

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER:	R/2024/0422/F3M
LOCATION:	Land at Westgate, Market Place, Chaloner Street, Church Street and Fountain Street, Guisborough
PROPOSAL:	Public realm works, including re-alignment of highways, parking and footpaths, additional pedestrian crossings, new street furniture, lighting, and other hard and soft landscaping

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

APPLICATION SITE AND DESCRIPTION

Permission is sought for public realm works, including re-alignment of highways, parking and footpaths, additional pedestrian crossings, new street furniture, lighting, and other hard and soft landscaping

The application relates to land at Westgate, Market Place, Chaloner Street, Church Street and Fountain Street, Guisborough. The application covers the commercial centre of Guisborough and is part of the wider Conservation Area. The site relates to the public realm areas rather than buildings / properties. There are a number of listed buildings within the areas adjacent to the application site. Along the application site are mainly commercial properties although there are a number of residential properties towards the ends of Westgate and along Church Street and Fountain Street.

Within the site there are level changes along the north side of Westgate. The site currently features some limited soft landscaping including some mature trees. The majority of the space on either side of Westgate is informal parking provision.

The planning statement confirms that:

The scheme of proposed public realm improvements in Guisborough is being funded through the Levelling Up Fund ('LUF') Round 2 and have been developed taking into account recommendations from the High Streets Task force on how to address a number of issues acting as a barrier to growth in Guisborough. They form part of a larger programme (Guisborough Regeneration and Accessibility) which includes a package of town centre public realm, active travel and accessibility interventions. They aim to maximise Guisborough's potential as a visitor and tourist destination by delivering improvements in terms of accessibility and activity to create a livelier, multifunctional, streetscape along Westgate and a more attractive environment in Chaloner Street.

The statement also describes the works as:

Westgate

For Westgate, the proposals aim to create a lively, multifunctional streetscape, increasing activity levels, improving accessibility within the centre as well make a more efficient use of space. The proposed scheme therefore includes the following key elements within this area:

- Market Cross: inclusion of a dedicated space to reintroduce the market in this area, and scope to create an art installation into the existing paving, which emphasises the historic importance of the site (with details to be agreed at a later stage);*

The space created would be a dedicated flexible space for event rather than to see the reintroduction of the market in this location.

- Installation of a digital information board and additional outdoor seating near Sunnyfield House;*
- Eastern crossing: the creation of a non-signalised pedestrian crossing, opposite the entrance to Morrisons, with an accessible path linking to upper levels of the existing pavement on the north side of Westgate;*
- Western crossing: the provision of a signalised pedestrian crossing to the west of New Road, with provision for a path linking to upper levels of the pavement on the north side of Westgate;*
- Footpaths (northern side): the creation of a widened footpath and a terraced approach addressing existing levels on the north side of Westgate, providing more space for pedestrians and allowing restaurants and cafés to spill out on the pavement;*

The space would see additional space for pedestrians and the introduction of additional / new flexible seating.

- Footpaths (southern side): the widening of the footpath on the south side of Westgate, where space allows for expansion, again, providing additional space for pedestrian circulation;*
- Parking: existing parking areas along Westgate on the existing cobbled surface have been retained, with a formalised layout, including longer and wider bays (at 6.0m by 2.5m);*
- Market: a defined area for the market within the parking bays, with potential for expansion; and*
- Trees: the retention of existing trees and introduction of other soft landscaping where possible, in order to increase biodiversity and reinforce the existing green corridor already formed by these trees.*

The proposals also include new street furniture, including benches, individual seats, cycle racks, along with wayfinding signage, along Westgate, which would be complemented by a programme of CCTV improvements in the centre. Whilst only a small part of Church Street is included within the

proposed scheme, the works would also include new street furniture, including benches and signage, which complements those being undertaken elsewhere.

Chaloner Street

The proposals for Chaloner Street aim to create an attractive, green connection to Westgate with café spill out spaces, an upgraded Mews square, and a space for a programme of market events to ensure the street is a destination in its own right. The proposals therefore include the following key elements:

- Footpaths: widening of the existing footpaths, providing spill-out space for restaurants and cafes spill out in the central part of the street, linking with Chaloner Mews;*
- Chaloner Mews: the integration of the road design with Chaloner Mews;*
- Chapel Beck Link: a pedestrian crossing across the street here, which reinforces the setting and course of Chapel Beck;*
- Fountain Gateway: the creation of a gateway into the centre for visitors and residents arriving at the nearby car parks, with potential for new artwork/a mural at the end of Chaloner Street; and*
- Soft Landscaping: the creation of planted areas where space and underground services allow*

As with Westgate, the proposals also include new street furniture, including benches, individual seats, cycle racks and wayfinding signage. They also include the installation of new lighting around the junction of Chaloner Street with Chaloner Mews (with details of lighting to be confirmed by planning condition at a later stage).

The application has been accompanied by a site location plan, proposed plans, site sections, planting strategy plan, landscaping masterplan, drainage and lighting drawings and the following documentations:

- Arboricultural Impact Assessment and Method Statement
- Art Strategy Report
- Design and Access Statement (updated during the lifetime of the application).
- Drainage Philosophy
- Ecological Appraisal
- Floor Risk Assessment
- Heritage Impact Assessment
- Phase 1 Desk Study
- Phase 2 Site Investigation Report
- Planning Statement
- Stakeholder and Community Engagement Summary
- SUDS Management Plan
- Transport Statement
- Tree Survey and Constraints Plan.

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
LS3 Rural Communities Spatial Strategy
ED1 Protecting and Enhancing the Boroughs Centres
ED9 Leisure and Tourism Development
L1 Landscape
HE1 Conservation Areas
HE2 Listed Buildings

OTHER POLICY DOCUMENTS

Guisborough Conservation Area Appraisal.

PLANNING HISTORY

None relevant to the current application

RESULTS OF CONSULTATION AND PUBLICITY

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

As a result of the consultation the following representations have been received.

1 representation in support of the application which makes the following comments;

- Want to balance out some of the negativity in relation to this application.
- Lots of comments are based on misinformation and not the actual facts.
- People who have make comments have clearly not studied the plans.
- The plans do not change the fact it is a historic market town.
- Plans will enhance the town and make it more attractive.

- Cafes “spilling out” on to the street is a great idea.
- Additional crossing points is a good thing.
- Changing the bias from vehicular traffic to pedestrian focus is a good thing.
- Chaloner Street should be fully pedestrianised but lets level that discussion for another day.
- Cobbles should be retained and preserved – which if read correctly this is the case.
- Limiting traffic to 20mph is a good thing.
- Works needs to be done quickly and swiftly.
- Disruption should be kept to a minimum.
- Long term maintenance should be considered.
- Hope the plans go ahead and that the vocal minority whipped up by social media do not manage to shout the scheme down.

52 representations which object to the application and makes the following comments;

- Access to information is difficult.
- Drawings are of poor quality.
- Proposals difficult to read online.
- Pedestrian crossing on Chaloner Street is not required.
- The paving to the west should be increased.
- Traffic disruption.
- Digital information boards are unnecessary.
- Dedication plaques on benches must be retained.
- No evidence for the need for the changes.
- Too many planter – 40 new beds along Westgate.
- Additional crossing to Westgate are not required.
- No positives in forming terracing.
- Separate footpaths and roadways are required to avoid accidents.
- Reduction in length of parking bays will mean delivery vehicles will cause disruption.
- Increase in air pollution contrary to the clean air act.
- What are the project costs for the scheme.
- What about carbon accounting.
- There is a clear need to improve the crossing of Westgate Road rather than Westgate but this has been ignored.
- Money would be better spent on clearing Chapel Beck.
- Leave our town alone, Bakerhouse Square is a shambles.
- Proposals are ridiculous and not in keeping.
- Correct signage must be in place for the crossings.
- Westgate does not need more space for outdoor cafes or any more cafes at all.
- Money should be spent on improving public transport.
- Could use the funds to help pop up / start up independent businesses.
- The market is fine where it is.
- More should be done to bring more stalls.

- The market is a waste of time with the reduction in quality stalls.
- The market around the cross will obscure it.
- Money should be used to improve children's play areas, not just King George planning field.
- Close eye should be kept on contractors.
- Businesses are losing money.
- Need good shops.
- Parking prices are too high.
- Use the money on things Guisborough residents want.
- Not enough parking already.
- Should not be losing parking.
- Need more CCTV.
- Proposals will kill Guisborough.
- This is a market town not a city.
- This will destroy the towns heritage.
- The changing rooms at Guisborough Baths should be restored with the money.
- Concerned about disabled access.
- Existing paving stones should be fixed.
- Cobbles should not be removed or altered in any way.
- Lack of consultation.
- The proposals would be a waste of the funding money.
- Concern over lack of information in relation to future maintenance.
- There should be no change to the existing planters without agreement.
- Existing stone planter should be removed as it reduces the parking space.
- Shop fronts should be improved.
- Crossing points are in residential areas so should be silent crossings.
- Poor use of fund to use an out of town agent.
- Noone has consulted with the residents to find out what they want.
- Plans look awful.
- Town needs more infrastructure and facilities.
- There is nothing wrong with the current town and so this is a waste of money.
- The restoration of the cobbles in the 90s was well done and does not need anything doing to it.
- Trees should remain.
- Drains should be clean on a regular basis.
- Local companies should be used.
- Effect on conservation area / listed buildings.
- Stepped terrace look dangerous.
- Too many different surface materials looks complicated and confusing.
- Formalised parking is unnecessary and hugely restrictive.
- Bus stop should not be moved.
- Parking should remain free.

Guisborough Town Council (18/07/2024)

The members of Guisborough Town Council's Planning Committee have a number of concerns regarding some of the details within this large-scale proposal.

We are not convinced that there is the need for both of the additional crossing points shown on the plans.

We believe that moving the bus stop at the western end of the scheme from its current layby to the east of New Road, where the buses will stop on the carriageway will cause a safety hazard for traffic, pedestrians and bus users.

The main justification for widening pavements and creating terraced areas to the north of Westgate, between Westgate Road and The Ironstone Miner public house seems to be to create space for cafes to have outside seating areas, however this stretch of Westgate currently does not have any cafes to take advantage of this strategy. On the other hand, there are a number of listed buildings which will be adversely affected by a change in the street scene.

Most of the street lighting is to remain unchanged but some of the lighting columns also have Christmas lighting wrapped around them provided by Guisborough Town Council and also provide locations for the summer hanging basket displays, which are sponsored by local businesses and residents, and are facilitated by Guisborough in Bloom. We are concerned that some of the proposed changes could make access to the lighting columns for maintenance difficult and put the additional use of the columns in jeopardy, as hanging baskets could not be accessed for watering.

We are concerned about ensuring that as few cobbles as are absolutely necessary are removed or changed as the cobbled areas are an essential part of the town's character and are something that visitors comment on,

The Town Council has been informed that the parking in front of Sunnyfield House will remain but some of the planning documents still refer to a 'civic space' in front of Sunnyfield House.

The RCBC Local Plan Policies

HEI In Conservation Areas

Plans should respect existing architectural and historic character, respect existing hard and soft landscaping features and respect historic plot boundaries and layouts. Some elements of this scheme clearly are not keeping to this policy.

Ward Members

Councillor Bill Clarke (31/07/2024)

There have been a number of public consultations about this funding for levelling up but I personally find the actual planning application difficult to understand due to the scale of the drawings and the technicality of it all. I do though have the following points to make.

1. The bus stop at the junction of New Road and Westgate must remain as it is and not change its location as it will impair the sight line when a bus has stopped from traffic attempting to turn right on to Westgate from New Road.

2. I see no need for another two crossing points on Westgate. The one already in much use is adequate. Perhaps these new ones have been designed to slow down the traffic to 20mph but in my experience drivers looking for parking spaces on the cobbles slow down the traffic anyway. Part of the application is to make the speed limit 20mph.

3. Flower beds/trees enhancements always look good on drawings but in reality, who will maintain them – volunteer groups? More thought must be made about these and their ease and cost of maintenance.

4. Parking is high up on the political agenda for all councils up and down the country. Yes, some drivers do park badly but the majority park quite well so I see no need for parking bays to be introduced. This arouses suspicion in me about a long-term strategy by RCBC to introduce parking fees on the cobbles in the years to come – just a personal thought. There is to be 1-hour free parking introduced along Fountain Street East and I understand the new parking charges when introduced shortly at Belmont House which is under new ownership has informed me the parking charges will be £1.50 for four hours, £2.50 all day and the introduction of the new monthly rate of £50.00. This if it is correct should ease the parking situation in the town centre.

5. There is no need for a crossing point in Chaloner Street. The traffic is slow enough as it is and, in my estimation, safe enough to cross without any crossing point.

Councillor Peter Berry (23/07/2024)

The movement of the bus stop from the west to the east of New Road blocks Mill street and because the buses have to stop on the road presents a danger to cars turning right from New road into Westgate because their sight lines are blocked, this also prevents cars travelling along Westgate from seeing cars turning right from New road.

Northumbrian Water (05/07/2024)

We do not have any specific comments to make for this application.

Cleveland Police (Designing Out Crime Officer) (23/07/2024)

With regards to your recent planning application R/2024/0422/F3M for Public Realm Works, Guisborough. Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I encourage contact from applicant/agent at earliest opportunity to incorporate any relevant 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.*

Environment Agency (02/07/2024)

*Environment Agency Position We have no objection to the above application as submitted. Due to the location of the development, we would like to take this opportunity to provide the below permitting advice to the applicant.
Environmental permit*

Advice to Applicant The applicant will require a Flood Risk Activity Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)*
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)*
- on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission*

**Redcar and Cleveland Borough Council (Development Engineers)
(23/08/2024)**

The proposal is for public realm works, including re-alignment of highway, parking and footpaths, additional pedestrian crossing facilities, new street furniture, lighting, and other hard and soft landscaping treatments.

A transport statement (TS) has been submitted in support of the application. As stated in the TS, 124 vehicular parking spaces are proposed, currently the informal nature of the parking facility leads to an inefficient use of the available space for parking. The proposals will enable parking to occur efficiently in order to maximise the available parking facility, with improved safety given the formalisation of the arrangement, creating betterment. Proposals include the widening of footways and the introduction of additional crossing facilities on Westgate, this will improve accessibility and meet key desire lines associated with pedestrian movements on the High Street.

The proposals will provide betterment to the existing highway environment, although all works must conform to Tees Valley Design Guide Standards, local transport notes and associated central government guidance documents, this can be assured and enforced through the Section 278 Highways Act agreement process, which should be followed in order to agree the civil engineering detail of the works.

The palette of materials used to form the crossing facilities and new junction arrangements will be the subject of condition, to ensure any highway safety issues are addressed as part of the works.

It is therefore for the above reasoning we recommend approval of the application subject to condition.

Construction Compound

A plan showing the location of temporary car parking to accommodate operatives and construction vehicles during the development of the site and measures to protect any existing footpaths and verges, shall be submitted to and approved in writing by the local planning authority and thereafter implemented upon commencement of construction. The parking is to be removed on completion of works.

Reason: In the interests of amenity of the area and nearby residents and highway safety having regard for Local Plan Policy.

Details of Roads, Footpaths and Open Spaces Required

Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be carried out in accordance with the approved details.

Reason; To ensure a satisfactory form of development and in the interests of highway safety having regard for Local Plan Policy and sections 9 and 12 of the NPPF.

Road Safety Audit

A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB GG119 and guidance issued by the council, will be required for the highway layout works requiring alteration as specified in such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 2 of said audit must be submitted to and confirmed in writing by the Local Planning Authority prior to works commencing on site. Any remedial works required within the audit shall be implemented within 6 months following the remedial works being identified and agreed unless an alternative timescale is first agreed in writing with the Local Planning Authority.

Reason: To minimise the road safety risks associated with the changes imposed by the development having regard for Local Plan Policy and sections 9 and 12 of the NPPF.

Redcar and Cleveland Borough Council (Local Lead Flood Authority) (02/08/2024)

The LLFA have reviewed the application and would offer no objection to the proposed development. The application indicates a number of alterations proposed to the highway drainage system which will be assessed by the Development Engineer as part of any alterations to the adopted highway.

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land) (26/06/2024)

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 that a Phase 1: Desk Study and Phase 2: Site Investigation have been submitted in support of the application.

The Phase 2 Site Investigation states that no significant sources of contamination have been encountered during this investigation and consequently no unacceptable risks have been identified. It is considered that the levels of contamination are unlikely to pose a risk to future users of the site given the less sensitive nature of the proposed development. Any pollutant linkage will be severed as long as the made ground is covered either by hardstanding or a clean cover 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:

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)

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) (26/06/2024)**

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:

Due to the proposed development being in close proximity to residential properties there is a high likelihood that residents amenity may be adversely affected by noise and dust associated with the carrying out of the public realm works.

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 development being brought into permitted end use, a noise and vibration assessment shall be carried out to assess the likelihood of adverse impacts on nearby noise sensitive properties. Where adverse impacts are identified then a scheme of works detailing how the impacts will be reduced to acceptable levels shall be submitted for the approval of the Local Planning Authority. The assessment should have due regard to the advice and guidance contained in British Standard BS5228:2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites and ProPG: Planning and Noise document.

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.

**Redcar and Cleveland Borough Council (Conservation Advisor)
(17/07/2024)**

No objection. The submitted Heritage Statement illustrates the key objective of the proposals, which aim to "...create a lively, multifunctional streetscape,..." . It is however suggested that phrase also describes the current situation and it is therefore essential that the scheme capitalises upon that positive aspect.

As outlined in the Heritage Statement, some long standing negatives are to be addressed via this proposal. Replacement of non-traditional paving materials for cobbles and sandstone in the historic town centre is an enhancement and alterations to address the utilitarian character of the access road to the library are welcomed. Other measures as outlined in the document are minor but will collectively make a more pronounced difference. For example, the proposed uplighters to illuminate the Market Cross can be thought of as a less intrusive alternative to the lamps that have been attached to it during various eras. The re-introduction of market stall facilities to the paving surrounding the Market Cross will also enhance the communal significance of this specific area.

With regard to proposed interventions on Westgate relating to the cobbled hard shoulders, execution and attention to detail is crucial to ensure the vernacular nature of the street is not affected as it is of prime importance that

a “cityscape” aesthetic is avoided. The potential negative impact of the work is discussed in the Heritage Statement, though it is pertinent to remember that such interventions have historically been carried out on other historic sunken streets, with nearby Belmangate being a local example. Absolutely essential however to achieve a sympathetic outcome is the choice of suitable natural materials that do not overtly contrast with the traditional surfacing and will weather down to fade into the street scene, rather than draw attention to their presence.

It is acknowledged that the proposed terracing is limited to areas where the cobbled hard-shoulders have substantial width, meaning currently space can be sterilised from use as they in effect provide double length parking spaces. The levelling effect provided by the terracing will act to partially widen the pavement but, subject to the use of sympathetic materials, should have a lesser visual impact than might be anticipated with minor examples already being found on Westgate. The proposed pedestrian slope and steps fronting the GII listed buildings of 38, 40 & 42 Westgate must also be executed in an entirely sympathetic manner in order not to harm the settings of those assets. The same considerations apply to the ramp opposite GII listed Kemplah House and the associated pedestrian crossing.

The late 19th century character of Chaloner Street is less vernacular in nature, which over an extended period has evolved into a somewhat formal commercial enclave. The proposed highway alterations which should also consist of high quality, mainly natural materials, combined with the catenary lighting will elevate the status of the street and draw attention to this architecturally well preserved area, whilst not harming character or setting.

Overall therefore, it is considered that, subject to the following conditions, the proposals are capable of preserving and enhancing the character of the conservation area, as required by policies HE1 and HE2 of the adopted Local Plan.

- Before any works commence in pursuance of this permission, full details and/or samples of all surfacing materials to be used 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.*

- Prior to installation, full details and/or samples of all railings 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.*

- Prior to installation, full details and/or samples of all external materials to be used for construction of the planters 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

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

The application site is located within the development limits and within the established commercial area.

The principle of development in this location is acceptable and the proposal would accord with the aims of policy SD3 of the Local Plan.

Policy ED1 relates to the protection and enhancement of the designed commercial centres. The application site includes the commercial centre of Guisborough which is a district centre.

Part e of policy ED1 states:

Enhance the appearance, safety and environmental quality of the centre.

Part g states:

Safeguarding and improving markets within centres

Part j states;

Improving the quality and quantity of parking in designated centres.

The proposals seek to improve the public realm and improve the appearance and environmental quality of the area. The market has been considered through the proposals with alterations to safeguard and improve the existing conditions for stall holders with the existing market. The application also seeks to retain parking along Westgate with the introduction of a more formalised layout to improve the efficiency of this space.

The application therefore accords with part e, g and j of policy ED1 of the Local Plan.

Policy ED9 seeks to

f. improve the leisure and tourism offer of Guisborough as a market town and destination at the gateway of the North York Moors National Park.

The proposal would improve and enhance the public realm areas and recognises the important role Guisborough has within the Borough. The application would accord with part f of policy ED9 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.”

The Councils Conservation Officer has reviewed the application and has stated that they have no objections to the proposal.

As outlined in the Heritage Statement, some long standing negatives are to be addressed via this proposal. Replacement of non-traditional paving materials for cobbles and sandstone in the historic town centre is an enhancement and alterations to address the utilitarian character of the access road to the library are welcomed. Other measures as outlined in the document are minor but will collectively make a more pronounced difference. For example, the proposed uplighters to illuminate the Market Cross can be thought of as a less intrusive alternative to the lamps that have been attached to it during various eras. The re-introduction of market stall facilities to the paving surrounding the Market Cross will also enhance the communal significance of this specific area.

With regard to proposed interventions on Westgate relating to the cobbled hard shoulders, execution and attention to detail is crucial to ensure the vernacular nature of the street is not affected as it is of prime importance that a “cityscape” aesthetic is avoided. The potential negative impact of the work is discussed in the Heritage Statement, though it is pertinent to remember that such interventions have historically been carried out on other historic sunken streets, with nearby Belmangate being a local example. Absolutely essential however to achieve a sympathetic outcome is the choice of suitable natural

materials that do not overtly contrast with the traditional surfacing and will weather down to fade into the streetscene, rather than draw attention to their presence.

It is acknowledged that the proposed terracing is limited to areas where the cobbled hard-shoulders have substantial width, meaning currently space can be sterilised from use as they in effect provide double length parking spaces. The levelling effect provided by the terracing will act to partially widen the pavement but, subject to the use of sympathetic materials, should have a lesser visual impact than might be anticipated with minor examples already being found on Westgate. The proposed pedestrian slope and steps fronting the GII listed buildings of 38, 40 & 42 Westgate must also be executed in an entirely sympathetic manner in order not to harm the settings of those assets. The same considerations apply to the ramp opposite GII listed Kemplah House and the associated pedestrian crossing.

The late 19th century character of Chaloner Street is less vernacular in nature, which over an extended period has evolved into a somewhat formal commercial enclave. The proposed highway alterations which should also consist of high quality, mainly natural materials, combined with the catenary lighting will elevate the status of the street and draw attention to this architecturally well preserved area, whilst not harming character or setting.

Overall therefore, it is considered that, subject to the following conditions, the proposals are capable of preserving and enhancing the character of the conservation area, as required by policies HE1 and HE2 of the adopted Local Plan.

The proposed works would improve the character and appearance of the area and would not have any adverse impact on the street scene.

While the principle of the works and proposals are considered acceptable final details are required in relation to a number of elements including all surfacing materials, the railings and planters. These elements can be secured by conditions should planning permission be granted.

A condition is also recommended in relation to a method of works statement to ensure that the works are completed in an appropriate manor given the location in the conservation area.

The proposal is considered to be acceptable in relation to the impacts on the conservation area and listed buildings in regard to policies SD4, HE1 and HE2 of the Local Plan along with the requirements of the Act and the guidance within the NPPF.

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

The impacts on neighbour amenity

Given the nature of the application and the location of the works the proposal does not raise any issues in terms of overlooking or loss of privacy. Due to the scale of the works there would be no overbearing impacts from the development on any of the residential properties along Westgate.

The comments from Environmental Protection are noted in terms of conditions to limit any adverse impact on residential amenity. Given that the works are to be undertaken in the adopted highway in the main and in an area where there is activity on an evening and weekend it would be unreasonable to limit the working hours. The proposal is for public realm improvements as opposed to new buildings and therefore the noise and disturbance is unlikely to be of levels which would warrant a restriction on hours and the submission of noise and vibration assessments or dust mitigation strategies. It is therefore not considered reasonable or necessary to attach the three suggested conditions.

The proposal would not have a significant adverse impact on the amenity of occupiers of existing buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on highways safety

The application has been accompanied by a transport statement which has been reviewed by the Council's Development Engineers.

A transport statement (TS) has been submitted in support of the application. As stated in the TS, 124 vehicular parking spaces are proposed, currently the informal nature of the parking facility leads to an inefficient use of the available space for parking. The proposals will enable parking to occur efficiently in order to maximise the available parking facility, with improved safety given the formalisation of the arrangement, creating betterment.

Proposals include the widening of footways and the introduction of additional crossing facilities on Westgate, this will improve accessibility and meet key desire lines associated with pedestrian movements on the High Street.

The proposals will provide betterment to the existing highway environment.

The development engineers have recommended the use of planning conditions to agree the construction compound, details of the design and materials for the roads, footpaths and other adoptable open spaces and the submission of a road safety audit. These conditions are reasonable and necessary and would be attached should planning permission be granted.

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.

Other matters

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

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

The development does not impact more than 25sqm of area habitat or more than 5m of linear habitat and therefore the de minimis exemption applies in relation to mandatory bi-diversity net gain. It is however acknowledged that the scheme includes additional planting and landscaping and therefore the scheme does include an element of bio-diversity enhancements.

A phase 1 and 2 environmental study has been submitted with the application which has been reviewed by Environmental Protection. The documents confirm that no significant sources of contamination have been found during the investigations. In order to minimise any environmental impacts the unexpected contamination condition is recommended. The condition is considered reasonable and will be attached should permission be granted.

A drainage philosophy document and drainage drawings have been submitted with the application. Part of the sites fall within all flood zones (1,2 and 3) and the scheme has been reviewed by the Environment Agency and the Council as Local Lead Flood Authority. Neither the EA or LLFA have raised any objections to the proposal given the scale and nature of the works proposed.

An art strategy has been submitted with the application which includes details for potential art installations and lighting strategies. The final details of these elements are still to be designed and therefore conditions are recommended to agree the details prior to any installation on site.

The comments received as result of the consultation period are noted however, for the reasons set out in the above report none are considered to raise material planning considerations that would support a refusal of planning permission. Members will be aware that some of the points raised throughout the consultation period are not matters for planning control.

Members should be aware that additional grant funding is available for shop front improvements in line with heritage standards. A number of schemes have already been submitted for planning permission and have been approved. These works fall outside the scope of this permission.

CONCLUSION

For the reasons outlined above the proposal is considered acceptable subject to a number of planning conditions.

The proposal would not have a significant adverse impact on neighbour amenity and the proposal raises no issues in terms of highways safety or crime prevention.

The scale and design is acceptable and the proposal would respect the character of the site and surroundings and would enhance the conservation area.

The works would enhance the designated centre and the role of Guisborough as a market town and gateway to the National Park.

The proposal accords with policies SD3, SD4, LS3, ED1, ED9, HE1 and HE2 of the Redcar and Cleveland Local Plan.

RECOMMENDATION

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

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan GHST-RYD-00-ZZ-DR-L-0101-S2-P1 received by the Local Planning Authority on 24/06/2024
Existing Site Plan GHST-RYD-00-ZZ-DR-L-0100-S2-P1 received by the Local Planning Authority on 24/06/2024
Proposed Landscape Masterplan GHST-RYD-00-ZZ-DR-L-2000-S2-P10 Rev A received by the Local Planning Authority on 30/08/2024
Indicative Levels GHST-RYD-00-ZZ-DR-L-2210-S2-P1 received by the Local Planning Authority on 24/06/2024
Site Sections Key Plan GHST-RYD-00-ZZ-DR-L-2700-S2-P1 received by the Local Planning Authority on 24/06/2024
Site Sections Chaloner Street GHST-RYD-00-ZZ-DR-L-2701-S2-P2 received by the Local Planning Authority on 24/06/2024
Site Sections Westgate 01 GHST-RYD-00-ZZ-DR-L-2702-S2-P1 received by the Local Planning Authority on 24/06/2024
Site Sections Westgate 02 GHST-RYD-00-ZZ-DR-L-2703-S2-P1 received by the Local Planning Authority on 24/06/2024
Planting Strategy Plan GHST-RYD-00-ZZ-DR-L-7000-S0-P2 received by the Local Planning Authority on 24/06/2024

Drainage GA - Overall GHST-BGP-00-ZZ-D-C-0130 received by the Local Planning Authority on 24/06/2024
Drainage GA – Sheet 1 GHST-BGP-00-ZZ-D-C-0131 received by the Local Planning Authority on 24/06/2024
Drainage GA – Sheet 2 GHST-BGP-00-ZZ-D-C-0132 received by the Local Planning Authority on 24/06/2024
Drainage GA – Sheet 3 GHST-BGP-00-ZZ-D-C-0133 received by the Local Planning Authority on 24/06/2024
Drainage GA – Sheet 4 GHST-BGP-00-ZZ-D-C-0134 received by the Local Planning Authority on 24/06/2024

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

3. Prior to the commencement of development a plan showing each phase of development shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the sequence of development . The development shall be completed in accordance with the approved details.

REASON: For the avoidance of doubt.

4. Prior to the commencement of each phase of the development details shall be submitted to and agreed in writing by the Local Planning Authority, of proposals to provide contractors car parking and material storage . The details approved shall be implemented and retained for use until completion of that phase of development unless first agreed in writing with the Local Planning Authority.

REASON: To ensure that any parking and storage is provided within the site in the interest of highways safety and in accordance with policy SD4 of the Redcar and Cleveland Local Plan.

5. Prior to commencement of construction of each phase, fully detailed drawings illustrating the design, materials and final surface treatment of roads, footpaths and other adoptable open spaces for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON; To ensure a satisfactory form of development and in the interests of highway safety having regard for Local Plan Policy and sections 9 and 12 of the NPPF and to ensure no adverse impact on the conservation area in accordance with policy HE1.

6. Prior to their installation, full details and/or samples of all railings within each phase of the development 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

7. Prior to their installation, full details and/or samples of all external materials to be used for construction of the planters within each phase of the development 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

8. A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB GG119 and guidance issued by the council, will be required for the highway layout works requiring alteration as specified in such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 2 of said audit must be submitted to and confirmed in writing by the Local Planning Authority prior to works commencing on site.

Any remedial works required within the audit shall be implemented within 6 months following the remedial works being identified and agreed unless an alternative timescale is first agreed in writing with the Local Planning Authority.

REASON: To minimise the road safety risks associated with the changes imposed by the development having regard for Local Plan Policy and sections 9 and 12 of the NPPF.

9. 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

10. Prior to their installation, full details of any CCTV, within each phase of the development 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

11. Prior to their installation, full details of any additional lighting schemes, within each phase of the development 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

12. Prior to their installation, full details of any public art, within each phase of the development 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 settings of adjacent listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

13. Prior to the commencement of each phase of development a method of works statement, detailing the works and construction in that particular phase, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to ensure there is no adverse impact on the character and appearance of the street scene or wider conservation area in accordance with policies SD4 and HE1 of the Local Plan.

STATEMENT OF COOPERATIVE WORKING

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.

INFORMATIVES

The applicant will require a Flood Risk Activity Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission