

# Redcar and Cleveland Borough Council

## Planning (Development Management)

APPLICATION NUMBER: R/2024/0354/FFM

LOCATION: FORMER NORMANBY HOTEL 514  
NORMANBY ROAD NORMANBY  
MIDDLESBROUGH TS6 9BZ

PROPOSAL: MIXED USE DEVELOPMENT OVER 3 FLOORS TO INCLUDE 5 RETAIL UNITS; RESTAURANT AND PUBLIC HOUSE, AND 13 RESIDENTIAL APARTMENTS INCLUDING BALCONIES AND ASSOCIATED CAR PARKING (REVISED SCHEME)

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

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### APPLICATION SITE AND DESCRIPTION

Permission is sought for mixed use development over 3 floors to include 5 retail units; restaurant and public house, and 13 residential apartments including balconies and associated car parking (revised scheme).

The application relates to the Former Normanby Hotel. The two-storey building is located on the east side of Normanby Road, close to the junction with High Street and Cleveland Street. The site is located within Normanby Local Centre and there is a mix of neighbouring commercial and residential properties, including Zoe's Place Children's Hospice to the east of the site. The existing 2-storey building is situated towards the north-west portion of the site and the site provides car parking directly to the south. The existing parking provision caters for 19no. vehicles including 1no. disabled parking bay. The site is currently vacant and unoccupied. The existing premises provides Public House facilities at ground floor level and ancillary spaces to the rear with delivery/service access served via the existing alleyway to the north of the site. The first-floor level provides a large function room plus general toilets and storage space plus three bedrooms which were previously let.

This application seeks consent for a mixed use development over three floors. The proposal will convert and extend the existing building. The front elevation of the ground floor will extend out 13.6m to the public footpath to the front of the site. The ground floor extension will be 14.4m wide. The extension to front of the building will create three retail units, each with a store room and w.c. Each unit will have an entrance doorway and shop window to the front. A further section of the ground floor will be converted into two additional retail units. Access into the units will be via a doorway in the southern elevation, the elevation will include windows to serve units 4 and 5. In addition to the retail units the northern section of the ground floor will be converted into three

flats, 2 one bed and 1 two bed. The one bed flats will have a floor area between 40 and 46 square metres and will contain a bedroom, bathroom and open plan kitchen/living/dining area and the two bedroom flat will have a floor area of 92 square metres. The flats will be accessed via an existing alleyway leading from Normanby Road. This section of the building will include a cycle store and bin store. A further bin store area and cycle store will be created between retail unit 1 and Normanby Butchers.

The first floor extension will extend out 9.6m to the west. The first floor will include an external terrace to the front of the building measuring 4m deep and 14.4m wide. The first floor will contain a restaurant with kitchen, store and toilets and a separate function room. The front elevation will contain large glazing panels including bi-fold doors. The southern side elevation will include five additional windows. A flue will extend from the northern side above the roof of the second floor. The northern section of the first floor will be converted into three flats, 2 two bed flats and 1 one bed flats. The floor area of the three flats will range from 41 metres squared to 70 square metres. Each flat will have a bedrooms, bathroom and open plan kitchen/living/dining room. The flats will be accessed via the existing alleyway to the north of the building.

The second floor will be created with an extension which will increase in the height of the building by approximately 1.7m above the highest section of the existing building. The front elevation of the second floor will be set back 3m from the front elevation of the first floor building and will be approximately 14.4m wide. The second floor extension will follow the footprint of the existing building including extending across the northern section of the building. The second floor will contain seven flats, 3 one bed, 2 two bed and 2 three beds. Each flat will have an open plan kitchen/dining/living room and bathroom. The floor area of the three one bed flats will range from 44 square metres to 88 square metres. The two bed flats will be 68 and square metres. The two three bed flats will be 101 and 106 square metres. The extension includes three balcony areas on the southern elevation. The balconies will sit within the extension and each have a glass balustrade.

The site will include a 23 space car park, with four electric charging points/spaces and two disabled parking bays.

This full planning application has been submitted following the approval of R/2022/0061/RSM in August last year by Regulatory Committee. The previous application was outline consent for a three storey building containing 3 retail units; public house and 11 residential apartments including balconies and associated car parking. The outline application considered the access, landscaping, layout and scale of the development with the appearance reserved. A full application has been submitted due to the changes to the proposal including the inclusion of a restaurant and function room at first floor, two additional apartments and two additional retail units. R/2022/0061/RSM granted consent for a similar sized development in terms of the mass of the building, with the exception of a ground floor opening running from the north

to the south of the building which included access to the services zone, cellar and secure cycle store.

The proposed site plan, first and second floor plan and existing and proposed east elevation drawings have been revised following comments from Cleveland Police and case officer concerns. The site plan includes a security gate and lighting along the northern entrance to some flats.

The application has been accompanied by:

- A site location plan
- Site plans
- Existing and proposed floor plans and elevational drawings
- Design and Access Statement
- Construction Environmental Management Plan
- Habitats Regulations Assessment and Appropriate Assessment
- Flood Risk Assessment

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

## **NATIONAL PLANNING POLICIES**

National Planning Policy Framework (NPPF)

## **REDCAR & CLEVELAND LOCAL PLAN (2018)**

SD1 Sustainable Development

SD2 Locational Policy

SD3 Development Limits

SD4 General Development Principles

SD5 Developer Contributions

SD7 Flood and Water Management

LS1 Urban Area Spatial Strategy

ED1 Protecting and Enhancing the Borough's Centres

H2 Type and Mix of Housing

H4 Affordable Housing

H5 Sub-division and conversion of buildings to residential uses

N4 Biodiversity and Geological Conservation Policy

TA1 Transport and New Development

## **OTHER POLICY DOCUMENTS**

Design of Residential Areas Supplementary Planning Document (July 2011)

Urban Design Guidelines Supplementary Planning Document (April 2006)

## **PLANNING HISTORY**

R/2022/0061/RSM - Outline application (with appearance reserved) for a mixed use development over 3 floors to include 3 retail units; public house and 11 residential apartments including balconies and associated car parking (amended scheme) – Granted by Regulatory Committee – 03/08/2023

R/2021/0415/FF - Change of use of public house car park to car washing unit – refused by Regulatory Committee – 26/07/2021 R/2020/0375/RS Single storey extension at front to create 3 retail units (class a1); creation of 1 residential unit at ground floor and 2 residential units at first floor; reposition existing vehicular access; additional car parking; cycle and bin store; external alterations to existing building (resubmission) – granted by Regulatory Committee – 23/09/2020

R/ 2020/0153/FF Single storey extension at front to create 3 retail units (class A1); change of use and conversion of existing (class A4) building to form 6 mixed use units (class A3/A5); 1 residential unit at ground floor and 2 residential units at first floor; reposition existing vehicular access; additional car parking; cycle and bin store - Withdrawn 09/06/2020 – Application withdrawn as A5 (hot food takeaway) element was contrary to Local Plan Policy ED3

There are older consents from 2008 and before for alterations to the public house.

## **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 twenty-three written representations have been received. 21 in objection, 1 in support and 1 with comments. The representations are summarised as follows:

### Objection comments

- *Objection – worse the previous application*
- *Insufficient parking for amount of vehicles*
- *Question over number of retail units*
- *Public houses dying on their feet*
- *Restaurant balcony will look directly over to our houses and into the front bedrooms*
- *Balcony has potential to create noise especially at night when people sat outside*

- *Currently 3 to 4 vacant shops in Normanby, so don't need additional 5 units*
- *Traffic is bad enough but will be horrendous with shops, restaurant and apartments*
- *Area far too small to take the amount of traffic. Will cause congestion at a major junction*
- *Don't believe this will benefit Normanby. The area is in decline this will make it worse*
- *Site not big enough to comfortably fit 13 apartments*
- *Wrong place for 3 storey building for residential and shopping as right onto very busy set of traffic lights and dangerous to enter and exit*
- *Normanby is a village and would spoil the village feel to have a foreboding 3 storey building*
- *Will not work with volume of traffic, Car park at the back of Tesco always full*
- *No proposed drawings of the east elevation*
- *Zoes Place are based directly to the east of the site in question and are concerned what implications this particular development might have on our operations and to our service users*
- *We have a baby/children's play-area as well as an end of life suite counselling facility and family accommodation directly behind the premises. We do not want these to be overlooked or negatively affected*
- *View will be blocked*
- *Insufficient local trade for the existing shops*
- *Parking on double yellow lines by customers to existing shops, this would exacerbate the situation*
- *First floor open restaurant balcony could be quite intrusive to residents opposite*
- *Increased litter which is already a problem*
- *More noise, particularly during evening and nighttime*
- *Detrimental to the community – overall plan appears to prioritize commercial interests over the well-being of the local residents...leading to a loss of community spirit and cohesion*
- *On-road parking nuisance: Parking is already a significant issue in our area*
- *Live opposite – the thought of having flats overlooking an directly facing my property makes me anxious as a parent due to the potential of little or no privacy at all*
- *Enough anti-social behaviour already*
- *Proposal is contrary to aims of local plan policies: ED1 – no evidence to suggest this application will make a positive contribution to the vitality and viability of the local centre. More empty commercial units will not contribute to the vitality or viability of the local centre of Normanby*
- *ED3 hot food takeaways - the existing centre has hot food takeaways – development contrary to ED3*
- *Policy SD 4 – proposal would have a significant impact on occupiers from hot food takeaways, noise pollution from vehicles. Commercial*

*units trading outside of normal daytime trading hours will attract groups of individuals loitering resulting in anti-social behaviour*

- *Continuing rodent problem on this site. An increase in food waste stored at the rear would compound this problem and have a direct effect on increasing rodent problem*
- *Scale and massing of proposed development is out of proportion*
- *Council parking standards: 17 parking spaces should allocated to the 13 residential units*
- *76 spaces should be allocated to the restaurant*
- *89 spaces should be allocated to the 'function room'*
- *No parking would be allowed for workers within the 5 commercial units*
- *No provision for large delivery vehicles to deliver stock and supplies to the commercial premises. No provision for parking such vehicles on Normanby Road, where there is double yellow lines and a bus stop immediately in front of the site*
- *Proposal does not improve the quality of surrounding area if the majority of the use is A3/A5. Problems avoided by restricting the usage of the site to class A1 and trading hours of development to normal daytime activity hours of 9am to 6pm*
- *Contrary to policy SD4 – unacceptable impact on people living or working nearby in terms of noise pollution and anti social behaviour*
- *East elevation not to contain windows but proposed second floor windows on north elevation will overlook the rear of my garden, my property doesn't directly adjoin the building location but is very close, has anyone considered impact on my property*
- *Normanby has a high concentration of flats*
- *Development will be far too big, it will an eyesore*
- *Article in Evening Gazette ,can developer clarify the claim of 50 full time and 30 part time jobs*
- *Residential and commercial uses will impact the 'end of life suite' based a children's hospice*
- *Additional traffic will bring danger to local residents*
- *Scale the project down*

#### Neutral Comment

- *Looks good but no more takeaways, hairdressers, beauty shops just residential would be great... we need cheaper housing for young ones.*
- *Understand need for development*

#### Support Comments

- *No objection*

#### **Cleveland Police – Designing Out Crime Officer (26/06/2024)**

*With regards to your recent planning application R/2024/0354/FFM for Mixed Use Development, Residential, Commercial & Pub, Restaurant, Former Normanby Hotel, Normanby Rd. Middlesbrough.*

*Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).*

*I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.*

*I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Home 2024 & Commercial 2023 Guide at [www.securedbydesign.com](http://www.securedbydesign.com).*

*I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.*

*Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage. The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...*

*The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.*

*Redcar & Cleveland Local Planning Policy also states within SD4 (General Development Principles) part m. create a healthy, active, safe, and secure environment, and Policy ED1 part e. enhancing the appearance, safety, and environmental quality of the centre.*

*Another material consideration is Section 17 of The Crime and Disorder Act 1998.*

*Further information on the Secured By design initiative can be found on [www.securedbydesign.com](http://www.securedbydesign.com)*

*Although not an SBD requirement, Redcar and Cleveland along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.*

*In addition to the above, and should approval be given, I would also make the following comments having viewed the proposal.*

*With regards to the residential proposal.*

*Although not listed as an HMO but apartments, these buildings can bring specific issues simply due to concentrating more adults into a concentrated space.*

*Apartment buildings that are poorly managed and badly maintained can put an extra burden on local services, including Police and have a negative impact on the area.*

*A good management plan is essential should permission be granted and often absent landlords can also impact on the effective management and running of the premises.*

*All communal doors are recommended to be tested and certified LPS1175:A1 rating. This also includes any door entry systems having been tested as part of the scope for the door-set as a whole.*

*External fire doors should be free of external door furniture.*

*Individual apartment doors and ground floor and readily accessible windows should be tested and certified PAS24:2022/2016 standards (or equivalent)*

*Appropriate external dusk dawn lighting around external facades of building are recommended.*

*CCTV covering perimeter, including parking area and internally covering entrances and communal circulation areas is strongly recommended.*

*Compartmentalisation of the building should be considered to limit unhindered access by an individual.*

*I strongly advise against the proposed side alley access to 4 x apartments, cycle storage, bin storage areas and building access door from Normanby Road. This alleyway is purely a service alley, unlit, has recesses and I would not recommend this was utilised for anything more than perhaps bin storage.*

*In any case I would state it should be secured and appropriately lit to BS5489:2020 standards. Directing people to building entrances down this alleyway is giving a high opportunity for creating a crime and disorder issue. With regards to the commercial proposal.*

*All proposed roller shutters, doors and windows to the units are recommended to be tested and accredited LPS1175:A1 (or equivalent) rating as a minimum.*



*All parking areas and paths to building are recommended to be column lit to BS5489:2020 standards with a uniformity of 40%, a minimum of 25% should be sought.*

*There are currently no column lights in the existing car park.*

*Individual units are recommended to have alarm provision provided. CCTV provision is recommended across the development.*

*I would also question the amount of proposed parking provision to the potential amount of residents/commercial staff and customers.*

*The close vicinity of a children's hospice should also be considered.*

### **NHS Commissioning Group (06/06/2024)**

*Due to the small number of dwellings within this application, the ICB have no comments to make*

### **Natural England (20/06/2024)**

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

*As submitted, the application could have potential significant effects on Teesmouth and Cleveland Coast Special Protection Area (SPA) & Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.*

*The following information is required:*

- Nutrient budget calculator*

*Without this information, Natural England may need to object to the proposal.*

*Please re-consult Natural England once this information has been obtained.*

*Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.*

#### **Additional Information required**

*Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the Page 2 of 5 appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.*

*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.*

*Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required:*

- *Completed Nutrient Budget Calculator*

*Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.*

*Other advice In addition, Natural England would advise on the following issues. Further general advice on the protected species and other natural environment issues is provided at Annex A.*

*If you have any queries relating to the advice in this letter please contact me on [ewan.mcintyre@naturalengland.org.uk](mailto:ewan.mcintyre@naturalengland.org.uk).*

*Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary*

**Redcar and Cleveland Borough Council (Development Engineers)  
(06/09/2024)**

*The submitted application is for a mixed-use development over 3 floors to include 5 retail units; restaurant and public house, and 13 residential apartments including balconies and associated car parking.*

*The site location is on Normanby Road with pedestrian footways which have street lighting. The crossroads at Normanby top have recently undergone improvement works incorporating improvements to the signalised junction and the inclusion of tactile crossings.*

*Public transport is accessible in close proximity to the site by means of public bus services with a bus stop directly in front of the proposed site.*

*Local amenities can be found in Normanby centre less than 2 minutes' walk.*

*Vehicular sightlines for access and egress onto Normanby Road are acceptable and meet standards set in DMRB.*

*The servicing of the units and residential apartments has not been incorporated into the car park design. There is no provision of bin stores accessible from the proposed parking area demonstrated within the submitted plans.*

*Vehicular parking will be provided in the form of 23 bays within the curtilage of the site for use by occupants of the residential apartments and retail units however, an application for 5 retail units, a restaurant / bar and 13 apartments to comply with standards set in the Tees Valley Design Guide and Specification require far greater than the proposed 23 parking spaces. Informaon has been provided for the level of traffic on Normanby Road however, traffic generated from the proposed development has not been specified.*

*It is for the following reasons Highways would object to the submitted application:*

- 1, insufficient vehicular parking provided within curtilage of the proposed application.*
- 2, Servicing of development from submitted parking designs and its potential impact on Normanby Road given the insufficient area within the application site.*

**Redcar and Cleveland Borough Council (Local Lead Flood Authority)  
(06/09/2024)**

*The submitted application is for a mixed-use development over 3 floors to include 5 retail units; restaurant and public house, and 13 residential apartments including balconies and associated car parking.*

*The site location is on Normanby Road with pedestrian footways which have street lighting. The crossroads at Normanby top have recently undergone improvement works incorporating improvements to the signalised junction and the inclusion of tactile crossings.*

*Public transport is accessible in close proximity to the site by means of public bus services with a bus stop directly in front of the proposed site.*

*Local amenities can be found in Normanby centre less than 2 minutes' walk.*

*Vehicular sightlines for access and egress onto Normanby Road are acceptable and meet standards set in DMRB*

*The servicing of the units and residential apartments has not been incorporated into the car park design. There is no provision of bin stores*

*accessible from the proposed parking area demonstrated within the submitted plans.*

*Vehicular parking will be provided in the form of 23 bays within the curtilage of the site for use by occupants of the residential apartments and retail units however, an application for 5 retail units, a restaurant / bar and 13 apartments to comply with standards set in the Tees Valley Design Guide and Specification require far greater than the proposed 23 parking spaces.*

*Information has been provided for the level of traffic on Normanby Road however, traffic generated from the proposed development has not been specified..*

*It is for the following reasons Highways would object to the submitted application:*

- 1, insufficient vehicular parking provided within curtilage of the proposed application.*
- 2, Servicing of development from submitted parking designs and its potential impact on Normanby Road given the insufficient area within the application site.*

#### **Redcar and Cleveland Borough Council (Strategic Planning) (13/06/2024)**

*The site falls within the Normanby local centre as defined on the Local Plan Policies Map. Policy ED1 supports proposals for main town centre uses (which include the proposed commercial uses) in town, district and local centres where they can enhance centre vitality and viability and strengthen their role in meeting everyday community needs for shops and services. Policy ED1 does not specifically encourage housing development in local centres, but it is not uncommon to find housing uses in town, district and some local centres and, moreover, the existing permission allows for residential accommodation at ground floor level.*

*As the site is inside the boundary of Teesville Ward, all of which forms part of the 'low value area' as defined in policy H4, there is no obligation to provide affordable housing contributions as part of any residential development.*

*The application seeks detailed permission for an expanded mixed-use development compared to the approved 2022 outline proposals and would again involve the extension and conversion of the existing building. The revised scheme would result in two additional apartments (from 11 to 13), two further retail units (from 3 to 5) and the incorporation of a restaurant at first floor level. The amount of in-curtilage parking would increase from 19 to 23 spaces.*

*Compliance with policy SD4 is a key consideration in determining the acceptability of the proposals from a policy perspective, including in terms of the following:*

- *SD4(b.), which requires that development proposals should ‘not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings’.*
- *SD4(j.), which advises that in achieving high quality development, proposals should ‘respect or enhance the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features’.*
- *SD4(m.), which states that development proposals should ‘create a healthy, active, safe and secure environment’. This should include giving consideration to the acceptability of the internal layout and separation of residential and commercial uses, and to that end they should also accord with policy H5 at part (a.) which requires that any conversion proposals should be ‘capable of providing the number of units or proposed uses to an acceptable standard of accommodation’.*
- *SD4(p.), which requires that development proposals should ‘provide suitable and safe vehicular access and parking suitable for its use and location’. With regard to parking, consideration should also be given to policy TA1 at criterion (d.).*

*As the site is within the 6km buffer of the Teesmouth and Cleveland SPA and Ramsar Site, in accordance with policy N4 a contribution towards strategic mitigation measures would be required should the application be granted approval.*

**Redcar and Cleveland Borough Council (Health and Safety Food Team)  
(06/06/2024)**

*The Environmental Health Commercial Team has no objections to this application.*

**Redcar and Cleveland Borough Council (Environmental Protection)  
(Contaminated Land) (11/06/2024)**

*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:*

*The application proposes internal remodelling of the existing building. It appears from historical mapping that the existing buildings were built pre 2000 (specifically between 1954 and 1968 mapping) and therefore could have been built using asbestos.*

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

*Prior to the development being brought into permitted end use, the developer must either submit evidence that the building was built post 2000 or carry out an intrusive pre-demolition asbestos survey in accordance with HSG264 and provide a mitigation plan to reduce risks to potential workers, neighbours and other offsite receptors.*

*REASON: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

**Redcar and Cleveland Borough Council (Environmental Protection)  
(Nuisance) (24/06/2024)**

*I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows: I note the proposed development will be in close proximity to both residential and commercial premises whose amenity could be affected from construction activities.*

*I also note that residential flats will be directly above a restaurant which could be incompatible in terms of noise transmission. The plans also show a kitchen but there is no plan showing any ventilation system.*

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

- Prior to the development being brought into end use, a detailed acoustic report shall be submitted to and approved by the Local Planning Authority. The detailed acoustic report shall be carried out by a competent person, and shall detail the existing noise climate at the development site. Redcar & Cleveland Borough Council Adults and Communities Memo The following documents; BS 8233, WHO Guidelines on community noise and ProPG: Planning and Noise specifically address these issues. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from 1st floor commercial premises and from road traffic noise. In the event that the acoustic report finds that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.*

*REASON: In the interests of the amenity of the area.*

- Prior to installation of the equipment for ventilation and filtration to suppress and disperse any fumes and/or odour created from the cooking operations on the premises (including details of noise attenuation), a scheme of works shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into end use until the approved ventilation equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority. All equipment*

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

*REASON: In the interests of the amenity of the area*

## **Redcar and Cleveland Borough Council (Housing Service) (13/06/2024)**

*Housing Standards have no comments or observations regarding the application*

### **CONSIDERATION OF PLANNING ISSUES**

The main considerations in the assessment of the application are;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety
- The impacts on nuisance and contaminated land
- The impacts on flooding and surface water drainage
- The impacts on biodiversity and geological conservation
- Nutrient Neutrality

#### **The principle of development**

The application site is located within the development limits. Local Plan Policy SD3 states that development within development limits will be supported subject to meeting other relevant policies within the Local Plan. Given that the site is situated within development limits; the broad principle of the development is one that is considered to be acceptable.

The application site falls within the boundary of Normanby Local Centre. Policy ED1 of the Local Plan protects and enhances the Borough's Centres. It is important that the vitality and viability of the existing centres in the borough are safeguarded and enhanced. It is considered the proposed mix of 5 no. retail units, restaurant and function room constitutes local centre/town centre uses and are therefore in compliance with Local Plan Policy ED1, and that proposal supports Policy LS1. The creation of additional residential units on all three proposed floors providing a mix of commercial and residential uses supports the objection of Policy ED1 to maintain and appropriately enhance centre vitality and viability in terms of encouraging diversity.

Residents have raised objections relating to the number of proposed retail units when there are several existing vacant units within the local centre and have raised concerns regarding the impact of the development on the vitality and viability of the centre. The concerns are noted. The existing units may be vacant due to various reasons including the units being too small, an older premise lacking in facilities or high rental costs. The application site is currently vacant; therefore this application would bring the site back into use within a local centre, an area where similar development is directed. As the

development is within the local centre there isn't a requirement to justify the need for the units.

The site is inside the boundary of Teesville Ward, all of which forms part of the 'low value area' as defined in policy H4. Therefore, there is no obligation to provide affordable housing contributions as part of any residential development.

As such the principle of the change of use and extension of the property in this location is acceptable and the proposal accords with the aims of policies SD3, ED1, H5 and LS1 of the Redcar and Cleveland Local Plan.

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

Policy SD4 of the Council's Local Plan permits development, which is suitable in relation to the proportions, massing, height, size, scale, materials and detailed design features and the application would respect the character of the site and its surroundings.

The application is located within an area containing a mix of building design and scale. The majority of neighbouring buildings are two storey. Beevers and Co furniture shop is located to the north of the site. This building (a former cinema) has a high pitched roof to the rear of the building which is over three storeys high. The proposal will have a flat roof which is in keeping with the existing flat roof. The front elevation of the building will be staggered back from the highway to the front. The first and second floors will each be set back from the footpath to the front, the first floor by 4m and the second floor by 3m, which will prevent the building from appearing bulky and overbearing. The mix of commercial and residential is considered acceptable in this local centre. As such with the existing mix of buildings heights, especially the Beevers store the proposed extensions and alterations are acceptable.

The external elevations of the building will be a mix of coursed red brickwork, dark grey wall panels and a cream colour render finish. The existing building is painted cream and neighbouring buildings are red brick with grey roof tiles, as such it is considered the mix of external materials is in keeping with the existing and neighbouring buildings and are acceptable.

It is considered the proposed conversion and extension of the existing building into a three storey building would not cause significant harm to the character and appearance of the street scene and which would accord with the relevant aspects of policy SD4 of the Redcar and Cleveland Local Plan and the guidance contained within the Design of Residential Areas Supplementary Planning Document.

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

Policy SD4 of the Council's Local Plan permits development where it will not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings.



Concerns have been raised regarding the impact of the proposed first floor external terrace area and the loss of privacy from the proposed residential development. The Council's Design of Residential Areas SPD advises on separation distances to protect the privacy of existing dwellings. The minimum separation distance usually required is 21m between the fronts and/or backs of dwelling and 13m from the rear or front wall to the side wall of an adjacent property. The proposed front elevation of the ground floor retail units will be approximately 22.5m from the front elevation of dwellings on the west side of Normanby Road. The first floor front elevation of the site will be set further back and there will be approximately 26m between the first floor glazed restaurant windows to the existing dwellings on Normanby Road which is considered acceptable. The second floor windows will be approximately 29.5m from the front elevation of the existing dwellings to the west, which again is considered acceptable and in accordance with SPD guidance. It is considered the relationship between existing dwellings on Normanby Road and the proposed west facing windows of the development are acceptable and in accordance with the guidance contained within the Design of Residential Areas SPD.

The proposal includes a first floor external terraced area to be used as part of the proposed restaurant. Objections have been received concerned with the loss of privacy and noise issues to neighbouring properties to the west of the site. The closest section of the terrace will be approximately 22.5m from the front windows of properties on Normanby Road, which is slightly greater than the SPD guidance on the distance between habitable room windows. It is granted the use of the area as part of a restaurant is different to the windows of another dwelling. It is considered the use of the external terrace area will be limited due to the nature of British weather, in addition restaurant customers will be sat eating/talking across tables, similar to domestic use. Neighbouring concerns relating to noise are noted. A certain level of noise will be attributed to the site with its existing use as a pub/function room. The building has been vacant for several years, nevertheless the use is still extant and could be re-opened at any time. It is granted the opening hours of the terrace area needs to be controlled to prevent excessive noise and disturbance to neighbouring residents, which would be via a condition restricting the opening between 10am and 9pm.

The proposed floor plans include balconies on the south facing elevation, these will overlook the car park and the Normanby Wildlife Village Garden and as such are not considered will have a detrimental impact on neighbouring residential occupiers sufficient to warrant refusal.

Consents (R/2020/0375/RS and R/2022/0061/RSM) have previously been granted for the conversion of the existing ground and first floor section to the northeast of the site into residential flats. R/2022/0061/RSM granted consent for a second floor and the creation of two additional apartments at this level. The proposed apartments will face towards Beevers Furniture Store and as such there will no impact on privacy to neighbouring occupiers. Concerns have been raised regarding the impact of the proposed second floor on the

amenity of residents of Abbey Court to the north/north east of the site. The concerns are noted, however there will be a separation distance of a minimum of 37m between the northern corner of the proposed second floor extension and the south west corner of No. 27 Abbey Court which is considered acceptable and in accordance with the separation distance guidance in the Design of Residential Areas SPD. There is a greater separation distance between the proposed extension and the other properties on Abbey Court.

Concerns have been received from the neighbouring property of Zoe's Place Children's Hospice, in terms of the relationship between the proposed conversion and extensions on a baby/children's play-area as well as an end-of-life suite counselling facility and family accommodation directly behind the premises. Outline consent R/2022/0061/RSM included a condition restricting windows from the proposed east elevation of the building. The current application does not include windows on the eastern elevation therefore there will not be any overlooking of the site. The application was first submitted without existing and proposed east elevation drawings, drawings have been subsequently submitted. The proposed windows on the northern elevation due to the relationship between the site and the hospice will not readily allow overlooking. In terms of being overbearing, there will be approximately 13m from the rear elevation of Zoe's Place and the proposed northeast section of the proposed building which is in accordance with the guidance in the Design of Residential Areas SPD. The proposed second floor extension will increase the overall height of the building by approximately 1.7m. It is considered the limited increase in height of the building, in addition to no windows on the eastern elevation will be acceptable and not appear overbearing to the staff and patients in Zoe's Place. As mentioned previously, the concerns relating to noise and disturbance are noted. It is several years since the site operated as a public house with associated noise and disturbance similar to the proposed use, but the site could reopen as a public house without further planning approval.

The application site is within Normanby Designated Centre which contains a mix of commercial and residential uses and as such additional retail and restaurant uses are considered acceptable in this location. It is considered the proposed extensions, alterations and uses will not be sufficiently detrimental to warrant refusal of the application in terms of neighbouring amenity and the application accords with the relevant provisions of policy SD4 of the Redcar and Cleveland Local Plan and the guidance contained within the Design of Residential Areas Supplementary Planning Document.

### **The impacts on highways safety**

Local Plan Policy TA1 requires the Council and its partners ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents' health and wellbeing.

Policy SD4. p. expects development proposals to provide suitable and safe

vehicular access and parking suitable for its use and location.

The Council's Development Engineers has assessed the application. The Engineers note the crossroads at Normanby top have recently undergone improvement works incorporating improvements to the signalised junction and the inclusion of tactile crossings. Public transport is accessible in close proximity to the site by means of public bus services with a bus stop directly in front of the proposed site. Vehicular sightlines for access and egress onto Normanby Road are acceptable and meet standards set in Design Manual for Roads and Bridges (DMRB).

The Development Engineers raise objections regarding the servicing of the commercial units and residential apartments. The proposed car park layout does not account for the provision of bin stores accessible from the proposed parking area. The proposed ground floor plan includes two separate bin storage area to the north of the site. The applicant's agent has confirmed it is the intention for a waste collection vehicle to reverse down the alleyway between Morgan's Bakery and Beevers Furniture Store to collect the waste from both residential and commercial units and there will be a management company in place to facilitate this. The agent has also confirmed deliveries to the retail units will be out of hours and will enter the car park to drop off/collect. The highway objections are noted; however the proposed car park will remain largely the same as the existing, which had deliveries/collections in connection with the use as a public house and function room. It is considered waste collection from both the residential and commercial units and deliveries associated with the commercial business can be controlled via a planning condition requiring the submission and approval of a service management plan.

The Development Engineers also objects to insufficient vehicular parking within the site. The car park will provide 23 bays for use by occupants of the residential apartments and retail units, an application for 5 retail units, a restaurant /function room and 13 apartments to comply with standards set in the Tees Valley Design Guide and Specification require far greater than the proposed 23 parking spaces. The Highway objection is noted; however, the site is located within Normanby local centre which is served by a number of public car parks and the building is located next to a bus stop. It is considered the site is in a sustainable location within a local centre, therefore residents, staff and visitors will be able to walk, cycle and use public transport as well as park within the site. Consent R/2022/0061/RSM was granted following highway objections due to the lack of car parking facilities within the site because of the sustainable location of the site within a district centre. 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 and contaminated land**

Local Plan Policy SD4 permits development where it will e. avoids locations that would put the environment, or human health or safety, at unacceptable risk.

The proposals have been assessed by Environmental Protection in terms of land contamination and nuisance. In terms of land contamination, Environmental Protection note the application proposes internal modelling of the existing building which appears from historical mapping that the existing buildings were built pre 2000 (specifically between 1954 and 1968 mapping) and therefore could have been built using asbestos. Environmental Protection request the inclusion of a condition requiring the submission of a pre-demolition asbestos survey and a mitigation plan to reduce risks to potential workers, neighbours and other offsite receptors. This matter is dealt with outside of planning control and therefore the suggested condition is not recommended to be included should permission be granted.

In terms of nuisance, Environmental Protection note the proposed development will be in close proximity to both residential and commercial premises whose amenity could be affected from construction activities. Environmental Protection also note that residential flats will be directly above a restaurant which could be incompatible in terms of noise transmissions. The plans also show a kitchen but there is no plan showing any ventilation system. Environmental Protection have suggested the inclusion of two conditions, one requiring a detailed acoustic report to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from 1<sup>st</sup> floor commercial premise and from road traffic noise. A second condition has been suggested requiring details of the equipment for ventilation and filtration from cooking operations on premise (including details of noise attenuation).

Given the information provided in support of the application, the location of the development site and the proposed end use, subject to conditions is considered to be appropriate. The proposal therefore accords with parts b, e and n of policy SD4 of the Redcar and Cleveland Local Plan.

### **The impacts on flooding and surface water drainage**

Local Plan Policy SD7 states *'Flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk'*.

The application site is located within Flood Zone 1 and a Flood Risk Assessment has been submitted. The Local Lead Flood Authority (LLFA) has assessed the proposals and notes the application form stipulates that an existing connection to the main sewer will be utilised and the FRA confirms that the design will 'slow the flow' by attenuating flows. Whilst the LLFA would not offer an objection to the proposed development, the LLFA would request the applicant explores attenuating the flow through retrofit solutions within the hard standing area. The developer should also make direct contact with NWL to discuss additional flows entering the main system and explore of consent required. Furthermore, the applicant should seek advice on developing near to existing culverted watercourse and make an assessment if Ordinary Watercourse consent would be required, should the proposed development

impact upon the watercourse. Conditions requiring the submission of foul and surface water drainage details prior to commencement will be included to a recommendation to approve the application.

Subject to the inclusion and discharge of the LLFA condition, it is considered the development accords with the aims of Local Plan Policy SD7 and is acceptable.

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

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 previously paid £2000 for approval R/202/0061/RSM. This application proposed two additional residential units than the previous application. The applicant has agreed to pay the additional contribution should this application be approved by committee and the sum of £400 will be paid in advance of the decision being issued and therefore, the development is considered to be in compliance with policy N4 of the Local Plan.

### **Nutrient Neutrality**

The site is located within the catchment of the River Tees Nutrient Neutrality area as identified by Natural England in March 2022. As the proposed development includes residential accommodation there is a potential for the site to increase nutrients into the River Tees. The proposal is therefore required to provide appropriate mitigation as part of the development. Given the nature of the site and the proposed development it is not possible for the mitigation to be provided on site in this instance. In March 2023 Natural England launched a nutrient mitigation scheme where developers can purchase credits to offset the impacts of the development.

The developers successfully applied for credits for R/2022/0061/RSM to mitigate the development. The credit scheme is administered by Natural England who have allowed the transfer of credits from R/2022/0061/RSM to this application and re-issued an initial certificate for the development proposed. Natural England initially commented on the application asking for

further information in the form of the nutrient budget calculator, which has been sent to Natural England. Natural England have since confirmed to the agent the transfer of the relevant credits to cover this scheme.

As part of the scheme a certificate is issued which forms part of the planning application, Local Planning Authorities are then required to attach a condition should planning permission be granted. The condition would restrict occupation of the residential units until the credit balance is paid to Natural England. Once the balance is paid Natural England would issue a final certificate which can be used to discharge the occupancy planning condition.

The agents have submitted a copy of the signed mitigate certificate along with a Habitat Regulations and Appropriate Assessment. The assessment confirms that while the development has the potential to impact on the River Tees Nutrient levels the credits purchased through Natural England is sufficient to mitigate the adverse impacts resulting in an appropriate scheme which would not have a detrimental impact on the quality of the River Tees.

Subject to the use of a planning condition the application raises no issues in relation to nutrient neutrality.

### **Other matters**

Cleveland Police Designing Out Crime Officer has commented on the application and the recommended the applicant actively seeks Secured By Design accreditation. The Designing Out Crime Officer has highlighted concerns regarding the development and notes a good management plan is essential as poorly managed and badly maintained can put an extra burden on local services. Further advice has been provided regarding doors/windows/lighting /CCTV/and compartmentalisation of the building. The Police advised against the use of the alleyway as access to apartments/cycle storage/bin storage areas, but recommended the use of gates and security lighting. Following receipt of the comments the site plan has been amended to include alley gates and lighting along the alleyway to protect future residents.

### **CONCLUSION**

For the reasons outlined above the application is considered acceptable.

The site is within the Development Limits and within Normanby Local Centre. The principle of a mixed development on the site is therefore acceptable. Subject to conditions the application raises no issues in terms of flooding, drainage, contamination, noise and highways.

Given the location of the site the proposal raises no issues in terms of neighbour amenity subject to the inclusion of conditions and the proposed conversion and extension is in keeping with the character and appearance of the street scene.

The application accords with policies SD1, SD2, SD3, SD4, SD5, SD7, LS1, H5 and N4 of the Redcar and Cleveland Local Plan and the guidance contained within the Design of Residential Areas Supplementary Planning Document (2011).

## **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 24/05/2024
  - Proposed site plan received by the Local Planning Authority on 05/09/2024
  - Proposed ground floor plan received by the Local Planning Authority on 09/09/2024
  - Proposed first and second floor plan received by the Local Planning Authority on 09/09/2024
  - Proposed north elevation received by the Local Planning Authority on 09/09/2024
  - Proposed west and south elevations received by the Local Planning Authority on 24/05/2024
  - Existing and proposed east elevations received by the Local Planning Authority on 05/09/2024
  - Proposed roof plan received by the Local Planning Authority on 24/05/2024
  - Construction Environmental Management Plan received by the Local Planning Authority on 24/05/2024

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

3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby

approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as drainage will need to be installed before above ground construction.

4. Before the occupation of the development hereby permitted, a Service Management Plan (SMP) regarding the commercial units shall be submitted to and approved in writing by the Local Planning Authority.

The Service Management Plan (SMP) shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The SMP should identify exactly how and what types of vehicles are anticipated for the commercial uses and their delivery times should also be detailed to demonstrate that the proposed system would work.

The SMP should also include details of waste collection from both the commercial and residential units hereby approved. Any measures described in the SMP shall be implemented within the time period identified.

REASON: To ensure there is no adverse effect on the amenity of neighbouring properties and users of Normanby Road in accordance with Local Plan Policy SD4.

5. The extensions and alterations hereby approved shall be constructed with the external finishing materials as detailed on the proposed north, south and western elevation drawing received by the Local Planning Authority on the 9th September 2024 and 24th May 2024.

REASON: To ensure that the appearance of the development would respect the site and the surroundings in accordance with policy SD4 of the Local Plan.

6. Prior to the construction of the final surface treatment, for any hard surfaced areas, details of the materials to be used shall have first been submitted to, and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

REASON: To ensure that the appearance of the development would respect the site and the surroundings in accordance with policy SD4 of the Local Plan.



7. 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.

8. Prior to the development being brought into end use, a detailed acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The detailed acoustic report shall be carried out by a competent person and shall detail the existing noise climate at the development site.

The following documents; BS 8233, WHO Guidelines on community noise and ProPG: Planning and Noise specifically address these issues. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from 1st floor commercial premises and from road traffic noise.

In the event that the acoustic report finds that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be completed in accordance with the approved details.

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

9. Prior to installation of the equipment for ventilation and filtration to suppress and disperse any fumes and/or odour created from the cooking operations on the premises (including details of noise attenuation), a scheme of works shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be brought into end use until the approved ventilation equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority. All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval.

The development shall then be completed in accordance with the approved details.

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

10. Prior to the occupation of the development hereby approved full details of the proposed security gate and security lighting shall be submitted to and approved in writing by, the Local Planning Authority. The development shall then be completed in accordance with the approved details which shall thereafter be retained at all times.

REASON: To protect the safety of future residents in accordance with Local Plan Policy SD4.

11. The first floor external terrace area hereby approved shall not be open to customers outside the following hours: - 10am - 9pm.

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

12. Prior to the occupation of any of the residential units hereby approved a final signed nutrient neutrality certificate supplied by Natural England shall be obtained and submitted to the Local Planning Authority in writing.

REASON: To ensure adequate nutrient mitigation is provided for the development.

## **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**

The developer should make direct contact with Northumbrian Water to discuss additional flows entering the main system and explore of consent required.

Furthermore the applicant should seek advice on developing near to existing culverted watercourse and make an assessment if Ordinary Watercourse consent would be required, should the proposed development impact upon the watercourse.