

# Redcar and Cleveland Borough Council

## Planning (Development Management)

APPLICATION NUMBER:	R/2023/0387/FF
LOCATION:	LAND REAR OF WAXWING CLOSE AND PLAY AREA GALLEY HILL ESTATE GUISBOROUGH
PROPOSAL:	INSTALLATION OF A SWALE TO THE SOUTHERN BOUNDARY

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

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### APPLICATION SITE AND DESCRIPTION

Permission is sought for the retention of a swale on land to the rear of Waxwing Close and play area Galley Hill Estate Guisborough.

The swale feature is situated on land between the southern edge of the new build dwellings on Waxwing Close, between nos. 5 and 23, properties on Nightingale Road and the established dwellings to the south on Ospery Close, Lark Drive and Kingfisher Drive.

The application has been accompanied by plans and sections of the development and a landscaping plan. The application has been amended during the lifetime of the application, with the changes being subject to a further round of consultation.

### 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

## **PLANNING HISTORY**

R/2012/0617/OOM Outline application for residential development (max. 350 dwellings); public open space; play area; new vehicular and pedestrian accesses and associated landscaping Refused 22/11/12 Allowed on appeal 27/09/13

R/2013/0830/RMM Reserved matters application (appearance, landscaping, layout and scale) following appeal decision APP/v0728/a/13/2190009/NWF for erection of 326 dwellings and associated garaging; provision of open space; ecological enhancement area and landscaping Approved 10/03/14

## **RESULTS OF CONSULTATION AND PUBLICITY**

The application has been advertised by means of neighbour notification letters. Two rounds of consultation have taken place in July 2023 and February 2024

As a result of the consultation process 8 letters of objection have been received that have raised the following comments:

- Pleased the inadequacy of the existing ditch is being addressed
- Do not believe that a swale is suitable especially given proximity to residential dwellings
- Swale will be prone to collection of litter and potential danger to children
- No maintenance has been proposed or carried out since installed
- Difficult to maintain fences of neighbouring properties due to proximity to swale
- Suggest a covered pipe and soakaway would be more appropriate
- Before the residential development there were no issues with drainage and surface water
- Will the area be fenced off
- Will the area become a swamp and are there further houses proposed
- Proper drainage should have been installed in the first place
- The appearance of the site is awful
- Land should be filled in and reinstated to original levels
- The amended plans do not make things any better for residents
- Nothing has changed following the amended plans
- No need for a swale in this location
- Concern about where swale now ends and possible impact on garden conditions of neighbouring properties on Waxwing Close
- A deeper ditch may be required to alleviate the issues
- Development has resulted in vermin issues
- Dog waste has been accumulated in the swale
- Environmental implications due to stagnant water and other associated issues

- There is drainage infrastructure in the area that could be impacted
- The proposed fence will not remove the issue of safety concerns previously raised
- Swale will increase the flow of water down the hill to where houses are proposed
- This is nothing but a cheap fix to the problem
- Trees and shrubs were removed to carry out this work
- Location of swale only to avoid existing drainage infrastructure
- Swale has resulted in flooded areas in the section where it soaks away to
- Pipework would be more appropriate solution
- Area is overgrown now

### **Guisborough Town Council**

**(26/07/23)**

*Do object - we think that this is an unsuitable solution for location especially as no maintenance proposals shown. This is too close to residential properties, suggest a piped covered culvert*

**(13/03/24)**

*Still object - no solution to previous reasons for objecting*

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

**(18/08/23)**

*The LLFA have reviewed the application and would offer the following comments, the proposals require inclusion within a maintenance plan, therefore LLFA standard conditions 2 & 3 are required. In addition to this we require a knee high birds mouth fence along the full length of the proposed swale adjacent to the footway. The swale design submitted complies with the Tees alley design guide and specification for a SuDs swale.*

**(11/10/23)**

*The submitted maintenance plan is acceptable and should application be approved, the document shall be adhered to in perpetuity.*

*It is noted that neighbour consultees have suggested that since the original un-modelled swale was installed, that gardens adjoining the swale have become water logged, leading to neighbours cutting in their own grips to allow water to discharge to the swale. The applicant shall note that levels at the boundary of bungalows shall be considered and will allow the free passage of water to enter in to the swale.*

*The applicant has not provided any details relating to the requested birds mouth fence, in addition some barrier treatment shall be provided to the low*

*lying land at east of development. It is likely that some re-grading works of the land would be required to direct the discharge to the piped system before existing under footway.*

*However, during conversations with the developer on site, the land that the scheme was proposed to discharge to was to remain undeveloped, it is now part of a current planning application. The applicant is to advise further with regards to this matter.*

**(14/05/24)**

*The revised design is deemed acceptable with the Tees Valley design guidelines. The proposed final discharge is to the existing NWL sewer at Waxwing Close. The land adjacent to 26 Kingfisher Drive shall be returned to pre-swale levels and landscaped. A suitable maintenance plan is included within the submission and shall be adhered to in perpetuity. Maintenance records shall be kept and provided should the LLFA request. for the above reasons please include the latest revision 'proposed swale design' and 'SuDS maintenance plan' shall be conditioned as approved documents and development shall be carried out in strict accordance.*

## **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 flood risk

### **The principle of development**

The application site is located within the development limits and within an established residential area. The provision of a swale in this location is acceptable and the proposal accords with the aims of policy SD3 of the Redcar and Cleveland Local Plan.

### **The impacts on the character and appearance of the area**

The swale feature is situated on land between the southern edge of the new build dwellings on Waxwing Close, between nos. 5 and 23, properties on Nightingale Road and the established dwellings to the south on Osprey Close, Lark Drive and Kingfisher Drive.

The swale has already been installed and as stated in the report consent is being sought retrospectively. To date the maintenance of the swale would not appear to have been fully carried out, however as part of the application a SuDS maintenance plan has been submitted. It is considered that through the completion of the works in constructing the swale to its final design

specification, including final landscape details, and the carrying out of the maintenance plan, the development is not one that will have an adverse impact on the character and appearance of the area that would require the application to be refused.

The application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

### **The impacts on neighbour amenity**

The proposed development due to its nature does not create conditions that would result in an overbearing or dominant form of development.

A number of concerns have been raised by neighbouring residents to the development including the accumulation of litter, dog waste and stagnant water in the swale resulting in conditions that may be considered to have an adverse impact on the amenity of the area and that of neighbouring properties and users of footpaths in the area. The matters are to be addressed through the final landscaping details and their implementation and future maintenance of the SuDS feature as has been submitted with the application.

While the concerns of residents are noted, it is considered that through the implantation of suitable landscaping and on-going maintenance of the swale, the development will not have an adverse impact on neighbour amenity.

The development is not considered to 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**

The works do not impact on the parking provision or vehicular access at the site. 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 flood risk**

The development has been considered by the Lead Local Flood Authority (LLFA) with regard to matters relating to drainage and flood risk. The application has been amended throughout the life time of the application, following discussions between the applicant and the LLFA.

The swale has been designed to collect water from to the west of the swale adjacent to the play area, delineated in blue on the submitted plan, and the dwellings on Nightingale Road (22 to 30) which is delineated in black on the submitted plan. This is then to pass in a general west to east direction with the final discharge is to the existing NWL sewer at Waxwing Close.

The swale design following the submission of the amended plans is considered to accord with the Tees Valley design guidelines.

The land adjacent to 26 Kingfisher Drive shall be returned to pre-swale levels and landscaped. A suitable maintenance plan is included within the submission and shall be adhered to in perpetuity. Both these matters have been addressed by way of planning conditions.

The development subject to the proposed maintenance plan being implemented is not considered to raise issues with regard to flooding or drainage. The application therefore accords with policy SD7 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 pre-dates the need for mandatory bio-diversity net gain (BNG) as the application was submitted before 12 February 2024.

### **CONCLUSION**

For the reasons outlined above the proposal is considered acceptable. The development is not considered to 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, surrounding subject to the completion of the proposed landscaping details and the undertaking of maintenance of the SuDS feature. The proposal accords with policies SD1, SD2, SD3, SD4 and SD7 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:

Location Plan received by the Local Planning Authority on 22/11/23  
Proposed Swale Design (Dwg No. 22076-LE-ZZ-ZZ-DR-D-0001 Rev P04) received by the Local Planning Authority on 22/02/24  
Boundary Treatment Detail (Dwg No. GH:G:BTD Rev C) received by the Local Planning Authority on 22/11/23

Detailed Landscape Proposals (Dwg No. 3566/4 Rev C) received by the Local Planning Authority on 14/06/24

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

3. Notwithstanding the details submitted as part of the application, final detailed design details including cross-sections and levels of the swale and land to be restored adjacent to 26 Kingfisher Drive shall be submitted to and approved in writing by the Local Planning Authority. The plans shall be submitted to the Local Planning Authority within 3 months of the decision date. The development shall be carried out in accordance with the approved details and retained thereafter.

REASON: To ensure the development is carried out respects the character and appearance of the area in accordance with Policy SD4 of the Local Plan.

4. All planting, seeding or turfing detailed on Drawing No. 3566/4 Rev C (Detailed Landscape Proposals - Swale) of landscaping shall be carried out in the first planting and seeding season following the granting of this planning permission of the development. Any trees or plants which within a period of five 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.

5. The development hereby approved shall be carried out in accordance with the submitted Sustainable Drainage System (SUDS) Maintenance Plan received by the Local Planning Authority on 07/09/23.

REASON: To ensure the swale is maintained in a manner in accordance with Policy SD7 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.