

## Redcar and Cleveland Borough Council

### Planning (Development Management)

APPLICATION NUMBER: R/2024/0506/CD  
LOCATION: LAND TO THE SOUTH OF MARSKE-BY-THE-SEA BOUNDED BY LONGBECK ROAD, A1085 AND A174 MARSKE BY THE SEA  
PROPOSAL: Partial discharge of condition 23 (Highways Improvements) of planning application R/2013/0669/OOM approved on appeal APP/V0728/W/15/3134502 for outline application for 821 dwelling scheme with ancillary uses, neighbourhood centre, petrol filling station, drive-thru restaurant, pub/restaurant, 60 bed hotel and car parking with details of access

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

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### APPLICATION SITE

The application relates to the discharge of condition 23 relating to planning application R/2013/0669/OOM.

The planning permission sought consent for outline permission for a 821 dwelling scheme with ancillary uses, neighbourhood centre, petrol filling station, drive-thru restaurant, pub/restaurant, 60 bed hotel and car parking, with details of access and was approved conditionally on 20/07/2017.

### BACKGROUND

The condition relates to R/2013/0669/OOM. This application was an outline application which sought consent for a mixed use development. Permission was initially refused by Redcar and Cleveland Council in March 2015. Following an appeal through a public inquiry the Planning Inspectorate through the Secretary of State approved the outline permission on 20/07/2017. The approval of the outline application at appeal was subject to a number of conditions (34).

The reserved matters application relating to the development was submitted in January 2020 and was approved on 02/03/2023 following consideration of the application by the Councils Regulatory Committee. The reserved matters approval was subject to a number of conditions (6).

Since October 2023 a number of submissions have been made for the discharge of various conditions on the outline and reserved matters applications. These conditions have been agreed under delegated powers.

Power 158 of the Councils Constitution deals with condition discharge applications;

*To approve or reject details reserved for the approval of the local planning authority in accordance with a planning condition imposed to this effect.*

This power is fully delegated to officers. However, in this particular case previous communications with residents have confirmed that condition 23 (off-site highway details) would be dealt with by Regulatory Committee.

The first bullet point of condition 23 was dealt with by Regulatory Committee in December 2023 and was approved following a site visit.

The development has now commenced on site in accordance with the approved planning permissions and conditions.

## **CONDITION DETAILS**

The following information has been submitted for condition 23

23 Prior to the commencement of development (unless stated otherwise below), or in accordance with a phasing scheme to be agreed in writing with the Local Planning Authority, the following highways improvements that are set out in the Transport Assessment (Report Reference 1270/3/E, August 2016) shall be submitted to and approved in writing by the Local Planning Authority:

- Change Bus stop locations on Longbeck Road (identified on drawing no. 1270/06/D) and on A1085 (identified on drawing no. 1270/37/D);

### **Previously discharged and decision issued 11/12/2023**

- Pedestrian access on A1085 into Marske, by way of a footway under the A1085 railway bridge, prior to first occupation of the development;

### **Section 278 and Off-Site Highways A1085 Railway Bridge (Dwg No: QD1850-00-1222) received by the Local Planning Authority on 04/09/2024**

- A174/A1042 Kirkleatham Lane (SJ18, drawing no. 1270/40), prior to first occupation of the development;

### **Section 278 and Off-Site Highways A174 / A1042 Junction (Dwg No: QD1850-00-1219) received by the Local Planning Authority on 25/07/2024**

- A174/ Fishponds Road (SJ19, drawing no. 1270/34/A), prior to occupation of Phase 2 (the 275th dwelling);

### **Section 278 and Off-Site Highways A174 / B1269 Fishponds Road Junction (Dwg No: QD1850-00-1220) received by the Local Planning Authority on 25/07/2024**

- A174/Redcar Lane (SJ20, drawing no. 1270/35), prior to occupation of Phase 3 (the 633rd dwelling).

**Section 278 and Off-Site Highways A174 / B1269 Redcar Lane Junction (Dwg No: QD1850- 00-1221) received by the Local Planning Authority on 25/07/2024**

**CONSULTATION RESPONSES**

There is no requirement to consult on condition discharge applications which are dealt with under section 27 of the Development Management Procedure Order. The Council will, however, consult with experts where the condition relates to a technical matter. The information submitted will also be displayed on the Council's website which is available to view by the public.

37 representations have been received from the public in relation to the discharge of condition 23. The representations make the following comments;

- Strongest objections.
- It will isolate Marske due to the restricted traffic flows.
- Longbeck Road have access with traffic to the new build estate.
- Very concerned.
- Traffic congestion.
- Dangerous levels of exhaust pollution.
- A pedestrian tunnel through the bridge would not impact traffic flows.
- A footpath over the bridge should be provided instead.
- The road would be too narrow for emergency vehicles to access.
- A public meeting should be held.
- Lack of detail provided.
- Existing road junctions not shown.
- Cyclists may use footpath rather than carriageway.
- Economic viability issues.
- Impact on deliveries.
- GP surgery is required.
- Secondary school is at capacity.
- Will the sewer system cope.
- Drawing is not fit for purpose and contains errors and emissions.
- Access to existing dwellings would be blocked.
- No pedestrian barrier is shown on the new footpath. This would be a safety hazard.
- The carriageway will not be wide enough.
- HGV swept path analysis should be provided.
- The pedestrian facility should be integral.
- Sequence and timings of the signal operation should be provided.
- How will level differences be addressed?
- Existing footpath width not sufficient.
- There should be a stage 2 road safety audit completed.
- Lack of consultation.
- Impact on bus timetables.
- The condition should be removed through a section 73 application.
- Negative impact on businesses.
- Other options not fully explored.

- Measurements should be included on the plans.
- Why has the crossing been removed, the footpath will not be used making the scheme pointless.
- There should be a delay to allow discussions to take place on alternative solutions.
- Residents would have no objections to the other elements of the conditions.
- What about horses using the bridleway.
- Contrary to policy.
- People will need to walk close to a 5G mast.
- Impacts on the SAM and the buffer zone.
- Past and present ward councillors have all objected to the proposal.
- Does not meet disability requirements.
- New drawing and comments from Development Engineer received.
- Some previous errors have been rectified but others not.
- Keep Clear markings will be required.
- Other accesses will be impacted.
- Drivers will not be able to enter the coal yard.
- Uncontrolled pedestrian crossing will be provided. This will be a danger to pedestrian safety.
- The bridge should be rebuilt and designed to accommodate safe pedestrian access with cycleways.

## **Ward Members**

### **Councillor Evans (08/08/2024)**

*I remain vehemently in opposition to the entire development, but more specifically, this condition as it will cause a significant increase in queuing traffic coming into and out of Marske. Having temporary lights on occasion for only one or two days on the High Street causes chaos - having lights permanently is unthinkable. I fear the chances of the Rail bridge being struck by a vehicle at speed will increase due to drivers attempting to "beat the lights", which also increase the chance of a pedestrian being injured or killed.*

*Additionally, I note brand new drawings in the documents section which we had no prior notification of, nor were there any suggestions of alterations to roads and roundabouts miles away from this development.*

*Please can we also be reassured that National Rail will make representations when this condition goes before the regulatory committee.*

### **Councillor King (09/09/2024)**

*I would like to object to the proposal re the traffic management system on the High Street at Marske.*

*I clearly stated my objections to this proposal at the appeal to the secretary of state and the same objections are still relevant today.*

*I would like to suggest that until an alternative solution can be found, which is agreeable to residents, businesses, the council and developers, and one which will not greatly impact upon the businesses and residents of Marske and all surrounding areas, this condition be considered for removal, the work can continue without it being discharged, and pedestrian access to and from the development be via the Longbeck Road access point instead.*

## **Councillor Learoyd**

**08/08/2024**

*The application is a major highway change of a roundabout and A174 affecting 20000 plus commuters daily.*

*The roundabout change includes land not owned by the South of Marske developers or the council.*

*In addition, the bridge design has a crossing going nowhere. The otherside of the road is a grass bank and if moved 10m north only leads to a mud track. All of which can't be modified as the area is a scheduled monument. As much as you may want to make a tarmac footpath with cycle lane to the new town through or past the north side of the SAM, you can't. The planning inspector appeal in 2016 produced a 200m buffer zone.*

*I appreciate that the council historically has a casual attitude toward the scheduled monument at Marske Long Flatt, but at least produce a plan for consultation that has a chance of functioning in the real world and isn't wasting the regulatory committee's time.*

**04/09/2024**

*I'm in complete agreement that the council's planning department needs to go back to the developer and ask for a to scale and accurate diagram.*

*The bridge diagram is not representative of the A1085. It misses off the Meadow Road/Station Close crossroads among many other issues. This is not the first time this project has produced child standard drawings for major road revisions. The Longbeck Road busstop fiasco was another example of planning incompetence.*

*If the planning department wants to be regarded as professional, and the regulatory committee as upholding any standards at all - accurate diagrams, that represent the decisions in front of committee members, need to be supplied.*

**06/09/2024**

*I support a meeting with the executive officers and leaders to resolve the issues with regards to this condition.*

*I also note that the new bridge diagram is a radical change to the draft commented on in the consultation. It is only right that as a bare minimum, a new consultation is*

*opened on the new diagram. The condition has major consequences to thousands of households and needs careful consideration.*

*The process is as irregular as me submitting an extension application, realising it won't work, and then submitting a new design that is never consulted on by my neighbours and then approved.*

*I have already sent officers a route to pause the condition under s.73 TCPA and revisit at 200 inhabitants (under the emergency services access limit for one entrance). This means the spine road can be left half complete and no entrance at the A1085 end is needed at this moment in time. Common sense would subscribe to this course of action.*

### **Saltburn, Marske and New Marske Parish Council (29/08/2024)**

**VERY STRONG OBJECTIONS - see notes below**

*R/2024/0506/CD - The drawing is wrongly placed on a generic map and is accordingly not fit for purpose*

- *The footway and reduced carriageway scheme has no details of safety features such as kerblines and barriers. This will add 1.5 metres to the design which will not fit into the 7 metre space between wall abutments*
- *There will be at least 20 points of traffic constraints/points of conflict between Quarry Lane Roundabout and the centre of Marske highway scheme, which is a distance of 1 kilometre. Those traffic delays and queues will have a physical and environmental impact on residential properties on the High Street. Bus service times and emergency service response times will be affected. Some drivers will inevitably seek alternative routes potentially with additional this will have a knock effect on the wider highway network traffic on Longbeck Road and Redcar Road*
- *Traffic congestion will block the A1085 between Quarry Lane Roundabout and the centre of Marske in both directions*
- *The traffic lights signals are wrongly placed*
- *The pedestrian controlled system for the new pedestrian crossing must be integral to the overall traffic control scheme*
- *There are no traffic signal phasing details*
- *There are no pedestrian barriers at the new crossing facility*
- *There is no indication how householders will enter and exit their properties at the top of the High Street just before the southbound exit to the Bridge*
- *An HGV swept analysis is required for the exit from The Old Coal Yard*
- *There are no indications for keep clear areas for Meadow Road and Station Close*
- *The footway will link to an existing Public Right of Way. The drawing shows an additional carriageway restriction. There is no indication of how access will be provided between the pedestrian crossing the public right of way*
- *Permanent works will be carried out by a permitted development order to the Scheduled Ancient Monument which is not acceptable to the people of Marske. Permanent buildings will also be carried out within the buffer zone contrary to the requirements of the Secretary of State*

## **Network Rail (23/08/2024)**

*In relation to the above application I can confirm that Network Rail have no further comments to make and no objection to the partial discharge of this condition.*

## **Member of Parliament – Anna Turley MP**

*I am writing to you on behalf of several concerned residents of Marske regarding the planning application for proposed changes to vehicle and pedestrian access under the A1085 railway bridge in Marske-by-the-Sea.*

*While I understand and appreciate the need for development, particularly with the planned new housing estate, the residents I represent have raised significant concerns about potential issues the proposed changes may create. These concerns are not in opposition to the overall development but are rather focused on ensuring that the infrastructure and access points serve both new and existing residents safely and efficiently.*

*Several residents have highlighted the following key issues:*

- *Traffic Congestion: The A1085 is a vital route for Marske, already experiencing congestion during peak times. The proposal to narrow the road to a single lane under the bridge, controlled by traffic lights, has the potential to create significant bottlenecks. Recent temporary traffic lights at the same location have demonstrated how quickly traffic builds up, causing delays that stretch into the High Street and even affecting other areas such as Redcar Road. With the addition of 812 new homes, the pressure on this road will increase substantially.*
- *Health and Environmental Impact: Concerns have been raised about the potential rise in air pollution due to stationary traffic, particularly around the High Street. Residents worry about the impact this will have on the local community, especially for those living and working near the congested areas.*
- *Impact on Emergency Services: The proposed road narrowing under the bridge may delay emergency vehicles, as the restricted access could cause significant delays during critical times, potentially affecting response times and posing a risk to public safety.*
- *Historical and Cultural Preservation: Residents have expressed concern regarding the encroachment on the Scheduled Ancient Monument at Hall Close. This site is of great historical importance, and it is essential that we respect and preserve it for future generations. Any construction or modification that might harm this area would be deeply troubling for the community.*

*I share my constituents' desire to see thoughtful and well-planned development in our area. I kindly ask that the council re-examine the proposed plans, taking into account these valid concerns regarding traffic management, safety, air quality, and heritage preservation. We all wish to see Marske grow in a way that enhances the community while maintaining its unique character and ensuring infrastructure can support both current and future residents.*

## **Redcar and Cleveland Borough Council (Development Engineers)**

**05/09/2024**

*RE: R/2013/0669/OOM - APP/V0728/W/15/3134502 - Condition 23 - Part B*

*Drawings have been submitted for appeal decision APP/V0728/W/15/3134502 to satisfy Part B of condition 23, which states that the works should be submitted to and approved by the Local Planning Authority, including: 'Pedestrian access on A1085 into Marske, by way of a footway under the A1085 railway bridge, prior to first occupation of the development'.*

*Those drawings have been the subject of discussion with the Highways Authority.*

*A footway has been created under the railway bridge, but at our direction the signal arrangement has been changed to create efficiencies in the traffic flow. To facilitate the change, due to restrictions associated with the location and the vehicular access, the controlled crossing facility has been removed from the signal arrangement. An uncontrolled crossing facility will be retained in the original proposed crossing location. It is unlikely the public right of way will create sufficient levels of demand whereby a controlled crossing arrangement will be required, and the proposed uncontrolled crossing facility will meet any sustainable access demand to cross the A1085 at that point.*

*Visibility splays are being reviewed as part of the technical approval process.*

*Additional complimentary detailed drawings will also be submitted to the Highway Authority that form part of the technical approval process associated with the Section 278 agreement required in accordance with the Highways Act 1980.*

*It is therefore for the above reasoning we would recommend approval of the revised arrangement as per drawing reference: QD1850-00-1222 Rev. A*

**10/09/2024**

*Drawings have been submitted for appeal decision APP/V0728/W/15/3134502 to satisfy Parts C, D & E of Condition 23. Those drawings are: QD1850-00-1219, QD1850-00-1220 & QD1850-00-1221, which satisfy the requirements of the condition.*

*Those drawings remain the subject of ongoing discussions with the Highways Authority. Additional complimentary detailed drawings will also be submitted to the Highway Authority that form part of the technical approval process associated with the Section 278 agreement required in accordance with the Highways Act 1980.*

*It is therefore for the above reasoning we would recommend approval of the application.*



## **PLANNING CONSIDERATIONS**

The only considerations in the determination of this application are whether the submission complies with the requirements of the condition and whether the technical information submitted is acceptable.

The condition itself sets out five bullet points relating to off site highway improvements required to be completed as part of the development. These highway improvements are linked to the Transport Assessment which was submitted with and considered as part of the outline application.

The condition requires the details for the highway improvements, shown on the drawings specified in the condition, to be submitted to and agreed in writing with the Local Planning Authority.

The first bullet point in the list of highway improvements relates to the bus stop locations on Longbeck Road and A1085 and given the wording of the condition these details need to be agreed prior to the commencement of development as there is no alternative timeframe stated in the bullet point. This part of the condition was previously discharged by Regulatory Committee in December 2023.

Bullet points 2 and 3 are required to be agreed prior to occupation of the first dwelling. The last two bullet points require to be agreed at later stages. However, details for bullets points 2 – 5 have all been submitted through this application and are for consideration at the same time.

The condition only requires the details to be agreed and does not include any timeframe for the works actually taking place on site – this will be a matter for the highway authority through the S278 agreements.

### **Bullet point 2 (A1085 Railway Bridge)**

This bullet point relates to the existing railway bridge on Marske High Street. Currently there are two lanes under the bridge allowing two way flow of traffic however there is no footpath provision on either side of the road under the bridge. The condition requires pedestrian access on A1085 into Marske, by way of a footway under the A1085 railway bridge. To facilitate a footway under the railway bridge the resulting road width for vehicular traffic would need to be reduced. This would result in the provision of one way traffic under the bridge which would be controlled via traffic signals.

The drawings initially submitted by the developers engineers have been subject of discussions which has seen the details for this bullet point amended. The footway continues to be provided under the railway bridge however the signal arrangements have been amended to create efficiencies in the traffic flow.

### **Bullet point 3 (A174/A1042 Kirkleatham Lane)**

This bullet point relates to the roundabout on the edge of Wilton at the end of Kirkleatham Lane. These junction improvements would see the existing three lanes

on the approach from Lazenby retained towards the roundabout with the outside lane being amended to allow traffic to travel towards Marske and Saltburn alongside Redcar and Wilton International which is currently the case. This results in all three lanes being able to accommodate traffic towards Marske and Saltburn on the A174. These changes would lead to alterations on the roundabout to allow for three lanes to travel onto the A174 with the lanes merging into two once clear of the roundabout.

#### Bullet point 4 (A174 / B1269 Fishponds Road Junction)

This bullet point relates to the roundabout at the end of Yearby Village which provides access to the Walled Garden. These junction improvements would see the approach from Lazenby amended to provide three lanes along with the approach from Yearby amended to provide three lanes. The approach from Marske would see the three existing lanes retained.

#### Bullet point 5 (A174 / B1269 Redcar Lane Junction)

The bullet point relates to the roundabout on the A174 at the end of Redcar Lane and the road towards New Marske. These junction improvements would see alterations on the approach from Marske towards Lazenby and would see the number of lanes increased from two to three.

As the highway improvements relate to works in the adopted highway the developers will also be required to enter into section 278 agreements with the Local Highway Authority.

It is not for the decision maker in this submission to consider whether the condition is necessary or whether the highway improvements listed in the condition are required or not. The condition only requires the technical specification of the highway improvements to be agreed. It is not possible therefore to re-examine or re-consider the improvements listed through the condition discharge process.

Bullet point 2 relates to off-site highway works required by the development to provide safe and sustainable pedestrian access from the development to the designated centre of Marske and the associated commercial facilities.

Bullet points 3, 4 and 5 relate to off site works in order to aid traffic flows on the wider highway network as a result of additional traffic on the network generated by the development.

The Councils Development Engineers have reviewed the drawings and have confirmed that the information provided is sufficient for the purpose of the planning conditions and bullet points 2 – 5 of condition 23 can therefore be discharged.

## **RECOMMENDATION**

Taking into account the content of the report the recommendation is to discharge condition 23 in so far as it relates to bullet points 2, 3, 4 and 5.