

## REGULATORY COMMITTEE

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Thursday, 17 October 2024

### REGULATORY COMMITTEE

A meeting of the Regulatory Committee was held on Thursday, 17 October 2024 at the Civic Centre, Ridley Street, Redcar, TS10 1TD.

**PRESENT** Councillor R Clark (In the Chair)  
Councillors M Fletcher, M Head, S Martin,  
M O'Donoghue, P Thomson, V Rider and I Hart.

**OFFICIALS** E Dale, C Griffiths, M Lawton, R Meadows and  
J Morgan,

**IN ATTENDANCE** Councillor Crane

#### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Smith (Chair),  
J Neal, L Pallister, C Quartermain and J Thompson.

186 **DECLARATIONS OF INTEREST**

:-None.

187 **TO CONFIRM THE MINUTES OF THE MEETING HELD ON 19  
SEPTEMBER 2024**

**RESOLVED** that the minutes of the meeting of the Regulatory Committee  
held on the 19 September 2024 be confirmed and signed by the Chair as  
a correct record.

188 **TO NOTE THE ATTENDANCE MATRIX FROM THE LAST MEETING**

**RESOLVED** that the attendance matrix be noted.

189 **R/2024/0196/RMM APPLICATION FOR RESERVED MATTERS  
APPROVAL (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT  
AND SCALE) FOR 396 DWELLINGS AND GARAGES WITH  
ASSOCIATED ACCESS, LANDSCAPING AND ANCILLARY WORKS  
PURSUANT TO PLANNING CONSENT R/2014/0372/00M LAND AT  
LOW GRANGE FARM SOUTH BANK**

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The Executive Director for Growth, Enterprise and Environment summarised the officer report which had been pre-circulated.

Councillor Bendelow and Pallister were not in attendance but had requested that their objections be read out.

Members sought questions of clarification around the following matters;

- Strategic Planning mentioned affordable housing not reflecting the Local Plan guidelines however the house types in Phase 2 do not pick this up;
- Had discussions taken place with the developer to try to address the concerns in the report;
- How would the concerns expressed regarding flooding be reflected in the conditions. The existing arrangement was not working therefore how could we have confidence that the existing arrangements were conformed with and if they were not then how would it be enforced;
- We have been informed that a Travel Plan was not a requirement of the outline approval and that now at the material stage it could not be introduced therefore at what stage could it be reasonably requested?
- Should there be a reference within the report of Natural England picking up differentials and how would Members be advised of that process? Requested that should permission be given today then at the next meeting Members be informed of the conditions referred to by Natural England;
- Have the recommendations by Cleveland Police been picked up?
- The report referred to the house types meeting the building regulation requirements without any reference to the non use of gas heating or the use of renewable energy;
- Concerned over access to medical facilities as it was almost impossible to get an appointment at either of the 2 local GP surgeries, both were vastly over subscribed unless there was a third option provided. Similarly access to education was an issue with St Peter's and St Margaret's over subscribed;
- Access to the site via the small road adjacent to Aldi would cause congestion on the Trunk Road. Would there be a secondary access at the Church Lane end of the site?
- Concerns expressed in the report from the Clinical Commissioning Group and the contribution required to extend the Eston Primary Care Network was only feasible with a Section 106 Agreement;
- Why have we not been guided as a Local Authority to seek a Section 106 particularly when the provision of health care was of concern. The system failed to identify a reasonable need and therefore failed an ever increasing demand;

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The agent present at the meeting made the following comments:-

- The redevelopment of this site had been a long standing aspiration of Redcar and Cleveland Council and had been identified more than 25 years ago;
- There had been significant progress on site with 210 houses completed contributing significantly to the housing supply;
- The principle of housing was long established;
- This was a detailed scheme for 396 houses in the second phase of the development;
- The consultation had resulted in objections from residents of Elgin Avenue however following a meeting with residents changes were made to address their concerns;
- There were no concerns from the statutory consultees or officers;
- Discussions were ongoing in relation to mitigation measures in relation to nutrient neutrality;
- The delivery of housing on the site had been challenging but they were ready to invest in the next stage.

Members questioned the agent on the following points;

- What is your response to the recommendation suggested by Cleveland Police?
- What reassurance can you provide that in relation to flooding you are not going to fall foul like the existing arrangements;
- The SUDS specification was agreed at the outline stage in 2016 however with climate change and increased levels of rainfall particularly in the last decade what changes have been made to address this?
- How will the concerns regarding affordable housing be addressed in terms of the rental market going forward?
- How do you see the use of renewable energy on this site going forward?
- If Building Regulations were to change would you then be required to comply with the new regulations at the time of construction?

Members debated the application and made the following comments;

- The outline was agreed in 2016
- Only considering the reserved matters application;
- Should delegate the technical matters to officers.

Members were mindful to grant Planning Permission subject to officers satisfactorily resolving final credit arrangements with Natural England and adding this to the conditions.

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190 **R/2023/0572/RS DETACHED TWO STOREY DWELLINGHOUSE AND  
DETACHED WORKSHOP (RESUBMISSION) LAND OFF LINGDALE  
ROAD BOOSBECK**

The Executive Director for Growth, Enterprise and Environment summarised the officer report which had been pre-circulated.

A supporter was present at the meeting and made the following comments:-

- Inundated with e mails following the recent Grand Design programme where the featured house was allowed due to its exceptional design. The proposal here was more thought out and that was not just our opinion but many who watched the programme and were aware of this proposal;
- The proposed design exceeds the highest standard;
- It is a known fact that sunlight lifts mood and in this build it can be controlled and it is this kind of feature and other design factors that make it exceptional;
- Rainwater will be collected and will provide a stunning water feature which we know helps with mental health;
- It was important that this build was sustainable and this home would create more energy than it used.

Members questioned the supporter on the following points:-

- How do we make sure the property is in keeping with the local area?
- Concerned with regard to the construction phase.

The agent was present at the meeting and made the following comments:-

- With respect to Policies SD3 and SD4 the NPPF permits development outside the limits of development where the design was exceptional;
- Had been involved in the Cherry Tree House and care home refurbishment in Boosbeck both which had improved the village;
- This was a brownfield site on the outskirts of the village;
- The site was currently an eyesore and the proposed development would improve the area massively;
- The recommendation to refuse Planning Permission was based on an opinion stating that it was not exceptional and would not raise the standard of design nor enhance the area, I would totally disagree;
- It was for Members to make their decision based on the fact that it was compliant with policy and its design was the subject of opinion;

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- If you agree that the proposal was of exceptional design then it agreed with policy;
- Permission had recently been granted for 8 bungalows on a greenfield site in the immediate vicinity;
- The brownfield site currently attracted tipping and burglaries;
- The redevelopment of this site would be of benefit to the residents of Boosbeck and would add to the housing stock in the Borough.

Members questioned the agent on the following points:-

- What was the timescale to completion?
- What would the effect be on the roads during the construction phase?

Members debated the application and made the following comment:-

- This was the best design we have seen for some time and can see no reason to refuse;
- The conditions as outlined by the Officer were reasonable and would expect them to be incorporated into a motion to approve;

Following the debate Members resolved 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

05/09/2023 Proposed site plan with car parking received by the Local

Planning Authority on 25/07/2024

Proposed workshop received by the Local Planning Authority on  
25/07/2024

Proposed elevations received by the Local Planning Authority on  
25/07/2024

Proposed floor plans received by the Local Planning Authority on  
25/07/2024

Proposed garage received by the Local Planning Authority on 29/08/2023

Proposed well being and sustainability plan received by the Local  
Planning Authority on 25/07/2024

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

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3. Prior to any development above damp proof course details of the external materials to be used in the carrying out of this permission (including samples) 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.

4. 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.

5. Prior to (occupation of the first completed dwelling on the site / occupation of the building hereby approved) a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include size, type and species and a programme of work. The development shall be completed in accordance with the approved details.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the satisfactory implementation of the approved scheme in the interests of the visual amenities of the locality.

7. Notwithstanding the details included within the application and prior to the commencement of development a scheme detailing the disposal of surface water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details which shall be retained for the lifetime of the development.

REASON: To ensure the satisfactory implementation of drainage details

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on the site.

REASON FOR PRE-COMMENCEMENT: The details are required to be agreed prior to any works commencing on site to implement the permission

8. Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (a) to (c) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (e) has been complied with in relation to that contamination.

### (a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management Guidance

### (b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must

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ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### (c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### (d) Reporting of Unexpected Contamination

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 in accordance with the requirements of part (a) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b), 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.

### (e) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management Guidance

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with



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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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site it relates to land contamination details which are often the first works on site and relate to site preparation.

9.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.

10.The development hereby permitted shall not commence until details of a suitable access arrangement have been submitted to and approved in writing by the Local Planning Authority, thereafter such access arrangements that have been agreed in writing shall be constructed in line with such plans prior to occupation of the development hereby approved.

REASON: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic having regard for Local Plan Policy and sections 9 and 12 of the NPPF

11.The development hereby approved shall not be occupied until the areas for vehicle parking have been constructed and laid out in accordance with the approved drawing 'SITE, LOCATION PLAN & SECTION – Rev. 5' issued on 31/05/2024, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles.

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

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**R/2023/0586/FF RESIDENTIAL DEVELOPMENT COMPRISING OF 4 FLATS WITH SINGLE ATTACHED GARAGE AND ASSOCIATED PARKING LAND ADJACENT TO 21 KILBRIDGE CLOSE NEW MARSKE**

The Executive Director for Growth, Enterprise and Environment summarised the officer report which had been pre-circulated.

Members sought clarification around the following matters;

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- Were officers happy that there was enough space for residents to turn around in the cul de sac and that they would not be restricted?

Members debated the application and made the following comments:-

- Pleased to see the area developed as it was currently a mess and encouraged fly tipping;
- Would provide homes and tidy the area;

Following the debate members resolved to grant Planning Permission subject to the payment of the SPA contribution and the conditions included in the officer report.

### 192 **DELEGATED DECISIONS**

The Executive Director for Growth, Enterprise and Environment circulated a schedule of delegated decisions determined by the Executive Director for Growth, Enterprise and Environment under the delegated power procedure.

**:-NOTED.**

### 193 **APPEAL INFORMATION**

The Executive Director for Growth, Enterprise and Environment presented Members with a schedule of the appeals which had been received.

**:-NOTED.**

### 194 **ENFORCEMENT SCHEDULE**

The Executive Director for Growth, Enterprise and Environment presented Members with a schedule of enforcement actions.

**:-NOTED.**

### 195 **DEEMED CONSENT APPLICATIONS**

**R/2024/0560/F3 Listed Building Consent for external repairs and maintenance; repair work to main hall ceiling and minor electrical upgrades Kirkleatham Hall Museum, Kirkleatham Lane, Recar.**

Deemed Consent granted 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

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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 21/08/2024

Site layout demolitions plans received by the Local Planning Authority on 03/09/2024

Site Layout Landscaping proposals received by the Local Planning Authority on 03/09/2024

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

**R/2024/0582/F3 Public Realm Works, including re-alignment of highways, parking and footpaths, additional pedestrian crossings, new street furniture, lighting and other hard and soft landscaping public park bordered north by Bolckow Road, east by Argyle Road, south by Alexandra Road and west by Roberts Street, Grangetown.**

Deemed consent granted 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 18 of the Planning (Listed Buildings and Conservation Areas) 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 13/08/2024

Existing and Proposed Elevations received by the Local Planning Authority on 13/08/2024

Proposed Services Layout Plan received by the Local Planning Authority on 13/08/2024

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

3.The work shall be executed as outlined in the submitted Specification and Schedule of Work for Repairs dated 9/8/24 and the submitted analytical report and mortar mix specified by The Earth Stone and Lime Company.

REASON: To safeguard the special character of the listed building as required by Policy HE2 of the adopted Local Plan.