

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2021/0754/FFM
LOCATION: LAND EAST OF DOCKSIDE ROAD SOUTH
BANK
PROPOSAL: PROPOSED NEW ACCESS ROAD

APPLICATION SITE AND DESCRIPTION

Permission is sought for a proposed new access road on land east of Dockside Road, South Bank.

The proposed access road is approximately 1.1km in length with the overall site area being approximately 3.3ha. Around 4670m² of the proposed access road falls outside of the previously consented outline application R/2020/0357/OOM for wider industrial/commercial floor space. The current application therefore seeks to achieve full planning consent for the entirety of the access road under one application therefore not relying on a hybrid approach covering Reserved Matters and Full Permission.

The application has been accompanied by a set of detailed plans along with the following supporting documents;

- Cover Letter
- Flood Risk Assessment and Drainage Strategy
- Environmental Assessment Summary
- Ecology Report
- Relevant chapters from the Outline ES (R/2020/0357/OOM)

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
SD7 Flood and Water Management

LS4 South Tees Spatial Strategy
ED6 Promoting Economic Growth
N1 Landscape
N2 Green Infrastructure
N4 Biodiversity and Geological Conservation
HE2 Heritage Assets
TA1 Transport and New Development

PLANNING HISTORY

R/2020/0357/OOM - Outline planning application for demolition of existing structures on site and the development of up to 418,000 sqm (gross) of general industry (Use Class B2) and storage or distribution facilities (Use Class B8) with office accommodation (Use Class B1), HGV and car parking and associated infrastructure works all matters reserved other than access – Approved 03.12.2020

RESULTS OF CONSULTATION AND PUBLICITY

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

As a result of the consultation period no written responses have been received.

Natural England

No objection – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Network Rail

No objection in principle to the development

But below are some requirements which must be met,

Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. There is a railway access point in proximity to the proposed site, access to which is required on a 24/7 basis for inspection, maintenance and emergency works. This access must remain clear and unrestricted at all times during and after construction.

Redcar and Cleveland Borough Council (Development Engineers)

I refer to the application and would offer the following comments on highway grounds – the proposal is for a 1.1km length of road within the STDC site – the connection being from the new Smiths Dock Road roundabout. The plans

show walking and cycling facilities within the site however the detail is missing as to how these connect into the existing highway network. We will require a footway and cycleway connection to link to the railway at the southern western end. Every road within the STDC site should have off-road cycle facilities on both sides, segregated footways and cycleways on the main roads and white line separated or shared footway / cycleways on all minor roads.

A key issue here is that they applied for outline permission on several sites without showing any road network that would connect them together. I consider it to be important that they provide an overall masterplan for the area, even if it is partially indicative, showing the sites and the road and cycle route networks that connect them together and through to the existing road network. There should be an east-west highway through route across the site connecting to Dockside Road so that all traffic has the option of travelling as far as they wish before choosing which junction they use to access the A66.

From the transport addendum - C5.3 construction traffic has not been addressed -this I expect to be predominately be HGV's on the highway network, although outline permission has already been granted for the GE site where the wind farm blades will be made.

C6.8 states that the A66/Tees Dock Road roundabout is approaching capacity without the addition of development traffic. Existing issues at the junction maybe exacerbated by this development and will need addressing as part of the wider STDC strategy. In the interim it is expected that traffic will be permitted to travel through the site on the internal road network and use Steel House roundabout at the eastern extent -what is there to prevent them using the existing highway network?

The A1053 is expected to be moderately adverse due to the potential for peds/cyclists activating their crossing button thereby affecting the traffic flows on the roundabout.

Some of the mitigation relies on Travel Planning which will come in the future. They acknowledge that they expect 82% to travel by car. Travel Plans will be appropriate for the individual sites rather than for this infrastructure element, however, it would be worth having them outline their approach to Travel Plans and sustainable transport provision as part of their Masterplan.

Currently the road design does not conform to the Design Guide in terms of its vertical alignment and road construction details, and therefore could not be considered for adoption.

The road is classified as an industrial estate road and therefore the road category is 3b or 4a. The road construction should therefore be Surface Course 40mm HRA; Binder 60mm Dense Macadam; Base Course 120mm Dense Macadam; Sub Base 250mm Type 1 and Capping if required.

The long section gradient for the road is in the main 1:250 with a small 75m length of 1:170. The Design Guide states that "A carriageway longitudinal

gradient of 5.0% (1 in 20) should be taken as the maximum and 0.8% (1 in 125) as the minimum". Roads with a gradient slacker than 1:125 normally utilise concrete kerbs at the channel to help with surface water flow, however channels are not normally permitted in the construction of industrial estate roads. The minimum allowable gradient utilising channels is normally limited to 1:150. Beany blocks can be utilised over small lengths of road however not in this instance to become highway maintainable at public expense.

Should the application be granted then by way of conditions I would request by way of a Traffic Management Plan

- 1. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;*
- 2. The parking of contractors' site operatives and visitor's vehicles;*
- 3. Areas for storage of plant and materials used in constructing the development clear of the highway;*
- 4. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;*

The works should be constructed to adoptable standards in accordance with the Design guide & Specification. It is unclear whether this is to remain private or become highway maintainable at public expense therefore will need to be subject to a S38/278 Agreement if to become adoptable.

No part of the development to which this permission relates will be brought in to use until the carriageway and any footway from which it gains access is constructed to binder course level, kerbed and/or agreed hard-surfaced finish and is connected to the existing highway network with any required street lighting is installed and in operation. REASON: To ensure safe and appropriate access and egress to the development, in the interests of highway safety and convenience of all highway users.

Do we need to condition anything relating to travel plans?

Redcar and Cleveland Borough Council (Local Lead Flood Authority)

The LLFA would offer no comment on the proposed development.

Colleagues in Highway's will comment on all aspects and will determine how the road will be drained.

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land)

I note that an Environmental Assessment has been submitted in support of this application.

The assessment finds that soil identified to contain contaminants above the human health screening criteria and/or trace levels of asbestos would be suitable for the future end use as an access road below a clean cover system to break the inhalation exposure pathway.

In order to minimise the environmental impact, I would recommend the inclusion of the following conditions onto any planning permission which may be granted:

- That the applicant confirms that any service trenches will be suitable for use for any future ground workers in terms of Human Health.*
- 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)

No objection

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 impacts on ground conditions
- The Impacts on Ecology

The principle of development

The application site is located within the development limits and within an predominantly industrial/commercial area. The broad principle of the proposed development in this location is acceptable and the proposal accords with the aims of policy SD3 of the Redcar and Cleveland Local Plan.

Policy LS 4 (South Tees Spatial Strategy) of the Local Plan sets out a series of key economic, environmental and connectivity objectives for the South Tees area. One of particular relevance to the proposed development includes:

'a. deliver significant economic growth and job opportunities through the South Tees Development Corporation and Tees Valley Enterprise Zone at Wilton International and South Bank Wharf; b. support the regeneration of the South Tees Development Corporation area through implementing the South Tees Area Supplementary Planning Document;

The proposed access will contribute to and help to achieve the above objective and, therefore, comply with the wider spatial strategy for the area and Policy LS4 of the Local Plan.

Taking the above into consideration the proposed development is considered to comply with Policy SD3 and LS4.

The impacts on the character and appearance of the area

The application site, as detailed earlier in the report, is situated within the wider Teesworks site. The location of the site and the prevailing built form is industrial with a number of buildings and structures of significant scale in the surrounding area, with on-going works relating to demolition and remediation to establish suitable build platforms across the wider Teesworks site also currently taking place.

The proposed development when considered in the context of the wider site and the anticipated future development on neighbouring plots is considered to be of a scale and design that is in keeping with the area and the future character of the area which will contain a varied road network to serve the various sites and plots across the wider site.

The proposed development would respect the character of the site and the surroundings and the application accords with National Policy in the NPPF and policy SD4 (b)(i)(j) and (k) of the Redcar and Cleveland Local Plan.

The impacts on neighbour amenity

The application site, as detailed earlier in the report, is situated within the wider Teesworks site. There are therefore currently limited neighbouring commercial occupiers that would be impacted upon by the provision of a new access road. It is considered that any impacts resulting from the Teesworks

site would be more directly related to buildings and not the associated access road.

The proposed access road is not considered to have any impact on neighbouring buildings with regard to amenity or privacy and the application accords with part b of policy SD4 of the Local Plan.

The impacts on highways safety

The majority of the access road is to be situated on land that has been granted outline planning consent as part of application R/2020/0357/OOM. The outline application was EIA development and the transport implications were thoroughly assessed in the submitted South Industrial Zone Environmental Statement July 2020 Volume 2 Chapter C – Transport a copy of which has been submitted for information in support of the current application.

The ES chapter considered the effect of the proposed development of the South Bank site on the surrounding transport network, including the potential effects of the predicted traffic associated with the proposed development. The ES chapter concluded that any residual effects would not be significant and an STDC transport strategy would mitigate any adverse effects.

The application has been made in full as approximately 4670m² of the site area falls outside of the consented area of the outline consent. It is not considered that the increase, in the context of the 174ha site, would result in a change to the conclusions of the Environmental Statement chapter. The road will be constructed to an acceptable standard with appropriate width, materials, and visibility, whilst the intensity of its use would be determined by the approved general industry, storage and distribution facilities approved under the outline consent and the subsequent reserved matters approvals.

The application has been considered by the Council highway engineers who have raised various points relating to the details of the application and its inter-relationship to the wider Teesworks site.

Following the comments received from the engineers, discussions have taken place regarding the detail of the application. The applicant has provided written confirmation that the road is not to be adopted and therefore is not required to be constructed to adoptable standards. Conditions have also been agreed with regard to construction impacts that will be mitigated through a CEMP. The comments relating to the provision of cycle and footways on sections of the road have also been noted by the applicant and a condition has been agreed that requires the submission of final details of the provision.

The comments relating to local highway capacity and the impact from the development are noted, however this application is for a road to serve a wider site that benefits from an extant outline approval and reserved matters approval at which points highway capacity would have been considered. This

application is therefore not considered to be the appropriate time to address any wider network issues or connectivity across the wider Teesworks site.

The impacts on ground conditions

The application has been supported by South Bank Access Roads – Environmental Assessment Summary, prepared by Arcadis, dated 16 August 2021. The report outlines the findings of ground investigations of the application site that have taken place in 2020 and 2021 using trial pits, soil testing and chemical analysis for a variety of contaminants including asbestos.

The applicant has provided a summary of these reports that states;

The factual findings of the 2020 investigation found that there were no risks to human health based on the future end use of the site. With the exception of a single detection, the factual findings of the 2021 ground investigation concluded that there were also no risks to human health based on future end use with the exception of a single detection.

The report finds that soil identified to contain contaminants above the human health screening criteria and/or trace levels of asbestos would be suitable for the future end use as an access road below a clean cover system to break the inhalation exposure pathway. We consider the construction of a road, comprising hardstanding, to provide an appropriate cover system to break the exposure pathway, and on the basis would be acceptable for the future end use.

The submitted information has been considered by the Council's environmental protection officers who have raised no objection to the principle of the proposed development given its end use. Two conditions are suggested relating to the suitability of service trenches and how any unexpected contamination is dealt with. Both these are considered reasonable given the nature of the development and the historic use of the site.

The proposed development is therefore not considered to present a risk to human health during the construction and operational phases, therefore the proposal is in accordance with Policy SD 4 of the Redcar and Cleveland Local Plan.

The Impacts on Ecology

Due to the location of the site and its proximity to the Teesmouth and Cleveland Coast SPA SSSI and Ramsar sites the applicant has considered the potential impacts of the development on ecology.

A summary of these ecological considerations has been provided by the applicant that states;

The application is supported by a South Bank Access Road Ecology Report, prepared by Inca, dated July 2021.

The ecological impacts of the access road were considered in detail as part of application R/2020/0357/OOM which proposed the demolition of existing structures and redevelopment of approximately 174ha of land.

At its closest point the road would be almost 600m away from the Teesmouth and Cleveland Coast SPA and its constituent SSSI and 900m from the Teesmouth and Cleveland Coast Ramsar site.

The road would result in the loss of approximately 0.2ha of grassland habitat, which is of at least moderate quality. The remainder of the habitats which would be lost, which in total would be of the order of <1ha, are of poor quality.

Other than some limited potential for nesting birds, no protected or priority species were identified in the consented development as being present within the route of the proposed access road or in close enough proximity that they might otherwise be affected by the access road.

The loss of the aforementioned habitat would be accounted for as part of application R/2020/0357/OOM. The report makes two recommendations to ensure nesting birds would not be affected by the development and that precautions are taken with regard to Japanese Knotweed.

The report concludes that, subject to the aforementioned recommendations, the proposal would be acceptable from an ecological perspective.

The application and supporting information has been considered by Natural England who have raised no objection to the proposed development. It is noted that the recommendations from the submitted report should form conditions that manage any potential impact. These relate to nesting birds and dealing with Japanese Knotweed and will be controlled by way of a suitably worded condition.

The relevant policies within the Local Plan relating to this matter are N4, with reference also made within ED6. Given the wider habitat mitigation that will be achieved through the implementation of the outline approval (R/2020/0357/OOM) that covers part of this site the development subject to the conditions detailed above is considered to comply with Policies N4 and ED6 of the Redcar and Cleveland Local Plan in so far as they relate to ecological matters.

Other matters

The scheme falls within Paragraph 10F of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which relates to construction of roads. The scale of the proposed development site at 3.3ha and therefore consideration is required to be given as to whether the development constitutes EIA development. It is acknowledged that the majority of the site falls within the development that was consented under application R/2020/0357/OOM that was considered as EIA development. At this time the impacts of the proposed wider

development under that application were robustly assessed to determine the potential impacts. Given the context of the current application site at 3.3ha when compared against the assessed developable area under the ES at 174ha, the proposed development is not considered to generate impacts that would require the application to be supported by an ES.

The application has been supported by a Flood Risk Assessment and Drainage Strategy, prepared by BGP, dated 17/08/21.

The site falls within Flood Zone 1 and is at very low risk of flooding. The proposed development being for an access road is identified as a water compatible form of development and is wholly appropriate in this location.

The application and supporting documentation has been considered by the LLFA who have raised no objection to the development.

Given the scale and design of the proposed development there is not considered to be a flood risk resulting from the development. The proposed development is therefore considered to comply with Policy SD7 of the Redcar and Cleveland Local Plan.

CONCLUSION

Taking the content of the report into consideration, the proposed development is considered to be acceptable in principle.

The proposed layout, appearance and scale of the development is considered to be appropriate in the context of the wider site as well as the wider Teesworks site.

Technical matters relating to drainage, contamination/nuisance, highways and ecology have been considered by the relevant statutory consultees, none of which have raised any objection to the proposed development.

The proposed development is therefore considered to comply with national policy set out within the NPPF and policies SD1 (Sustainable Development) SD2 (Locational Policy) SD3 (Development Limits) SD4 (General Development Principles) SD7 (Flood and Water Management) LS4 (South Tees Spatial Strategy) ED6 (Promoting Economic Growth) N4 (Biodiversity and Geological Conservation) HE2 (Heritage Assets) TA1 (Transport and New Development) 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. Unless otherwise required by condition attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received by the Local Planning Authority on 07/10/21
Highway Proposals (Dwg No. LMUK-BGP-00-ZZ-DR-C-90.4-00001)
received by the Local Planning Authority on 07/10/21
Proposed Longsections (Dwg No. LMUK-BGP-00-ZZ-DR-C-90.4-00002)
received by the Local Planning Authority on 07/10/21

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

3. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period of the development. The CEMP shall also include the following details:
 - i The method to be used to control the emission of dust, noise and vibration from construction works, including any details of any mitigation measures required;
 - ii Measures to control the deposit of mud and debris on adjoining public highways
 - iii Site fencing and security
 - iv Temporary contractors' buildings, plant, storage of materials, lighting and parking for site operatives
 - v The use of temporary generators
 - vi The arrangement or turning of vehicles within the site so that they may enter and leave in forward gear
 - vii A risk assessment of construction activities with potentially damaging effects on local ecological receptors including any measures to protect those receptors during construction
 - viii Roles and responsibilities for the implementation of the CEMP requirements and measures.
 - ix Measures to control invasive plant species
 - x Measures to control surface water and other water generated as part of the works

REASON: In the interest of neighbour amenity, highways safety and protection of sites of ecological value in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

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

4. Notwithstanding the design details on plan (Highway Proposals - LMUK-BGP-00-ZZ-DR-C-90.4-00001) received by the Local Planning Authority on 07/10/21, final details of the footway and cycleway connections along the approved access road to the railway station up to the south western boundary of the site and final details of the connections of the approved foot and cycle paths into the existing foot and cycle paths at Smiths Dock Road Roundabout, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pedestrian and highway safety.

5. Any road carriageway (surfaces and sub-surfaces) shall be built in accordance with the specification shown as a typical road cross section detail on plan (Highway Proposals - LMUK-BGP-00-ZZ-DR-C-90.4-00001) received by the Local Planning Authority on 07/10/21. A timetable detailing the timing of the application of the binder course and final surface course shall be agreed in writing with the Local Planning Authority upon commencement of the development. The development shall then be carried out in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

6. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 of the South Bank Access Road Ecology Report (INCA 2021-67), July 2021 prepared by INCA which was received by the Local Planning Authority on 02/09/21.

REASON: To ensure the development does not have an adverse impact with regard to ecological matters in accordance with policy N4 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 in accordance 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.

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 in accordance with policy SD4 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

1. Informative Note: The applicant has confirmed that the proposed access road is not to be adopted and is therefore to remain private. The applicant should be aware that should at any point in the future the road be proposed to be adopted, there would need to be a Sec 278 agreement with the Local Authority that may require alterations to any works that are to be installed as a result of this approval.
2. Informative Note: All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. There is a railway access point in proximity to the proposed site, access to which is required on a 24/7 basis for inspection, maintenance and emergency works. This access must remain clear and unrestricted at all times during and after construction.

Case Officer	
Mr D Pedlow	Acting Development Services Manager
<i>David Pedlow</i>	21 December 2021

Delegated Approval Signature	
Andrew Cater	Assistant Director Growth and Enterprise
<i>A. Cater</i>	22/12/21