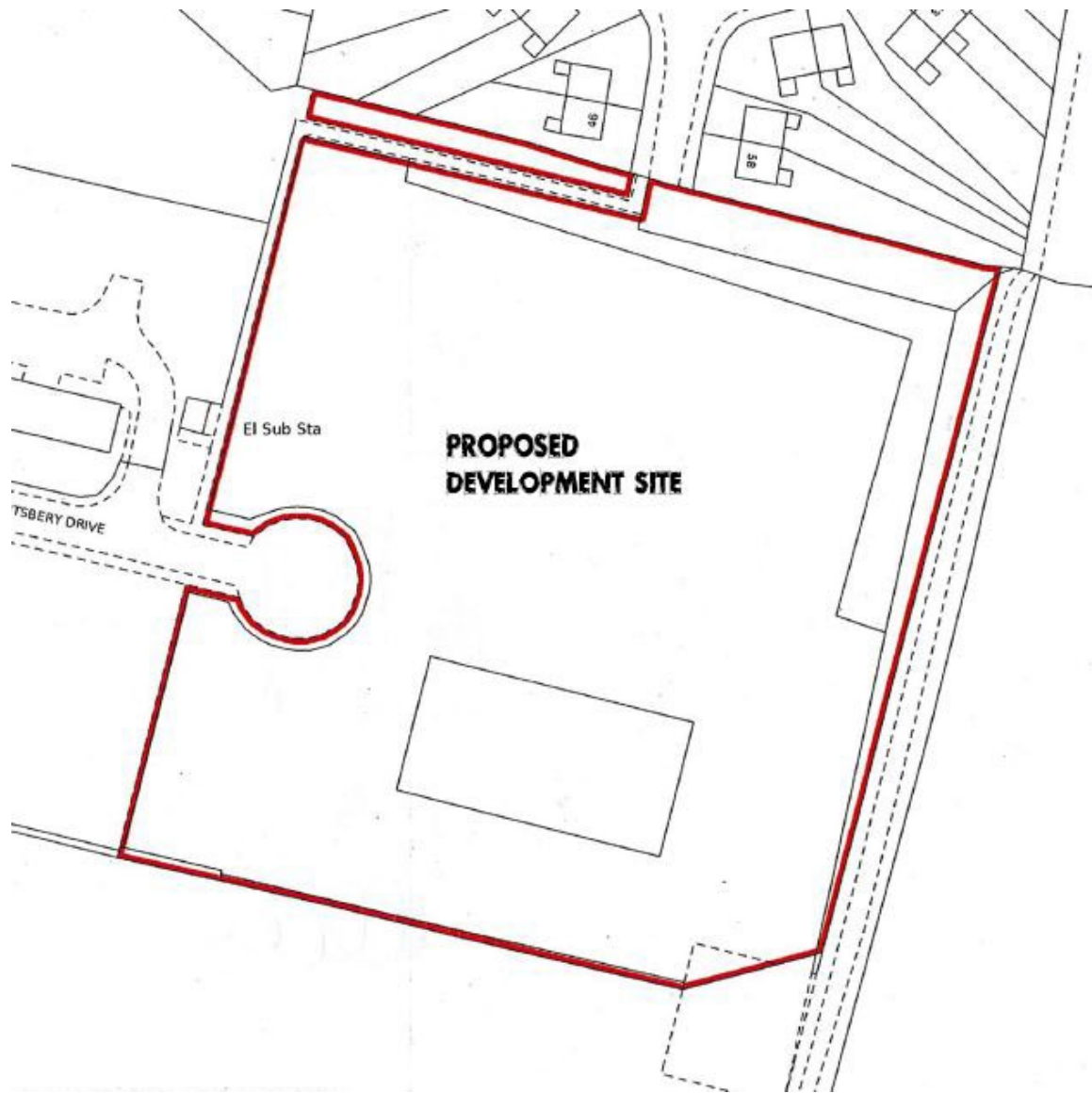


- **Planning officer's report prepared for all applications (pre-circulated):**
  - **summarises views of consultees; any comments received to the public consultation and information received from the applicant;**
  - **considers policy context and other material planning considerations;**
  - **makes 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**

- **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**



SCHEDULE:

36 No. INDUSTRIAL UNITS AT 1,000 SQ.FT APPROX. FLOOR SPACE TOTAL

12 No. INDUSTRIAL UNITS AT 760 SQ.FT APPROX. FLOOR SPACE TOTAL

105 CAR PARKING SPACES INDICATED IN TOTAL

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EXISTING TREES TO BE RETAINED



PROPOSED BLOCK SITE PLAN - SCALE 1 : 250 @ A1



ISSUED FOR REVIEW AND COMMENT

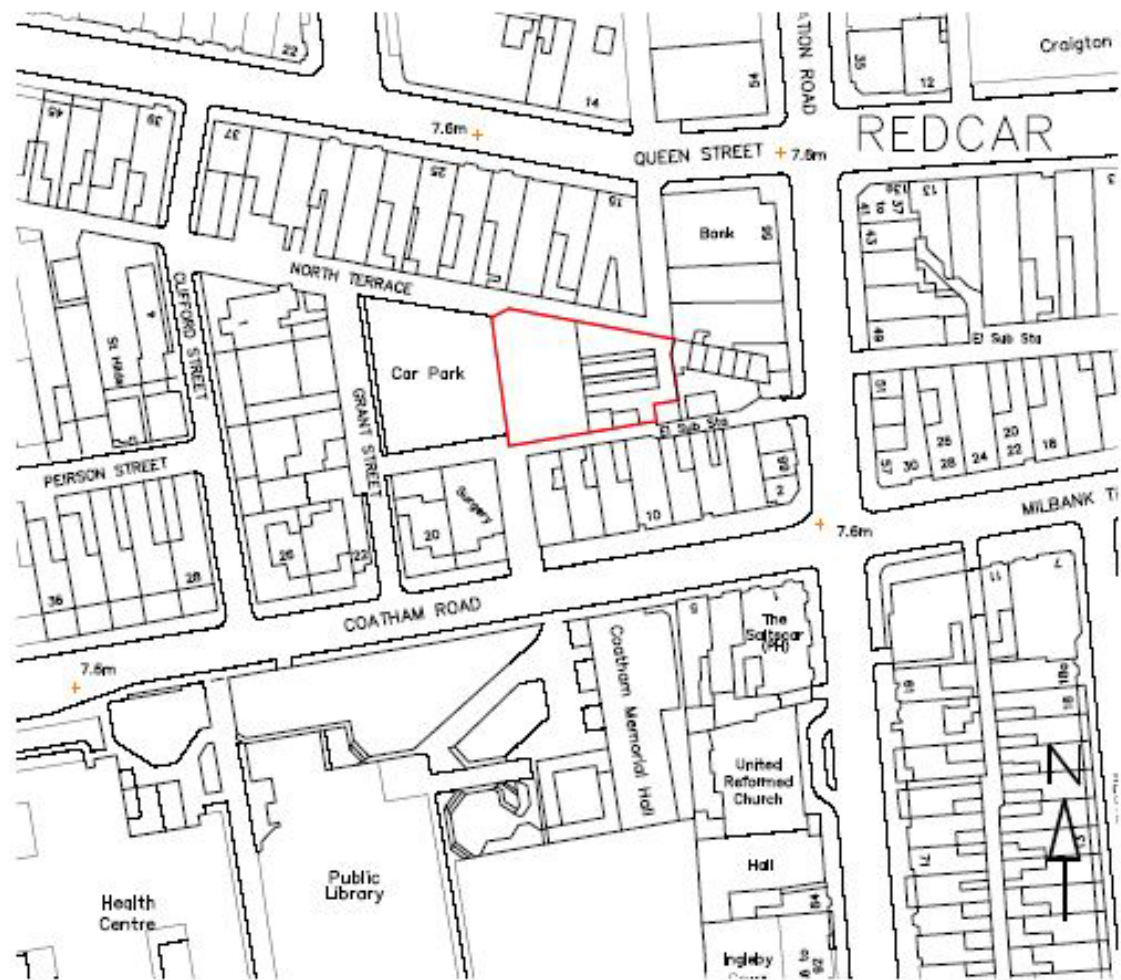




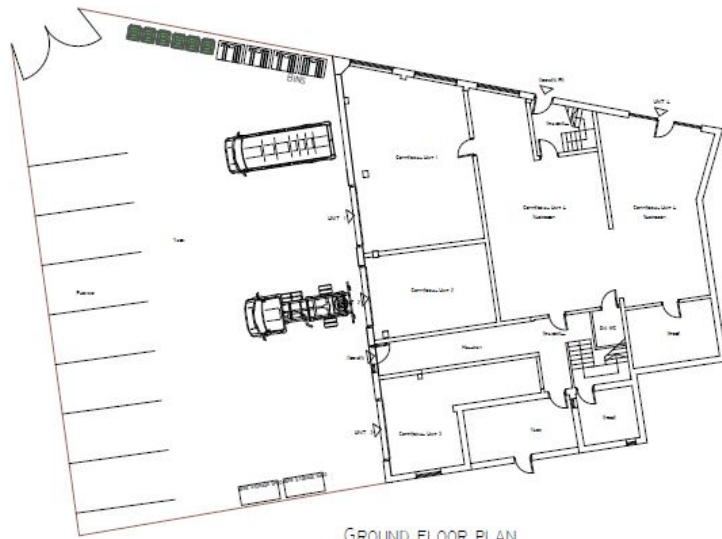
R/2022/0799/OOM – Liverton Mines  
Photos



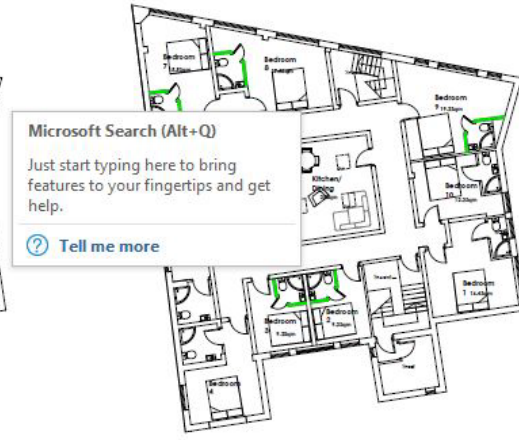




Site Location Plan 1:1250



GROUND FLOOR PLAN

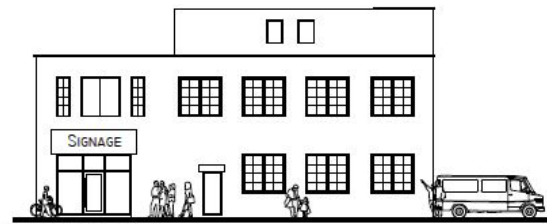


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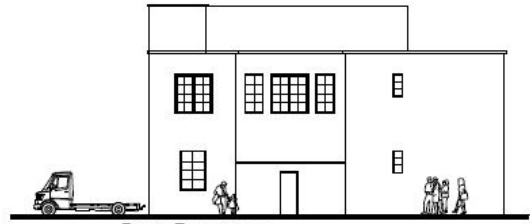
FIRST FLOOR PLAN



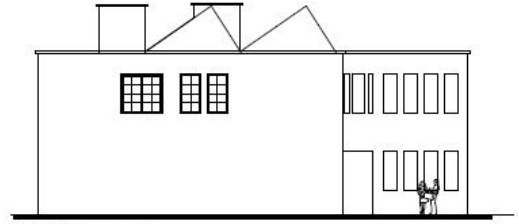
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



R/2022/0802/FF – Rear of 60 Station Road, Redcar  
Photos



R/2022/0802/FF – Rear of 60 Station Road, Redcar  
Photos



R/2022/0802/FF – Rear of 60 Station Road, Redcar  
Photos

## Redcar and Cleveland Borough Council

### Planning (Development Management)

APPLICATION NUMBER:	R/2022/0799/OOM
LOCATION:	LAND EAST OF LANTSBERY DRIVE LIVERTON MINES LOFTUS
PROPOSAL:	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR ERECTION OF 48 (NO) INDUSTRIAL UNITS

[Planning Application Details \(redcar-cleveland.gov.uk\)](https://redcar-cleveland.gov.uk)

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#### APPLICATION SITE AND DESCRIPTION

Outline consent is sought for the erection of 48 (No) industrial units. The application is for outline only with all matters (access, appearance, layout, scale and landscaping) reserved for future consideration.

The application relates to land east of Lantsbery Drive, Liverton Mines. The site lies to the south of Liverton Mines on Liverton Mines Industrial Estate. The site was previously occupied by an industrial building which burnt down in 2020. At the time of the case officers visit to the site in October 2022 the site was clear of buildings. To the north of the site lie residential dwellings of St Helens Walk, St Leonards Close and St Cuthberts Walk, industrial units lie to the west of the site and agricultural fields to the south and east of the site. Lantsbery Drive is a cul de sac, with the application site lying to the east of the turning circle at the head of the cul de sac. There is an existing public footpath that runs from Lantsbery Drive around the north west corner of the site to St Cuthberts Walk, St Leonards Close and St Helens Walk.

The application site is situated within the defined limits of development and a protected employment site as identified on the Redcar and Cleveland Local Plan Policies Map.

The application has been accompanied by a:

- Site location plan,
- Existing site plan,
- Indicative proposed site plans and 4 unit block plans and elevations
- Planning, Design and Access Statement
- Phase 1 Desk Study and Risk Assessment Report
- Statement of Community Involvement

The application originally proposed a mix of industrial units and live/work units. The live/work element has been removed from the application following advice the proposal was contrary to Local Plan Policy ED6. Further

consultations have been carried out on the 21<sup>st</sup> and 22<sup>nd</sup> November 2022 following the change in proposals.

Two revised proposed site plans have been received during the consideration of the application. The indicative plans will not form part of any approval.

## **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  
LS3 Rural Communities Spatial Strategy  
ED6 Promoting Economic Growth

## **PLANNING HISTORY**

R/2008/0099/FFM - Erection of 59 no. dwellings with associated infrastructure works – refused – 19/06/2008. Appeal dismissed 31/12/2008

## **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 first consultation period 5 individual written representations have been received along with a petition containing 108 signatures against the development, the comments are summarised as follows:

- *Live work units would have permitted development rights allowing work element to be extinguished. Permissions should be subject to conditions removing permitted development right.*
- *No amenity space, for children to play, bin storage or drying areas*
- *Site currently commercial/industrial, doesn't lend to family living*
- *Concern on impact on Loftus High Street and regeneration scheme. Shop on Zetland Road moved to industrial unit due to lack of parking and passing trade*
- *Mention of general stores opening on site. Would be detrimental to general current stores and refurbished 'old post office'*



- *Concerns regarding what the units are to be used for*
- *Concerns if any health hazards and impact on the villagers*
- *While building works taking place is their consideration on noise and impact on villagers*
- *Will units/house be available for everyone*
- *Will bus stop still be accessible to the villagers*
- *Concerns regarding impact on property value*
- *Has privacy been taken into consideration with removal of tree line. Everyone will be overlooking an industrial estate*
- *Concerns regarding impact on existing businesses on estate*
- *There are existing empty units, will proposed units be filled or left with empty units*
- *Concerns regarding impact on community which has suffered with recycling plant with flies and rats and impact on health from fire at site.*
- *Object to live to work as our bakery works overnight. This would cause problems with noise for people living in units*
- *Would there be restrictions on amount of space being used for business and residential*
- *Concerned the infrastructure will not cope with increased level of traffic. Minimum of 52 extra cars which could easily be in excess of 100 cars, this is without the wagons and vans servicing 52 businesses*
- *Support growth of business ..will improve the economic and social fabric of the East Cleveland Community*
- *Reservation is residential*
- *Concerns the units will cause noise, dust and pollution harmful to resident's wellbeing*
- *Concerns regarding potential light pollution from security lights*

The second period of consultation following a change in proposals, removing the live/work units received one written representation and a proforma from 17 addresses. The comments are summarised as follows:

- *Concerned the description doesn't match the details submitted on the application form, concerned it may be granted by error of default*
- *Concerned development may undermine work in Loftus, the regeneration scheme*
- *Development in a village, it is overdevelopment and unsustainable, has a sequential test been carried out*
- *Applicant states there is a waiting list for units, can we see evidence. Already planning permission for 5 units granted, Liverton Mines does not need a further 48*
- *48 units excessive, and not feasible. Insufficient bin stores shown*
- *Insufficient space to accommodate large heavy articulated vehicles*
- *No sound buffer between industrial units and adjacent residential units. The noise and odours from what could be heavy industrial, motor, machinery, engineering, forklifts and manufacture would all be severely detrimental to existing local housing*
- *Concerns regarding light pollution*

- *Site not gated, delivery vehicles can arrive any time day or night. Concerns regarding noise disturbance*
- *Lantsbury Drive is overcrowded. Forecourts were blocked with vans, delivery vehicles were struggling to manoeuvre and insufficient parking for visitors. There were a large number of shipping containers being used as ancillary storage for materials and working detritus. Compact nature of proposed development would be similar or worse given the much larger number involved*
- *Objection to units 21, 22, 23, 30, 37, 38, 39, 40, 41, 42, 43, 44 and 45. Due to proximity to the residential properties on the adjacent estate*
- *Surrounding woodland is home to wildlife*
- *Units impact the value of the properties on the estate*
- *If units are to be use 24hrs the noise pollution from vehicles will affect the welfare and mental health of residents on adjacent estate and Cleveland Street*
- *Smell pollution from refuse bins and vehicles*
- *Lighting from units will result in adverse impact on the residents*
- *Concerns regarding height of proposed units, single or two storey. If double then it will be an issue with lack of light to adjacent properties*
- *Residents concerned the public footpath running from the housing estate through to Lantsbury Drive will be removed. Footpath regularly used by residents to get on and off the bus and walk their dogs*
- *Community concerned about drains; will they be connected to the estate's drains*

### **Loftus Town Council (26/10/2022)**

*Members object on the basis that the application is inaccurate as this site is on contaminated land. Members object as this area is protected in the local plan as an area of employment - this application introduces living accommodation to the site. Concern there is a lack of residential amenities. Concern that the access road is not suitable for the extra traffic this development will generate. Concern the infrastructure is not in place to support the development - e.g. waste disposal, power and noise. Members consider this is over development of the site. It is requested that this application is categorised as a major application and dealt with by the Regulatory Committee.*

### **Northumbrian Water**

**11/10/2022**

*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-D35. This drainage area discharges to Skinningrove Sewerage Treatment Works, which is not named on the Nutrient Neutrality Budget Calculator.*

**22/11/2022**

*I refer you to our previous response to the application, dated 11th October 2022, and can confirm that at this stage we have no additional comments to make.*

**Cleveland Police (09/12/2022)**

*With regards to the above application, I recommend applicant/agent contact me for any advice, guidance I can offer in relation to designing out opportunities for crime and disorder to occur at proposed development.*

**Environment Agency (17/01/2023)**

*I can confirm that the application (both the superseded and amended plans) fell outside of our remit so we will not be responding*

**Redcar and Cleveland Borough Council (Housing Area Services)  
(12/10/2022)**

*No objection*

**Redcar and Cleveland Borough Council (Development Engineers)  
(24/01/2023)**

*I refer to the application and would offer the following comments from a highway point of view:- This is an outline application for 48 Industrial Units. Whilst all matters are reserved, an indicative layout has been provided. The site utilises the existing adopted highway layout which is to be upgraded to a mini roundabout junction and the proposed road is 7.3m wide with 2 x 2 metre footpaths on both sides.*

*In principle highways would offer no objection to the extension of industrial estate in an easterly direction, however the horizontal layout/arrangement does not conform to the industrial estate Design Guide standards and therefore conditional approval is recommended upon an acceptable highway layout being submitted and approved.*

*The site is to be accessed off Lantsbery Drive, which is adopted highway, it is further noted that there is a connecting adopted footpath link northwards towards St Helens/St Curthberts Walk, which should not be obstructed or altered as part of this development. Should the design, when submitted affect the adopted highway further permission under the highways Act 1990 will be required.*

*Suggested conditions*

**DETAILED PLANS FOR ROAD AND FOOTWAY LAYOUT**

*With the exception of investigative works only, there shall be no excavation or other groundworks or the depositing of material on site in connection with the construction of any road, until full detailed engineering drawings that include roads and sewers or any structure that will affect or form part of the highway network have been submitted and approved in writing by the Local Planning Authority, in accordance with the RCBC Design Guide and Specification for industrial estate development.*

- (i) *Detailed engineering drawings of the proposed highway layout including;*
  - *Access*
  - *dimensions of any carriageway, footpath, cycleway and any verges*
  - *visibility splays*
  - *proposed site layout, including levels*
  - *lining and signing*
- all surfacing types including kerbing, edging and tactile*
- (ii) *Longitudinal sections of each proposed road*
  - *existing ground level*
  - *proposed channel and centre line levels*
  - *full details of highway surface water drainage proposal*
- (iii) *Full highway construction details including;*
  - *highway cross-sections showing specification for the construction of all proposed carriageways, footways and cycleways*
  - *existing and proposed ground levels*
  - *kerb and edging construction details*
  - *drainage construction details within highway construction*
- (iv) *Details of all proposed street lighting*
- (v) *Completion of all highway works, including any phasing shall be included in a programme submitted to and approved in writing by the Local Planning Authority.*

*The development must be carried out in accordance with the approved engineering drawings.*

*REASON FOR PRE-COMM: To ensure a suitably designed highway scheme in accordance with RCBC Design Guide and Specification.*

*REASON: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.*

*Construction Management Plan - 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.*

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

Comments received 01/11/2022 and 08/12/2022

*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 a Phase I: Desktop Study and Preliminary Risk Assessment Report was submitted in support of the application.*

*The report states “this risk assessment has been based upon an industrial / commercial end-use” however the proposed scheme includes 16 residential units, so the risk assessment requires additional work based on the proposed residential end use.*

*The proposed site was the location of a major environmental incident involving a serious fire at the Greenology Plastic Recycling Centre in April 2020.*

*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)**

Comments received 13/10/2022

*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 have considered this application in terms of noise from the proposed development affecting the existing residential properties. Due to the development being in close proximity to existing neighbouring residential*

*properties there is potential for the amenity of existing properties to be affected by construction noise from the development, as well as from operational noise from the proposed industrial units.*

*Additionally with regard to noise I have considered this application in terms of the amenity of potential future occupiers of the proposed 'live to work units'. I note that the 'live to work' are proposed directly above industrial units. There is therefore significant potential for the amenity of future occupants of the apartments to be affected by operational noise from the industrial units. Finally, I have considered this application in terms of dust from the proposed development affecting existing residential properties. Due to this development being close to existing residential properties there is the potential for dust to affect the amenity of neighbouring properties from construction activities.*

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

*-The working hours for all 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.*

*- Provide a detailed acoustic report, carried out by a competent person, with the current edition of BS 8233/BS 4142 / ProPG: Planning and Noise New Residential Development, to demonstrate the impact of the potential development on nearby residential dwellings. The report must be conducted with due consideration of all relevant standards and, if found necessary, identify any noise mitigation measures necessary, including the selection of any proposed plant/equipment.*

*REASON: In the interest of neighbour amenity.*

*- No industrial processes shall be carried out, or plant/machinery/power tools used within the building(s) or within the curtilage of the site before 08:00 and after 18:00pm on Mondays to Fridays and before 08:00 nor after 13:00 on Saturdays, nor at any time on Sundays and Public Holidays.*

*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.*

*- Prior to being brought into end use there shall be a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the 'live to work' units and adjoining industrial units, submitted to and approved in writing by the Local Planning Authority*

*The approved scheme shall be implemented prior to the end use of the development and maintained thereafter.*

*REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the future residential occupants from the proposed development created.*

*-Prior to the commencement of construction details of a dust mitigation strategy for the construction phase of the development shall be submitted to the Local Planning Authority for approval in writing. The approved strategy shall be implemented in its entirety and maintained throughout the period of construction.*

*REASON: In the interests of neighbour amenity.*

Comments received on 22/11/2022

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

*I have considered this application in terms of noise from the proposed development affecting the existing residential properties. Due to the development being in close proximity to existing neighbouring residential properties there is potential for the amenity of existing properties to be affected by construction noise from the development, as well as from operational noise from the proposed industrial units.*

*I have also considered this application in terms of dust from the proposed development affecting existing residential properties. Due to this development being close to existing residential properties there is the potential for dust to affect the amenity of neighbouring properties from construction activities.*

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

*- The working hours for all 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.*

*-Provide a detailed acoustic report, carried out by a competent person, with the current edition of BS 8233/BS 4142 / ProPG: Planning and Noise New Residential Development, to demonstrate the impact of the potential development on nearby residential dwellings. The report must be conducted with due consideration of all relevant standards and, if found necessary, identify any noise mitigation measures necessary, including the selection of any proposed plant/equipment.*

*REASON: In the interest of neighbour amenity.*



*- No industrial processes shall be carried out, or plant/machinery/power tools used within the building(s) or within the curtilage of the site before 08:00 and after 18:00pm on Mondays to Fridays and before 08:00 nor after 13:00 on Saturdays, nor at any time on Sundays and Public Holidays.*

*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.*

*- Prior to the commencement of construction details of a dust mitigation strategy for the construction phase of the development shall be submitted to the Local Planning Authority for approval in writing. The approved strategy shall be implemented in its entirety and maintained throughout the period of construction.*

*REASON: In the interests of neighbour amenity.*

**Redcar and Cleveland Borough Council (Income and Funding Officer)  
(24/10/2022)**

*We have a play area we need to reinvigorate with interactive play markings and a general uplift. In principle could we access 106 from this development to progress improvements to the leisure area within Liverton Mines?*

**Redcar and Cleveland Borough Council (Strategic Planning)**

Comments received on 27/10/2022

*As shown the Local Plan Policies Map, the application site is inside the development limit boundary and, under policy ED6, it is allocated for employment uses falling within the B1, B2 or B8 use classes. T*

*The application indicates that the development would be for mix of B2 and B8 uses, and for live-work residential units. As the latter element does not fall within the definition of B (or E) class uses, the proposed development is in conflict with the policy.*

*ED6 goes on to state: 'Proposals for alternative uses [...] will only be acceptable where they:*

- e. would not adversely affect the economic growth and employment opportunities in the area;*
- f. demonstrate that the location of the site is no longer appropriate or viable for alternative employment uses following an active and exhaustive marketing process for a minimum of 12 months;*
- g. would not result in an inappropriate reduction in the supply of land or buildings for employment uses, taking into account the overall amount, range and choice available for the remainder of the plan period and supply of employment land in the future;*
- h. would result in a good standard of amenity for existing and future occupants of land and buildings; and*

*i. would not prejudice the operation of neighbouring properties and businesses.*

*As it has not been demonstrated that all the exceptions criteria would be met, the application is contrary to the development plan and is not therefore supported.*

Comments received on 01/12/2022

*The application site is inside the development limit boundary, as shown the Local Plan Policies Map, and it forms part of Liverton Industrial Estate. Under policy ED6, the site is allocated for employment uses falling within the B1, B2 or B8 use classes.*

*The amended site plan states that the development would be for industrial units, which going off the application form would be for 'light industrial' B2 uses, which would therefore accord with ED6.*

*To be considered acceptable, the outline proposals should also comply with all other relevant policies in the plan. This includes meeting all relevant aspects of overarching development policy SD4, including at part (b.) in relation to not having significant adverse impacts on neighbour or occupier amenity; part (p.) in relation to achieving safe and suitable access and parking which is appropriate to the site location; and in terms of the requirement to achieve a high standard of design quality on all new developments having regard as appropriate to parts (i.) to (r.).*

## **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 contaminated land and nuisance
- The impacts on highways safety
- The impacts on drainage

### **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 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 inside the development limit boundary, as shown the Local Plan Policies Map.

The site forms part of North Liverton Industrial Estate. Under policy ED6, the site is allocated for employment uses falling within the B1, B2 or B8 use classes.

The amended site plan states that the development would be for industrial units. The application form states the units would be for 'light industrial' B2 uses, which accords with ED6.

The proposed development is, therefore, supported by the Local Plan and there are no objections to the principle of development.

### **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

The application is in outline with access, appearance, landscaping, layout and scale reserved for future consideration. Future reserved matters application(s) would include details of proposed buildings/units including internal layouts and elevations, layout of the internal access roads, parking facilities and landscaping.

The application has been supported by an illustrative proposed site plan and elevation drawings of industrial units which illustrates a potential layout for the provision of the proposed units on the site as well as the potential for internal access roads and the retention of existing trees.

The indicative elevational drawings are of a standard design found on industrial estates and in keeping with the neighbouring existing industrial units. With regard to scale, the example of a 4 unit block illustrates the buildings to be 6.2 high which is in keeping with the area.

The site has an existing footpath running around the west and north of the site to the dwellings of St Helens Walk, St Cuthberts Walk and St Leonards Close. There are existing mature trees and vegetation running along the north of the site which should be retained to protect neighbouring amenity. In addition, there is an existing landscaping mound running along the north boundary of the site which should also be retained to protect neighbouring amenity.

It is considered that site is capable of industrial development that would not cause significant harm to the character and appearance of the street scene and which would be capable of according with the relevant aspects 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.*

Residents have objected to the proposals, both the originally proposed live/work units and industrial units and the revised scheme of solely industrial units. Residents have concerns regarding the potential for noise, light and smell pollution, the impact of the development on existing mature trees and vegetation and the close proximity of specific units shown on the indicative site plan to the existing residential units.

As discussed in the previous section, the application is in outline with access, appearance, landscaping, layout and scale reserved for future consideration. Whilst the application is supported by an indicative layout plan, this is submitted for illustration purposes only and details of the internal layout would be required to be agreed at the reserved matters stage. Subsequent applications would be assessed to ensure that the relationship to existing residential and commercial premises and the required level of privacy and amenity within the development is provided.

The indicative site plan raises some concerns regarding the proposed position of some of the units to the north of the site and the close relationship with the existing residential dwellings, particularly 46 St Helens Walk and 58 St Cuthberts Walk, the two closest properties to the site boundary. There is an existing area of mature vegetation to the north of the site and public footpath which is within the red line boundary of the site. The most recent revision D. of the indicative site plan states the trees will remain. The retention of the mature vegetation will help protect the residential amenity of the occupiers of St Helens Walk. The mature vegetation to the north east boundary of the site is outside of the application site boundary. The site has an existing landscaping mound which runs along the north of the site. The mound is currently overgrown, nevertheless it is considered the feature would help protect the amenity of nearby residents and should be retained. The impacts on relation to pollution will be discussed in the next section of this report.

In light of the close proximity of residential dwellings it is considered at reserved matters the number of units may need to be reduced and moved away from existing residential dwellings.

It is considered that the site is capable of industrial development, subject to adequate distances between the proposed development and existing residential dwellings at the reserved matters stage. The site would be capable of not having a significant adverse impact on the amenity of occupiers of existing buildings and according with part b of policy SD4 of the Redcar and Cleveland Local Plan.

## **The impacts on contaminated land and nuisance**

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 Council's Environmental Protection and the Environment Agency have been consulted in terms of the impact of the development on the environment. The Environment Agency have no comments to make on either the superceded or revised plans as the scheme falls outside of the agency's remit.

A Phase 1: Desktop Study and Preliminary Risk Assessment Report has been submitted as part of the application. Environmental Protection have assessed the application in terms of land contamination. The team note the site was the location of a major environmental incident involving a serious fire at the Greenology Plastic Recycling Centre in April 2020 and in order to minimise the environmental impact and ensure the site is fully characterised and suitable for the proposed end use recommend the inclusion of a full Standard Contaminated Land Condition onto any planning permission which may be granted. In light of the history and location of the site such a condition is considered necessary and will be included in any approval of the application.

In terms of nuisance, due to the development being in close proximity to existing neighbouring residential properties Environmental Protection consider there is potential for the amenity of existing properties to be affected by construction noise from the development, as well as from operational noise from the proposed industrial units. Several conditions have been suggested, namely a restriction of construction working hours, a restriction on specific operations taking place once operation, the submission of a detailed acoustic report and a dust mitigation strategy for the construction phase. It is considered the conditions are necessary and relevant to the development due to the relationship with the neighbouring residential dwellings.

Subject to conditions the application raises no issues in terms of contamination or nuisance and complies parts b, e and n 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.*

Discussions have taken place between the applicant and the Council's highway engineers regarding the detail needed for a reserved matters application. The site utilises the existing adopted highway layout which is to

be upgraded to a mini roundabout junction and the proposed road is 7.3m wide with 2 x 2 metre footpaths on both sides.

In principle highways would offer no objection to the extension of industrial estate in an easterly direction, however the horizontal layout/arrangement does not conform to the industrial estate Design Guide standards and therefore conditional approval is recommended upon an acceptable highway layout being submitted and approved.

The site is to be accessed off Lantsbery Drive, which is adopted highway, it is further noted that there is a connecting adopted footpath link northwards towards St Helens/St Curthberts Walk, which should not be obstructed or altered as part of this development. Should the design, when submitted affect the adopted highway further permission under the highways Act 1990 will be required. The Development Engineers have suggested two conditions which will be included should the application be recommended for approval.

Subject to conditions the application is capable of complying with part p of policy SD4 of the Redcar and Cleveland Local Plan with regard to highways safety.

### **The impacts on drainage**

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 site is located within Flood Zone 1. Northumbrian Water have assessed the application and note at this time the application does not provide sufficient details with regarding to the management of foul and surface water from the development. Northumbrian Water therefore request a condition requiring the submission of a detailed scheme of foul and surface water to be submitted prior to commencement of the development. In light of the nature of the proposed works it is considered the condition is necessary and will be included as part of any approval.

Subject to the use of planning conditions the application raises no issues in terms of flood risk and drainage and complies with national policy set out in the NPPF and policy SD7 and part f of policy SD4 of the Redcar and Cleveland Local Plan.

### **Other matters**

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

The application raises no issues in terms of crime prevention and the application accords with part m of policy SD4 of the Redcar and Cleveland Local Plan. Cleveland Police Crime Prevent and Architectural Liaison Officer

recommends the applicant/agent contact them for guidance in relation to designing out opportunities for crime and disorder at the proposed development.

The Council's Income and Funding Officer has asked if they can access Section 106 money for improvements to a play area. The comments were received following the first consultation period on the original proposal which included live/work units. The current proposal for solely industrial units is not relevant for play area improvements unlike additional dwelling units and will not be part of any approval.

## **CONCLUSION**

The application site is situated within the defined limits of development as identified on the Redcar and Cleveland Local Plan Policies Map and within a protected employment area. The proposed development is therefore considered to comply with Policy SD3 and ED6.

The application has been assessed with regards to the impact on the character and appearance of the area and with regard to neighbour/residential amenity. Given that the application is in outline detailed consideration of these matters will be given at Reserved Matters stage. The development is therefore considered to comply with policy SD4.

Matters relating to highway safety, drainage, contamination and nuisance, crime prevention have been considered as part of the assessment of the application and have not raised any issues that would prevent the granting of planning permission subject to the imposition of conditions.

Taking the above all of the above into consideration the application is therefore recommend for approval.

## **RECOMMENDATION**

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

**GRANT PLANNING PERMISSION** subject to the following conditions:

1. Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or,

in the case of approval on different dates, the final approval of the last of the reserved matters to be approved, whichever is later.

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

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

- Site location plan received by the Local Planning Authority on 04/10/2022

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

4. 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.

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

(a) Site Characterisation

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

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



- (ii) an assessment of the potential risks to:
- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management Guidance

#### (b) Submission of Remediation Scheme

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

#### (c) Implementation of Approved Remediation Scheme

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

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

#### (d) Reporting of Unexpected Contamination

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

remediation scheme must be prepared in accordance with the requirements of part (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

(e) Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management Guidance

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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to land contamination details which are often the first works on site and relate to site preparation.

6. 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.

7. Prior to the commencement of construction details of a dust mitigation strategy for the construction phase of the development shall be submitted to the Local Planning Authority for approval in writing. The

approved strategy shall be implemented in its entirety and maintained throughout the period of construction.

REASON: In the interests of neighbour amenity in accordance with Local Plan Policy SD4.

8. Prior to the commencement of development, a detailed acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The assessment should be carried out by a competent person, with the current edition of BS 8233/BS 4142 / ProPG: Planning and Noise New Residential Development, to demonstrate the impact of the potential development on nearby residential dwellings. The report must be conducted with due consideration of all relevant standards and, if found necessary, identify any noise mitigation measures necessary, including the selection of any proposed plant/equipment.

All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval.

REASON: In the interest of neighbour amenity in accordance with Local Plan Policy SD4.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as the development could impact neighbouring amenity which the which the authority needs to consider prior to construction.

9. With the exception of investigative works only, there shall be no excavation or other groundworks or the depositing of material on site in connection with the construction of any road, until full detailed engineering drawings that include roads and sewers or any structure that will affect or form part of the highway network have been submitted and approved in writing by the Local Planning Authority, in accordance with the RCBC Design Guide and Specification for industrial estate development.

(i) Detailed engineering drawings of the proposed highway layout including;

- Access
- dimensions of any carriageway, footpath, cycleway and any verges
- visibility splays
- proposed site layout, including levels
- lining and signing

all surfacing types including kerbing, edging and tactile

(ii) Longitudinal sections of each proposed road

- existing ground level
- proposed channel and centre line levels
- full details of highway surface water drainage proposal

(iii) Full highway construction details including;

- highway cross-sections showing specification for the construction of all proposed carriageways, footways and cycleways
- existing and proposed ground levels
- kerb and edging construction details
- drainage construction details within highway construction
- (iv) Details of all proposed street lighting
- (v) Completion of all highway works, including any phasing shall be included in a programme submitted to and approved in writing by the Local Planning Authority.

The development must be carried out in accordance with the approved engineering drawings.

REASON: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

REASON FOR PRE-COMMENCEMENT: To ensure a suitably designed highway scheme in accordance with RCBC Design Guide and Specification.

10. 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.

11. 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.

12. The units hereby approved shall be used for B2 and B8 uses and for no other purpose.

Reason: For the avoidance of doubt and the site is located on an allocated employment site in accordance with Redcar and Cleveland Borough Council Local Plan Policy ED6.

13. No industrial processes shall be carried out, or plant/machinery/power tools used within the building(s) or within the curtilage of the site before 08:00 and after 18:00pm on Mondays to Fridays and before 08:00 nor after 13:00 on Saturdays, nor at any time on Sundays and Public Holidays.

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 in accordance with Local Plan Policy SD4.

## **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.

## **INFORMATIVES**

1. The number of proposed industrial units may need to reduce due to some concern relating to the proximity of residential dwellings. The reserved matter application will need to allow adequate distance to the dwellings to the north of the site.
2. Informative Note: The existing mound running along the northern boundary of the site and the existing mature vegetation on the strip of land to the north west of the site should be shown on the landscaping details submitted as part of the Reserved Matters Application.

## Redcar and Cleveland Borough Council

### Planning (Development Management)

APPLICATION NUMBER:	R/2022/0802/FF
LOCATION:	REAR OF 60 STATION ROAD REDCAR TS10 1DU
PROPOSAL:	CHANGE OF USE AND CONVERSION OF FIRST FLOOR OFFICE SPACE (USE CLASS E) INTO 10 BED HMO (USE CLASS SUI GENERIS) INCLUDING INSTALLATION OF FIRST FLOOR WINDOWS TO SIDE AND VELUX ROOFLIGHTS TO FRONT

[Planning Application Details \(redcar-cleveland.gov.uk\)](http://redcar-cleveland.gov.uk)

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#### APPLICATION SITE AND DESCRIPTION

Permission is sought for change of use and conversion of first floor office space (use class e) into 10 bed HMO (use class sui generis) including installation of first floor windows to side and velux rooflights to front.

The application relates to rear of 60 Station Road, Redcar. The two storey building is located to the rear of Station Road, Queen Street and Coatham Road. The Grenfell Social Club is located to the west of the site and the existing car park within the site. The first floor is currently vacant and was last used as a gym, although consent was granted last year to convert into offices at first floor and commercial units at ground floor. Work has been carried out at ground floor. The site is located within the defined town centre, whilst having Station Road as the address it sits behind frontage buildings and takes its vehicle access from North Terrace.

This application seeks consent to change the use into a 10 bedroom house in multiple occupation (HMO). The applicant has confirmed the use will be for contractor accommodation occupied by tenants requiring accommodation for work purposes and not as their main residence. The accommodation will contain 10 ensuite bedrooms and a kitchen/dining area. There is a secure area of parking to the west side of the unit which will provide seven parking spaces. The proposals include the installation of three first floor windows on the west facing elevation and four rooflights.

The application has been accompanied by existing and proposed plans and elevations and design and access statement. The proposed plans have altered during the consideration of the application and following discussions with the case officer the applicant has submitted a supporting statement outlining the operation of the HMO as contractor accommodation.

## **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  
LS2 Coastal Area Spatial Strategy  
ED1 Protecting and Enhancing the Borough's Centres  
H6 Houses in Multiple Occupation

## **OTHER POLICY DOCUMENTS**

None

## **PLANNING HISTORY**

R/2021/1060/FF - Change of use of former gymnasium into 4 commercial units with offices at first floor and external alteration – granted – 03/03/2022

L1694/88/UN - Change Of Use Of Vacant Building (last Used For Storage And Auctioning Of Furniture) To Training Centre For The Disabled – granted - 1989

L1641/86/UN - Change Of Use From Former Light Engineering Workshop Into An Auction Room On The Ground Floor With Storage Accommodation At First Floor – granted - 1986

## **RESULTS OF CONSULTATION AND PUBLICITY**

The application has been advertised by means of neighbour notification letters.

As a result of the consultation period 12 written representations have been received. The comments are summarised as follows:

- *Negative impact on road due to extra volume of cars having parking permits for the area..... not enough parking spaces for people who live in residential parking zone*

- *HMO on Turner Street has windows broken and constantly being raided by the police. Type of housing only has negative impact on area*
- *Too many and with such numbers will not improve the status of the area.... With reputation for anti social behaviour.*
- *High number of HMOs in area, this is a hostel*
- *Will attract unscrupulous people into the area as they are the only people that will live in them*
- *Station Road has tried to promote itself as area of re-development. The Northern Quarter should bring people into area*
- *Buildings will not attract the high earning professionals. They will be cheapest accommodation and not economically benefit the area*
- *Too many HMOs and guest houses. They're all down Turner Street, Queen Street, Henry Street and every other street.*
- *Concerns with existing parking problems*
- *Area growing into welcoming business area, not appropriate for further 'bedsits or cheap housing. Need luxury apartments or more upmarket housing*
- *Crime and antisocial behaviour is shocking, 10 bed HMO will add to this*
- *Type of housing is extremely low quality. Plans so that landlord can squeeze as much rent out of a property as possible with no regard to quality or standard of living for people renting the rooms*
- *Especially dangerous for women living in these types of HMOs, if mixed men and women*
- *Council's priority should provide quality housing for people who live in the area*
- *House criminals and drug dealers/users. Nothing but problems from HMO across the road*
- *Police and letting agents aren't interested, just cash how for landlords and developers who've no interest in local residents' welfare*
- *HMO not going to improve Station Road, going to increase crime rate, begging and general anti-social behaviour*

### **Health and Safety Executive (13/10/2022)**

*Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.*

### **Redcar and Cleveland Borough Council (Development Engineers) (09/12/2022)**

*Highways have reviewed the information submitted and would offer no objection to the proposed change of use. In terms of the impact on highways the area to the immediate front of building, named North Terrace is adopted highway however, the access road that leads to Queen Street is unadopted highway. The applicant has provided 7 car parking spaces within curtilage to serve the HMO's however, given that the development is within town centre as identified in the Local Plan, close to public transport links and local*



*amenities, this is considered acceptable as applied to the previous use. Therefore, there is no objection to the development on highway grounds/*

**Redcar and Cleveland Borough Council (Housing Area Services)  
(08/11/2022)**

*Housing Standards have no objection to the development in principle however the plans lack sufficient detail (room areas) to comment fully. The proposed change of use would result in an HMO subject to mandatory licensing. Schedule 4 of the Housing Act 2004 (as amended) details mandatory licence conditions that includes minimum floor areas for rooms used as sleeping accommodation. The applicant should also be aware of the RCBC Space & Amenity Standards that form an appendix to the licence and ensure that the accommodation (either shared or exclusive use) provides a sufficient degree of living space for any tenant.*

**Redcar and Cleveland Borough Council (Environmental Protection)  
(Nuisance) (01/11/2022)**

*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 have considered this application in terms of renovation/conversion noise from the proposed development affecting existing neighbouring residential properties.*

*I have also considered this application in terms of potential noise transmission between the ground floor commercial units and the proposed first floor accommodation. I note from the application that although the ground floor is currently stated to be vacant, however there is potential for the amenity of future occupants of the proposed first floor accommodation to be affected by noise transmission from the ground floor units.*

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

*- The working hours for all construction 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 being brought into end use there shall be submitted to and approved by the Local Planning Authority details of a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the adjoining properties submitted to and approved in writing by the Local Planning Authority.*

*The approved scheme shall be implemented prior to the end use of the development and maintained thereafter.*

*- REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the future occupants of the accommodation created.*

## **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 of biodiversity and geological conservation

### **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. 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 and the proposal 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.

Policy ED1 criterion f. seeks to support diversity of uses within the centre including a range of uses including residential. It goes on to note that attention will be paid to bringing upper floors back in to use. The principle of an HMO property in this location is acceptable and the proposal would accord with the aims of policy ED1 of the adopted Local Plan.

Policy H6 of the Local Plan relates to Houses in Multiple Occupation and provides that such a use is acceptable subject to 5 criteria. Therefore, subject to compliance with those criteria the proposal is acceptable and should be supported.

Policy H6 states:

*“Planning permission for a change of use to a house in multiple occupation will be granted provided:*

- a. the building is capable of providing the number of units or use proposed to an acceptable standard of accommodation;*
- b. the property by reason of its size or location, no longer lends itself to use as a single family dwelling;*
- c. the development will not give rise to conditions prejudicial to residential amenity or adversely impact on the character of the locality;*
- d. that the development will not give rise to conditions prejudicial to highway safety by reason of additional traffic generation; and*
- e. the development will not give rise to an over concentration of properties in multiple occupation in the locality.”*

Taking each of the criteria of Policy H6 in turn, the building is capable of providing the number of units to an acceptable standard of accommodation. Officer concerns were raised with the agent/application regarding the proposed living conditions and close proximity of neighbouring buildings and the potential lack of amenity for the proposed occupants. The applicant has confirmed the rooms will be rented out to contractors and not used as a person's sole residential accommodation. A condition restricting the use can be included as part of any approval.

The building has had different uses but not a as a single family dwelling so criterion b does not apply.

Criterion c. and d. will be discussed in the following sections.

In terms of criterion e. local residents have raised concerns regarding the existing number of HMO's in the area and the problems associated with these developments. On checking planning approvals for the change of use of properties to an HMO there has been three approvals for a large HMO (more than 6 rooms) in the last three years within Redcar (23 Queen Street, 5 Coatham Road and 51 Newcomen Terrace). None of the approvals provide details highlighting the use as contractors accommodation. The applicant has confirmed there is a demand for contractors' accommodation in the area, especially with onsite car parking. Whilst it is acknowledged there is similar accommodation nearby, this accommodation can be restricted to not be a

permanent residential dwelling and therefore differs from other buildings in the area. It is considered there isn't a known over concentration of contractor's accommodation in the area and the application is in accordance with criterion e of Policy H6.

### **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.

There are a mix of neighbouring uses which are mainly commercial in nature. Residential units are found at first floor in some properties and several neighbouring buildings are vacant or in need of repair. The proposed alterations to the property will improve the appearance of the area.

Local residents are concerned about the impact of the proposal on the area in terms of anti-social behaviour and associated problems with existing HMO's in the area. The applicant has confirmed they intend to manage the property and will have full ownership over who occupies the property and to deal with any potential problems quickly and efficiently. The applicant is in the process of setting up their existing business on the ground floor so will be able to manage the property closely. The applicant's supporting statement confirms since moving into the building they have seen a substantial reduction in the amount of criminal activity in the area and have installed CCTV and security lighting on the building. The applicant is in discussions about the potential for installing alley gates in the alley north of the property to further reduce criminal activity in the area and eliminate the "rat run" between Queen Street and Coatham Road. Ultimately planning consent cannot control the management of the facility, nevertheless a condition can be included restricting the development to temporary living accommodation which will restrict the use of the property.

The proposals are 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**

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.*

As discussed in the previous section local residents have concerns regarding the impact of another HMO in the area. It is considered the use of a condition restricting the use to temporary living accommodation will reduce the potential for problems traditionally associated with HMOs. All tenants will have a permanent address elsewhere.

During the consideration of the application, the case officer met with the applicant and agent following concerns regarding the impact of the proposals on the future occupiers of the property due to the limited separation distance between existing windows of the building and neighbouring walls/windows. In light of the discussions relating to the use as contractors' accommodation and the temporary nature of the accommodation it is considered the reduced separation distances are acceptable and will not have a detrimental impact on the proposed occupiers of the first floor sufficient to warrant refusal of the application. The existing window on the south facing elevation of Bedroom 4 will be removed and replaced with a window on the west elevation to prevent overlooking into the neighbouring first floor kitchen on Coatham Road.

The proposed change of use and alterations 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.*

The proposal includes seven curtilage parking spaces. The Council's Development Engineers have no objection to the proposals. In terms of the impact on highways the area to the immediate front of building, named North Terrace is adopted highway however, the access road that leads to Queen Street is unadopted highway. The applicant has provided 7 car parking spaces within curtilage to serve the HMO's however, given that the development is within town centre as identified in the Local Plan, close to public transport links and local amenities, this is considered acceptable as applied to the previous use. Therefore, there is no objection to the development on highway grounds.

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.

### **The impacts on nuisance**

The proposals have been assessed by the Council's Environmental Protection team in terms of impact on nuisance. The team have considered the application in terms of noise from the conversion of the property and the potential noise transmission between the ground floor commercial units and first floor accommodation. Environmental Protection has suggested a construction hours condition and a condition requiring the submission of a sound proofing scheme. Due to the location of the building and proposed use the conditions are necessary and will be included as part of any approval.

Given the information provided in support of the application, the location of the development site and the proposed end use, the suggested condition is considered to be reasonable and will be attached to the approval. The proposal therefore accords with parts b and n of policy SD4 of the Redcar and Cleveland Local Plan

### **The impacts of biodiversity and geological conservation**

Policy N4 of the Local Plan seeks to protect and enhance the Boroughs biodiversity.

The development site is within 6km of the revised Teesmouth and Cleveland Coast SPA and Ramsar Site. In line with policy N4 of the Redcar and Cleveland Local Plan, development within 6km of the Teesmouth and Cleveland Coast SPA and Ramsar Site, that would result in a net increase in residential units, or other development that would lead to increased recreational disturbance of the site's interest features, will be expected to contribute towards strategic mitigation measures identified in the Recreation Management Plan. This is to ensure that adverse effects on the site's integrity can be avoided. The Council have dealt with a number of applications where such a contribution has been sought and secured.

Unfortunately, there is no viability argument that can be put forward to negate the need for the financial contribution as the policy requirement relates to the Habitats Regulations.

This application proposes 10 bedrooms. The required financial contribution for a temporary accommodation is based on the cost of a 70% occupancy of the 10 rooms. The applicant has agreed to pay the financial contribution should the application be approved, in advance of the decision being issued and therefore the development is considered to be in compliance with policy N4 of the Local Plan.

### **Other matters**

The application falls outside of scope for requiring additional information / assessment in relation to nutrient neutrality as foul drainage from the site flows to Marske Treatment Works which is outside of the catchment area.

### **CONCLUSION**

For the reasons outlined above the proposal is considered acceptable. The application would bring a vacant first floor into use. The proposed use would not have an adverse impact on neighbour amenity, highways safety or crime prevention. The proposal would not have an adverse impact on the character and appearance of the area. The proposal accords with policies SD1, SD3, SD4, ED1, H6 and N4 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

- A. Financial contribution towards the recreation management plan.
- B. The following planning 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 and site plans received by the Local Planning Authority on 11/10/2022

- Proposed plans and elevations AMENDED 16 01 2023 received by the Local Planning Authority on 16/01/2023

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

3. 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.

4. 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.

5. Prior to being brought into end use there shall be submitted to and approved by the Local Planning Authority details of a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the adjoining properties submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the end use of the development and maintained thereafter.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the future occupants of the accommodation created in accordance with Local Plan Policy SD4.

6. The proposed accommodation hereby approved shall be occupied for work/holiday purposes only and shall not be occupied as a person's sole, or main place of residence. The owners/operators shall maintain an up-to date register of the names of all occupiers of individual rooms, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: To ensure that the approved work/holiday accommodation is not used for unauthorised permanent residential occupation to protect residential amenity in accordance with Local Plan Policy SD4.

### **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.

### **INFORMATIVES**

Informative Note: At no point shall the adopted highway be blocked up without the prior consent of the Councils Engineering team who can be contacted on 01287 612536.