

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER:	R/2024/0396/CA
LOCATION:	Rear of 11 Marine Parade Saltburn By The Sea
PROPOSAL:	Partial demolition of garage replace with a two storey building as two one bedroom residential flats, works to include associated boundary treatments and bin store (Amended Scheme)

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

APPLICATION SITE AND DESCRIPTION

Permission is sought for the partial demolition of garage replace with a two-storey building as two one bedroom residential flats, works to include associated boundary treatments and bin store (Amended Scheme) at the rear of 11 Marine Parade in Saltburn by the Sea.

The proposal would create a new dwelling to the rear of 11 Marine Parade a property located within the Saltburn Conservation Area. The property would face on to the rear of the properties along Marine parade and would provide for a two-storey property containing one flat to each floor under an apex roof.

The submitted Design and Access Statement describes the site and development as:

The proposed site is located to the rear of 11 Marine Parade, a grade II listed building, within the Saltburn Conservation Area. Marine Parade is built up of mainly terraced blocks of 3 or 4 storey, the majority of which were built during the Victorian era.

The development is proposed using the partial footprint of the existing double garage, which is currently being used for storage, with a bin storage area to the side. The land is flat, with a slight slope to the rear garden.

The proposed building will sit between a 2 storey house and storage shed.

Efforts were made during the design stage to ensure the building would be in keeping with the heritage of the setting and enhance the area, with attention given to the details, producing a highly sympathetic design and comfortable accommodation.

Traditional curved head sliding sash windows are proposed, which include a soldier course above the windows and sandstone sills to enhance the character of its surroundings. The traditional chimney adds balance and further character to the building.

Traditional materials are proposed, such as slate roof tiles, sandstone coping stones and sills. The building is to be built using mixed common facing brick to match the existing rear of Marine parade.

A communal bin storage area will be retained to the side of the proposed building.

The application has been accompanied by a site location plan, site layout plan and existing and proposed plans and elevations. A design and access statement is also provided.

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
HE1 Conservation Areas
HE2 Heritage Assets

OTHER POLICY DOCUMENTS

Saltburn Conservation Area Appraisal

Saltburn Conservation Area Management Plan

PLANNING HISTORY

A previous proposal scheme for a single dwelling was withdrawn from consideration at the applicants request. This was made under reference R/2023/0718/CA.

RESULTS OF CONSULTATION AND PUBLICITY

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

As a result of the consultation period 6 letters of representation have been received which make the following comments;

- Lack of Parking available
- Impacts on the character of the Conservation Area
- Impacts to the setting of the Listed Buildings on Marine Parade
- Overlooking and Overshadowing to neighbouring properties
- Impacts during construction
- Proposal may be used for a holiday let
- Fire Safety

Saltburn, Marske and New Marske Parish Council (27/06/2024)

No objection.

**Redcar and Cleveland Borough Council (Housing Standards)
(18/06/2024)**

No objection.

**Redcar and Cleveland Borough Council (Conservation Officer)
(24/06/2024)**

No objection to the proposal, which is considered to preserve the character of the conservation area and the setting of nearby buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

The scheme could be described as a pastiche development which is an appropriate approach for a background building. The design is reflective of a number of subsidiary buildings still recognisable within the less prominent parts of the conservation area, though it includes a little more architectural detailing which respects its context at the rear of what might be considered the “elite” buildings of Saltburn.

Aside from the design, the key to a successful development is attention to detail and whilst the drawings have been annotated to indicate materials, conditions to confirm exact details of profiles and identification of the exact material specification are recommended:

- *Prior to construction above ground level, full details and/or samples of all materials including bricks, sills, slates, coping stones / water tables, rainwater gutters and pipes, windows and doors, to be used in the external elevations and for the roof, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details. REASONS: To safeguard the special character of the conservation area and the setting of nearby listed buildings, as required by Policy HE1 & HE2 of the adopted Local Plan.*

- *Prior to installation of windows, details of window rebate and reveal, drawn at a scale of not less than 1:20, 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 safeguard the special*

character of the conservation area and the setting of nearby listed buildings, as required by Policy HE1 & HE2 of the adopted Local Plan.

**Redcar and Cleveland Borough Council (Environmental Protection)
(Contaminated Land) (19/06/2024)**

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 basic contaminated land assessment has been submitted with the above application.

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

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

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

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

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

• In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**Redcar and Cleveland Borough Council (Environmental Protection)
(Nuisance) (18/06/2024)**

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

I note the development is in close proximity to neighbouring properties whose amenity may be adversely affected by noise and dust associated with the development.

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 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.

I note the proposed plans show a chimney on the proposed elevations.

The applicant is advised that the property is located in a Smoke Control Area and it is an offence under the Clean Air Act 1993 for smoke to be emitted from a chimney in a Smoke Control Area unless authorised fuels are being burnt or the appliance is exempt.

In a smoke control area only certain authorised fuels, or any of the following 'smokeless' fuels, can be burnt unless it is burnt in an exempt appliance:

- anthracite*
- semi-anthracite*
- gas*
- low volatile steam coal*

Wood is not classed as an authorised fuel

Therefore if the applicant wishes to install a solid fuel or wood burning appliance the appliance must be classified as an exempt appliance made in Regulations under the Clean Air Act 1993.

In the event that the appliance is not classed as exempt then only authorised fuels should be used as stated above.

*For further information contact the Council's Environmental Protection Team:
Environmental.Protection@redcar-cleveland.gov.uk*

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 principle of development

Policy SD2 sets out the locational requirements for proposals within the Borough. Development is to be directed to the most sustainable locations including the Urban area and Coastal settlements including Saltburn.

Policy SD3 sets out the principle test for development within the Borough. Policy SD3 sets the development limits around settlements and establishes the types of development supported within and outside of the those limits.

The application site is located within the development limits and within the established residential area of Saltburn.

Residential development in this location is supported in principle by policies SD2 and SD3 of the Local Plan.

The impacts on the character and appearance of the area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places General duty as respects conservation areas in exercise of local authorities in exercise of planning functions.

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF provides at Paragraph 205 provides "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 206 provides that "any harm to, or loss of, the significance of a

designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification...”

Paragraph 207 states “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

Local Plan Policy HE1 when addressing the designated conservation areas provides:

“Development within or otherwise affecting the setting of a conservation area will only be permitted where it preserves or enhances the character or appearance of the conservation area. Development must:

- a. respect existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, detailing of development and the use of materials in its construction;
- b. respect existing hard and soft landscaping features including areas of open space, trees, hedges, walls, fences, watercourses and surfacing and the special character created by them; and
- c. respect historic plot boundaries and layouts.”

Policy HE2 provides the relevant test for applications affecting heritage assets stating:

“Development involving the alteration, extension or change of use of a designated heritage asset or construction of any structure within its curtilage will only be permitted if the proposal:

- a. preserves or enhances its significance as a heritage asset;
- b. protects existing historically significant hard and soft landscaping, including trees, hedges, walls, fences and surfaces;
- c. retains historic plot boundaries and layouts; and

d. ensures the sensitive and viable use of the building.

Setting of a Designated Heritage Asset

Any development affecting the setting of a designated heritage asset will only be permitted if the proposal:

- e. preserves or enhances its significance as a designated heritage asset;
- f. protects its immediate setting including the space(s) around the building and the historically significant hard and soft landscaping, including trees, hedges, walls, fences and surfacing; and
- g. retains historic plot boundaries and layouts.

Substantial harm or total loss of a Designated Heritage Asset

Where a development will lead to substantial harm or total loss of a designated heritage asset, permission will not be granted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss and that cannot be met in any other way, or all of the following apply:

- h. the nature of the designated heritage asset prevents all reasonable uses of the site;
- i. no viable use of the designated heritage asset can be found in the medium term that will enable its conversion;
- j. conservation by grant funding, or some form of charitable or public funding, is demonstrably not possible; and
- k. the harm or loss is outweighed by the benefit of bringing the site back into use.

Other harm to a Designated Heritage Asset

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it will only be permitted where that harm is outweighed by the public benefits of the proposal, including securing its optimum viable use.

Non-designated Heritage Assets

Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments will be considered subject to the policies for designated heritage assets.

In determining applications that would result in substantial harm to, or the total loss of, a non-designated heritage asset or its setting, the applicant will be required to demonstrate that the benefits of the development would

outweigh any harm or loss of the heritage asset, based on its significance.”

In this regard the Conservation Officer has considered the proposal and raises no objections in terms of the design, scale, massing or location of the proposal in relation to impacts upon the Conservation Area and neighbouring Listed Buildings. It is considered that subject to the requested conditions to control the quality of the materials used in the construction that the proposal would serve preserve the special interest of the locality and that there would not be any impacts upon the historic significance of the neighbouring buildings.

Within the area there is a mix in the building styles and designs and a range of buildings and structures along the rear alleyway. The proposal is of a suitable scale and design for the location and would not have an adverse impact on the character and appearance of the street scene.

The proposal is considered to be acceptable in this regard with Policies SD4, HE1 and HE2 along with the requirements of the Act and the guidance within the NPPF.

The impacts on neighbour amenity

Policy SD4 amongst other requirements at criterion B requires that proposals “will not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings”.

The key impacts for consideration of this type of proposal are considered to be, the effects from overlooking, overshadowing, and oppression from size scale and massing.

The property at two storey would compare in scale and massing to that of the neighbouring Britannia Cottage. There would be some increased impacts of massing to the rear yards of the existing occupants of 11 Marine Parade and Britannia Cottage along with 9 and 13 Marine Parade. However, the potential impacts of increased massing and shadow cast would not be so significant to warrant refusal on these grounds.

The proposal would have only bedroom and bathroom window openings facing toward the rear of the properties at Marine Parade and would not pose significant impacts of overlooking in this regard.

Whilst the properties would not benefit from notable private amenity space given the location of the site and its access to nearby public amenity areas of the Town Parks and Public Beach it is not considered that there would be a significant effect upon the amenity of the proposal to warrant resistance on these grounds.

The proposal is therefore considered to be acceptable in this regard with Policy SD4(B) of the Local Plan.

The impacts on highways safety

Policy SD4 criterion P requires that proposals 'provide suitable and safe vehicular access and parking suitable for its use and location'. The comments received in relation to a loss of parking provision are noted.

The location of the site and access to the services of Saltburn along with good links to public transport provide for a readily accessible location. As such the lack of parking provision and the loss of the garaging is not considered to be detrimental to highways safety.

The application raises no issues in terms of highway safety and the application accords with part m of policy SD4 of Redcar and Cleveland Local Plan.

Other matters

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

Fire safety has been raised as a concern. In this regard the construction of the building and its bins store would fall under Building Control powers for consideration. The proposal would not in itself pose increased fire risk to the neighbouring properties.

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. The monetary value on these sites has been set at £200 per dwelling.

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.

The applicant has agreed to pay £400 in advance of the decision being issued. The development is considered to be in compliance with policy N4 of the Local Plan.

CONCLUSION

For the reasons outline above the proposal is considered acceptable. The application raises no issues in terms of neighbour amenity, highways safety or

crime prevention. Given the location within the designated development limits the principle of residential development is acceptable.

The proposal would not have an adverse impact on the character and appearance of the area and would preserve the special character of the conservation area.

The proposal accords with policies SD1, SD2, SD3, SD4, H5, and HE1 of the Redcar and Cleveland Local Plan 2018 and with the guidance of the NPPF and requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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:
Site & Location Plans and Boundary Elevations (ref 003) received by the Local Planning Authority on 12.06.2024
Proposed Plans and Elevations (ref 002 B) received by the Local Planning Authority on 19.06.2024

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

3. Prior to construction above ground level, full details and/or samples of all materials including bricks, sills, slates, coping stones / water tables, rainwater gutters and pipes, windows and doors, to be used in the external elevations and for the roof, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASONS: To safeguard the special character of the conservation area and the setting of nearby listed buildings, as required by Policy HE1 & HE2 of the adopted Local Plan.

4. Prior to installation of windows, details of window rebate and reveal, drawn at a scale of not less than 1:20, 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 safeguard the special character of the conservation area and the setting of nearby listed buildings, as required by Policy HE1 & HE2 of the adopted Local Plan.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

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

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

6. 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.

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.

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.

INFORMATIVES

The applicant is advised that the property is located in a Smoke Control Area and it is an offence under the Clean Air Act 1993 for smoke to be emitted from

a chimney in a Smoke Control Area unless authorised fuels are being burnt or the appliance is exempt.

In a smoke control area only certain authorised fuels, or any of the following 'smokeless' fuels, can be burnt unless it is burnt in an exempt appliance:

- anthracite
- semi-anthracite
- gas
- low volatile steam coal

Wood is not classed as an authorised fuel

Therefore if the applicant wishes to install a solid fuel or wood burning appliance the appliance must be classified as an exempt appliance made in Regulations under the Clean Air Act 1993.

In the event that the appliance is not classed as exempt then only authorised fuels should be used as stated above.

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