

REGULATORY COMMITTEE

23 JUNE 2022

REGULATORY COMMITTEE

A meeting of the Regulatory Committee was held on 23 June 2022.

PRESENT. Councillor Stuart Smith (Chair),
Councillors Ayre, Baldwin, Foley-McCormack,
Head, Hixon, Lockwood, Morgan, Ovens,
Thomson and Watts.

OFFICIALS. E Dale, E Garbutt and C Griffiths

APOLOGIES FOR ABSENCE were submitted on behalf of Councillor Brook and Cook.

7. MINUTES

RESOLVED that the minutes of the Regulatory Committees held on 26 May 2022 be confirmed and signed by the Chair as a correct record

8. PLANNING APPLICATION FOR DECISION.

R/2022/0389/FF Change of use and conversion of existing bed and breakfast accommodation (16 bedrooms) (Class C1) into 8 self-contained apartments (Class C3) (Amended Scheme) – Tudor Lodge bed and breakfast 7 Turner Street and 2 Cleveland Street Redcar.

The Managing Director advised that permission was sought for a change of use and conversion of existing bed and breakfast accommodation (16 bedrooms) (class c1) into 8 self contained apartments (class c3) (amended scheme)

The application related to 7 Turner Street and 2 Cleveland Street. The property was also known as Tudor Lodge and was located on the corner of Turner Street and Cleveland Street. The building was located within a largely residential area adjacent to the boundary with Redcar town centre and a mix of commercial properties.

This application proposed to change the use of a 16 bedroom bed and breakfast accommodation into 8 self contained apartments. The application proposed 6 no. one bed flats and 2 no. 2 bed flats. Each flat would have a bathroom, kitchen and lounge. There would be a communal bin storage area to the rear of the building in the existing courtyard.

The application proposed internal alterations only.

This application was revised following the granting of consent

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R/2021/0848/FF for the same proposal. Both applications were for the same proposal and floor plans, however there was administrative error, in that the red outline on the site location plan only included 7 Turner Street and not 2 Cleveland Street. This application was to rectify the error in the red line boundary.

The application had been accompanied by existing and proposed plans.

The consultation exercise had resulted in six written representations having been received objecting to the proposal. The comments were summarised as follows:-

- *More flats in street where have been told repeatedly wouldn't be allowed anymore flats, street rammed with flats and bed sits, drug dealers and scumbags robbing gars and littering*
- *No where to park because every house has a permit, O'Grady's has 22 permits.*
- *More flats would mean 24 more permits for an already rammed street and not taking into account the contractors that park after 5pm*
- *Concerned at the impact such a development would have upon the area*
- *Neighbourhood is already saturated with housing like this*
- *Development would offer no outside space*
- *Where would occupant's park*
- *Proposal runs contrary to Council's vision for the 'Northern Quarter', cheap flats appealing to transient occupants will do little to enhance the area*
- *My property No. 4 shares a rear access with number 2 and number 6, feel little thought has been given towards the practicalities of security and refuse collection*
- *Feel local authority sending mixed messages with planning permission being granted for new hotels that coincide with reducing holiday accommodation by letting developments such as this proposal go ahead*
- *Concerns shared rear access with proposed flats will not work and have concerns about security as well as extra refuse generated, cannot see how the area would cope.*
- *Objection based on the deteriorating safety/security of neighbourhood, continued lack of parking and drain on local resources*
- *Antisocial behaviour in neighbourhood has increase several fold by occupants of 2 x HMO's and many bedsits occupied by transitory tenants along with alcohol and drugs*
- *Parking facilities in Turner Street and Cleveland Street, the Council miscalculated the capacity and transitory flow.*
- *Concerns regarding safety/security, daughter has previously been*

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harassed and had to move from Cleveland Street by resident of the HMO in Cleveland Street

Redcar and Cleveland Borough Council (Development Engineers) made the following comments:-

“The property already provides accommodation and is located in an edge of town centre area. As with all of the neighbouring properties, no off-street car parking is available and the property is in a Residents Parking Zone. It is difficult to know what impact there will be on parking as this will depend on the people who occupy the proposed units.

No Highways objections are raised subject to no unauthorised storage of building materials on the adopted highway at any time.”

Redcar and Cleveland Borough Council (Housing Area Services) had no objections.

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land) had no objections to the proposal.

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance) made the following comments:-

“I note the development site is in close proximity to existing residential properties whose amenity may be affected by noise from construction and conversion activities at the proposed development.

I have also considered this application in terms of amenity of any future occupiers of the property regarding potential noise transmission between the units of accommodation.

In order to minimise the environmental impact, I would recommend the inclusion of the following condition 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 scheme which outlines the proposed sound insulation measures to be implemented between dwellings shall be submitted to and approved in writing by the Local Planning Authority.

ProPG: Noise and Planning document specifically addresses schemes

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with incompatible room design which have the potential to cause disturbance.

The approved scheme shall be completed prior to the end use of the development and shall thereafter be retained.

REASON: To minimise the disturbance by noise of future residential occupiers of the flats hereby permitted and in the interest of neighbour amenity.”

The main considerations in the assessment of the application were;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety
- The impacts on nuisance and contaminated land
- The impacts on biodiversity and geological conservation

The application site was located within the development limits of Redcar. The principle of residential accommodation in this location was acceptable and the proposal would accord with the aims of policy SD3 of the adopted Local Plan.

Local Plan Policy H5 related to sub-division and conversion of buildings to residential uses. The policy stated:

Within development limits, the sub-division or conversion of buildings to residential uses will be permitted provided that the following criteria are met:

- a. the building is capable of providing the number of units or proposed use to an acceptable standard of accommodation;*
- b. the development will not result in an adverse impact upon local character or residential amenity;*
- c. the proposed development would not give rise to an over-concentration of similar accommodation or exacerbate a shortage of single family dwellings in the local area; and*
- d. the proposal would not give rise to conditions prejudicial to highway safety by reason of additional traffic generation.*

Policy H5 (criterion a) required that the building was capable of providing the number of units or proposed use to an acceptable standard of accommodation. The original proposal in R/2021/0848/FF sought consent for 9 flats. Officer concerns were raised regarding the small size of a number of the proposed flats. The Nationally Described Space

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Standard sets out the requirements for gross internal area of new dwellings. For a one bed flat the required space required was 37m² with a shower rather than bath. The proposed floor area for the revised plans for 8 flats would vary between 34m² to 52m² for a one bed flat and 56m² to 68m² for a two bed. Some of the proposed flats would be under the space standards, however on balance they were considered acceptable. The Space Standards were not an adopted policy in this local authority so could not be enforced but served as an example of what could be considered as an acceptable standard of accommodation in accordance with policy H5.

Criterion b required the proposal did not to result in an adverse impact upon local character or residential amenity. Several objections had been received from neighbouring occupiers concerned with the impact of the proposal.

With regard to Local Plan Policy H5 (criterion c.), it was recognised that flatted conversions were common in central Redcar. However, it was also the case that the popularity of this form of accommodation in the town centre was long-established and the size of the building would be unsuitable for other types of housing, including family dwellings.

Criterion d required that the proposal did not to give rise to conditions prejudicial to highway safety. This matter would also be discussed later in this report.

The application proposed no external alterations to the existing building. The building was located within a mixed residential area and as such the change of use of the building was considered to be in keeping with the character and appearance of the area.

The proposals were considered 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 and part b of policy H5 of the Redcar and Cleveland Local Plan.

Objections had been received from neighbouring occupiers concerned the area was saturated with similar developments. They had concerns about the potential problems the future occupiers might bring in terms of safety and security. The concerns from the neighbouring properties in terms of proposed use were noted, however the building already had a residential use, albeit of a more temporary nature. Ultimately, when granting planning permission the local authority had no control on who lives in properties. Environmental Protection had no objection to the proposals in terms of nuisance other than restricting construction times due to the relationship with other residential dwellings and had asked for a condition regarding sound proofing. It was therefore considered the impact of

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additional residential dwellings within an existing residential area would not have a sufficiently detrimental impact on neighbouring amenity to warrant refusal of the application.

No additional windows were proposed than existed and as such the impact on privacy and overlooking remained unchanged.

The alterations and change of use 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.

Neighbouring occupiers had raised concerns about existing parking problems and the number of existing parking permits. The Council's Development Engineer had assessed the application and had no objections to the proposals. The officer stated *'The property already provides accommodation and is located in an edge of town centre area. As with all of the neighbouring properties, no off-street car parking is available and the property is in a Residents Parking Zone. It is difficult to know what impact there will be on parking as this will depend on the people who occupy the proposed units'*.

The application raised no issues in terms of highways safety and the application accords with part p of policy SD4 of the Redcar and Cleveland Local Plan.

The Council's Environmental Protection team had assessed the proposals. There were no objections in terms of contaminated land and due to the close relationship with neighbouring properties, in terms of nuisance a condition requiring a restriction on construction working hours had been suggested along with the requirement for sound insulation. Due to the location of the building and neighbouring occupiers it was considered both conditions were necessary and would be included as part of a decision notice should the application be recommended for approval.

The development site was within 6km of the revised Teesmouth and Cleveland Coast SPA and Ramsar Site. In line with policy N4 of the Redcar and Cleveland Local Plan, development within 6km of the Teesmouth and Cleveland Coast SPA and Ramsar Site, that would result in a net increase in residential units, or other development that would lead to increased recreational disturbance of the site's interest features, would be expected to contribute towards strategic mitigation measures identified in the Recreation Management Plan. This was to ensure that adverse effects on the site's integrity could be avoided. The Council had dealt with a number of applications where such a contribution had been sought and secured. The monetary value on these sites had been set at £200 per dwelling.

Unfortunately, there was no viability argument that could be put forward to

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negate the need for the financial contribution as the policy requirement relates to the Habitats Regulations.

The applicant paid £1400 in advance of the previous approval (R/2021/0848/FF) being granted and therefore the development was considered to be in compliance with policy N4 of the Local Plan.

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

The application fell within the catchment for nitrate neutrality. The existing use provided 16 bedrooms and the proposed would provide 8 flats. It was considered the impact of the proposal on nitrate discharge would be unchanged, if not possibly reduced and as such the proposal was outside of scope for requiring additional information / assessment.

For the reasons outlined above the proposal was considered acceptable. The proposal would not have a significant adverse impact on neighbour amenity and the proposal raised no issues in terms of highways safety or crime prevention. The scale and design was acceptable and the proposal would respect the character of the site and surroundings. The proposal accords with policies SD3, SD4 and H5 of the Redcar and Cleveland Local Plan.

Following the presentation of the report of the Managing Director and taking into account the representations, the Committee made the following comments:-

- A Member expressed concern that the development did not comply with the Nationally Described Space Standards;
- A Member expressed concern regarding parking and the inadequate size of the rooms but stated that based on the information within the report he would probably vote for it.

RESOLVED that Planning Permission be 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 and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing No: 2021.029.PP01. B received by the Local Planning Authority on 22.04.2022

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

3. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holiday.

REASON: To ensure that the any activity during the construction development would not have a significant adverse impact in relation to noise and disturbance in accordance with policy SD4 of the Local Plan.

4. Prior to the development being brought into permitted end use, a scheme which outlines the proposed sound insulation measures to be implemented between dwellings shall be submitted to and approved in writing by the Local Planning Authority.

ProPG: Noise and Planning document specifically addresses schemes with incompatible room design which have the potential to cause disturbance.

The approved scheme shall be completed prior to the end use of the development and shall thereafter be retained.

REASON: To minimise the disturbance by noise of future residential occupiers of the flats hereby permitted and in the interest of neighbour amenity

9. **DELEGATED DECISIONS.**

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

:-NOTED.

10. **APPEAL INFORMATION.**

The Managing Director presented Members with a schedule of the appeals which had been received.

:-NOTED.

11. **ENFORCEMENT SCHEDULE.**

The Managing Director presented Members with the schedule of enforcement actions which had been undertaken.

:-NOTED.

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12. **SECTION 106 AGREEMENTS.**

The Managing Director presented a response to a recommendation of the Tees Valley Audit and Assurance TVASS report (April 2016) in respect of the reporting of progress on the completion of Section 106 Agreements.

:-NOTED.

13. **DEEMED PLANNING PERMISSION.**

R/2022/0273F3 Single Storey Extensions at both sides of existing community centre to form new community hall and library including associated landscaping and pedestrian accesses off Westfield Terrace Loftus Youth and Community Centre, Duncan Place, Loftus.

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 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 22/03/22
Proposed Site Block Plan (Dwg No. 15112-EDA-XX-XX-DR-A-1002 Rev P01) received by the Local Planning Authority on 22/03/22
Proposed Floor Plan (Dwg No. 15112-EDA-XX-XX-DR-A-1210 Rev P05) received by the Local Planning Authority on 22/03/22
Proposed West and South Elevations (Dwg No. 15112-EDA-XX-XX-DR-A-1225 Rev P02) received by the Local Planning Authority on 22/03/22
Proposed East and North Elevations (Dwg No. 15112-EDA-XX-XX-DR-A-1226 Rev P02) received by the Local Planning Authority on 22/03/22
Proposed West Wall Elevations (Dwg No. 15112-EDA-XX-XX-DR-A-1227 Rev P01) received by the Local Planning Authority on 22/03/22
Proposed Roof Plan (Dwg No. 15112-EDA-XX-XX-DR-A-1212 Rev P02) received by the Local Planning Authority on 22/03/22
Proposed Section (Dwg No. 15112-EDA-XX-XX-DR-A-1224 Rev P03) received by the Local Planning Authority on 22/03/22
Proposed Landscape Plan (Dwg No. 15112-EDA-XX-XX-DR-A-1200 Rev P05) received by the Local Planning Authority on 22/03/22

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

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. Notwithstanding the details provided on the submitted plans and elevations, approval of the final details of the design of the fence fronting the parapet on the western elevation shall be obtained from the Local Planning Authority prior to the fence being erected. The fence shall be completed in accordance with those agreed details.

REASON: To safeguard the character of the conservation area as required by Policy HE1 of the adopted Local Plan.

5. Notwithstanding the details provided on the submitted plans and elevations, approval of the final details of the design and location of handrails at the site shall be obtained from the Local Planning Authority prior to them being installed. The development shall be completed in accordance with those agreed details.

REASON: To safeguard the character of the conservation area as required by Policy HE1 of the adopted Local Plan.

6. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holiday.

REASON: To ensure that the any activity during the construction development would not have a significant adverse impact in relation to noise and disturbance in accordance with policy SD4 of the Local Plan.

7. 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

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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