
25 NOVEMBER 2021

REGULATORY COMMITTEE

A meeting of the Regulatory Committee was held on 25 November 2021.

PRESENT. Councillor Stuart Smith (Chair),
Councillors Ayre, Baldwin, Foley-McCormack,
Gray, Head, Hixon (substituting for Councillor L
Holmes), Morgan, Ovens, Rider (Substituting for
Councillor Foggo) and Watts.

OFFICIALS. E Dale, E Garbutt and A Miller.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors
Foggo, L Homes and Lockwood.

46. **MINUTES**

RESOLVED that the minutes of the meeting of the Regulatory Committee
held on 28 October 2021 be confirmed and signed by the Chair as a
correct record.

47. **TAXI POLICY REVIEW.**

The Managing Director advised that in July 2020, the Government
published new Statutory Taxi and Private Hire Vehicle Standards to
licensing authorities setting out a range of robust measures to protect taxi
and private hire vehicle passengers.

The Statutory Standards were an important first step in reforming the way
the taxi and private hire vehicle sector was regulated and should ensure
consistent standards between licensing authorities, reducing the risk of
harm posed to children and vulnerable passengers in the process. It
followed historic and serious cases of hackney carriage and private hire
drivers abusing their position of trust elsewhere in the country.

The Department for Transport expected these recommendations to be
implemented unless there was a compelling local reason not to do so. A
deadline for consideration and implementation had been set for 31
December 2021.

Many of the recommendations had already been implemented by Redcar
& Cleveland Borough Council and were contained within its existing taxi
policies. The draft policy contained the additional measures outlined in the
government's statutory standards and the team had also taken this
opportunity to review other standards.

A table listing the proposed amendments was attached at Appendix 2.

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The following was a list of some of the key revisions brought about by the recommendations included in the Statutory Standards:

- Licensed drivers would be required to register to the DBS Update Service to allow criminal record checks to be carried out every 6 months (previously it was every 3 years)
- There were a number of amendments to the policy on the relevance of criminal convictions
- Annual criminal record checks had been introduced for vehicle proprietors
- There were now obligations on private hire operators to conduct basic criminal record checks on staff responsible for taking bookings and dispatching vehicles

In addition to the above DfT recommendations, the Licensing Team was also proposing to review the Council's standards in relation to the age of vehicles. Currently, vehicles should be less than 3 years old when first licensed and less than 6 years old when the licences were renewed unless they were 'exceptionally well maintained', in which case they could continue to be licensed indefinitely. In practice, vehicles that were over 6 years old were always renewed as the 'exceptionally well maintained' criteria was too subjective in nature and had not been applied as originally intended.

The proposed standard was that all vehicles should be less than 6 years old when first licensed and less than 12 years old when the licences were renewed. This would allow the Council to apply a consistent standard for vehicles while reducing regulatory burdens to promote business growth by ensuring requirements were reasonable and justified.

RESOLVED that the proposals in the Draft Hackney Carriage and Private Hire Licensing Policy be approved and the requirement for new driver applicants to pass a practical driving assessment be removed.

48. **PLANNING APPLICATION FOR DECISION.**

R/2021/0743/FF Erection of 7 dwellings with associated car parking; vehicular and pedestrian accesses and landscaping including provision of 4 car parking spaces for residents of 1-4 Whitwell Place Lingdale land adjoining Whitwell Place Lingdale.

The Managing Director advised that permission was sought for 7 dwellings with associated car parking, vehicular access and landscaping including the provision of 4 parking spaces for the residents of 1-4 Whitwell Place on land adjoining Whitwell Place, Lingdale.

The application site was an 'L' Shaped piece of land to the north on the north side of the High Street sandwiched between the existing terrace of residential properties at Whitwell Place and the industrial units to the west

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and an industrial estate to the north.

The site was within the limits of development identified in the Redcar and Cleveland Local Plan Policies Map. The development was considered to be an appropriate infill scheme reflecting the terraced form already present on the street.

The site had previously benefited from planning permission for residential development with outline permission in 2011 (R/2011/0087/OO) which established the principle of residential development on the site. A reserved matters application was submitted and approved in 2012 (R/2012/0913/RM). A further application was submitted and approved in 2016 (R/2016/0166/FF). Both the reserved matters approval and that in 2016 were considered to be schemes of comparable nature and design to the current application.

The consultation exercise had resulted in three letters of objection having been received making the following comments:-

The application site was an 'L' Shaped piece of land to the north on the north side of the High Street sandwiched between the existing terrace of residential properties at Whitwell Place and the industrial units to the west and industrial estate to the north.

The site was within the limits of development identified in the Redcar and Cleveland Local Plan Policies Map. The development was considered to be an appropriate infill scheme reflecting the terraced form already present on the street.

The site had previously benefited from planning permission for residential development with outline permission in 2011 (R/2011/0087/OO) which established the principle of residential development on the site. A reserved matters application was submitted and approved in 2012 (R/2012/0913/RM). A further application was submitted and approved in 2016 (R/2016/0166/FF). Both the reserved matters approval and that in 2016 were considered to be schemes of comparable nature and design to the current application.

Councillor Kay made the following comments:-

I object absolutely to the planning application: R/2021/0743/FF: Land Adjoining Whitwell Place, Lingdale.

1. Immediately to the west of the site is Stonehouse Business Park and Garage where there have been tremendous, dangerous fires in recent years caused by the ignition of vehicle tyres and rubber shreddings. These fires, on 01.08.05 and 05.10.19, although attended by Cleveland Fire Brigade on both occasions, did widespread damage to the premises

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in question and burnt for hours. As well as the potentially overwhelming heat and flames, there was a great deal of acrid smoke. At time of writing there are still tyres and large piles of shreadings stored at the premises. I do not, therefore, believe it is in the interests of public safety to build 7 dwellings adjacent to the Stonehouse Business Park and Garage site.

The Regulatory Committee should note that the second of these two tyre fires occurred AFTER planning permission was last granted for the site.

2. To the north of the site is the Barmet Industrial Estate. Many years ago, a bund was established to separate the industrial estate from the four properties of Whitwell Place. This arrangement has worked very well but, if planning permission is granted, the integrity of the bund and its effectiveness could be compromised.

3. Near the middle of the application site there is a cesspit serving the properties of Whitwell Place. Not only could the land be contaminated, but the position of the cesspit makes the application unviable because, if it were to be filled in, which must be the intention, the Whitwell Place residents would be deprived of their sewage facilities. An unthinkable outcome!

4. The application includes "provision of 4 car parking spaces for residents of 1-4 Whitwell Place". To the best of my knowledge, the residents already have adequate car parking facilities, which should not be compromised by the proposed development.

5. The proposed access from the estate on to Kilton Lane is dangerous because of inadequate sightlines, owing to parked vehicles, including buses which use the Lane as a terminus.

I trust the Regulatory Committee will refuse this application.

Redcar and Cleveland Borough Council (Development Engineers) had no objections subject to the developer entering into a S38 agreement to construct the works to adoptable standards and no construction materials being stored on the adopted highway at any time.

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land) recommended the inclusion of the full standard contaminated land condition onto any planning permission which may be granted.

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance) recommended the inclusion of the following conditions onto any planning permission which may be granted:

- The working hours for all construction activities on this site shall be

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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 Bank Holidays.

Reason: In the interest of neighbour amenity

- Development shall not begin until the developer has prepared a scheme of works to deal with dust from the site that adequately takes into account the impact of site preparation and construction works. The scheme required shall be submitted to and approved in writing prior to works commencing.

Reason: To protect the amenities of the occupiers of nearby dwellings.

- Before any development is commenced 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 prior approval in writing of the Local Planning Authority. The assessment should have due regard to the advice and guidance contained in British Standard BS5228:2009 Code of practice for noise and vibration control on construction and open sites.

Reason: To protect the amenities of occupiers of any nearby premises from noise and minimise the risk of vibration damage to neighbouring buildings.

The Managing Director advised that 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 site was within the limits of development identified in the Redcar and Cleveland Local Plan Policies Map. The development was considered to be an appropriate infill scheme reflecting the terraced form already present on the street.

The site had previously benefited from planning permission for residential development with outline permission in 2011 (R/2011/0087/OO) which established the principle of residential development on the site. A reserved matters application was submitted and approved in 2012 (R/2012/0913/RM). A further application was submitted and approved in

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2016 (R/2016/0166/FF). Both the reserved matters approval and that in 2016 were considered to be schemes of comparable nature and design to the current application.

It was acknowledged that the site was not an allocated housing site within the Redcar and Cleveland Local Plan; however this did not prevent the site coming forward for residential development.

The principle of the proposed dwellings in this location was acceptable and the proposal accords with national policy within the NNPf and the aims of policy SD3 of the Redcar and Cleveland Local Plan.

The layout of the application site was consistent with that shown on the previously approved applications at the site. The proposal sought permission for 5 no. dwellings fronting Kilton Lane, which were orientated north / south, with 2 no. dwellings sited to the rear in an east / west orientation.

The dwellings fronting onto Kilton Lane had 1 parking space each to the front, with private gardens to the rear. The dwellings were to be built in line with the existing dwellings on Whitwell Place resulting in an acceptable relationship and appearance in the street scene. The dwellings to the rear (plots 6 /7) were to be served by parking spaces at the head of the hammer-head with the provision of small residential curtilages to the front and larger gardens to the rear.

The layout was considered to achieve acceptable separation distances between the proposed dwellings and those existing on Whitwell Place. While the separation distances between the proposed dwellings fronting onto Kilton Lane and the gable end of the plots to the rear was slightly below the recognised 13.0m sought between gable and rear elevation at 12.0m, this was a relationship that was considered to be acceptable due to all the properties being new and it not being a relationship between new properties and those already established on the edge of the site.

A landscaping scheme had been submitted in support of the application and was to be provided adjacent to plots 6 and 7 and to the rear of the existing dwellings on Whitwell Terrace. The scheme proposed a mix of trees, hedges and ground cover planting. The level of landscaping proposed was considered to provide an appropriate foil to the development between the proposed residential dwellings and the adjoining employment site. The landscaping would contribute to the protection of the amenity of both existing occupiers of Whitwell Terrace and that of the occupiers of the proposed dwellings.

The landscaping scheme proposed native trees and a yew hedge on the northern and western boundaries adjacent to the adjoining employment site with a mix of groundcover/planting also proposed. On the southern

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edge of the landscaping scheme was a mix of hedges providing an appropriate boarder that softened the appearance of the parking areas.

The proposal was 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 national policy within the NNPF part j of policy SD4 of the Redcar and Cleveland Local Plan.

The application sought permission for 7 no. 2 storey dwellings with dormers in the front and rear roof slopes. The surrounding area consisted of a mix of uses with varying scaled buildings / dwellings including single storey industrial buildings and dwellings and two storey dwellings.

The proposed dwellings were to a floor area measuring approx. 5.0m by 8.7m have a height to eaves of 5.1m and a height to ridge of 8.7m. The dwellings, due to their scale and location, were not considered to have a detrimental impact on neighbour amenity through a loss of privacy or the creation of an overbearing or dominating form of development.

Comments had been received about the proximity of the proposed dwellings to the neighbouring industrial uses. These comments were noted, however, given that the principle was one that had been previously considered to be acceptable for the provision of housing at the site both by the Local Planning Authority and by a Planning Inspector, it was considered that any future occupant should ensure they were aware of the siting of the dwellings and the proximity of industrial uses and the potential activities and disturbance that may arise from such a neighbouring use.

The proposed dwellings 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 application proposed a new access point from Kilton Lane. The access was proposed to the west of no. 4 Whitwell Place, with a turning head adjacent to plots 6 and 7. To the northeast (rear) of the properties on Whitwell Place, an additional parking area to serve plots 1 to 5 and 4 spaces for the existing houses at Whitwell Place was proposed. This was a similar arrangement that had been proposed previously at the site though the previous applications.

The plans proposed 2 car parking spaces to serve each dwelling in accordance with the Council's highway design guide and specification.

The concerns raised with regard to the proposed access point adjacent had been considered, however, the highway engineers confirmed the design was acceptable and would not create conditions prejudicial to

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highway safety.

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 application had been assessed by the Council's environmental protection officers.

With regard to contamination, it was noted that there was localised fly tipping at the site with other pollutant linkages at the site as a result of past uses or proximity to other contaminated uses. The supporting Phase 1 Contaminated Land Desk Study recommended further work at the site regarding contamination through a Phase 2 intrusive ground investigation. It was considered that this could be achieved by way of using an appropriate planning condition.

With regard to the impact on the neighbouring properties, the environmental health officer had advised that, due to the proximity of the development site to the existing dwellings on Whitwell Place, it was desirable to control the construction working hours, dust suppression, and noise and vibration.

With the imposition of the suggested conditions the proposal was considered to comply with national policy set out in the NPPF and parts b d and n of policy SD4 of the Redcar and Cleveland Local Plan

No objections had been received from Northumbrian Water with regard to the proposed development. It was recommended that a condition be attached to any approval with regard to the management of foul and surface water.

With regard to the concerns previously raised regarding drainage at the site, these had been noted. The matter of the foul water disposal on the site and the adjoining land was considered by a Planning Inspector in the 2006 appeal, who concluded this was not a matter for the Local Planning Authority and was an issue that would be dealt with by the developer and existing residents.

The application raised no issues in terms of flood risk and drainage and complied with national policy set out in the NPPF and policy SD7 and part f of policy SD4 of the Redcar and Cleveland Local Plan

The Planning Inspector in considering the 2006 appeal considered the proximity of the site to the industrial units to the rear. The Inspector's attention was drawn to the fire at the John Stonehouse premises in 2005. The Inspector concluded that, based on the evidence surrounding the circumstances of the fire, there was nothing to believe that another major

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fire was likely or that the industrial operations on the site would prove to be a health and safety risk to potential occupants of the new dwellings.

Given the nature of the development, the proposed layout and the surrounding land uses, the proposed development was not considered to have an adverse impact on crime prevention or an increase in the likelihood of antisocial behaviour.

The application sought to develop the application site for new housing. The site was located within development limits in the Local Plan and permission had previously been granted establishing the principle of residential development at the site.

It was considered that the design and general layout of the scheme was acceptable and complied with the Council's adopted design guidance, and there would be no adverse impacts from the development on the local highways network.

The development did not raise any crime prevention issues.

The proposed development was therefore considered to accord with policies SD1, SD2, SD3, SD4, SD7 and LS3 of the Redcar and Cleveland Local Plan. The application was therefore recommended for approval.

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

- The development would result in an ecological disaster;
- What would happen to the birds who were feeding on the site and the hedgehogs which had gone into hibernation;
- Most of the trees would be cut down to make way for the development and parking;
- Witnessed the bird population grow and need to take care of our wildlife otherwise it would disappear;
- The 2006 fire was classed as a major incident with 10 pumps on site and 5 days taken to extinguish 400 tonnes of burning rubber;
- The by products of the fire were highly toxic;
- The existing houses were too close to the site and the proposed development was even closer;
- The planning inspector referred to the 2006 fire being a one off incident and yet there had been a further fire in 2019 which destroyed the building;
- A further fire would result in residents breathing in toxic smoke;
- The fire in 2006 resulted in residents leaving their homes for 4 days due to the possible contamination of the water supply;
- The gardens of these properties would directly overlook the site;
- The fires in 2006 and 2019 were unpredictable as tyres burn and you would not be aware that there was a fire on the site until it was

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too late.

Councillor Kay was present at the meeting and made the following comments:-

- The Planning Inspector had been wrong when he said there would be no more fires as there had been another in 2019;
- The bund was specifically put there in the 1990's to separate the industrial estate from residential activities;
- It was criminal to say that the bund was not necessary, it should remain to provide protection for the houses on Whitwell Place;
- The process of shredding could cause a fire to occur at any time so to suggest that people should live directly adjacent to the site was criminal;
- The Planning Inspector did not know the area yet had made wild suggestions;
- Hope Members would have the moral courage to refuse the application;
- The development was inappropriate and I have opposed any development since 2005;
- We were creating an environmental danger for the future;
- The area opposite the site was used as a bus terminus where buses stand for a considerable amount of time and the sight lines were not perfect.

The Managing Director advised that one of the objectors was unable to be at the meeting and read out a summary of her objections which were as follows:-

- The development would devalue her house;
- There were not sufficient parking spaces;
- The land behind the houses was maintained;
- There was a septic tank on the land which was kept in order;
- Do not want to have to park away from where I live.

The Managing Director advised that the agent was unable to be at the meeting and read out his submission:-

- Have owned the site for a number of years and an identical application had been previously been approved which had lapsed due to unforeseen financial circumstances;
- The proposed development met the planning requirements;
- There were no objections from the statutory consultees;
- The site was currently used for fly tipping and anti social behaviour;
- The proposed development was an excellent use for the site;
- The development provided an opportunity for first time buyers;
- The layout of the site and parking had been considered in detail;

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- Parking would be provided for residents in Whitwell Place;
- The site would be landscaped and the septic tank would be removed and properties connected to the drainage system;
- This development would not enhance the risk of the activities on the adjacent site.

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

- The second fire had changed the situation as the reason that the appeal was turned down was that the inspector stated that there was unlikely to be another fire;
- Actively treating tyres increased the risk of fire and this application was much nearer the source of the problem and right up against the site;
- Whilst a fire could be contained the fumes from a fire could not and the fumes were health threatening;
- The planning inspector had been proved wrong since making his statement;
- There would always be a danger with the storage of tyres but there had been 4 approvals since the 2006 fire despite there being a substantial risk of a third fire;
- The site was within development limits and was an unmanaged unkempt area;
- The development comprised of small units and there was a shortage of starter homes in the Borough;
- There were young people who wanted to stay in the village;
- It would be down to the buyer of the houses as to whether they wanted to buy a house next to an industrial estate and any land search would flag up any problems;
- The tyre business was 25/30 metres away;
- There were existing properties right around the site;
- Could impact on other properties with smoke however if there was such a danger then the properties would be evacuated;
- Approval had been given a number of times previously and the application had previously been to the Inspector.

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.

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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 26/08/21
Proposed Site Plan (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Floor Plans Plots 1 - 5 (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Elevations and Roof Plan Plots 1 - 5 (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Plans Plots 6 and 7 (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Drainage Plans Plots 1 - 5 (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Drainage Plans Plots 6 and 7 (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Site Drainage Plan (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Hard Surfaces Plan (Rev B) received by the Local Planning Authority on 26/08/21

Proposed Site Boundary Plan (Rev B) received by the Local Planning Authority on 26/08/21

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

3. Prior to the commencement of 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 within the site. The details approved shall be retained for use until completion of the development unless first agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety.

4. Notwithstanding the details set out in the application of the proposed landscaping of the site, a revised landscaping plan shall be submitted and approved of a landscaping scheme that, where practicable, retains all or some of the existing earth bund that separates the development site from the adjoining commercial land uses and the landscaping scheme shall be implemented in the first planting season after the completion of the development.

REASON: The condition is required to secure the retention of as much of the existing earth bund as is practicable in the interests of protecting the amenities of both the existing and proposed occupiers.

5. Unless otherwise agreed by the Local Planning Authority in writing,

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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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(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

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objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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 (referred to in PPS23 as a validation 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 DEFRA and the

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Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

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.

6. Details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved in writing by the Local Planning Authority, prior to the commencement of development and the development shall not be carried out except in accordance with the approved details.

REASON: To ensure the use of satisfactory materials.

7. There shall be no site vegetation clearance between March to the end of August unless an ecologist or other suitably qualified person has first undertaken a checking survey immediately prior to the clearance to confirm that no active bird nests are present.

REASON: To conserve protected species and their habitat in accordance with policy N4 of the Local Plan.

8. No development shall take place unless and until a final checking survey has been carried out by a suitably qualified person for the presence of active or hibernating hedgehogs, depending on the timing of the clearance programme. Where hedgehogs are found to present appropriate measures shall be taken to preserve habitats or transfer the animals to an alternative appropriate site.

REASON; To ensure the development does not result in an adverse impact on hedgehog species.

REASON FOR PRE-COMMENCEMENT; A pre-commencement survey is required to ensure that the site is not supporting hedgehog presence in the interests of preserving bio diversity and a protected species.

9. Prior to the erection of any garden fences or other means of enclosure to the dwellings provision shall be made for a hedgehog highway to enable uninterrupted and safe access for the species within the site and the agreed provision shall be maintained on the site at all times.

REASON: To ensure that adequate access is provided for the

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species in the interests of preserving and promoting biodiversity associated with the development.

10. 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 Bank Holidays.

REASON: In the interest of neighbour amenity.

49. **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.

50. **APPEAL INFORMATION.**

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

:-NOTED.

51. **ENFORCEMENT SCHEDULE.**

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

:-NOTED.

52. **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.

53. **TEESWORKS – APPLICATION TO REVOKE HAZARDOUS SUBSTANCE CONSENT REF – R/2021/0911/HD**

The Managing Director advised Members that as Hazardous Substances Authority for the borough we were in receipt of an application for the revocation of a Hazardous Substance Consent.

RESOLVED:-

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- (A)** That a Revocation Order in respect of the application under section 14(2) of the Planning (Hazardous Substance) Act 1990 such an order to be served on relevant parties and forwarded for confirmation by the Secretary of State be approved.
- (B)** Delegated authority be granted for the determination of any revocation of a Hazardous Substance Consent for the Teesworks site to the Assistant Director (Growth and Enterprise) provided there was written agreement with the applicant, or their agents on their behalf, that no application for compensation would be made.