

PLANNING COMMITTEE AGENDA



Wednesday 16 November 2016

at 10.00 am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Black, Cook, James, Lawton, Loynes, Martin-Wells, Morris and Robinson.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 21 September 2016

3.2 To confirm the minutes of the meeting held on 19 October 2016

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

1. H/2015/0354 Land at Hart Reservoir, Hart Lane (*page 1*)
2. H/2016/0235 Manor College of Technology, Owton Manor Lane (*page 61*)
3. H/2016/0404 West Hartlepool Rugby Football Club, Catcote Road (*page 75*)
4. H/2016/0289 6 Palace Row, Hart (*page 83*)
5. H/2016/0364 Plot 1, Manorside Phase 1, Wynyard, Billingham (*page 95*)



5. ITEMS FOR INFORMATION

- 5.1 Appeal at Horseshoe Hill, Quarry Lane, Brierton Lane – *Director of Regeneration and Neighbourhoods*
- 5.2 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next scheduled meeting.

The next scheduled meeting of the Committee will take place on 14 December, 2016 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

21st September 2016

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, James Black, Rob Cook, Marjorie James, Trisha Lawton, Brenda Loynes, Ray Martin-Wells and George Morris

Officers: Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Technical Services Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Kieran Bostock, Principal Engineer (Environmental Engineering)
Daniel James, Senior Planning Officer
Helen Williams, Senior Planning Officer
Leigh Taylor, Planning Officer
Richard Maynes, Solicitor
Jo Stubbs, Democratic Services Officer

40. Apologies for Absence

None

41. Declarations of interest by members

None

42. Confirmation of the minutes of the meeting held on 24th August 2016

Minutes approved

43. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number:	H/2016/0224
Applicant:	SEP Properties Mr P Lees Stone Street DUDLEY
Agent:	Mr P Lees SEP Properties Dudley House Stone Street DUDLEY
Date received:	23/06/2016
Development:	Proposed external alterations to building including provision of shop fronts, alterations to existing car park and vehicular access/egress, alterations to existing boundary treatment, and provision of bin store to east elevation. Proposal also includes conversion of first floor living accommodation into 2no. apartments. (Change of use from public house to 2no. A1 Use retail units and 1no. A4 Use public house at ground floor constitutes permitted development)
Location:	The Schooner Warrior Drive HARTLEPOOL

The Senior Planning Officer clarified that there had been no objections lodged to this application, either from the public or technical consultees.

The Ward Councillor, Paul Thompson, spoke on the application. He withdrew his previous objections on the basis of the lack of a Retail Impact Assessment (which he accepted was not required in this case) and the visual impact of the proposed Warrior Drive elevation following the amendment of the plans. However he did feel that an increased number of retail businesses would inevitably lead to an increase in large delivery vehicles. He was concerned that an accident could result. In order to mitigate against this he asked whether yellow lines could be put at the South and West areas of the site to discourage parking on Warrior Drive and Forester Close as he felt drivers would be naturally inclined to park there rather than drive the extra distance to the parking provided for them. The Senior Planning Officer advised that the Council's traffic team had felt there was no requirement for traffic calming measures in that area however the Chair asked that they look at possible conditions relating to this and refer back to the Committee. Councillor Thompson urged members to support the application in order to assuage the anti-social behaviour which had plagued the area in recent weeks.

Members asked if a condition could be imposed requiring the developer to commence building work within a specified time frame rather than the conditioned 3 years. The Solicitor indicated that this would require agreement from the parties but could be done. The Planning Team Leader concurred that it was possible to do this but it would need to be for material reasons and with the consent of the developer. The Chair requested that officers explore this and asked for member approval to delegate this decision

to the Chair and Vice-Chair. Members were happy to approve this with the proviso that it be brought back to Committee if there was a problem.

Members asked whether delivery times could be conditioned. The Chair asked that this also be included as part of the negotiations. He expressed disappointment that the applicant was not present as these issues could have been clarified informally during the meeting. He also asked that the Ward Councillors be kept fully apprised of any developments.

With reference to concerns raised around traffic management the Technical Services Manager felt that traffic calming might be inappropriate in Forester Close given the number of delivery wagons which would be accessing the site. He suggested a 'wait-and-see' approach but members noted in respect to waiting restrictions that if this were imposed as a condition this would mean the Council would not be liable to fund any works but the developer would.

Members approved the application unanimously.

Decision: **APPROVED** as recommended with condition 1 amended to require the implementation of the development within one year of the date of the permission, and two additional conditions restricting the timing of deliveries and requiring the imposition of parking restrictions on Warrior Drive and Forester Close. Final decision delegated to the Chair. If applicant declines to agree with the amendments to the conditions then the application is to return to committee for consideration

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with plan No 16.144.01 (Location Plan) received 27th May 2016 by the Local Planning Authority and amended plan No(s) 16.144.02 Rev A (Block Plan; Existing), 16.144.03 Rev E (Block Plan; Proposed (showing tracking)), 16.144.03 Rev F (Block Plan; Proposed), 16.144.04 Rev A (Existing Ground Floor Plan), 16.144.05 Rev E (Proposed Ground Floor Plan), 16.144.06 Rev B (Existing First Floor Plan), 16.144.07 Rev C (Proposed First Floor Plan), 16.144.08 Rev B (Existing Roof Plan), 16.144.09 Rev C (Proposed Roof Plan), 16.144.10 Rev B (Existing Elevations), 16.144.11 Rev B (Proposed Elevations (enclosures shown)), 16.144.12 Rev A (Demolition & Foundations Plan), 16.144.13 Rev A (Proposed Elevations (enclosures omitted)), 16.144.14 Rev B (Site Plan; Proposed (with tracking)) and 16.144.14 Rev C (Site Plan; Proposed) received 9th August 2016 by the Local Planning Authority.
For the avoidance of doubt.

3. Notwithstanding the submitted information, no development shall commence until details of the proposed methods for the disposal of surface water arising from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.

To ensure that the site is adequately drained and to ensure that surface water run off from the site is not increased into the watercourse.

4. Notwithstanding the submitted details in the application, the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building has been approved in writing by the Local Planning Authority. The materials shall be in accordance with the details approved

To enable the Local Planning Authority to control details of the proposed development.

5. Notwithstanding the submitted information, the development hereby approved shall be carried out in accordance with the following requirements:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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 shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall 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 shall include:

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

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. 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 shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

3. Implementation of Approved Remediation Scheme

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

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

4. 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. 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 shall be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

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. Notwithstanding the requirements of Condition 07 and prior to the occupation of the building for the permitted use(s) as laid out on plan 16.144.05 Rev E (Proposed Ground Floor Plan, date received 9th August 2016), the required works to amend the existing vehicular entrance/exit and amendments to the car park layout of the site shall be completed in accordance with agreed plan No's 16.144.03 Rev F (Block Plan; Proposed), 16.144.11 Rev B (Proposed Elevations) and 16.144.14 Rev B (Site Plan; Proposed) all plans date received by the Local Planning Authority 09.08.2016 to the satisfaction of the Local Planning Authority. The development shall thereafter be retained as approved for the lifetime of the development.

In the interests of highway and pedestrian safety and to ensure a satisfactory form of development.

7. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of any development on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the building for the permitted uses. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of the visual amenity of the area.

8. Notwithstanding the submitted information and prior to the occupation of the 2no. flats hereby approved, provision shall be made for the provision of storage of refuse as shown on approved plan No's 16.144.03 Rev F (Block Plan; Proposed), 16.144.11 Rev B (Proposed Elevations) and 16.144.14 Rev B (Site Plan; Proposed), all plans date received by the Local Planning Authority 09.08.2016. The agreed details shall be implemented accordingly and retained for the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.

9. Notwithstanding the submitted information, details of the means of enclosure of the site shall be submitted to and approved by the Local Planning Authority before the development hereby approved is occupied. Thereafter the development shall be carried out in

accordance with the approved details and the enclosures erected prior to the occupation of the development hereby approved.

In the interests of the amenity of surrounding neighbouring properties and visual amenity of the surrounding area.

10. The development hereby approved shall operate solely in accordance with the working layout as set out on plan No 16.144.03 Rev F (Block Plan; Proposed) date received by the Local Planning Authority 09.08.2016 including the servicing areas, car parking and access/egress to/from the site.

For the avoidance of doubt.

11. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

The Committee considered representations in relation to this matter.

Number:	H/2016/0258
Applicant:	Mr Michael Streeting 9 Hardwick Court HARTLEPOOL
Agent:	ASP Associates Vega House 8 Grange Road HARTLEPOOL
Date received:	15/07/2016
Development:	Variation of conditions 2, 3 and 5 of planning permission H/2013/0602 (erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front) for alterations to first floor internal layout changes to obscurely glazed panels to side of balcony and removal of shutters on front elevation
Location:	9 Hardwick Court HARTLEPOOL
Decision:	DEFERRED for site visit

Number: H/2016/0289

Applicant: Mr Robert Robinson PALACE ROW HART
HARTLEPOOL

Agent: Mr Robert Robinson 6 PALACE ROW HART
HARTLEPOOL

Date received: 01/07/2016

Development: Demolition of garage and erection of a single storey extension to side and rear, alterations to garden wall and patio and provision of hardstanding parking area to side (resubmitted application)

Location: 6 PALACE ROW HART HARTLEPOOL

A member referred to documentation she had received from the objector. While she accepted that this was a civil matter between neighbours she was concerned at the impact this would have on them in terms not being able to get their bins out for collection. They would be left with 2 options – bringing their bins through the house or leaving them on the front street permanently thereby risking being fined. She expressed a hope that good neighbourliness might help resolve this impasse. The Planning Team Leader acknowledged this was not an ideal situation but said the applicant was adamant that no right of way existed. If the neighbour wished to they could pursue this matter through the courts however it was not the Committee's place to intervene in a civil matter.

Robert Robinson, the applicant, was present and addressed the Committee. He confirmed that the only objection had come from the neighbours whilst other residents had expressed a keen interest in the proposed extension. He felt it was a careful and sympathetic design in keeping with the original style and not unduly large. The side development meant the current view of a derelict garage would be replaced with a whitewashed annexe which matched the terrace. This would be their retirement home in order to stave off the need to rely on other support services for as long as possible. Members queried whether it would be possible for them to come to an agreement with their neighbour in terms of bin access. Mr Robinson advised that they had tried to speak to their neighbour but he refused to engage in dialogue and had sent an 'avalanche' of objections to their plans from early in the process. He disputed that the property was landlocked saying that with a small amount of work access onto St James Grove could be enabled and appropriate storage made available for the bins.

The Ward Councillor, Paul Beck, reiterated the concerns raised by the neighbour that if this development were approved they would be unable to put their bins out for collection without either bringing them through the house or leaving them on the street permanently. In the latter case this could cause

problems in high winds as waste could be strewn across the highway and be a danger to pedestrians and drivers.

A member suggested that the Council's mediation service might be of assistance in this matter. The Planning Team Leader confirmed that the mediation team had not yet been involved. Mr Robinson confirmed that he would be willing to take part if that was required in order to secure planning approval. Members approved the deferral by a majority. The Chair asked that this be actioned as soon as possible and that the application be brought back to the next meeting for approval if possible. At that time he asked that members take care not to revisit the same issues again.

Decision: **DEFERRED** to allow for mediation to take place regarding the issue of access (particularly in respect to access to the highway for bin collection)

The Committee considered representations in relation to this matter.

Number: H/2016/0285

Applicant: Mr S Arnell 6 CHAFFINCH CLOSE HARTLEPOOL

Agent: Mr S Arnell 6 CHAFFINCH CLOSE
HARTLEPOOL

Date received: 20/07/2016

Development: Erection of a detached double garage and conversion of existing garage to study and cloakroom

Location: 6 CHAFFINCH CLOSE HARTLEPOOL

Members approved the application unanimously.

Decision: **APPROVED**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 11/07/16 (Proposed Front Elevation and Proposed Plan), 14/07/16

(Site Location Plan) and 20/07/16 (Proposed Garage Elevations, Section and Floor Plan) as amended by the amended plans received 24/08/16 (Site Plan; Tree Location Plan).

For the avoidance of doubt.

3. The external materials used for this development shall match those of the existing dwellinghouse unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

4. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.

In the interests of the amenities of the occupants of neighbouring properties.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the garage hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and in the interests of highway safety.

44. Update on current complaints *(Director of Regeneration and Neighbourhoods)*

Members were informed of 30 issues currently under investigation.

Decision

That the report be noted

45. Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2016-2031) *(Director of Regeneration and Neighbourhoods)*

The Planning Services Manager presented a report on the final draft of the Rural Neighbourhood Plan 2016-2031. Neighbourhood Planning was introduced under the Localism Act 2011 to provide communities with the opportunity to create a community-led framework for guiding the future development, regeneration and conservation of an area. Plans must be formulated, consulted upon, submitted to the Local Planning Authority, submitted for independent examination and finally put to public vote via a referendum. The Rural Neighbourhood Plan was currently at the Local Planning Authority stage. It was a requirement that the final draft comply with the relevant statutory requirements set out in European legislation and the Town and Country Planning Act 1990. The Council's Planning Services and Heritage and Countryside teams had reviewed the draft plan and associated

documents and were satisfied that it complied with these requirements. However a final decision on this would be taken by Regeneration Services Committee the following week. Members of the Planning Committee were being asked to note the report.

A member queried which residents would be included in the referendum. A Planning Officer confirmed that everybody living within the area encompassed by the rural plan boundary would have an automatic right to vote. It was at the discretion of council to allow a vote to other areas which might be impacted however this would not be town wide. The member commented that part of the boundary included Summerhill and areas for horse riding therefore the impact might be felt further than the immediate area.

Decision

That the final draft of the Rural Neighbourhood Plan 2016-2031 be noted subject to a decision by Regeneration Services Committee that it is in general conformity with national planning policy and the Local Authority's Development Plan (The Hartlepool Local Plan 2006 and the emerging Local Plan)

The meeting concluded at 11:05am

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19 October 2016

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Marjorie James, Trisha Lawton, Brenda Loynes, Ray Martin-Wells, George Morris and Jean Robinson

Officers: Peter Devlin, Chief Solicitor
Jim Ferguson, Planning Team Leader (DC)
Sylvia Pinkney, Head of Public Protection
Mike Blair, Technical Services Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Matthew King, Planning Policy Team Leader
Kieran Bostock, Principal Engineer (Environmental Engineering)
Helen Heward, Senior Planning Officer
Graham Megson, Ecologist
Chris Scaife, Countryside Access Officer
Jo Stubbs, Democratic Services Officer

46. Apologies for Absence

Apologies were submitted by Councillors James Black and Rob Cook. Councillor Cook was attending a civic funeral in his role as Ceremonial Mayor.

47. Declarations of interest by members

Councillor Ray Martin-Wells declared a prejudicial interest in planning application H/2016/0258 (9 Hardwick Court) and indicated he would leave the meeting during consideration of this item. He also declared a personal interest in planning application H/2016/0334 (land adjacent to 30 Consicliffe Road).

48. Confirmation of the minutes of the meeting held on 21st September 2016.

Minutes deferred to the next meeting.

49. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Councillor Ray Martin-Wells left the meeting

Number:	H/2016/0258
Applicant:	Mr Michael Streeting 9 Hardwick Court HARTLEPOOL
Agent:	ASP Associates Vega House 8 Grange Road HARTLEPOOL
Date received:	15/07/2016
Development:	Variation of conditions 2, 3 and 5 of planning permission H/2013/0602 (erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front) for alterations to first floor internal layout changes to obscurely glazed panels to side of balcony and removal of shutters on front elevation
Location:	9 Hardwick Court HARTLEPOOL

Members had undertaken a site visit to the location prior to the meeting. Following a suggestion by a member it was agreed by the Committee that officers would seek to negotiate with the appellant to reduce the time period for installing the obscure glass on the side openings of the balcony to one month (draft Condition 2 refers). Members approved the application by a majority.

Decision:	Minded to APPROVE but Officers to approach applicant to determine whether it is feasible to amend condition 2 to reduce the time period for installing the obscure glass on the side openings of the balcony to one month and amend condition 2 accordingly if so – thereafter to delegate the decision to the Planning Services Manager in consultation with the Chair of the Committee .
------------------	---

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans (Proposed Amended Elevations & Plan Dwg No. 1788/4 Rev F and Proposed Amended First Floor Plan Dwg No. 1788/3 Rev F) received by the Local Planning Authority on 10/06/16 and the amended application form received by the Local Planning Authority on 15/07/16 except as amended by condition 3 below.
For the avoidance of doubt.
2. Notwithstanding the submitted details, a scheme detailing the provision of obscurely glazed panels to be added to the openings on the sides of the rear balcony with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent, shall be submitted to the Local Planning Authority for its approval, samples of the desired materials being provided for this purpose. The application of translucent film would not satisfy the requirements of this condition. Thereafter the approved scheme shall be installed within 1 month of the date of this decision notice in accordance with the approved details. Thereafter the obscurely glazed panels shall be retained as approved at all times during the lifetime of the development.
To prevent overlooking.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevations of the extensions facing Auckland Way and 8 Hardwick Court without the prior written consent of the Local Planning Authority.
To prevent overlooking.
4. The proposed ground floor WC window facing 8 Hardwick Court shall be glazed with obscure glass which shall be installed before the WC is brought into use and shall thereafter be retained at all times while the window exists.
To prevent overlooking.

Councillor Ray Martin-Wells returned to the meeting

Number:	H/2015/0283
Applicant:	Mr COLIN FORD COALBANK FARM HETTON LE HOLE HOUGHTON LE SPRING
Agent:	R & K Wood Planning LLP Mr Robin Wood 1 Meadowfield Court Meadowfield Ind. Est. Ponteland Newcastle upon Tyne
Date received:	15/07/2015
Development:	Outline application with some matters reserved for residential development comprising 50, two storey

houses including highway access, layout and provision of land for use as open space

Location: LAND AT NELSON FARM NELSON LANE
HARTLEPOOL

A member asked that wheel wash facilities be included for the site contractors to reduce the amount of mud which would be transported by vehicles leaving the site.

The Agent, Robin Wood, spoke in support of the application. He highlighted the current lack of a 5-year housing supply and the resultant presumption in favour of development saying that members should be guided by the officer recommendations in this case. Highways officers had raised no objections and concerns over drainage and flooding had been found to be overstated. Ecological impacts had been considered. A viability assessment had been undertaken and the appropriate levels of affordable provision ascertained.

A member queried whether the scheme should be making a contribution to the Elwick junction and bypass scheme. However the Technical Services Manager advised that, given the anticipated traffic movements this development would not be required to contribute to those improvements.

A resident of Applewood Close, Mr Redwood, spoke against the application. He advised that the area was already overdeveloped despite having only 1 point of access and egress. He highlighted problems with parking, possible flooding, access, a lack of amenities in the area, loss of open space, and the impacts on ecology. If the application were approved construction traffic would be driving through a residential area, trailing mud, potentially causing subsidence, and risking the health and safety of children who would no longer be able to play safely in their street. It was also too close to existing housing and did not fit in with other housing in the area.

Ward Councillor Paul Beck reported that residents had raised a number of issues around the impact this development would have on their lives including flooding, parking and health and safety. He alleged that the agent had refused to undertake a consultation into flooding issues as it would take too long. Concerns were also raised in relation to the lack of play facilities in the area and impacts on wildlife. This development would change the identity of a peaceful area. Councillor Beck called on the applicant to address all the points raised by the objectors in the event that members voted to approve.

A member felt they had little option but to approve the application given the lack of a 5-year housing supply and presumption in favour of approval. The member recognised the authority would struggle at appeal. The member expressed concerns at arrangements for access for emergency vehicles and asked that this matter be looked at in detail. The member was also dissatisfied with the affordable housing contribution of 10% commenting that they had secured 18% on similarly sized developments.

Members approved the application by a majority. **Councillor Marjorie James requested that her abstention from the vote be recorded.**

Decision: **OUTLINE PLANNING PERMISSION APPROVED -** subject to the completion of a legal agreement to secure 5 affordable housing units on site, £85,234 towards Primary education, £79,332 towards secondary education, £12,500 (£250 per dwelling) towards play facilities, £12,500 (£250 per dwelling) towards built sports, £12,500 (£250 per dwelling) towards green infrastructure, £11,664.50 (£233.29 per dwelling) towards playing pitches, £2,851 (£57.02 per dwelling) towards tennis courts, £248.50 (£4.97 per dwelling) towards bowling greens, £7000 towards the provision of 2 interpretation panels as part of the ecological mitigation, provision for the maintenance of open space within the site, the provision of 0.9 hectares of land to provide a Suitable. Alternative Green Space (SANGS) (including provision for its landscaping and maintenance) and accommodation of footpath link(s) and the provision of a leaflet informing new residents of the importance of the Natura 2000 sites in the local area and encouraging the use of the SANGS and to secure the drainage scheme proposed in respect to securing the outlet to the water course on the third party land.

CONDITIONS AND REASONS

1. The application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid
2. Approval of the details of the appearance and landscaping of the development (herein called the 'reserved matters') shall be obtained in writing from the Local Planning Authority.
For the avoidance of doubt
3. The development hereby permitted shall be carried out in accordance with the drawing number number R2353:01 Rev E (Proposed Site Layout) received by the Local Planning Authority 9 June 2016 and TCP01 (Tree Constraints Plan) received by the Local Planning

Authority on 9th July 2015.

For the avoidance of doubt.

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and details of hardstandings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

In order to secure a satisfactory form of development.

5. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 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 the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

8. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the site. Development shall be carried out in accordance with the approved details unless some variation is otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with

saved Policy GEP1 of the Hartlepool Local Plan 2006 and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents and to take account of any drainage implications.

10. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

In the interests of highway safety and to protect the amenity of neighbouring residents

11. Details of trees to be retained on the site in terms of location and species shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The specified trees must be protected by the erection of protective barriers, as detailed in the Arboricultural Method Statement submitted in support of this application, and these shall remain in place during the period of construction.

In order to protect the trees and in the interests of visual amenity.

12. Details of the location of the works/contractors compound, to be located outside of the root protection areas of trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

In order to maintain the amenity of the area and to protect the root system of trees.

13. No development shall take place until details of bat and bird roosts have been submitted to and approved in writing by the local planning authority. The provision of the approved bat and bird roosts on the site shall be completed before the first occupation of the development

In order to protect and maintain the ecology of the area

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no outbuildings or garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the

Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.

16. No development shall take place until the Local Planning Authority has approved a report identifying how the predicted CO2 emissions of the development will be reduced by at least 10% above and beyond what is required to comply with Part L Building Regulations. Before any part of the development is occupied the energy saving measures, detailed in the report, shall be installed as approved for that part of the development.

To support sustainable development

17. No development shall take place until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before any part of the development is occupied the renewable energy equipment, detailed in the report, shall be installed as approved for that part of the development.

To support sustainable development.

18. The development hereby approved shall be carried out having regard to the following:

1. 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:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. 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'.

2. 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 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.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development 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 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.

4. 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 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the

Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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.

19. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
20. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent increased risk of flooding from any sources in accordance with the NPPF.

The Committee considered representations in relation to this matter.

Number: H/2016/0334

Applicant: MR P COCKRILL

Agent: GAP DESIGN MR GRAEME PEARSON CHANTRY
COTTAGE 11 THE GREEN ELWICK
HARTLEPOOL

Date received: 28/07/2016

Development: Erection of detached dwellinghouse

Location: LAND ADJACENT TO 30 CONISCLIFFE ROAD

Members had undertaken a site visit prior to the meeting. They felt that despite the officer recommendation to refuse the application it would be acceptable given the eclectic mix of properties in that area and the lack of objections from residents. Members took the view that there were a variety of properties in Consiccliffe Road and they considered that the design and appearance of the property was acceptable. They approved the application unanimously asking that the final conditions be delegated to officers in consultation with the Chair and Vice-Chair

Decision: **APPROVED** – with delegation to the Planning Services Manager in consultation with the Chair on the schedule of conditions

Number: H/2016/0282

Applicant: MR RICHARD GUY 24 BEAKER PLACE MILTON
ABINGDON

Agent: FORSYTH TECHNICAL MR RAY FORSYTH
WHICKHAM PARK HOUSE WHICKHAM
NEWCASTLE UPON TYNE

Date received: 29/06/2016

Development: Demolition of stable and part long shed, conversion of barn and remaining long shed into a dwelling and erection of two new dwellings (ADDITIONAL LONG SHED ELEVATIONS)

Location: FORMER STACKYARD REAR OF HART FARM
FRONT STREET HART HARTLEPOOL

Members had undertaken a site visit prior to the meeting. A member raised the issue of a gully at the site entrance and whether this would need to be

moved. The Technical Services Manager advised that this would not be necessary. If the gully was damaged as part of the development process the developer would be responsible for the cost of any repairs.

The Agent, Ray Forsyth, referred to the parking concerns which had been raised, commenting that this was an issue across the village.

Mr Young spoke against the application on the grounds of the additional traffic and subsequent parking problems which would result. He noted that the current layout caused problems in terms of access for refuse wagons and emergency vehicles and this conversion would only make it worse. He asked that in the event the Committee voted to approve the application consideration be given to double yellow lines on Hart Pastures. A member suggested that residents might want to consider whether they wished to make it a resident parking permit area. The Chair felt that full consultation on this issue by HBC Technical Services should be carried out in the event of an approval.

Members approved the application by a majority.

Decision: Planning Permission APPROVED

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following Site Location Plan and Site Survey A345 0216 100 Elevations and Roof Plan Plot 1 A345 0216 103 received by the Local Planning Authority 04 July 2016 and Proposed Elevations and sections Plot 1 A345 1216 106A
Proposed Elevations and Sections Plot 1 A345 0216 107A
Proposed Roof Plan Plot 3 A345 0216 112A
Proposed Floor Plans Barn Conversion Plot 1 A345 1216 105A
Proposed Elevations Plot 3 A345 0216 111A received by Local Planning Authority 31 August 2016
Proposed Floorplans Plot 3 A345 0216 110A received 27 September 2016
Proposed Elevations Plot 2 A3450216109
Proposed Floorplans Plot 2 A345 0216 108
Received by the Local Planning Authority 29 June 2016
And Proposed Site Plan A345 0216 104C received by the Local Planning Authority on 9 September 2016.
And Existing Plans and elevations of the Long shed Stable and barn A345 0216 101
Proposed Elevations and roof Plan of the Long shed A345 0216 113 received by the Local Planning Authority on 28 September 2016.
For the avoidance of doubt.

3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. The development hereby approved shall be carried out having regard to the following:
 1. 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:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. 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'.
 2. 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 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.
 3. Implementation of Approved Remediation Scheme
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development 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 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.

4. 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 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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.

5. No development shall take place until a scheme for the provision of bat and bird roosting features and bird and bat boxes including a timetable

for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

In the interests of biodiversity compensation and to accord with the provisions of the NPPF.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

7. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

In the interests of the amenities of the occupants of neighbouring properties.

8. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water, including how it will adequately attenuate a 1:100 year storm and take into account historical drainage of adjacent land crossing the site, detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development, surrounding area and future users.

9. The proposed bathroom and en-suite window(s) in the side elevation of plot 2 and 3 shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscurity or equivalent which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to the window would not satisfy the requirements of this condition.

To prevent overlooking.

10. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional doors or windows(s) shall be inserted in the north or south elevations of the dwellinghouse on plot 1 or the east or north elevation of the long shed (the proposed garage on plot 1) without the prior written consent of the Local Planning Authority.

To prevent overlooking.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no outbuildings shall be erected without the prior written consent of the Local Planning Authority.

To allow the Local Planning Authority to retain control to ensure sufficient amenity space remains to serve the dwellings.

The Committee considered representations in relation to this matter.

Councillors Brenda Loynes, Ray Martin-Wells and George Morris left the meeting for attendance in connection with the civic funeral mentioned earlier in the meeting.

Number: H/2016/0317

Applicant: SC & J Trading Co.

Agent: PRISM PLANNING LTD MR STEVE BARKER 1ST FLOOR 11 HIGH ROW DARLINGTON

Date received: 21/07/2016

Development: Retrospective application for a change of use to mixed use of A3 (cafe/restaurant) and A4 (public house) uses

Location: 25 27 CHURCH SQUARE HARTLEPOOL

The Planning Team Leader referred to an amendment to the recommendation. The press advertisement had not expired so the final decision would need to be delegated to the Planning Services Manager pending the consideration of any further representations. Members queried why Public Protection had objected as the premises had until recently been used as a cinema/restaurant/bar meaning that food and alcohol could already be purchased and the noise of cinema screenings heard in the property adjacent. The Head of Public Protection commented that while the ventilation system would need to be looked at the substance of their objection related to noise levels rather than food or alcohol. The Agent, Jonathan Helmn, noted that the premises were already established as an entertainment venue so neighbours could not expect total tranquillity. While officers had

recommended no live music on site he felt this was too restrictive as it would mean a ban on folk or acoustic singers but loud music could be played through the speakers. Approving the application would safeguard local jobs and keep a town centre building in use thereby contributing to a strong local economy.

Mary Buttery spoke against the application. She referred to problems she had experienced previously during the premises tenure as a wine bar and her fears that it was starting to happen again. The noise was horrendous, particularly the sound of the DJs, and having a negative impact on her and her grandchildren who regularly slept at her property. She was not asking for special treatment just her basic human right to live in peace.

Members asked whether any attempt had been made to place sound restrictions on the premises. The Environmental Health Manager confirmed that there had previously been a condition for sound insulation and a sound limiter but it hadn't resolved the issues. Officers had requested a noise limiter on the amplifiers which should help reduce the volume particularly in relation to the DJs. Members approved the application by a majority.

Decision: **Minded to APPROVE** subject to the consideration of any further representations received before the expiry of the press advert with the final decision delegated to the Planning Services Manager in consultation with the Chair

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the application form and the Site Location Plan received by the Local Planning Authority on 21/07/16.
For the avoidance of doubt.
2. No live music or karaoke shall be played/performed on the premises at any time. The playing of any pre-recorded amplified music shall only be through a fixed amplification system, full details of which, including a noise limiter and noise limiter levels, shall be submitted to the Local Planning Authority within 1 month of the date of this planning permission. Thereafter, the approved system shall be installed within 1 month of the details being approved in writing and shall thereafter be used at all times whenever amplified music is played on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
3. Within 2 months of the granting of this permission details for ventilation filtration and fume extraction equipment to reduce cooking smells shall be submitted to the Local Planning Authority for its approval in writing. Thereafter, the approved scheme shall be implemented within 6 months of the details being approved in writing, by the Local Planning Authority, and shall be retained, and the equipment used in accordance

with the manufacturer's instructions at all times whenever food is being cooked on the premises, for the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties.

4. The premises shall only be open to the public between the hours of 11:00am and midnight 7 days a week, including Bank Holidays.

In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

50. Proposed diversion to Public Footpath no 31, Persimmon Homes, Britmag, Hartlepool *(Director of Regeneration and Hartlepool)*

Members were asked to approve the making and subsequent conversion of a public footpath through the Persimmon Homes development site adjacent to North Sands. The proposal was to re-route a section of the footpath onto a new coastal path on the seaward side of the new housing estate. The costs had been estimated at £2,500 in 2014 but this was expected to rise by the time the final invoice was raised in 2020/2021. The applicant, Persimmon Homes, had agreed to meet these final costs plus any expenses incurred by Hartlepool Borough Council as part of the process. Consultation had been carried out with all relevant parties and no objections had been raised.

A member referred to the poor condition of an existing pathway in this area leading to Spion Kop and asked whether the developer could be asked to contribute to its maintenance through the 106 agreement. The Countryside Access Officer indicated that the footpath in question was temporarily closed and diverted. Repairs and improvements would be carried out prior to reopening but he did not anticipate that these repairs would impact on the dunes as they were not part of the dune system. The Planning Team Leader clarified that the 106 agreement for this development was already in place. A member queried whether maintenance of the coastal pathway had been included as part of the 106 agreement. The Chief Solicitor was unable to recall as the agreement had been made 2 years previously and suggested members might wish to defer the matter to allow for a site visit and give the officer the opportunity to bring back the details of the 106 agreement. A vote to defer was taken and lost. The Chair rejected a request for a site visit.

Decision

- That the making of a diversion order in respect of public footpath no 31, Persimmon Homes, Britmag, Hartlepool be approved and implemented
- That the order be confirmed if objections were not received or received

and subsequently withdrawn

- That the order be referred to the Secretary of State for confirmed if objections were received and not withdrawn

51. Appeal at 76 Church Street, Hartlepool *(Director of Regeneration and Neighbourhoods)*

Members were advised that an appeal had been submitted against the Planning Committee's decision to refuse planning permission for the change of use to a hot food takeaway on the ground floor and residential flat on the first and second floors. The decision had been based on insufficient car parking and bin storage, the impact on the health and wellbeing of the area and the impact on the rear access as a result of waste accumulating in the rear yard. The appeal would be determined by written representation.

Decision

That Officers be authorised to contest the appeal

52. Appeal at 91 York Road, Hartlepool *(Director of Regeneration and Neighbourhoods)*

Members were advised that an appeal had been submitted against the decision to refuse planning permission for the change of use of 91 York Road to a micropub. The appeal would be determined by written representation.

Decision

That Officers be authorised to contest the appeal

53. Update on current complaints *(Director of Regeneration and Neighbourhoods)*

Members were referred to 29 current ongoing issues currently being investigated.

Decision

That the report be noted

The meeting concluded at 11:30am

CHAIR

No: 1
Number: H/2015/0354
Applicant: Mr Brett Wilkinson 25a Parkview West Industrial Estate
HARTLEPOOL TS25 1PE
Agent: David Stovell & Millwater 5 Brentnall Centre Brentnall
Street MIDDLESBROUGH TS1 5AP
Date valid: 21/12/2015
Development: Outline planning application with some matters reserved
for residential development (up to 52 dwellings) with
associated access and highway works and creation of
wildlife ponds, park, footpaths, public car park,
landscaping and open space areas.
Location: Land at Hart Reservoir Hart Lane HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 The application was submitted in September 2015 for up to 70 dwellings. Following the initial assessment of the application and receipt of consultation responses, a number of issues were raised with the scheme primarily relating to highway, ecology, drainage and heritage matters, in addition to concerns over the housing density. Since December 2015, additional/amended plans and information has been submitted in order to address these issues, including a reduction in the number of dwellings from 70 to (up to) 52 dwellings, retention of the lower reservoir, the provision of a right turn highway facility on Hart Lane and detailed Flood Risk Assessments. These matters will be considered in further detail within the main body of the report.

SITE CONTEXT

1.3 The application site relates to land at Hart Reservoirs, located off Hart Lane, Hartlepool. The total site area is approximately 8.5ha (of which approximately 5.8ha is covered by the two reservoirs).

1.4 The site primarily consists of the two water bodies that formed the reservoirs, which are now in private ownership. The surrounding land gently undulates, sloping from north west to south east. The reservoirs lie in a modest, steep-sided valley. The larger of the two water bodies (upper) is located to the west with the lower reservoir located to the south east. The water bodies are separated by an internal road that extends up from the small, gated site access (taken from Hart Lane) which serves the site and a single dwelling, known as Hart Reservoirs Cottage located to the north east of the site (which falls outside of the current application site boundary). There

are a number of features within the reservoirs including dams, sluices, overflow and valve structures.

1.5 Beyond the site boundaries to the south and to the east is a public footpath (partially within HBC ownership) with residential properties located beyond; properties within Nightingale Close, Kestrel Close and Swallow Close are present beyond the boundary (and mature tree planting) to the south with properties in Kingfisher Close present beyond the eastern boundary.

1.6 The site is currently accessed from Hart Lane which runs to the west of the site with High Throston Golf Club and Hart Quarry located beyond this highway. The nearest property to the north west (along Hart Lane) is 'Keepers Cottage'. Beyond the application site boundary to the north/north east are open fields; planning permission has been granted for up to 500 dwellings (known as Upper Warren), under planning approval H/2013/0328, within vicinity of this area. The indicative plans for Upper Warren show the provision of a proposed landscape buffer between the 500 dwellings and the current application site.

PROPOSAL

1.7 This application seeks outline planning permission (with some matters reserved) for residential development for up to 52 dwellings with associated access and highway works, and the creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas on land at Hart Reservoirs. The applicant is seeking consent at this stage for the principle of the development and the means of access to the site with the appearance, layout, sale of the buildings and landscaping of the site (the reserved matters) reserved for future approval.

1.8 The proposed site would be accessed via the existing access from Hart Lane (south west). The scheme would require works to widen the site junction and provide visibility splays. Following the request of the Council's Traffic and Transport section, the proposed scheme includes the provision of a protected right turn facility along Hart Lane.

1.9 As set out above, the scheme has been subject to amended and additional plans/information. In respect of the amended layout for up to 52 dwellings, the indicative plans show approximately half the proposed dwellings to be positioned around the lower reservoir and towards the south east corner of the site with the remaining properties sited beyond the access road that cuts through the site. The submitted information indicates that the detached properties would be 2 to 2.5 storeys in height and a number would be served by detached garages. The residential element would occupy approximately 3.5ha of the overall site.

1.10 Following the submission of amended plans, the proposed scheme would retain a number of the original reservoir features some of which would be utilised for viewing platforms.

1.11 The scheme would require a number of engineering operations including proposals to adapt the larger upper reservoir into a nature reserve with a footpath network running around the site, works to lower the water levels within both water

bodies, the erection of a roundabout and a bridge within the site to cross one of the existing culverts (to serve the proposed dwellings towards the northern part of the site), and a pedestrian footbridge across a narrow section of the upper reservoir.

1.12 The scheme makes provision for internal footpath routes, which would also connect up to the existing footpath network, which is considered in further detail within the report. The scheme includes a large area of green open space in the north east corner of the site and a small children's play space towards the centre of the site. A proposed car park would serve the proposed nature reserve, located towards the main site entrance. The scheme includes the retention and enhancement of existing landscaping throughout the site.

1.13 The submitted supporting information indicates that the footpaths would remain permissive whilst the land would remain within the ownership of the land owner in respect of maintaining and managing the proposed nature reserve, car park and footpaths.

1.14 The application is accompanied by a number of supporting documents including a Heritage Statement, Flood Risk Assessment and Ecology statement.

1.15 Within the applicant's submitted supporting statement (paragraph 4), it is noted that *"the water supply to the reservoir has been isolated. They (the reservoirs) are only fed by rainwater from what is a small catchment. They would be better described as deep stagnant ponds"*.

1.16 The proposed development has been screened during the course of this application and in accordance with Section 5 of the Town and Country Planning (Environmental Impact Assessment/EIA) Regulations 2011, the Local Planning Authority has adopted an opinion to the effect that the development is not considered to be EIA development.

1.17 The application has been referred to the Committee as more than 3 objections have been received.

PUBLICITY

1.18 The application was advertised by way of neighbour letters, site notices (x5) and a press notice.

1.19 Following the submission of amended plans, additional 14-day neighbour consultations were undertaken.

1.20 To date, 20 letters of objection (including more than one objection by the same objector) have been received. Concerns have also been raised by Hartlepool Civic Society. Objections have also been received from a local ward councillor and Hart Parish Council (detailed within the consultee responses below). These objections and concerns can be summarised as follows;

- Is the transport statement relevant to the application (refers to 60 dwellings)

- Lack of information regarding the measures/process/materials to infill the lower reservoir (as originally proposed)
- The proposal (as originally submitted) would result in an adverse loss of amenity and privacy for neighbouring properties including Hart Reservoir Cottage.
- Impact on access to Hart Reservoir Cottage.
- Impact on overhead lines and services to existing residential properties, in particular Hart Reservoir Cottage
- Impact on wildlife including bats
- The impact on wildlife and ecology understated within submitted reports
- Clarification on the design of the dwellings should be provided
- Increase in traffic and congestion along Hart Lane and exacerbation of issues at Sheraton/A19
- Proposed access/egress will have detrimental impact on congestion and road safety
- The proposed increase in reduced speed limit is insufficient
- The area is used by residents for walking which would be affected by the development
- No details of the reservoir maintenance has been provided
- Planning conditions should be imposed to restrict working hours/days, the provision of additional screen planting, timescales on the overall completion of the development and the establishment of the nature reserve before the dwellings are brought into use.
- The plans do not include details of landscaping or the public car park – will the car park be closed on an evening?
- It is unclear who will be responsible for the upkeep and maintenance of the wildlife ponds and park- the information submitted to date is inadequate
- Development will be affected by quarry from vibrations/blasting, as are existing properties.
- A noise assessment and ground survey should be required in respect of the quarry.
- Loss of views
- Impact on visual amenity of surrounding area
- Overdevelopment of site
- Noise disturbance/pollution and increase in dust
- Car park will attract youth congregation and general increase in anti-social behaviour, vandalism
- Any existing anti-social behaviour element within the reservoirs would not justify the proposed development
- The water level has been reduced
- Proposal adds to sprawl of development and proposed dwelling types unsuitable
- Flooding is a problem in the area. Proposal could result in an increase in flood risk and surface water run off
- The area near the proposed access has been flooded
- Primary schools are at capacity and the proposal will place a further burden on this.
- The proposed ponds could be dangerous to children depending on the depth

- No need for further housing and this level of house building exceeds legal requirements
- Increase in litter and dog fouling
- Independent ecological assessment should be undertaken
- The reservoirs should be reserved for fishing
- The proposed infilling of the reservoir raises concerns over impact on highways and delivery vehicles
- Property devaluation
- Exact dwelling numbers should be known
- The amended proposals are inconsistent with submitted supporting information
- The amended proposals would not address concerns regarding congestion and traffic. The proposed right hand turn will not address such issues

1.21 1 letter of no-objection has been received.

1.22 Copy Letters **A**

1.23 The period for publicity has expired.

CONSULTATIONS

1.24 The following consultation responses were received;

HBC Traffic and Transport

The proposed use of a priority junction to serve the development is considered appropriate for the number of dwellings proposed. It is however considered that a right turn facility should be provided on Hart Lane. This will require local widening of Hart Lane to accommodate a ghost island and right turn lane.

It is proposed to reduce the speed limit on Hart Lane to 40mph in the vicinity the proposed access. This is considered appropriate. This will require the relocation of the existing gateway 40 / National speed limit signs, and the amendment to the Traffic Regulation Order. This should be carried out at the expense to the developer.

2.4 metre x 120 metre sight lines can be accommodated at the access in both directions, however in order to achieve this to the right an existing hedge will need to be trimmed back. A condition will be required to ensure that this sight line is maintained for the lifetime of the development. The provision of a right turn lane may alter the sight line provision which can be achieved.

A system of street light lighting should be provided suitable for a 40mph road from the new access to the point where the existing street lighting commences at the Golf Club roundabout.

The minimum radii at the junction with Hart Lane should be 6 Metres.

Internal Layout

The construction and geometry of roads and footways should be built in accordance with the Hartlepool Borough Council Design Guide and Specification using a Section 38 agreement / Advanced Payment Code agreement.

There are concerns with the proposed crossroads within the development and possible confusion it may cause with drivers, these junctions should be staggered in the interest of highway safety.

The developer needs to clarify the shared surface area. It should be a cul-de-sac with no through vehicular traffic, it is not clear if this road carries through or there will be obstruction to prevent this. If there is an obstruction there should be additional turning head for the properties in the north east side of the development where the former reservoir feature is to be retained.

The shared surface road width should be increased to 6metres with no service verges.

The applicant has shown a number of walkways leading to private driveways; this could lead to potential problems in the future with pedestrian crossing these driveways. Dedicated footways should be carried all the way to the cul-de-sacs or increase length of the turning heads.

Comments received 05.10.2015 in respect of Transport Assessment (TS).

If the development was over 80 dwellings a Transport Assessment would be required (this looks at the transport impact over a much wider area). As the proposed development is below the 80 dwelling mark a Transport Statement would still be valid.

The TS has only looked at the development access and whether a simple T junction could accommodate the site. The results of the modelling indicate that a simple junction would be more than adequate, an extra 10 properties would make little difference to this result. The TS has also looked at the sustainability and public transport provision, the increase in dwellings would have no impact on this.

The internal layout of the site is not a consideration of the TS. I am therefore happy that the submitted TS is valid.

Further comments received 28.01.2016 in respect of amended plans.

The proposed access into the site is acceptable.

Can you condition that a detailed 1/500 plan of the proposed junction and ghost island be supplied prior the commencement of construction.

The requirement for the speed limit amendment and the provision of street lighting on Hart lane would remain as per previous comments.

Layout

Need to clarify what are the private drives/shared surface carriageways.

The shared surface carriageways should be 6 metres wide, the plan shows these carriageways as 4.8 metres.

The driveways should enter the highway at a 90 degree angle.

A detailed design of the bridge will be required prior to commencement / full application, this may need a commuted sum for maintenance purposes. A detailed figure can be provided on provision of the design.

Need to clarify ownership details of car park / public open space areas.

The children's play area should have an appropriate gate and boundary provided to prevent children running onto the carriageway. Pedestrian guard railing provided on carriageway edge if the gateway is next to the road.

A lining and signing diagram should be supplied showing details of the proposed mini roundabout prior to commencement of construction.

The construction and geometry of roads and footways should be built in accordance with the Hartlepool Borough Council Design Guide and Specification using a Section 38 agreement / Advanced Payment Code agreement.

Highways England

Highways England wishes to offer no objection to the above application.

While there is no formal recommendation I would highlight our general concerns about the intensification usage of the two level junctions at Elwick where there is a risk of collision between emerging traffic and fast moving through vehicles and the A19/ A179 Junction at Sheraton where there is a risk of increased queuing until improvements are made. We expect a very small number of extra movements at these junctions from this development that will not be severe. We are currently seeking to address our concerns in this regard in consultation with Hartlepool BC. Further development will need to be considered in terms of safe access to and exit from the A19 should further incremental development come forward.

Additional comments received in respect of amended plans:

I am happy that these further amendments to the application do not affect our position on this application. Can I reiterate our position as per the formal request attached and our response (*detailed above*).

Further comments received 05.05.2016:

Thank you for raising additional concerns regarding the above application in light of our robust stance on increased traffic at the Elwick Junctions.

The new scale of the development (52 Households down from 70), and its location which is better served by the A179 junction, and the expected distribution is likely to generate a very small number of trips in the Peak Hour via the Elwick junctions and may not result in any perceptible increase in queues.

As per our previous response on this application we would still wish to caution about the potential to increase traffic causing increased queues at Elwick, but we do not believe that the amount of additional traffic generated could warrant a different response.

HBC Engineering Consultancy*(updated comments received in respect of amended Flood Risk Assessment (FRA))*

Further to my previous comments on this application I can confirm that I have reviewed Version 5 of the FRA and would have the following comments;

I would comment that there is insufficient information provided to allow me to assess the surface water element of the scheme in detail. I note that the FRA does briefly cover a potential drainage options but concludes "there are no formal development plans at this stage which detail how surface water run-off will be managed" and as such in the absence of any percolation testing I am unable to offer any further advice".

Hart Burn itself on the basis of the photographs will require works to upgrade the beck, there appears to be a build up of debris and silt and in places bank sides look low. It is unclear at this stage if it is the intention to further culvert some of the beck. Given the historical flooding further downstream it is paramount that Greenfield run off is a) not exceeded and b) betterment provided where possible.

With regards to the upper reservoir, it is my understanding this will remain but will operate as a nature reserve as opposed to a reservoir. With this in mind is there an intention to provide any overflow into Hart Burn, and if so has this been allowed for within the calculations? I would raise the issue of future maintenance responsibilities for this structure. The same comments apply to the lower reservoir in relation to overflows.

In relation to the proposed drainage, my comments are limited based on the level information provided but I would urge the developer to make use of SUD's techniques to control surface water run off. I am happy to have further discussions on this should the application be approved.

I don't think the above comments are insurmountable however further development is required during detailed design to satisfy my comments. I would therefore request both a surface water and a Site Investigation condition. A further condition will be required to cover the modification of the lower reservoir including, materials, methodology and testing regimes etc.

Environment Agency*(Comments received 29.04.2016 in response to amended FRA)*

Thank you for the revised Flood Risk Assessment in respect of the above application which we received on 22 April 2016.

Environment Agency Position

We have assessed the additional submitted information and now wish to withdraw our previous objections of 19 October 2015, 28 January 2016 and 18 March 2016 to the planning application.

There have been a number of rounds of consultation for this site relating to the hydrology which has fed into the modelling carried out at the site. Our national Modelling and Forecasting (M&F) team have analysed the additional submitted information and have confirmed the submitted hydrology information is now at a

standard appropriate for the flood risk assessment (FRA).

The subsequent modelling has been tested with the agreeable hydrology and the revised FRA outlines that the modelling for the Hart Burn watercourse shows that flows up to and including the 1 in 100 year plus climate change (25% increase on flood flows) will remain in bank. Furthermore, the entire site is recognised as having a low probability of flooding and has been identified as being located in Flood Zone 1.

Advice to LPA

Should the local authority wish to approve the planning application, we request that our previously recommended planning conditions, detailed in our letter dated 19 October 2015, are attached to any planning permission. These conditions are detailed below.

Condition 1

No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse and ponds shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reasons

Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

Land alongside watercourses and ponds is particularly valuable for wildlife and it is essential this is protected.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

Condition 2

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and

approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use [i.e. a historic landfill and 'tanks']. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and is located within Zone 3 of a Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Condition 3

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent

person, is presented (NPPF, paragraph 121).

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

Unsuspected contamination may pose additional risks requiring further assessment.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The previous advice, outlined in our letter of 19 October, still applies. This includes advice in respect of Groundwater and Contaminated Land, Fisheries and Biodiversity and Environmental Permitting Regulations.

Further Information: Advice to LPA

Decommissioning a Reservoir

In order to decommission a reservoir, a Panel Engineer must be employed to guide you through the decommissioning process. A Panel Engineer is an approved specialist Reservoir Engineer as defined under the Reservoirs Act 1975. The Department for Environment, Food & Rural Affairs (Defra) has an approved list of Panel of Engineers that is able to undertake: inspections, the supervision and construction of reservoirs. There are four classes of engineers: a) All Panel Engineer; b) Inspecting Engineer; c) Supervision Engineer and d) Construction Engineer (each from a different panel). An “All Panel Engineer” is able to undertake any role.

The inspecting Panel Engineer will seek to ensure that the reservoir(s) cannot impound water any longer. This may be achieved through different civil engineering works such as breaching the dam or complete removal.

Construction works that would satisfy an Inspecting Engineer (that would prevent impoundment) would be passed to the undertaker for consideration. The undertaker would have to employ (at his/her cost) a designer / contractor to undertake this work and a “Construction Panel Engineer” to oversee the works.

Once these works are complete, the reservoir would then be inspected and signed off under the Act by the Construction Engineer. The reservoir would then be removed from the Reservoirs Register held and maintained by our Reservoir Safety

Team. Until that time, the reservoir is still registered and the requirements of the Act will still apply.

Environmental Permitting Regulations

An Environmental Permit would be required. Information regarding a new bespoke permit is available on our website at

<https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit>

In particular, a Water Discharge Activity Permit would be required. The following forms will also need to be completed:

- Form A – About the operator / applicant
- Form F2 – Charging for Discharges
- Form B2 – Application for a new bespoke permit
- Form B6 – New bespoke water discharge and groundwater activity (point source discharge)

It is recommended that you refer to guidance document “How to comply with your Environmental permit”. This is available at

<https://www.gov.uk/government/publications/how-to-comply-with-your-environmental-permit>

Specific guidance in relation to water discharges and groundwater activity permits is detailed within ‘EPR 7.01 How to comply with your Environmental Permit for Water Discharge and Groundwater (from point source) Activity Permits’. This is available at

http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7356_4132bc.pdf

Further information regarding the regulation and risk assessment of reservoir releases is detailed within Annex 9, page 199. Page 202 outlines information in relation to reservoirs not owned by a water undertaker

There are a number of points for consideration which may need addressing in your application. These are as follows:

- Sediment depth - how much may be released in discharge.
- Thermal stratification - release of water with potentially low oxygen levels / elevated concentrations of iron, manganese, ammonia and sulphides which can be toxic to aquatic life and have offensive odour.
- Flow - rate of discharge, scouring of bed and bankside, plants and animal, increase to flood risk.
- Fish displacement - rescue / relocation in conjunction with ourselves.

As part of your application, you will need to include a Management Plan which details how you intend to safely drain down the reservoir and mitigate any potential effects such as:

- Scour
- Flooding
- Sediment release
- Low dissolved oxygen levels

- Potential elevated levels of ammonia, iron, manganese, or sulphides
- Fish displacement

Water Resources

An Impoundment Licence (or variation of an existing impoundment licence) is also required. Further information is available at <https://www.gov.uk/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

It is strongly recommended that you submit a WR48 water abstraction or impoundment: preliminary opinion form to our National Permitting Service regarding the proposed development. The preliminary opinion form is available at <https://www.gov.uk/government/publications/wr48-water-abstraction-or-impoundment-preliminary-enquiry-form>

Infill Landscaping: Advice to applicant

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

Further advice received 12.05.2016 in respect of decommissioning of reservoir;

I have spoken with my colleagues and can confirm that our advice on Decommissioning a Reservoir and Infilling Landscaping outlined in your email below still applies. We have identified in the amended Flood Risk Assessment version 5 dated 22 April 2016 Page 17 (Reservoirs) the following text:

“It is proposed for the two reservoirs on site to be decommissioned as part of this development proposal. The reservoirs will be retained as wildlife ponds although the lower reservoir will be modified and surrounding land raised in order to accommodate residential properties.”

If any water abstraction is still to take place as part of the proposal (despite the lower reservoir no longer being infilled) or water discharge and groundwater activity (point source discharge) than our advice detailed in *Water Resources* and *Environment Permitting Regulations* will still apply.

Further advice received 03.11.2016

An amendment to condition 1 above was subsequently agreed with the Environment Agency and is incorporated in the conditions attached to this report.

Northumbrian Water

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

How To Satisfy The Condition

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact NW to agree allowable discharge rates & points into the public sewer network.

This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646

Further comments received on amended plans:

Having assessed the proposed development against the context outlined above I refer you to NWs previous comments dated 29/09/2015. Although a flood risk assessment (FRA) has been submitted, the FRA does not identify definitive agreed connection points into the public sewer. We therefore have no further comments to make to our original comments dated 29/09/2015.

HBC Ecologist

(comments received 28.09.2015)

The bat survey accompanying the report adds to existing knowledge provided by previous bat surveys, unrelated to this development. Taken together they show that the upper reservoir is of high importance on a local scale for bats throughout the entire season when bats are active. Any effects on the upper reservoir whether by reducing its size or increasing light levels could therefore have an adverse effect on the local bat population. By contrast the submitted bats surveys show that the lower reservoir is of relatively low importance for bats.

I am therefore pleased to see that this application would involve the retention of the entire area of water of the upper reservoir. Should the proposal be permitted, this should be made a condition.

Appendix 1 of the Design & Access statement lists a series of measures to convert the reservoir into a wildlife pond, to enhance biodiversity through habitat creation and enhancements and to prevent harm to bats through such as lighting. These measures are in principle suitable to achieve those purposes. Should the proposal be permitted, there should be a condition for full details of how each of these measures would be achieved to be submitted for approval.

(Further comments received 27.05.2016 in response to Natural England's consultation response):

Habitat Regulations Assessment

The Ecological Appraisal Report (dated July 2014) briefly refers to the Teesmouth and Cleveland Coast SPA, noting that it is 2km to the east of the site (Paragraph 7.2).

Recent consultation responses from Natural England regarding large housing applications in Hartlepool borough and the Durham County Council area have highlighted the need for a Habitat Regulations Assessment (stage 1 screening assessment) to assess whether there might be either a direct or an indirect Likely Significant Effect (LSE) on a European Designated Site. The distance which is generally used is 6km. This application falls within the Teesmouth and Cleveland Coast SPA and Ramsar, the Durham Coast SAC, the Northumbria Coast SPA and Ramsar and possibly Castle Eden Dene SAC. The application therefore requires a HRA screening to be undertaken. This should assess the application's likely impact and an in-combination assessment including other current housing schemes (including those at planning stage and those with permission but not yet completed). If the stage 1 HRA concludes that a stage 2 Appropriate Assessment is required, enough information needs to be supplied to Hartlepool BC, as the competent authority, to undertake that part of the process and then consult with Natural England and the RSPB.

Ecology response

I have reviewed the Ecological Appraisal Report (prepared July 2014) and the amended plans. There are many positive wildlife and green infrastructure elements to the scheme.

I approve of the retention of both reservoirs as nature reserves, particularly due to their importance for bats of the upper (western) reservoir. As well as the open water features, the scheme makes good use of on-site and adjacent habitats such as woodland, hedges, trees and former reservoir slipways, etc, to create meaningful wildlife corridors. The proposal also includes the planting of native species of tree to provide screening and wildlife habitat. It is my understanding that the two reservoirs will be made shallower and I agree that this will not adversely impact upon the wildlife interest. I agree with the Ecologist report with regard to the bank profiles and allowing natural re-generation. NB: A licence is likely to be needed from the Environment Agency if fish are to be introduced to another water body (Hurworth Burn Reservoir).

The upper (western) reservoir has a circular pedestrian route around it which may cause some visual/ noise disturbance to wildfowl using the open water. However, the ecological survey shows that the diversity and number of birds is low and I am

satisfied that there will be little or no overall loss of biodiversity interest caused by the recreational use of this route. I approve of the fact that this path does not always hug the bank, as this will provide some sanctuary for waterbirds, especially where there is vegetation cover.

The scheme includes areas which fall into the definition of Suitable Alternative Natural Green Space (SANGS) and provides outdoor recreational opportunities.

I recommend that the biodiversity mitigation and benefits as submitted in the Planning, Design and Access Statement (August 2015) and shown in the revised plan are conditioned or form part of a S106 agreement.

SSSI Impact Risk Zones

SSSI Impact Risk Zones are illustrated on the MAGIC mapping website at <http://magic.defra.gov.uk/MagicMap.aspx>

I can confirm that the proposed application does not trigger the requirement to specifically consult with Natural England.

Recommendation

That the applicant prepares and submits a Habitat Regulations Assessment (HRA), stage 1 screening report.

(Summary of HRA stage 1 screening report and HRA stage 2 Appropriate Assessment)

The applicant's ecological consultants subsequently produced a HRA, stage 1 screening report. This was considered as part of the HRA stage 2 Appropriate Assessment (AA), undertaken by the Local Authority (HBC Ecologist) as the competent authority. The AA, produced on 12.08.2016, took into account any likely significant effects on Teesmouth and Cleveland Coast Special Protection Areas (SPA) and Ramsar sites, the Durham Coast SAC, and the Northumbria Coast SPA/Ramsar. The stage 2 AA also looked at an 'in combination' analysis with respect to other housing developments within the Borough, and any requisite mitigation measures.

The AA provides the following overall conclusion which includes the requisite mitigation measures;

While 52 new houses is in itself an insignificant impact, the 'in combination' total of 1,567 houses will have an indirect LSE on the Teesmouth and Cleveland Coast SPA/ Ramsar, through increased public access and disturbance. The impact is minimised by the key issues of over 80% of householders expected to be Hartlepool residents re-locating to the new housing developments. The Hart Reservoirs scheme is responsible for a tiny amount of this anticipated disturbance and has adequately mitigated it through the provision of on-site SANGS and householder information packs promoting the use of on-site and connected off-site local greenspace. As such, it is concluded that the Adverse Effect On Integrity (AEOI) can be ruled out for this project.

Further comments received 07.10.2016:

Additional ecological comment.

Thank you for drawing my attention to the deciduous woodland priority habitat which abuts the proposed development site in the NE corner. This is a 'habitat of principal importance' under the Natural Environment and Rural Communities (NERC) Act 2006. All efforts should be made to protect and enhance priority habitats and where feasible to link them together.

I am satisfied that the woodland is adequately buffered by the open space area within the Master Plan and that the suggested tree protection condition will adequately protect it. I advise that this does not trigger the need for an Environmental Impact Assessment (EIA).

Natural England

Natural England response to HRA, Stage 2 Appropriate Assessment, received 16.09.2016:

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Teesmouth and Cleveland Coast / Northumbria Coast Special Protection Areas which are European sites. The sites are also listed as Teesmouth and Cleveland Coast / Northumbria Coast Ramsar site 1 and also notified at a national level as Tees and Hartlepool Foreshore and Wetlands / Northumbria Coast Sites of Special Scientific Interest (SSSIs). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions,

providing that all mitigation measures are appropriately secured in any permission given.

Site of Special Scientific Interest - No objection

This application is in close proximity to Tees and Hartlepool Foreshore and Wetlands / Northumbria Coast Sites of Special Scientific Interest (SSSIs) Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so*

far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

The case officer has considered the application site through Natural England’s [‘Magic’ mapping website](#) - a small parcel of land to the north west corner of the site was identified as ‘Priority Habitat Inventory’ - Deciduous Woodland (England)

HBC Landscape Architect

Following a review of the relevant documentation the following comments relating to landscape character and context are provided.

The general layout of the outline scheme appears to consider the urban fringe location of the site with a non-linear street pattern and reasonable proportion of garden area within the housing site. Associated planting has also been indicated. The retention of the upper reservoir is clearly beneficial in maintaining some of the landscape character of the existing site’s association with open water bodies. The proposed works to the upper reservoir intended to enhance it as a nature reserve should be accompanied by a full scheme for landscape works at the detailed application stage. This should include planting plans, habitat creation and any associated details of features proposed. Landscape plans should also incorporate proposals for the retention and enhancement of the existing boundary hedges. Although bat presence is an ecology issue it would be beneficial to see provision for bat habitat, including enhancement of the hedgerows as forage corridors, reflected in the detailed landscape scheme. This would also apply to any proposed treatment for the retained upper reservoir.

It is also noted that a SUDS scheme is proposed for the development and there may be opportunities for further wetland habitat creation linked to this.

At the outline stage there are limited details available on housing types, likely elevations, etc. so materials and design aesthetics will require to be addressed under any subsequent detailed application.

Further comments received in respect of amended plans:

Following a review of the revised relevant documentation the following comments relating to landscape character and context are provided.

The retention of the lower reservoir is an improvement in terms of retaining existing landscape character and site context, although it would appear that rear gardens now back directly on to the water body (some of them constructed on land reclaimed from the reservoir). Landscape and boundary treatments should fully consider the health and safety aspects of the close proximity of the water body to dwellings and garden space.

The reduction in housing numbers is also an improvement in terms of landscape character and general site arrangement.

Previous comments regarding landscaping and the retention of the reservoirs and enhancement opportunities remain and the detail of such proposals should be

included in a full scheme of landscape works at the detailed application stage. This should include planting plans, habitat creation and any associated details of features proposed. Landscape plans should also incorporate proposals for the retention and enhancement of the existing boundary hedges. Bat presence is an ecology issue, however, it would be beneficial to see protection of, and new provision for, bat habitat, including enhancement of the hedgerows as forage corridors, reflected in the detailed landscape scheme. This would also apply to any proposed treatment for the retained reservoirs.

It is also noted that a SUDS scheme is proposed for the development and there may be opportunities for further wetland habitat creation linked to this.

At the outline stage there are limited details available on housing types, likely elevations, etc. so materials and design aesthetics will require to be addressed under any subsequent detailed application.

HBC Arboricultural Officer

It is not clear from the submitted details if it is intended to retain the existing hedgerows on the field boundary of northern portion of the site and the hedgerow that runs along the eastern boundary of the site. It is recommended that these hedgerows are retained and incorporated into the proposed site layout.

A general indication of landscaping for the proposed development is included, however there is insufficient information to enable a full assessment of the landscaping proposal therefore it is recommended that full landscaping details form part of a reserved matters submission or are required by condition.

Further comments received in respect of amended plans:

Although this has now been amended to include the lower reservoir in part, I still need to see details of the proposed landscaping as mentioned in previous comments. As there is little effect on existing tree cover my interest is mainly on any future landscaping and how it will enhance the proposed waterside development.

HBC Conservation and Heritage Manager

The National Planning Policy Framework states that a heritage asset is, 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).'

This definition acknowledges the importance of assets identified by the local planning authority. Guidance on this is provided in the Planning Practice Guidance. It states, 'Local planning authorities may identify non-designated heritage assets. These are building...identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated.'

Further guidance is provided in the document in identifying such structures it states, 'When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework.' It goes on to note, 'Ideally, in the case of

buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.'

Hartlepool Borough Council established a local list in January 2012. The list was subsequently updated in December 2014. In both instances the same criteria was used in order to identify nominations for the list, comprising the following,

Design Merit

Historic Interest

Historic Association

Survival

Layout

General Amenity

Further information on the assessment criteria, along with the definition previously used for locally listed buildings is provided in Appendix 1 of this document.

Whilst the list is extensive it is not comprehensive and Planning Committee agreed to the updating of the local list in February 2014. In this report it was outlined that the list will be updated thematically. As a result it is possible that there are assets in Hartlepool that could be considered for the local list however have not yet been added as they were not included in the initial selection or they do not relate to the theme of the update. It would be anticipated that such assets would be identified during the planning process and therefore could be added to the list at the appropriate time in the future.

The application site is 'Land at Hart Reservoir, Hart Lane'. An assessment of the merits of the site against the criteria used for local listing has been carried out and it can be concluded that the property would qualify for nomination to the list. The reasons for this are attached in Appendix 2 of this document. In light of this in processing any application relating to the site it should be considered as a non-designated heritage asset.

The National Planning Policy Framework states, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.

The application is an Outline planning application with some matters reserved for residential development (up to 70 dwellings) with associated access and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.

The proposal would result in the loss of one of the water bodies and the isolation of some of the existing structures within the housing development. These structures, without the wider context provided as part of the reservoir are likely to become lost and difficult to interpret should they be surrounded by residential development.

It is stated that by way of mitigation a report is provided recording the reservoir structures and within the area signage will provide information on the site. No details of this signage or its location appear to be provided.

It is considered that the harm that would be caused to the non-designated heritage asset with the infill of a single water body, and the loss of associated structures, would not be out-weighed by mitigation proposed or the wider public benefits that could be derived from the proposal.

Further comments received in respect of amended plans:

The amended proposals address the concerns raised in my previous comments. This includes the retention of both reservoirs and their associated features which are considered to be heritage assets. Although there will be some alterations to the existing reservoirs these are not considered to cause substantial harm. In addition it is noted that it is proposed there would be interpretation on the site, which is welcomed. In light of the amendment it is considered that the proposal would not cause harm to the heritage assets.

Tees Archaeology

The developer has provided details of the results of an archaeological field evaluation and building recording. I can confirm that these documents are of the appropriate standard and meet the information requirements of the NPPF (para 128) regarding impact on significance of heritage assets.

There are two main heritage issues which I set out below:-

Impact on Hart Reservoirs

The developer has provided an archaeological assessment and building recording report on the historic Hart Reservoirs. These were built in 1865 to provide 'soft water' for industrial purposes. The reservoirs were constructed by George Adamson of Leith who was previously involved with the first part of the construction of the Heugh Battery (a designated heritage asset). The report demonstrates that the reservoir complex is well preserved and the process of its operation is still legible. The reservoirs themselves are important landscape features and their individual components such as valve towers, spillways and overflow channels collectively demonstrate how the site functioned and increase its significance.

The reservoirs can be considered to be a heritage asset of local interest and could qualify for local listing by the Borough Council if a case was put forward.

The proposal will involve the backfilling of the lower reservoir and the removal of the valve tower from the upper. I appreciate the efforts that the developer has made elsewhere to safeguard historic features but the impact of the scheme overall could be considered substantial harm to a heritage asset of local interest. This harm should be weighed against the public benefits of the proposal (NPPF para 134) when a planning decision is taken.

Impact on heritage assets of archaeological interest

The archaeological field evaluation was largely negative but did identify a ditch of Iron Age or Roman date. This may be an isolated feature or it may indicate that further archaeological remains are present. The report for the work recommends that further archaeological recording is carried out in the south-western part of this field prior to development. I agree with this recommendation as the remains are likely to be of local interest only and the proposed mitigation is proportionate to their

importance (NPPF para 141). This recording could be secured by means of a planning condition, the wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Further comments received in respect of amended plans;

The developer has amended the proposal to include the retention of both reservoirs and all of their associated features which are heritage assets. Although there will be some remodelling of the eastern reservoir and dam this would not constitute substantial harm and I have no objection to this aspect of the proposal. I support the interpretation of the industrial heritage of the reservoirs (Planning, Design & Access Statement para. 98).

In my previous comments (submitted 26/10/2015) I recommended an archaeological planning condition to allow the recording of any additional archaeological features in proximity to the Iron Age or Romano-British ditch previously identified. I would be grateful if this recommendation could be brought forward from my earlier correspondence.

HBC Public Protection

I would have no objections to this application subject to the following conditions;
An hours restriction on construction activities to 7:30am to 6:00pm Monday to Friday, 8:00am to 12:30pm on a Saturday and at no time on a Sunday or Bank Holiday.

A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

I have noted comments concerning vibration levels from Hart Quarry. There are restrictions on blasting at the quarry including maximum vibration levels which were conditioned on the Hart Quarry approval in September 2009. The levels are set below the level that would cause cosmetic damage to properties and would apply at this site.

HBC Countryside Access Officer

For the full length of the southern and the full length of the eastern boundary (where it boundaries to the rear of Kingfisher Way) is a permissive footpath that is within the ownership of Hartlepool Borough Council and Leebell Developments. This path is an important and well used link between Hart Lane and the various areas of Bishop Cuthbert where link paths join it.

If the proposed development has intentions of linking to this path then there will be a need for the developer/agent to contact me to discuss how and where any such links could be located. If the developer is considering creating new public footpaths, the same will apply.

(Further comments received 13/05/2016)

In this instance I would agree to a planning condition that secured the continued existence and maintenance of these permissive paths and their links to our existing established recreational paths to the south and east of the site.

The plan shows the car park in place. I take it this is open and public and available for those members of the public wishing to visit and walk around the reservoir(s)?

The 'breakthroughs' to link to the existing path(s) will need to have 'A' (Frame Motorbike Inhibitors) installed so as to provide an element of security for the fence line existing.

These points can be further discussed closer to the time but agreement that they will purchase and install them is needed. I will also want them to a specific standard that we already use.

(Further comments received 25.08.2016)

I carried out the site visit to Hart Reservoir yesterday afternoon and also carried out a basic costing exercise for the two path links as previously discussed (shown as points A and B on the attached plan). At the same time I had a look at two or three areas that were indicated as new paths within the development site (blue dashed

line). I believe that you and I had discussed some concerns about the placement of parts of the permissive path routes.

I walked these areas and do feel that the developer/landowner/agent needs to consider revising the routing in these paths due to the topography and/or public safety.

Some of the suggestions are minor and only need a change in location of the path route. One uses an existing footbridge over a spillway and so reduces potential installation costs. One amendment does suggest a change to create a bridged crossing over an existing spillway but this is reinforced by the topography and the need for safety of the public, thus reducing any public liability that the landowner has to consider.

I realise that this is a bit outside the initial reason for the site visit but my concern is for public safety, whether they be the residents or public at large.

For the access costs at points A and B, as shown on the attached plan, we will need to be looking at £3,500.00 to £4,000.00 (probably closer to £4K). These costs include the installation of aggregate surfaced paths, countryside furniture comprising of kissing gates, fencing and tree removal/pruning in the tree belt and old hedge to the east of the development site, close to point B.

My suggestions for safer route changes and any associated costs would be the concern of the landowner/developer/agent to have to consider but in all fairness furniture costs would be limited to a bridge and the rest would be realignment of the routes.

I appreciate that I do not have the full story in relation to any land reclamation etc, as part of this development but I have based my observations on the present topography and hopefully sensible route amendments.

Ramblers Association

A public footpath (designated either Hart 14 or Hartlepool 38) runs alongside the southern boundary and may be affected by adjacent works.

We ask that the footpath be kept open for use at all times for legal users. Any interruption to its use by the public requires the permission of the Highway Authority - a TTRO may be required and alternative route provided. Useful advice is given in Circular 1/09 Section 7 'Planning permission and public rights of way', available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

We believe the public have permissive access on foot over a track which runs immediately alongside the site's eastern boundary. The track is owned by the Council.

Additional comments received in respect of amended plans:

We welcome the provision of the paths and other recreational improvements.

Teesmouth Bird Club

The club is familiar with this site and is encouraged to see that the developer states that the housing planned will have a nature reserve as part of the development. No

details of the planned reserve are available at this stage of the application, but it is important that certain key features are incorporated.

The prime biodiversity potential of the site is the water body itself. At present, its potential to meet the requirements of NPPF clauses 117/118 is curtailed by the circular pathway and absence of any vegetated margins or excluded areas for water fowl to retire to when disturbed. Incorporation of a series of islands will rectify this shortcoming. Details of numbers, sizes, locations and planted vegetation upon the islands, can wait at present. We would expect the project to be contracted to a professional ecology consultant with input from appropriate civil engineering expertise. The club, with our local expertise will be happy to provide input at an appropriate stage of the developments.

Properly executed, the present rather sterile site can be greatly enhanced and will hopefully be an asset for the enjoyment of the new residents and a feature to be cherished.

Hartlepool Water

In making our response Hartlepool Water has carried out a desk top study to assess the impact of the proposed development on our assets and has assess the capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development.

Having assessed the proposed development against the context outlined above I can confirm the following.

- Within the proposed development area a diversion of a major trunk main would be required
- I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development, however significant off-site works would be required.

Additional Information provided by Engineering Services Team

- Engineering services have noted that the list of neighbours and bodies consulted did not include an “ALL RESERVOIRS PANNEL ENGINEER” who would be required to supervise and sign off de-commissioning of the reservoir.

Further comments received 11/11/2015:

You are correct in your assumptions in that any diversion work will be at the cost of the applicant and Hartlepool Water have no objection to this planning application as long as a suitable diversion route can be agreed.

Cleveland Police

With regard Hart reservoir application if this to go ahead I would ask to be consulted at an early stage to ensure that the principles of Secured by Design have been considered and applied where appropriate.

HBC Community Safety and Engagement Team

As requested I have considered the proposed development from a Community Safety perspective.

1. A check of Anti-social Behaviour Unit records finds that the Unit has dealt with zero ASB complaints in the proposed development area / residential estate bordering the proposed development area over the previous 12 months. (01.01.15 – 31.12.15)

ASB complaints – streets checked:

- Nightingale Close
- Kestrel Close
- Goldfinch Road
- Swallow Close
- Goldcrest Close
- Kingfisher Close

2. ASB and Crime analysis carried out by the Units Community Safety Research Officer finds that over the previous 12 months (01.01.15 – 31.12.15) there have been:

- zero incidents of ASB and zero Crimes recorded in the proposed development area by Cleveland Police.
- 3 incidents of ASB and 18 Crimes recorded in the residential estate bordering the proposed development area by Cleveland Police.
(See attached research document for further details)

Due to this, the Unit would not consider the development area, or the bordering estate to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town.

3. Analysis carried out by the Units Community Safety Research Officer into the geographical distribution of crime and ASB across Hartlepool Borough wards for the annual Safer Hartlepool Partnership Strategic Assessment 2015 shows that the Hart Ward (which includes the proposed development area) is not one of the top five wards with the highest rates of crime and asb per 1000 population.

4. During the previous 12 month date period (01.01.15 – 31.12.15) the Unit has not received any reports of young people gathering in the local area / planned development area. Due to this the Unit has not needed to deploy its Targeted Outreach Project team to the area.

The Targeted Outreach Project team consists of trained youth workers who deploy to areas of the town where the Community Safety Team and its partners identify that groups of young people are gathering. Workers from the Targeted Outreach Project then, engage with young people, make them aware of youth centres and young person related activities in their area, signpost young people to support and advice services where necessary, identify, protect and safeguard any young people who are vulnerable due to their own behaviour or current circumstances, and challenge, and where necessary, report to the police any anti-social behaviour and/or inappropriate behaviour by a young person that they witness.

HBC Education

We have no objections to the development, however we would require a S.106 Education Contribution to be agreed and duly signed.

Durham County Council

Further to your neighbouring authority consultation of 23 September 2015 in regard to the above proposal, firstly I must apologise for the length of time it has taken for you to receive a response.

While the acceptability of this proposal is a matter for the determining authority, I offer the following comments in regard to the potential for any element to affect County Durham, which is considered to be limited to highway impact.

The B1280 at its junction with the A19 and A179 is the nearest part of the public highway network in County Durham that could be affected by the proposed residential development.

The Transport Statement (TS) has been prepared based on the proposed development having 60 dwellings, whereas the planning description proposals refer to up to 70 dwellings being constructed on this site. However, the increase in the number of dwellings has limited impact on the predicted traffic generated by the proposed development, which would see the AM outbound trip generation increase from 35 to 41 and the PM outbound trip generation increase from 21 to 24. The original predicted traffic generation is shown in Table 5.2 of the TS. This would have the net effect of increasing the AM generated traffic from 14 to 17 and increasing the PM generated traffic from 8 to 10 towards the A179, and then potentially onto the A19/A179/B1280 road junction.

The original AM and PM traffic assignments are shown in Figs 3 and 4 respectively of the TS. The AM inbound trip generation would increase from 17 to 20, with the PM inbound trip generation increasing from 33 to 39.

The impact of the proposed development generated traffic is therefore deemed to be negligible in relation to the A19/A179/B1280 road junction and as such the proposals would be deemed to have little or no impact on the public highway network in County Durham. On the basis of the above the proposals would be deemed to be acceptable from a highways point of view.

Accordingly, no objection is raised to this application.

Health and Safety Executive

The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Northern Powergrid

(summarised)

No objections providing that our rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

Northern Gas Networks

I have checked the Northern Gas networks records and can confirm that there is no gas infrastructure within the area of the application.

Cleveland Emergency Planning Unit

After reviewing the documents we don't have any objections to the proposal.

Councillor Paul Beck

I came in to the office to raise concerns over the lack of lighting on this stretch of road, also the speed of traffic coming down from the quarry, and the location of the proposed entrance. I would hope that these concerns have been addressed, also the topography of the site would lend itself to ensure that efficient drainage is installed that can cope with the sewerage / water on this site.

Further comments received:

I have major concerns on this application. Firstly the topography of this site due to its very nature lends itself to significant flooding concerns. The reservoir which I understand will be drained and back filled is also a concern to many residents. How safe would it be to build on this area due to it having held thousands of gallons of water for a long period of time, we would need cast iron assurances that the back fill would not eventually cause subsidence. I asked a few months ago that the lighting, or should I say lack of it, be addressed on what is a very fast stretch of road, if no controls on traffic are in place it's an accident waiting for a place to happen. I support Hart parish council in their objection to this scheme.

Hart Parish Council

This proposal while having a separate outlet from the adjoining estate, is simply an add-on to a sprawling collection of dwellings. The designs are no different to those found everywhere in each new opportunity for unnecessary developments. The inclusion of garages, which will be unlikely to have sufficient area to accommodate a family sized car, and which will no doubt be subjected to a change of use to another downstairs room, with or without planning permission. This is evidenced on many of the estates, which have evolved over the past twenty or so years. Developers continue to produce patterns of accommodation that have not radically altered over the past 50 years or more, other than to reduce the footprint and hence increasing density.

Three bedroom semi detached house with two acceptable size of bedrooms plus a mini version sat on top of the garage to keep the footprint as small as possible is not really suitable in the real world. The current requirement in this communication age should be to provide space that allows families with teen age and even younger children sufficient space for keeping their clothes tidy; space for a small desk in addition to a bed or bunk beds. All houses, at the development stage, should be wired for Ethernet throughout to meet the needs of cross the board media access. This is cheaper than having residents/owners to later add repeaters throughout the house. Fibre optic connection to the telephone system should also be a must in the twenty first century, together with solar panels. The same thoughts should be applied to all levels of houses.

The area is overloaded with similar residential properties that are difficult to sell. While the proposal includes 10% affordable of the 70 dwellings it clearly has a let out as the *“Cost creating the wildlife ponds and pathways would be high. This would need to be the subject of a more detailed assessment. If the scheme can support affordable housing it will.”* See page 10 para. 26, Planning, Design & Access

Statement.

Access. Hart Lane is a winding and undulating carriageway along which there is a poor line of sight from both directions to the proposed outlet onto Hart Lane. This is already a high density route into and out of the numerous estates it serves in the west of Hartlepool and additional traffic introduced to this route would be unacceptable particularly as it runs onto the A179 which is already at gridlock levels at several times of the day. The 70 houses proposed will undoubtedly generate in a relatively short time at least three vehicles per household to be added to the current high traffic movements. The suggested extension of the present 40 mph from the roundabout to the south of the site, is not sufficient in view of the limited lines of sight and the undulation of Hart Lane.

In common with all recent planning applications the roadways proposed are narrower than that which the Parish Council consider adequate. It has become the norm that parking of vehicles on the pavement takes place to allow emergency vehicles and other large delivery vehicles access. It is considered that at least 5m roadway widths should be a requirement in all future planning applications.

Flooding Issue. The reservoirs, which originally supplied water to the industrial area of the dockland, have been redundant for some time and are now fed by rainwater. The locations of these two reservoirs were carefully chosen to contain the supply of water collected with any overflow directed into the beck that flows to the east. The contour lines on the included map clearly shows this. Apart from the original feeds, now terminated, from Hurworth Reservoir and Hart Beck the natural run off from the land remains.

In the document *Planning, Design & Access Statement*, page 4 paragraph 4 they claim to have isolated the water supply (does this include rain water?). Water also runs to the north edge of the reservoirs from the beck running through Hart then south to the reservoirs. This beck is known to quickly flood when there is heavy rain in the area, and like the reservoirs, it is fed from the ground water run off from its surrounds, a continuous flow from the area that has for some time enjoyed a high water plane level. Flooding around Hart has been a problem and continues to be a cause for concern. The concept of stopping natural water flows is a doubtful area.

Education. Primary schools in the immediate area are already at capacity and we cannot find any indication in this application that seeks to address this problem. Previous developers in the north west of Hartlepool, the adjacent Throston Grange estate, had included school and community facilities. These have not materialised.

Health and Safety. The intention is to fill in the lower reservoir from which the beck, previously mentioned, flows. The material intended for the purpose of filling this area should be carefully considered, as surface water drainage would surely find its way into the beck to the east. It is essential that this waterway is not contaminated.

The depth of water at 2m, with a periphery sloping down to 1m before reaching the 2m area is not acceptable. Children are naturally drawn to water and with a newly established housing area on its doorstep it would increase the number of children likely to play in this area. The reduction in depth will no way reduce the activity of

children recorded in the report. How will the area be monitored to ensure the safety factor?

In a recent inquiry into the provisions for Gypsy and Travellers held in Hartlepool by a Government Inspector, the inspector was at pains to point out the location of Hart Quarry and his concern that developments were getting too close to it and be affected by the blasting, a necessity to bring down stone. This proposal is much closer than his recommended limits.

Public Transport.

Hart Parish Council opposes this application.

Further comments received 14.01.2016:

Further to our letter of objection dated 14th October 2015; Hart Parish Council continue to oppose this development. However this proposal is dressed up it is not a safe outcome

There seems to be some confusion between the developers and their associated experts. The original application stated “about 70 dwellings”; the Planning, Design and Access Statement (PDAS) as amended refers to “52 dwellings”; the Transport Statement (which has been submitted but is somewhat dated) states “up to 60 houses.” The latter rests heavily on data from the 2001 Census and a lower than 2 cars per residence which is a more likely value.

There is a dramatic change in the application which now retains part of the Lower, or eastern, reservoir as a water feature surrounded by houses with the water at the end of the back gardens.

In the PDAS the umbrella statement re. Affordable housing is virtually unchanged, resting on the costs of developing the water features. This is not acceptable, there is either going to be affordable houses or there is not. This should be made clear, not covered by ifs or buts.

The more recent maps show the proposal for splitting the Hart Lane carriageway to provide a right turn (coming from Merlin Road) into the development. The existing problems which the PC have with regard to lines of sight have not changed. See p.14; para 42 of PDAS

There is no suggestion that the road infrastructure would be improved other than the split lane referred to above. Durham County Council have their heads in the sand and do not raise objection as the area is outside their problem area A179/A19 junction. The lines of sight along this road are not the best, due to its curves and undulating nature. Our concern is the already overloaded A179.

The figures in table 5.2 p12 of Transport Survey are far too conservative, and should at least be based on 2 cars per residence. The experience gained from similar sized estates show that this is realistic and during the evolution of these estates rise to 4 vehicles per residence within 10 to 15 years as the children pass through teenage years. Hence the need to develop an improved infrastructure at the time of the

development. The future is the problem, not only the present time. The survey was taken on 8th July 2014 between 0730 – 0930 and 1500 – 1830.

Hart Lane already carries a heavy traffic load and sections are notably worse near to the quarry from which there is a regular movement of rock and sand in HGV vehicles.

Hart Parish Council cannot find any reference to the quarry work and the effect on residents brought about by necessary blasting. The direction of the effects of these explosions are determined by the underlying geology rather than just the sound of them.

The residents on the adjacent estate have cause to worry, and have expressed this already, as some infill will be needed and the transport of this, plus that associated with the building of the estate will be heavy. Concern is that the anti-social behaviour which the creation of the wildlife pond(s), park and footpaths will bring, would be on a par with that found at Bishop Cuthbert Park.

With regard to bus services the Transport Statement includes data for the service 65. This service is currently supported by grants obtained by Elwick PC and the future of it is very uncertain. The statement refers to a bus stop near the estate and the fact that it is a hail and stop service, but we cannot find anything to support a service along Hart Lane at that point. The bus stop signs are reminders of a long gone service. The nearest in use bus stops are those adjacent to the Medical Centre in Wiltshire Way.

Education. We are aware of the shortage of school places particularly at primary level in our area. No developer of late has taken this into consideration, simply flippantly passing it off as there being nearby schools.

HBC Waste Management

No comments received

Canal and River Trust

No comments received.

RSPB

No comments received.

Tees Valley Wildlife Trust

No comments received.

PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK

1.25 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework

is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

1.26 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

1.27 The following paragraphs in the NPPF are relevant to this outline planning application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination of applications
12	Statutory status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
30	Transport statement or transport assessment
32	Transport statement or transport assessment
34	Minimising the need to travel by car
36	Travel Plan requirement
37	Minimise journey lengths
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of an area
66	Community involvement
69	Promoting Healthy Communities
72	Provision of school places
73	Access to open space, sport and recreation
74	Loss of Open Space

75	Protect and Enhance Public Rights of Way
93	Planning and climate change
96	Minimise energy consumption
109	Contribute to and enhance the natural and local environment
118	Conserve and Enhance biodiversity
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 206	Planning Obligations + Planning Conditions

ADOPTED TEES VALLEY MINERALS AND WASTE DPD 2011

1.28 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments.

1.28 The following policies in the TVMW are relevant to this application:

Policy	Subject
MWP1	Waste Audits

1.30 Planning Policy note that a site waste management plan should be submitted as part of the application.

ADOPTED LOCAL PLAN (2006)

1.31 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

1.32 Within the current Hartlepool Local Plan this site lies outside of the limits to development, although at present, given the lack of a five year housing supply, this policy is not considered up to date until a five year supply can be demonstrated. The following policies are relevant to this application:

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Tra20	Travel Plans
Rec 2	Provision for Play in New Housing Areas
GN5	Tree Planting
WL7	Protection of SNCIs, RIGS and ASNW

RUR1	Urban Fence (not currently in use for housing applications)
RUR7	Development in the Countryside
RUR12	New housing in the Countryside (not currently in use)
RUR18	Rights of Way

1.33 Further information relating to the level of compliance that each policy has with the NPPF can be viewed on the Council's web site at:

http://www.hartlepool.gov.uk/downloads/file/10709/hbc_policy_framework-may_2014_update

PLANNING CONSIDERATIONS

1.34 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, Planning Obligations), impact on highway and pedestrian safety, impact upon the visual amenity of the area, impact on heritage assets and archaeological features, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

POLICY

1.35 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the saved policies of the local plan, which was adopted in 2006.

Hartlepool Local Plan (2006)

1.36 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies outside of the limits to development as defined by saved Policy RUR1, although at present, given the lack of a five year housing land supply (which is considered in further detail below), this policy (and other housing related policies) is not considered up to date and will not be until a five year housing land supply can be demonstrated.

Emerging Local Plan and evidence base

1.37 With respect to the emerging local plan, the application site was not selected as one of the sites within the Preferred Options Document for the reasons set out in the planning policy section above (including consideration as a housing site as part of the SHLAA). However it should be noted that weight can only be given to the emerging Local Plan from the Publication Stage which should occur in late November 2016 (but not at the time of writing). Furthermore, the proposal during the course of the application has undergone extensive discussions with various consultees and has been amended accordingly. The Council's Planning Policy section has advised that on this basis, it is likely that if the proposed scheme was to

be considered now through the SHLAA, the site may have been viewed more favourably when considered for housing given that the site is adjacent to the existing built area and the development could be undertaken in a manner which retains the water bodies. Notwithstanding the above, in any case the emerging local plan carries no weight at this stage.

Supply of housing land

1.38 A significant material consideration is the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. The NPPF states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* (Para 49).

1.39 In applying the presumption and in viewing the Government agenda to build more homes, due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies and those relating to the limits of development within the 2006 Local Plan are deemed to be out of date. Where policies are out of date, the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Sustainable Development

1.40 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

1.41 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21st March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

“The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of environmental and locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position”.

1.42 Critically, the NPPF states (paragraph 14) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate the development should be restricted. It is not considered specific policies in the NPPF do indicate the development should be restricted. The main benefits and adverse impacts arising from the scheme (in the above context) are outlined below;

Benefits

- Boost to the supply of housing (economic)
- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social)
- The provision of affordable housing (on site) would contribute to reducing the annual net shortfall of affordable housing at a time when the NPPF urges local authorities to boost the supply of housing (economic + social)
- The provision of 5 bungalows on site (identified as being in short supply in Hartlepool)(social)
- It will potentially deliver beneficial ecological impacts (environmental)
- The application would improve accessibility by securing a contribution towards footpaths connecting the site to the existing urban areas (environmental)
- The development would secure obligations for the developer to provide on-site facilities including public open space and recreation facilities (in the form of the nature reserve and footpaths), and contributions towards built sports facilities and green infrastructure creating a more sustainable community with social benefits. This can be afforded a small degree of weight in the planning balance (social and environmental)
- Potential New Homes Bonus and increased Council Tax (economic)

Adverse Effects

- Potential adverse ecological impacts (environmental)
- Loss of agricultural land (environmental + economic)
- Potential highway impacts (environmental)
- Potential loss of/impact on setting of archaeological and heritage assets (environmental)
- It will not provide a completely self sustaining community in terms of comprehensive health and community facilities including shops, public transport links etc (in isolation as an application) (social)

Planning Obligations

1.43 Saved Policies GEP9 and Rec2 relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. Off-site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

1.44 The Local Planning Authority has sought to secure planning obligations through either financial contributions or by securing the requirement/obligation for the applicant/developer to provide the facilities within the site.

1.45 The applicant is willing to enter into a Section 106 Agreement to provide the following contributions and obligations;

- A) £153,780.00 contribution for primary education
- B) £95,329.00 contribution towards secondary education;
- C) £13,000.00 towards built sports provision;
- D) £4,000.00 towards Green Infrastructure/pedestrian footpath links;
- E) On site affordable housing consisting of 9 dwellings (equating to the full 18% required);
- F) An obligation relating to the provision and implementation of ecological mitigation measures;
- G) An obligation relating to securing a training and employment charter/local labour agreement;
- H) The provision and maintenance of highways, open space and landscaping (including water bodies) to an adoptable standard;
- I) The long term maintenance and management of the nature reserve/footpaths, car park and reservoir structures and provision for permissive footpaths.

1.46 In accordance with paragraph 96 of the NPPF, the application should also make provision for i) energy efficiency and ii) renewable energy provisions. These matters are to be secured by separate planning conditions.

Sustainability (and Principle of Development) conclusion

1.47 The NPPF is clear that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. It is acknowledged that the proposal, taken in isolation, has its shortcomings.

1.48 Significant weight is required to be placed on the need to support economic growth through the planning system. In light of the lack of a five year housing land supply, the Local Planning Authority's policies for the supply of housing cannot be considered as up-to-date. Consideration is also given to the site's location, immediately adjacent to the existing housing to the south and east (with up to 500 dwellings also approved in outline form to the north of the site at Upper Warren) where the site is not considered to result in an obtrusive extension to existing residential development (for the reasons set out below). Whilst the site does not appear to be regularly served by public transport links (bus routes are questioned by Hart Parish Council), consideration is given to the required highway works to improve the site connection and the proposed footpath connections to existing footpath networks and the existing, adjacent residential areas/urban core of Hartlepool. The submitted supporting information indicates that the site also lies within 2km of a local centre, schools and services.

1.49 Taking into account the considerations set out in the report, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability and would deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply.

1.50 It is considered that in this instance, none of the identified impacts are so substantial that they would significantly and demonstrably outweigh the respective benefits when assessed against the policies in the NPPF including each of the three strands of sustainability. In view of the above, it is considered that on balance, the application represents a sustainable form of development and that the principle of development is therefore accepted in this instance subject to satisfying other material planning considerations as detailed below.

1.51 It is considered that approval of this application for up to 52 dwellings is not so significant to the outcome of the emerging Local Plan housing options that planning permission should or could be reasonably withheld in this instance given the quantum of development and current status of the emerging Local Plan.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

1.52 Following the initial assessment of the application and submitted transport statement, the Council's Traffic and Transport section requested the provision of a right hand turn facility on Hart Lane, opposite the site entrance. Other works requested included the requirement to provide requisite visibility splays, additional street lighting, amendments to the junction radii and an extension to the reduced speed limit (from 60mph to 40mph) along the appropriate section of Hart Lane. The requisite works can be secured by pre-commencement planning conditions.

1.53 Highways England have raised no objection to the proposal but have highlighted general concerns about the potential for additional traffic to cause increased queues on the A19 at the Elwick junctions although they *"do not believe that the amount of additional traffic generated could warrant a different response"*. They have advised that they *"expect a very small number of extra movements at these junctions from this development that will not be severe"*.

1.54 Subject to the appropriate planning conditions, the Council's Traffic and Transport section consider that the scheme will not result in an adverse impact on highway and pedestrian safety, including congestion.

1.55 With respect to the proposed internal road layout, provision of a bridge and roundabout, the Council's Traffic and Transport section have provided comments on the need to ensure that the scheme is designed in accordance with the Council's design guidance including road and footpath widths. A detailed design of the proposed bridge and roundabout will be required. Appropriate planning conditions can ensure that the development accords with the required standards and that such details are provided and agreed in writing with the local planning authority (the applicant will also need to enter into a separate highways legal agreement for the construction and maintenance of the bridge). The final design and layout however

will be considered in further detail as part of the requisite reserved matters application.

1.56 In view of the above, it is considered that the proposal is acceptable in terms of highway matters including highway and pedestrian safety.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA

1.57 The application is an outline application with appearance, layout and landscaping as reserved matters. The applicant has nonetheless asked that consideration be given to an indicative proposed site layout plan which identifies where development will take place.

1.58 Both the Council's Landscape Architect and Arboricultural Officer have assessed the proposal and their respective comments are set out in full in the consultation section of this report.

1.59 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

1.60 The Hartlepool Local Plan 2006 advises that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Saved Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

1.61 It is considered that the proposed density of the site is acceptable and is reflective of the surrounding area (also taking into account approved applications for residential development). Whilst the proposal is in outline, the separation distances proposed between dwellings within the indicative layout are likely to accord with and in many instances exceed the guidance set out in the Hartlepool Local Plan 2006.

1.62 The Council's Landscape Architect has also considered the submitted information and has commented that the retention of the lower reservoir is an improvement in terms of retaining existing landscape character and site context whilst the reduction in housing numbers is also an improvement in terms of landscape character and general site arrangement. He has commented that enhancement opportunities to the reservoirs remain and the detail of such proposals should be secured by a planning condition, in addition to external finishing materials. The retention and enhancement of existing landscaping, particularly to the west of the site/upper reservoir will be important given that some of the most prominent views into the site are achieved when viewing the site from west to east (along Hart Lane).

1.63 As set out above, the proposed scheme would provide 5 bungalows. It is noted that there is a specific need identified highlighted within the 2015 Strategic Housing Market Assessment (SHMA). The SHMA noted bungalows are in short supply in Hartlepool and therefore is something that new developments should look to provide as a small element of within the overall scheme. This provision can be secured by a planning condition.

1.64 Overall, it is considered that a development can be brought forward that would not have a significant detrimental impact on the character and appearance of the area or result in an over development of the site. However it is noted that this application is in outline to establish the principle of development and full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed. In view of the setting of the site, it is considered necessary to control through a number of planning conditions; i) a height restriction on the proposed dwellings ii) details of ground and finished floor levels and iii) landscaping protection and enhancement, a view supported by the Council's Landscape Architect.

1.65 Subject to these conditions, it is considered that the proposed development would not result in an adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area.

LANDSCAPING & PUBLIC OPEN SPACE

1.66 A general indication of the landscaping of the development has been provided. The submitted amended plans indicatively show additional soft landscaping around the site perimeter to the west and to the north of the site, as recommended by the Council's Landscape Architect.

1.67 The Council's Arboricultural Officer has advised that existing hedgerows on the field boundary of the northern portion of the site and the hedgerow that runs along the eastern boundary of the site should be retained and incorporated into the proposed site layout which again is indicated on the indicative layout.

1.68 As set out above, the proposed indicative layout details the provision of a larger parcel of open space to the north east corner of the site, in addition to the nature reserve (converted upper reservoir), which are considered to assist in creating a sustainable form of development. It is however noted that a small parcel of public open space (children's play) is indicatively shown within a cramped parcel of land which may raise a number of issues; the final design and layout (and any means of enclosure) can be secured by condition and would be considered further as part of any reserved matters application.

1.69 It is acknowledged that this is an outline application and further details of landscaping (and tree and hedge protection) and details of public open space can be conditioned and provided at the reserved matters stage, which is supported by the Council's Arboricultural Officer.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.70 The indicative layout has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it from surrounding existing properties.

1.71 The existing property adjacent to the site (Hart Reservoirs Cottage) would front onto a number of proposed properties within the northern section of the site. In the indicative layout the amended layout shows the nearest proposed dwellings at an oblique orientation to the front elevation of this property whilst the requisite minimum separation distances could be achieved.

1.72 Beyond the site boundaries, the closest existing neighbouring properties are to the south and to the east of the application site. The proposed dwellings would achieve the minimum requisite separation distances from the nearest elevations of the existing neighbouring properties with the presence of the retained hedge and tree planting in between providing screening.

1.73 Furthermore, given the relatively modest scale and density of the development shown on the indicative layout plan, it is anticipated that a scheme could be brought forward that would achieve both satisfactory relationships and the required separation distances set out in the Council's Supplementary Note 4. As such, it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties. Notwithstanding this, the applicant will have to demonstrate at the reserved matters stage that such anticipated satisfactory relationships can be achieved.

1.74 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents. No objections have been received from the Council's Public Protection team subject to conditions securing a construction management plan and a condition limiting hours of construction/deliveries, relevant conditions are proposed.

1.75 In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of neighbouring properties.

ECOLOGY AND NATURE CONSERVATION

1.76 The application is accompanied by an ecology report which has been considered by the Council's Ecologist(s). Advice has also been provided by Teesmouth Bird Club and Natural England.

1.77 The application site is deemed to be within or in close proximity to a European designated site and therefore has the potential to affect its interest features.

1.78 In considering the European site interest, Natural England has advised the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010, should have regard for any potential impacts that a proposal may

have and undertake a stage 2 Appropriate Assessment (stage 1 was provided by the applicant's ecologists in the form of a Screening Report).

1.79 The Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to;

- a) The provision of Suitable Alternative Natural Green Space (SANGS); the proposed scheme includes areas which fall into the SANGS definition and provides outdoor recreational opportunities.
- b) The provision of householder information packs with the intended aim of reducing disturbance to birds at the Teesmouth and Cleveland Coast SPA/Ramsar.

These measures would be secured by a planning obligation within a section 106 legal agreement.

1.80 With regard to any impact on protected species, the submitted ecological assessment includes a bat survey, which shows that the upper reservoir is of high importance on a local scale for bats throughout the entire season when bats are active. By contrast the submitted bat surveys show that the lower reservoir is of relatively low importance for bats.

1.81 Following the submission of amended plans to retain the lower reservoir, the Council's Ecologist has confirmed that he supports the retention of both reservoirs as nature reserves, particularly due to the importance for bats of the upper (western) reservoir. Furthermore, the proposed scheme would make good use of on-site and adjacent habitats such as woodland, hedges, trees and former reservoir slipways, etc, to create meaningful wildlife corridors. The proposal also includes the planting of native species of tree to provide screening and wildlife habitat.

1.82 With respect to the proposed works to make both reservoirs shallower, the Council's Ecologist considers that this will not adversely impact upon the wildlife interest and deciduous woodland (priority habitat).

1.83 Appendix 1 to the submitted Design and Access Statement lists a series of measures to convert the upper reservoir into a wildlife pond, to enhance biodiversity through habitat creation and enhancements and to prevent harm to bats (such as control over the type of lighting). The Council's Ecologist considers that these measures are, in principle, suitable to achieve those purposes. The final details of such measures can be secured by a planning condition which is proposed.

1.84 In line with NPPF, the LPA should require development to enhance biodiversity where possible. The submitted indicative plans show the conversion of the upper reservoir into a wildlife pond whilst providing SANGS, which is supported by the

Council's Ecologist as having the potential to achieve an enhancement for biodiversity for this site. The provision of bat and bird boxes will also be secured by a further planning condition.

1.85 Subject to the above referenced mitigation and biodiversity enhancement measures being secured through planning conditions and a planning obligation in the s106 legal agreement, the proposal is not considered to result in an adverse impact on protected species or designated sites, and is considered to be acceptable in ecological terms in this instance and therefore accords with the provisions of the NPPF.

HERITAGE AND ARCHAEOLOGY

1.86 In accordance with the provisions of the NPPF and for the reasons set out above within the Council's Conservation and Heritage Manager's comments, Hart Reservoirs is considered eligible to qualify for nomination to be locally listed (which is classed as a 'non-designated' heritage asset).

1.87 The original submitted proposal would have resulted in the loss of one of the lower reservoirs; the Council's Conservation and Heritage Manager commented that the isolation of some of the existing reservoir structures within the proposed residential development without the wider context provided as part of the reservoir would mean they would be likely to become lost and difficult to interpret. As such, the proposal would have resulted in an identified harm to the non-designated heritage asset .

1.88 Amended plans were subsequently submitted detailing both the retention of the lower reservoir and reservoir features, to which the Council's Conservation and Heritage Manager has confirmed that the amended proposals address the previous concerns and that the proposed alterations to the existing reservoirs are not considered to cause substantial harm (to the non-designated heritage asset). The provision of interpretation boards (to highlight the reservoirs' heritage) on the site is also welcomed and can be secured by a planning condition which is proposed.

1.89 With respect to the impact on the non-designated heritage asset of archaeological interest, the application was accompanied by a field evaluation and building recording survey, which Tees Archaeology have confirmed is acceptable subject to the recommendations of the evaluation being implemented, namely a scheme for archaeological recording. This can be secured by a planning condition.

1.90 In view of the above considerations, it is considered that the proposal's impact on heritage and archaeological assets is acceptable and the proposal therefore accords with the provisions of the NPPF.

FLOODING AND DRAINAGE

1.91 As set out above, matters of drainage and flooding have been considered in detail by both the Council's Principal Engineer, and the Environment Agency. The applicant has been required to submit a number of Flood Risk Assessments (FRA) at the request of technical consultees.

1.92 The submitted FRA(s) briefly refer to potential drainage options but confirm that there are no formal proposals at this stage. The Council's Principal Engineer has provided initial comments on matters of surface water and works to the upper reservoir, and has urged the developer to make use of Sustainable Urban Drainage System (SUDS) techniques to control surface water run off. The Council's Principal Engineer concludes that detailed designs will be required to satisfy his comments and therefore recommends planning conditions relating to a) details of surface water drainage (including SUDS) and b) a scheme relating to the modification of the lower reservoir.

1.93 Both the Environment Agency and Northumbrian Water have also requested that details of surface water (and foul sewerage) be secured by a planning condition.

1.94 The Environment Agency (including their national Modelling and Forecasting team) consider that the amended FRA (version 5.0) has confirmed the submitted hydrology information is now at a standard appropriate for the FRA. Furthermore, the entire site is recognised as having a low probability of flooding and has been identified as being located in Flood Zone 1. The Environment Agency therefore raise no objections in principle to the proposed scheme subject to the imposition of a number of planning conditions (detailed within their comments set out above) and informatives/advice regarding the need for licenses separate to planning, which can be secured accordingly.

1.95 In view of the above considerations and subject to the identified conditions, it is considered that the scheme is, in principle, satisfactory in terms of flooding and drainage related matters.

OTHER PLANNING MATTERS

Waste

1.96 In accordance with the requirements of Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document (2011), a planning condition can ensure that a site specific waste audit is provided to identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use.

Contaminated land

1.97 Both the Council's Principal Engineer and the Environment Agency have requested that further site investigation works into contaminated land are secured by appropriate planning conditions. Subject to these conditions it is considered that the proposal is acceptable in this respect.

Education

1.98 As indicated above, the development would secure through a planning obligation, a contribution towards both primary and secondary education in the main urban area of Hartlepool. The Council's Child and Adult Services Department has

raised no objections to this approach. The scheme is therefore considered to be acceptable in this respect.

Agricultural land

1.99 The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Based on Natural England/Defra's 'Agricultural Land Classification' map, the application site is rated as 'good to moderate'. Whilst the proposed development would result in a loss of agricultural land from production, the loss is not considered to be significant enough to warrant refusal on this ground alone.

Public Right of way

1.100 The Council's Countryside Access Officer has requested that a planning contribution be sought for 'breakthroughs'/connections from the existing footpath network running along the full length southern and eastern boundaries. The contribution can be secured by a planning obligation which the applicant is agreeable to.

1.101 The applicant has provided amended plans in respect of a proposed pedestrian footbridge over the spillway. The final details of this can be secured by a planning condition.

1.102 The applicant has also confirmed in writing that the existing and proposed footpaths around the proposed nature reserve (upper reservoir) will be permissive allowing members of the public to use these routes. This can be secured within the s106 legal agreement. The Ramblers Association supports the provision of the paths and other recreational improvements.

1.103 Subject to the above conditions and planning obligations (secured in the s106 legal agreement), the scheme is therefore considered to be acceptable in this respect.

Public Safety

1.104 The Council's Landscape Architect has commented that landscape and boundary treatments should fully consider the health and safety aspects of the close proximity of the water body to the indicative layout of the proposed dwellings, garden space and public open space. The Council's Countryside Access Officer has also provided comment on the routing of the proposed footpaths through the site in respect of public safety; the applicant has provided amended plans to show minor changes to the path route and the provision of a bridged crossing over an existing spillway. The final details of the footbridge and appropriate means of enclosure can be secured by planning conditions.

1.105 The applicant has confirmed in writing that the management and maintenance of the nature reserve (reservoirs) and car park would be undertaken by a private company, which can be secured by a planning obligation within the section 106 legal agreement.

Anti-social behaviour

1.106 A number of objections raise concerns with respect to the proposal resulting in an increase in crime/fear of crime, anti social behaviour (ASB) and vandalism.

1.107 The applicant has indicated within the supporting information that such matters currently affect the reservoir and that the proposed development of the site would in effect address these issues.

1.108 The Council's Community Safety and Engagement Unit have been consulted and provided details of ASB and crime analysis. The Unit has concluded that they would not consider the development area, or the bordering estate to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town

1.109 Cleveland Police's Architectural Liaison Officer (ALO) has assessed the proposal and has raised no objections to the proposed scheme subject to some advisory comments in respect of adopting appropriate crime prevention measures as outlined in Secured by Design guidelines, primarily relating to boundary treatments. The applicant has been made aware of these comments, which can be appended as an Informative.

1.110 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that the proposed scheme will lead to an increase in anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the Police Service or the Community Safety and Engagement team and such concerns would not be of sufficient weight to warrant refusal of the application. Furthermore and as set out above, both Cleveland Police's Architectural Liaison Officer and the Council's Community Safety and Engagement team have raised no objections to the application.

1.111 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to saved Policy GEP1 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

1.112 Objections/concerns are raised with respect to existing properties and proposed dwellings being affected by vibrations/blasting from the nearby Hart Quarry and that both a noise assessment and ground survey should have been submitted to accompany the application.

1.113 The Council's Environmental Health Manager has noted these concerns and has commented that there are restrictions on blasting at the quarry including

maximum vibration levels, which are set below the level that would cause cosmetic damage to existing properties and this would apply to the application site. The scheme is therefore considered to be acceptable in this respect (including separation distances to the quarry) and no such assessments are considered to be necessary.

1.114 With respect to the concerns regarding maintaining an access to Hart Reservoir Cottage, whilst this is a civil matter, it is noted that the proposed plans indicatively show that the access to the Cottage will be retained.

1.115 In terms of the impact on overhead lines and services to existing residential properties, in particular Hart Reservoir Cottage, no objections have been received from the relevant technical consultees in this respect. The applicant has been made aware of these comments/requirements which can be secured by an informative.

1.116 Hartlepool Water has confirmed that it has sufficient capacity in the local network to supply the proposed development however significant off-site works could be required, of which the works would be at the cost of the developer. These comments are noted and can be appended as an informative for the applicant's consideration.

1.117 The site is not classed as Green Belt.

1.118 Matters of litter would not be controlled by this current application. Notwithstanding this, details of all street furniture including the provision of waste bins can be secured by a planning condition.

1.119 With respect to the planning conditions requested by objectors, it is considered that the request for timescales for both the completion of the development and establishment of the nature reserve before the dwellings are brought into use would fail the tests of the NPPF (para 206) in respect of such conditions not being reasonable or necessary to planning. A timetable for the implementation of the works to facilitate the nature reserve is to be secured by a planning condition.

1.120 Objectors comment that the reservoir water levels have been lowered/drained. Within the applicant's submitted supporting statement (paragraph 4), it is noted that *"the water supply to the reservoir has been isolated. They (the reservoirs) are only fed by rainwater from what is a small catchment. They would be better described as deep stagnant ponds"*. Works will be required to re-profile the banks of the reservoirs (in particular the upper reservoir/proposed nature reserve) and no objections have been received from technical consultees subject to the final details of such works being agreed with the local planning authority, which can be secured by a planning condition. With respect to the potential requirement to part drain the upper reservoir and the relocation of any fish stock, this would be covered by separate legislation/license.

1.121 The request by an objector for the reservoirs to be retained/turned into fishing ponds, and property devaluation are not material planning considerations.

1.122 Objections have made reference to the loss of views; the 'Right to a view', operate separately from the planning system and is not a material planning

consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents. The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

PLANNING BALANCE AND OVERALL CONCLUSION

1.123 The development is an unallocated site located outside of the established urban limits and as such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the guidance in the NPPF makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. The NPPF advises that in such situations planning permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or, specific policies in the NPPF indicate the development should be restricted. Applications are also to be considered in the context of the presumption in favour of sustainable development.

1.124 It is not considered that specific policies in the NPPF indicate the development should be restricted. It is considered that there are important material benefits arising from the proposed development and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. Consequently in a situation where some of the local plan housing policies are not up to date, any harm to the local plan as a whole is outweighed.

1.125 The scheme is also considered to be acceptable in respect of other material considerations for the reasons set out above.

1.126 The application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development and therefore the application is accordingly recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.127 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.128 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.129 This has been considered within the main body of the report. It is considered that there are no Section 17 implications.

REASON FOR DECISION

1.130 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION - APPROVE subject to the completion of a legal agreement securing contributions towards primary education (£153,780) and secondary education (£95,329.00), built sports provision (£13,000) and green infrastructure/footpath links (£4,000), an obligation requiring the provision of on-site affordable housing (9 dwellings equating to the full 18%); requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs, provision of SANGS); securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve, car park, public open space, landscaping, waterbodies, play facilities, reservoir structures and permissive footpaths, and subject to the following conditions;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with amended plan Dwg No(s) HL/13/001/001/D (Location Plan) and HL/13/001/002/D (Existing Site Plan) both plans date received 10th December 2015 by the Local Planning Authority and amended plan Dwg No(s) 15.04/P100_PO (Rev PO)(Proposed Site Plan) and Boho One Proposed Site Plan at scale of 1:1000@A1 both plans date received 7th September 2016 by the Local Planning Authority.

For the avoidance of doubt.

4. The total quantum of development hereby approved shall not exceed 52 no. dwellinghouses (C3 use class). This shall include a minimum of 5 plots with single storey dwellings i.e. bungalows.

To ensure a satisfactory form of development and for the avoidance of doubt.

5. The details submitted at reserved matters stage shall be in general conformity with drawing ref. 15.04/P100_PO (Rev PO)(Proposed Site Plan) date received by the Local Planning Authority 7th September 2016 including the retention of the upper and lower reservoir water bodies.

To ensure a satisfactory form of development and in the interests of protecting/enhancing biodiversity and bat habitat.

6. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a detailed scheme for the provision of a segregated right turning lane, ghost island and widening of Hart Lane (to be provided on a 1:500 scale plan, minimum) has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

7. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a scheme for highway mitigation measures has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access), the relocation of existing highway signage and street lighting, and a system of new street lighting suitable for a 40mph road from the proposed site access to the point where the existing street lighting commences at the roundabout adjacent to High Throston Golf Club. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority.

To enable the Local Planning Authority to control details and in the interests of highway safety.

8. Notwithstanding the submitted plans and Transport Assessment, no development shall take place until a detailed scheme for the provision of 2.4 metre x 120 metre sight lines (minimum) in both directions at the site entrance, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate measures for works to existing landscape features to facilitate the sight lines, which shall be maintained for the lifetime of the development. The scheme shall also demonstrate a minimum 6 metre radii at the junction with Hart Lane. No dwelling shall be occupied until the requisite sight lines and junction radii have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

9. The proposed car park, roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure the roads are constructed and maintained to an acceptable standard.

10. No development shall take place until a detailed design scheme for the provision of the proposed internal highway network including roads, footpaths, verges and bridges and associated street furniture and infrastructure has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the internal highway network has been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

11. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

12. Notwithstanding the submitted information and the measures outlined within the RAB Consultants Flood Risk Assessment Version 5.0 (date received 22nd April 2016), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. The scheme shall demonstrate biodiversity enhancement. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, and to ensure underground tanks have the capacity for the carriage way and residential plots and ensure future maintenance of the surface water drainage system.

13. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and

approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

14. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - i) all previous uses
 - ii) potential contaminants associated with those uses
 - iii) a conceptual model of the site indicating sources, pathways and receptors
 - iv) potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.
15. Prior to the occupation of the dwellings hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.
16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on

risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure any site contamination is satisfactorily addressed.

17. Notwithstanding the submitted information, no development shall take place until a detailed design scheme for the modification of both the upper reservoir and lower reservoir (both to be retained in their modified form as water bodies) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include materials, methodology and testing regimes, and a timetable for implementation of the proposed works. No dwelling shall be occupied until the modification works to the lower reservoir have been completed in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented as approved and shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

18. No development shall take place until a scheme, and delivery timetable, for the provision and management of a buffer zone alongside the watercourse and ponds has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
 - plans showing the extent and layout of the buffer zone
 - details of any proposed planting scheme (for example, native species)
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and a named body responsible for management plus production of a detailed management plan
 - details of any proposed footpaths, fencing, lighting and any other associated infrastructure.

In the interests of protection biodiversity and to ensure a satisfactory form of development.

19. No development shall take place until a detailed scheme and timetable for ecological measures (in respect of the works to convert the upper reservoir to a nature reserve) has been submitted to and approved in writing by the local planning authority. The scheme shall take into account the ecological recommendations set out within Appendix 1 of the submitted Design and Access Statement Revision B (date received by the Local Planning Authority 18th December 2016) including biodiversity enhancement through habitat creation and enhancement, and to prevent harm to protected species including bats. No dwelling shall be occupied until the ecological measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority or unless an alternative timescale for implementation is agreed in writing with the Local Planning Authority. The

agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

20. No dwelling shall be occupied until a scheme for the provision of bat and bird roosting features within at least 10% of the buildings and bird and bat boxes throughout the site, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

In the interests of biodiversity compensation and to accord with the provisions of the NPPF.

21. No development shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted to and approved in writing with the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site including the Deciduous Woodland, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

22. Prior to the commencement of development, a detailed scheme of soft landscaping, hedge, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall make provision for the use of native species and demonstrate habitat creation. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 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 the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to ensure a satisfactory form of development.

23. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area and highway safety.

24. No development shall take place until details of play facilities, public open space and street furniture to be provided on site (including the location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment, siting and provision of waste bins), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appropriate pedestrian gate and boundary enclosure to the proposed children's play area(s). The play facilities, public open space and street furniture shall thereafter be provided in accordance with the approved details, to the satisfaction of the Local Planning Authority.

In the interests of visual amenity, highway and pedestrian safety, and to ensure a satisfactory form of development.

25. The external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

To enable the Local Planning Authority to control details of the proposed development and in the interests of visual amenity.

26. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

27. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter and prior to the occupation of any individual dwelling, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the amenity of the occupiers of the site.

28. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.

To ensure a satisfactory form of development.

29. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site (and the additional street lighting along Hart Lane), including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

30. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

31. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.
The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the

programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest.

32. Prior to the commencement of development, details of proposed interpretation panels/boards (providing information on the retained features of the reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.

In the interests of visual amenity and heritage assets.

33. Prior to the commencement of development, a scheme showing how the energy demand of the development and its CO2 emissions would be reduced by 10% over the maximum CO2 emission rate allowed by the Building regulations Part L prevailing at the time of development, shall be first submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall be constructed in line with the approved scheme.

In the interests of promoting sustainable development.

34. No development shall commence until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the approved report, shall be installed.

In the interests of promoting sustainable development.

35. No development shall take place until a Construction Management Plan has been submitted to and approved in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan.

To avoid excessive noise and disturbance to the occupants of nearby properties.

36. The dwellings hereby approved shall not exceed two and a half storeys in height.

In the interests of visual amenity.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 28, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

38. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

39. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

To avoid excessive noise and disturbance to the occupants of nearby properties.

BACKGROUND PAPERS

1.131 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

- 1.132 Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: denise.ogden@hartlepool.gov.uk

AUTHOR

- 1.133 Daniel James
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 284319

E-mail: daniel.james@hartlepool.gov.uk

HART RESERVOIR

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 01.11.16
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2015/0354	REV

No: 2
Number: H/2016/0235
Applicant: Mr Tom Garrett 7 Merchant Court Koppers Way
HEBBURN Tyne and Wear NE31 2EX
Agent: Kier Construction Mr Tom Garrett 7 Merchant Court
Koppers Way HEBBURN NE31 2EX
Date valid: 01/07/2016
Development: Raise levels of existing football pitch and creation of
landscaping mounds (Part Retrospective)
Location: Manor College of Technology Owton Manor Lane
HARTLEPOOL

PURPOSE OF REPORT

2.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 Approval was granted for the redevelopment of the school site in October 2014 (planning reference H/2014/0233).

PROPOSAL

2.3 Approval is sought for the installation of landscape mounds adjacent to the eastern boundary of the school site shared with Ivanhoe Crescent. There are two mounds proposed.

2.4 One will run adjacent to the eastern boundary of the school site between the existing rugby pitches and the public highway beyond the school boundary. The mound, measuring approximately 2 metres in height with a 1:60 gradient slope has been installed however drainage measures consisting of an infiltration trench have not yet been installed.

2.5 The second proposed mound is the larger of the two, with a maximum height of 3 metres. The proposed location is between the previously approved MUGAs (as approved by the application for the school redevelopment) towards the east of the main school building and the side boundary of the school site shared with number 8 Ivanhoe Crescent. The location of this mound has been amended to move the highest part of the mound away from the shared boundary and incorporate an infiltration trench and bund to provide drainage for the mound. The design of the mound will incorporate a 1:4 gradient sloping away from the shared boundary with number 8 Ivanhoe Crescent as such the highest part of the mound will be approximately 20 metres from the school site boundary.

2.6 The proposal also includes increasing the level of a previously approved football pitch towards the front of the school building towards Owton Manor Lane, adjacent to the staff car park. The height of the pitch will be increased by a maximum of 1 metre. Amended plans have also been submitted in relation to this element of the proposal to ensure that the pitch is sufficiently drained to meet the requirements of Sport England.

SITE CONTEXT

2.7 The application site consists of an existing school which fronts on to Owton Manor Lane. The site has previously obtained planning permission (under application H/2014/0233) for the demolition of the existing school building and the erection of a new school. These works have been significantly completed and the new school building is now in use however matters such as hard and soft landscaping are still under construction.

2.8 The surrounding area is predominantly residential in nature with residential properties to the north, south, east and west. To the north east corner of the site where landscape mounding is proposed are flats which front on to Pheonix Court and other residential properties (including properties on Ivanhoe Crescent, Inch Grove and Owton Manor Lane).

2.9 Directly adjacent to the east of the site, where landscape mounding is proposed is a highway and properties beyond which front onto Ivanhoe Crescent. There is also an existing pedestrian access gate which provides pupil access from Ivanhoe Crescent to the main school site.

2.10 To the south of the main school building is the school field, including playing pitches, beyond are properties which front on to Kesteven Road. To the west are properties fronting on to Maxwell Road and Muir Grove.

PUBLICITY

2.11 The application has been advertised by way of neighbour letters (126) and site notice with a reconsultation being carried out following submission of amended plans. There have been 5 letters of objection

2.12 The concerns raised are:

- The landscaping mounds will result in overlooking, loss of privacy and anti-social behaviour which is not monitored by the school. Concerns that this could lead to crime
- Drainage will be a problem due to the mounds run-off
- Flat on Pheonix Close is dark due to only having 3 small windows and shading creating by existing trees object to new trees being installed along the boundary
- The proposed plans will mean a re-orientation of the pitches on site bringing the football and rugby pitches closer to properties on Kesteven Road. The number of pitches on site should be reduced.

- Pitches on the site result in noise and anti social behaviour (including trespass to retrieve balls)
- On going problems with the operation of the existing school site and upkeep of the existing boundaries in particular fencing and existing trees
- Concerns are also raised regarding the boundary ownership.

2.13 Four letters of no objection have also been submitted.

2.14 Copy Letters **B**

2.15 The period for publicity has expired.

CONSULTATIONS

2.16 The following consultation replies have been received:

HBC Engineers: Following submission of drainage details I am now satisfied that no surface water will leave the site as a result of the proposed mounds. Some of these mounds are already in place so will require some retrospective works to allow them to meet the proposals presented.

HBC Public Protection: No objection

Further comments: I can understand the neighbour's concerns relating to potential anti-social behaviour and loss of privacy in his garden. There is this potential but the mounds are within the confines of the school site which I would have thought will be securely fenced in when the school is closed and when it is open then the site should be supervised. The mounds will provide a barrier between the neighbouring residential properties and the MUGA's which will provide some protection to their gardens from any noise and disturbance emanating from the MUGA's.

HBC Landscape: The layout will involve the loss of some trees from the proposed staff parking area but this will be mitigated by additional tree planting around the dining breakout area and south of the art space/pottery area. In addition to this there is a row of mature beech trees on the adjacent site of Phoenix Close which are protected by a TPO so there should be no significant loss of tree cover.

I have no objection to the proposals but still require details of the planting that is to go in and look forward to this being forthcoming under conditions J161 and J162.

HBC Traffic & Transport: No highway or traffic concerns

HBC Countryside Access: Public Footpath No.15, Hartlepool runs through the development site/Academy site, from the entrance, to be widened to 6m, on Owton Manor Lane, southwards through the site and onto the playing fields and exits onto Muir Grove at the south western corner of the playing fields.

The majority of this footpath has been legally stopped up. The section stopped up extends from Owton Manor Lane southwards for 267 metres and ends at the point where the path then routes westwards to the playing field boundary with Muir Grove.

I therefore have no objections to the development proposals and amendments as the remaining 170 metres, within the development site/playing fields, are not affected by the proposals/application.

Sport England: The levels cross-section plan which forms part of the reconsultation includes the following annotation;

Build up indicated shown to TGMS details as below:

- 1. The stockpiled subsoil can be utilised for the base of the pitches but it would be advantageous to select the cleanest material and avoid any fragments larger than 50 mm diameter.*
- 2. Import and spread an approved Sandy Loam textured topsoil comprising particle sizes in the following range: 65-80% Sand, 0-15% Clay and 0-20% Silt onto the development area to a depth of 200 mm. The chosen topsoil shall be free of stones >20 mm diameter, shall have no glass or other physical contaminants and shall have a minimum saturated hydraulic conductivity of not less than 15 mm h⁻¹ when compact (at a test dry bulk density of not less than 1.50 Mg m⁻³).*
- 3. In addition, the topsoil must comply with the British Standard for Topsoil (BS3882:2007), be suitable for sports pitch use and be free of all physical, biological and chemical contaminants.*
- 3. Install a piped drainage at 3 m centres.*
- 4. Import and spread a 30 mm depth of sand and integrate into the top 20 mm of soil.*
- 5. Fertilise and seed.*
- 6. Maintain for 12 months.*

Sport England is now content that these details show that the proposed raising of levels for this new playing will be consistent with the approved drainage proposals for its construction. Therefore Sport England raises no objection to this application as it is considered to broadly meet exception E4 of Sport England's playing field policy.

HBC Sport & Recreation: HBC would refer back to any comments provided by Sport England and support their viewpoint. From the plans it does not look like any pitches are compromised so in theory we would have little issue.

Cleveland Police: In relation to this I have consulted local Police team who state Police have problems in the area in relation to anti-social behaviour although recently this has decreased but the incidents I have been informed tend to come and go.

I have spoken to the school who informed there do have problems with youths accessing the school grounds by digging under the boundary fencing resulting in anti-social behaviour.

I am aware there is an existing mound near to the boundary of Ivanhoe Crescent I am not aware if this has resulted in an increase in anti-social behaviour at this location.

The existing mound does create a natural hiding place for youths to gather between the boundary fence and although I did not see any evidence of misuse when I carried out a site visit.

In relation to the proposed additional mounds

Section 2 will create a further hiding place which could provide an area that youths are attracted to and congregate.

Section 4 Would reduce natural surveillance to proposed cycle storage area which will make cycles more a risk from theft. Any cycle storage should be close as possible to main building in view of an occupied room.

PLANNING POLICY

2.17 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

2.18 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Rec4: Protection of Outdoor Playing Space

National Policy

2.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

PARA 002 : Primacy of Development Plan

Contribute to the achievement of sustainable development

PARA 007 : 3 dimensions of sustainable development

PARA 009 : Sustainable development

PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 196 : Primacy of the Development Plan
 PARA 197 : Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

2.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, impact upon the amenity of neighbouring residential properties, anti-social behaviour, character of the area, drainage and highway safety.

POLICY

2.21 The proposed development relates to provision of landscape mounds and raising of the level of an existing playing pitch. Given that the development relates to an existing school site the principle of development is considered to be acceptable in terms of policies within the Local Plan subject to the consideration of material planning considerations as detailed below.

AMENITY OF NEIGHBOURING PROPERTIES

2.22 Concerns have been raised by objectors with regard to impact upon their amenity in terms of overlooking and loss of privacy as a result of the height and location of the proposed landscape mounds. They have also raised concerns as a result of existing anti social behaviour stating that the proposed landscape mounds will exacerbate this problem.

2.23 There are two mounds proposed adjacent to the eastern boundary of the school site. The lower of the mounds, with a maximum height of 2 metres, is positioned along the highway in Invanhoe Crescent. This has already been installed. The larger of the proposed mounds is proposed on land between the side elevation of 8 Ivanhoe Crescent and the MUGAs on the school site which were approved as part of the school redevelopment. This landscaping mound has not been installed however this land has been used to store spoil from the site and therefore there is a mound in this location however it is not in the state or position as proposed under the current application.

2.24 Following concerns raised by objectors amended plans have been submitted which have amended the position of the proposed landscaping mounds in relation to number 8 Ivanhoe Crescent. Objections were raised by the resident due to the side boundary of the residential property being in close proximity to the proposed mound in its original position which could result in overlooking of the garden area. In order to address these concerns the plans were amended to ensure that the highest part of the mound (which will measure approximately 3 metres in height) would be approximately 20 metres from the boundary of the school site. Furthermore the amended details include a steeper gradient which ensures that the landscape mound

starts to incline further from the shared boundary. This also allowed for sufficient space for a drainage trench to be installed. Given that there is a boundary fence enclosing the school site and a further fence erected by the resident of 8 Ivanhoe Crescent and taking into account the proposed distance from the boundary, it is considered that the boundary treatments will provide some screening from the development. It is considered that the amended position would not result in a detrimental impact upon the amenity of this adjacent neighbouring property. Additionally it should be noted that the school site is a secure site which is supervised during school operating hours and is secured during hours when the school is not operational.

2.25 The Council's Public Protection Section have commented that the mounds will provide a barrier between the neighbouring residential properties and the MUGA's which will provide some protection to their gardens from any noise and disturbance emanating from the MUGA's. As such it is considered that there may be some improvement in terms of noise disturbance for surrounding residential properties.

2.26 The lower of the mounds has already been installed at the site, it has a maximum height of 2 metres and would run along the site boundary between the rugby pitches and Ivanhoe Crescent. There is a separation distance of approximately 23 metres between the highest part of the mound and the closest residential property due to the position of the highway adjacent to the school boundary. Furthermore the boundary fence encloses the school site and will provide some screening for the landscape mounds. As such it is not considered that this landscape mound will result in a detrimental impact upon the amenity of the neighbouring properties on the opposite side of Ivanhoe Crescent.

2.27 A further objection was received from a resident of Pheonix court with regard to loss of light as a result of tree planting. Whilst tree planting would be permitted development and as such is outside the control of the planning department the agent was happy to address these concerns and has submitted an amended plan removing tree planting adjacent to the boundaries with Pheonix Court. A condition is recommended to ensure details of the landscaping scheme are submitted. As such it is not considered that the proposed landscaping or tree planting will result in a detrimental impact upon the amenity of neighbouring properties. In terms of the landscaping mounds due to the distance from neighbouring properties fronting on to Pheonix Court it is not considered that the proposals would result in a detrimental impact upon the amenity of these neighbouring residential properties.

2.28 Objectors from Kesteven Road have raised concerns that the landscape mounds will result in a reorientation of the playing pitches bringing them closer to the properties fronting on to Kesteven Road. The amount of pitches is not increasing at the school and the layout of pitches is only indicative as the pitches consist of painted lines on the school field. Furthermore they are not illuminated and by virtue of school permitted development rights, the school could organise the playing pitches in any orientation on any part of the school field. As such it is not considered that the resultant reorientation of playing pitches would warrant refusal of the application. Given the distance of the proposed landscaping mounds and raised football pitch towards the front of the school site it is not considered that the

proposals would result in a detrimental impact upon the amenity of properties to the south which front on to Kesteven Road.

2.29 The level of the previously approved football pitch towards the front of the site will be raised by approximately 1 metre however this pitch is set well within the school site boundaries with a large separation to surrounding neighbouring properties. As such it is not considered that this element of the proposal will result in a detrimental impact upon the amenity of neighbouring properties.

ANTI SOCIAL BEHAVIOUR

2.30 Local Plan Policy GEP3 States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime. Concerns have been raised by objectors that the proposed development would exacerbate anti social behaviour in the area. Cleveland Police were consulted on the proposed development and confirmed that Police have problems in the area in relation to anti-social behaviour, although recently this has decreased, it is acknowledged by Cleveland Police that incidents tend to come and go. The school has also confirmed (via Cleveland Police) that there are existing problems with youths accessing the school grounds by digging under the boundary fencing resulting in anti-social behaviour.

2.31 Notwithstanding this existing anti-social behaviour, Cleveland Police have noted that there is an existing mound near to the boundary of Ivanhoe Crescent and have confirmed that they are not aware that this has resulted in an increase in anti-social behaviour at this location. A site visit was carried out by the Cleveland Police and there was no evidence of misuse in relation to the mound on site.

2.32 In relation to the proposed additional mound the police have raised concerns that they would create further hiding places which could attract youths to congregate and would reduce natural surveillance to proposed cycle storage area which could make cycles more a risk from theft. However whilst these comments are noted, the school is a private site which is enclosed by a secure boundary fence, therefore any incidents of anti social behaviour arising from unauthorised access are essentially a matter which should be managed by the school and investigated by the police.

2.33 The Council's Public Protection section were consulted regarding this matter and have confirmed that the school should be securely fenced in when the school is closed and when it is open then the site should be supervised. Therefore whilst it is accepted that anti social behaviour is an existing problem, given the distance of the highest part of the mounds from the boundary with residential properties, it is not considered that the proposals in themselves properly used and managed would result in a detrimental impact upon the amenity of neighbouring properties in terms of anti-social behaviour or crime.

CHARACTER OF THE SURROUNDING AREA

2.34 The application site is an existing school site which has recently been redeveloped. The proposed landscape mounds will be within the school site adjacent to the north-eastern and eastern boundaries. Although the proposed mounds will be

low in relation to the school building it is considered that they will soften the appearance of the school. Furthermore due to the distance from the boundaries it is not considered that the proposed mounds would result in an incongruous feature or appear out of keeping with the character of the existing school site. The proposed mounds will utilise spoil generated during construction on site which is currently stored on the site. Therefore it is not considered that the proposed development will result in a detrimental impact upon the character or appearance of the surrounding area.

DRAINAGE

2.35 The mound adjacent to the east of the site has been installed and objections have been submitted on the basis that this has resulted in flooding following rainfall. The original and subsequent submissions were objected to by the Engineers on the grounds of flood risk. Following a redesign and the inclusion of a more robust drainage system the Engineers have removed this objection. Amended details have been submitted which show an infiltration trench to be installed between the mound and the site boundary. The Council's engineers have commented that the drainage proposals are considered to be acceptable and should be installed within 3 months to ensure sufficient drainage is provided. The agent has agreed to this therefore a condition is recommended to ensure the drainage details as shown on the section plans are installed within the agreed time frame.

2.36 At the time of the officer site visit it was noted that there is a significant amount of spoil which is being stored in the north east corner of the site. The development proposals show that this area will form a landscaping mound measuring some 3 metres in height. However the formal landscaping mound will be lower than the spoil as it currently is on site and located further away from the boundary. The drainage proposals for this mound consist of an infiltration trench with a sloping bund to be higher than the infiltration trench. The Council's engineers are satisfied that no surface water will leave the site as a result of the proposed mounds. A condition is recommended to ensure that the development is constructed in accordance with details shown on the drainage plan (MC-L-L-(GAS) 002 Rev F). Therefore the proposed development is considered to be acceptable in terms of drainage.

2.37 Additional information was submitted to support the application which includes a levels cross-section plan for the proposed raised football pitch to the front of the site. This states that *the stockpiled subsoil will be utilised for the base of the pitches with a Sandy Loam textured topsoil which will be approved to be suitable for sports pitch use and be free of all physical, biological and chemical contaminants. In addition piped drainage at 3 m centres, 30 mm depth of sand will be spread and integrated into the top 20 mm of soil which will be seeded.* Sport England were consulted on these details and have no objections to this application.

HIGHWAY SAFETY

2.38 The proposed development does not alter the car parking as approved for the school or the existing vehicle access arrangements. As such the Council's Traffic & Transport section have raised no objections to the proposed development.

2.39 The submitted plans show that the pedestrian access point from Ivanhoe Crescent will be moved further along Ivanhoe Crescent. Within the school boundary. These works can be carried out under the permitted development rights of the school, as such they do form part of the current application proposals.

RESIDUAL MATTERS

2.40 A number of residents have raised concerns regarding the state of existing trees and boundary treatments adjacent to the boundary of the school site. This is a civil matter and as such is not a matter for consideration when assessing this application.

CONCLUSION

2.41 The proposed development is considered to be acceptable in terms of amenity of neighbouring properties, character of the surrounding area, drainage and highway safety. Furthermore the proposals do not impact upon the provision of playing pitched on the school site. As such the proposed development is considered to be acceptable and is recommended for approval subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.42 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.43 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. These matters are discussed in the main body of the report.

REASON FOR DECISION

2.44 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans.

Drainage Design TGMS0918.3-1 Rev 1 received by the Local Planning Authority on 16 September 2016 and
Detailed Plans Sheet 1 MC-L-L-(ASP)001 Rev LC14
Detailed Plans Sheet 3 MC-L-L-(ASP) 003 Rev LC14
Detailed Plans Sheet 4 MC-L-L-(ASP) 004 Rev LC14

Detailed Plans Sheet 5 MC-L-L-(ASP) 005 Rev LC14
 Drainage Layout MC.C.L.(52).003Rev C11
 Site sections MC-L-L-(GAS) 002 Rev F
 received by the Local Planning Authority on 19 October 2016 and
 Red Line Site Boundary MC-L-L-(GAP) 006 Rev A
 Site Wide Landscape Masterplan MC-L-L-(GAP) 001 Rev LC12
 Received by the Local Planning Authority on 26 October 2016 and
 For the avoidance of doubt.

3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
 In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees plants or shrubs which within a period of 5 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 the same size and species, unless the Local Planning Authority gives written consent to any variation.
 In the interests of visual amenity.
5. Notwithstanding the submitted information the landscape mound hereby approved towards the north east of the site between the MUGAs and the boundary with number 8 Ivanhoe Crescent shall not exceed a maximum height of 3 metres above ground level.
 For the avoidance of doubt.
6. Within 3 months of the date of this decision drainage details relating to the mounding directly to the north and east of Rugby Union pitches as shown on sections 4 & 5 of plan number MC-L-L-(GAS) 002 Rev F (Site sections) received by the Local Planning Authority 19 October 2016 shall be fully implemented.
 To ensure sufficient drainage is provided for landscape mounds which have already been installed on site.

BACKGROUND PAPERS

2.45 Background papers used in the compilation of reports relating to the planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

2.46 Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

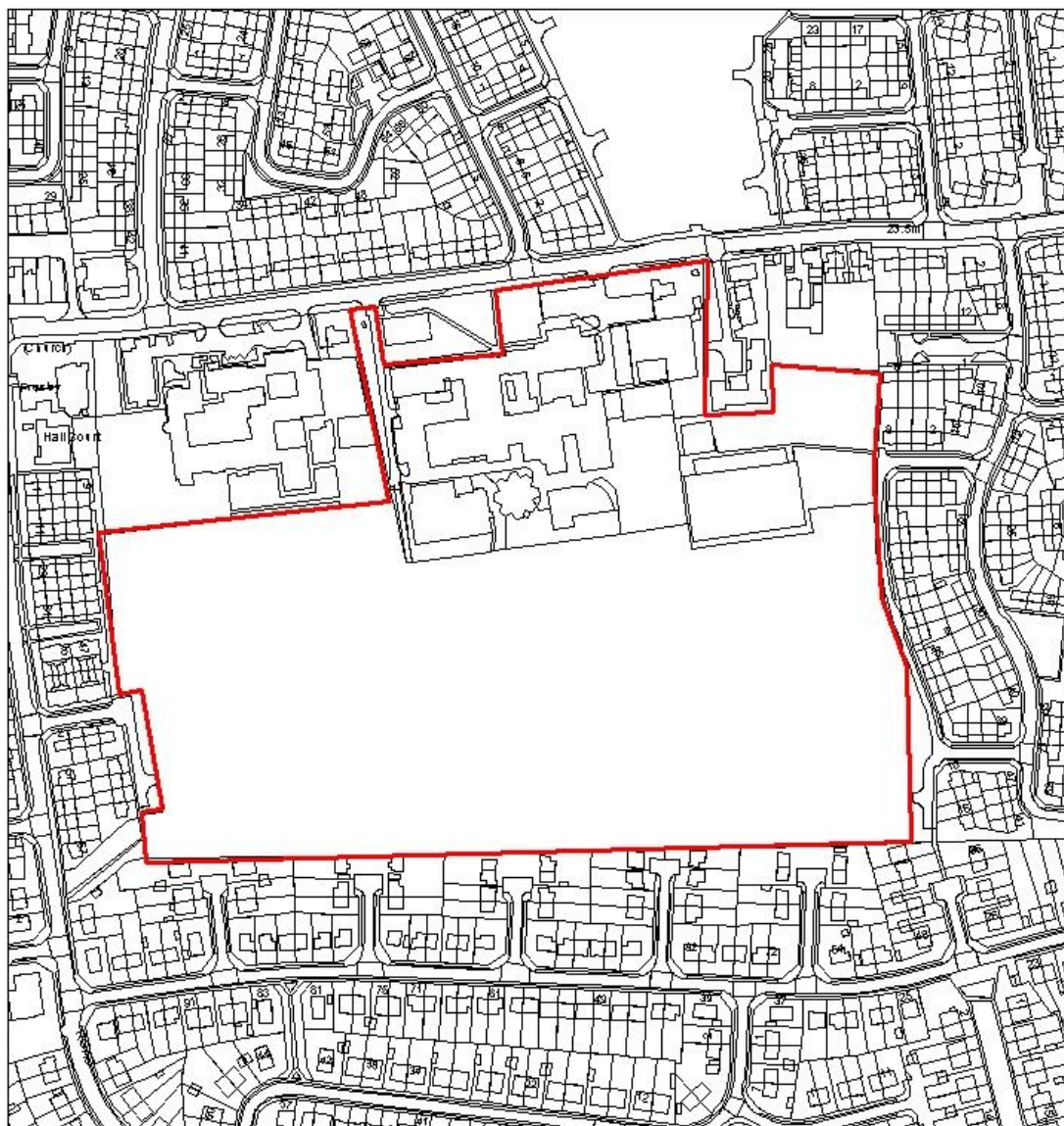
Tel: (01429) 523400
E-mail: denise.ogden@hartlepool.gov.uk

AUTHOR

2.47 Helen Heward
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523433
E-mail: Helen.Heward@Hartlepool.gov.uk

MANOR COMPREHENSIVE SCHOOL



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 01.11.16
	SCALE 1:3000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0235	REV

No: 3
Number: H/2016/0404
Applicant: Mr David Picken 61 Millston Close HARTLEPOOL TS26 0PX
Agent: West Hartlepool RFC Mr David Picken 61 Millston Close HARTLEPOOL TS26 0PX
Date valid: 23/09/2016
Development: Variation of Condition No 1 of H/2015/0017 to allow opening hours Monday to Thursday 12.00pm to 23.00hrs, Friday and Saturday 12.00pm to 01.00am, Sunday and Bank Holidays 12.00pm to midnight
Location: WEST HARTLEPOOL RUGBY FOOTBALL CLUB
 CATCOTE ROAD HARTLEPOOL

PURPOSE OF REPORT

3.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

RELEVANT PLANNING HISTORY

3.2 H/2012/0572 – Outline application with some matters reserved for the erection of a rugby clubhouse – Approved 14 December 2012.

3.3 H/2013/0453 – Reserved matters application for the erection of a rugby clubhouse – Approved 18 November 2013.

3.4 H/2014/0300 – Variation to condition 3 and 7 of approval H/2013/0453 to amend car parking layout – Approved 28 August 2014.

3.5 H/2015/0017 – Variation of condition 11 of approval H/2013/0453 to allow opening hours until 12 midnight – Approved 12 March 2015.

3.6 H/2015/0323 – Variation of condition 1 of planning application H/2013/0453 to allow alterations to roofs, all elevations including change to windows doors and glazing – Approved 12 October 2015.

3.7 The application is reported to Committee for consideration given the number of objections received.

SITE CONTEXT AND PROPOSAL

3.8 The application site is West Hartlepool Rugby Football Club which is located on the east side of Catcote Road opposite English Martyrs School and Sixth Form College and Catcote School. To the east of the site is Hartlepool Sixth Form College

with residential properties to the south. There are two residential properties within the grounds of English Martyrs and Catcote School.

3.9 The clubhouse is located at the northern end of a larger site which is used as playing field associated with the rugby club. The site also contains the existing pavilion which was used by the rugby club before planning permission was obtained to build a new clubhouse. The existing pavilion building is used for an out of school club.

3.10 The site is enclosed by fencing and access gates with shrubs and bushes around the perimeter of the playing field. Access to the site is taken from Catcote Road.

3.11 The current application seeks consent to vary the existing opening hours to allow for private functions to use the clubhouse. The hours applied for are Monday to Thursday 12.00pm to 23.00hrs, Friday and Saturday 12.00pm to 01.00am, Sunday and Bank Holidays 12.00pm to midnight.

PUBLICITY

3.12 The application has been advertised by way of press notice, site notice and neighbour letters (28). To date, there have been 6 letters of objection raising the following concerns:

- Should only be used for private functions
- These hours are unsociable due to the noise that carried over to my house
- When events are held noise is terrible and cannot sleep
- People use side entrance next to my property to urinate and be sick
- Extra traffic
- No objection as long as all the parties are moved indoors at a reasonable time

Copy Letters **D**

3.13 The period for publicity expires after the meeting.

CONSULTATIONS

3.14 The following consultation replies have been received:

HBC Traffic & Transport: There are no highway or traffic concerns

HBC Public Protection: No objection

Cleveland Police: Police licensing department have been consulted on Temporary Event Notices from the Rugby Club for 1am finish which have passed without major incident or any complaints from residents, therefore there are no objection in relation to this application.

PLANNING POLICY

3.15 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

3.16 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 Com12: Food and Drink
 Rec13: Late Night Uses

National Policy

3.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are of particular relevance to the application:

PARA 002 : Primacy of Development Plan
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 056 : Design of built environment

PLANNING CONSIDERATIONS

3.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan

and in particular the impact of the additional trading hours on the amenities of nearby residents in terms of noise and disturbance and highway safety.

PRINCIPLE OF DEVELOPMENT

3.19 Policy Com12 states that proposals for food and drink developments within Classes A3, A4 and A5 will be only be permitted subject to considerations of amenity, noise, disturbance, smell, litter, highway safety and the character and appearance of the area. In light of the matters discussed below it is concluded that the proposal would accord with this policy.

3.20 Policy Rec13 restricts late night uses in areas of the town which do not fall within the Church Street area, or within the Southwest area of the Marina. It is acknowledged that the application site is outside of this area and the proposal does not therefore accord with the policy. However as discussed below the club house sits a considerable distance from residential properties and is set back from the road, it is therefore considered that there would not be a significant detrimental impact on the amenity of neighbouring residential properties.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

3.21 The clubhouse is some distance from residential properties which are mainly located to the south of the site, opposite the site are schools which have a residential property within their grounds, there is a local centre south west of the site which has a number of takeaways which operate until midnight.

3.22 It is noted that the current license allows for functions to take place, this also includes the use of the area for one outside yearly event. Under the Environment Protection Act there are legislative powers which enable the monitoring and review of the current license should issues arise.

3.23 Concerns raised by residents include noise and nuisance issues. The Councils Public Protection Manager was consulted on the proposal and raised no objection to the extended hours. Cleveland Police were also consulted on the proposal and raised no objections.

3.24 It is considered that the proposed extension of opening hours till 0100 am is unlikely to have a significant detrimental impact upon residential properties by reason of nuisance caused by noise, smell, litter and general disturbance given the separation between the clubhouse and residential properties.

3.25 Overall the impact on the neighbour amenity is considered acceptable.

HIGHWAY SAFETY

3.26 The Councils Traffic and Transportation Team have been consulted on the application and raised no objection to the proposal. It is therefore considered that the proposal is acceptable in highway safety terms.

CONCLUSION

3.27 It is noted that the proposal is contrary to Policy Rec13 of the Hartlepool Local Plan (2006) however given the location of the clubhouse it is not considered the extension of the opening hours here would be significantly harmful to the amenity of the area and no objections have been raised by HBC Public Protection, these are material considerations which would support a departure from policy in this case. It is considered that the proposal is acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.29 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

3.30 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – MINDED TO APPROVE subject to the consideration by the Planning Services Manager of any further representatives received before the expiry of the consultation period set out in the press advert.

1. The premises shall only be open to the public between the hours of 1200hrs and 2300hrs Monday to Thursday, 1200hrs to 0100hrs Friday and Saturday and 1200hrs to midnight Sundays and Bank Holidays and at no other time. In the interests of the amenities of the occupants of neighbouring properties.
2. For the avoidance of doubt all conditions attached to the original planning consents approved under H/2012/0572, H/2013/0453 as varied by planning consents, H/2014/0300, H/2015/0017 and H/2015/0323 shall continue to apply and be complied with unless varied by this approval. For the avoidance of doubt.

BACKGROUND PAPERS

3.31 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

3.32 Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: denise.ogden@hartlepool.gov.uk

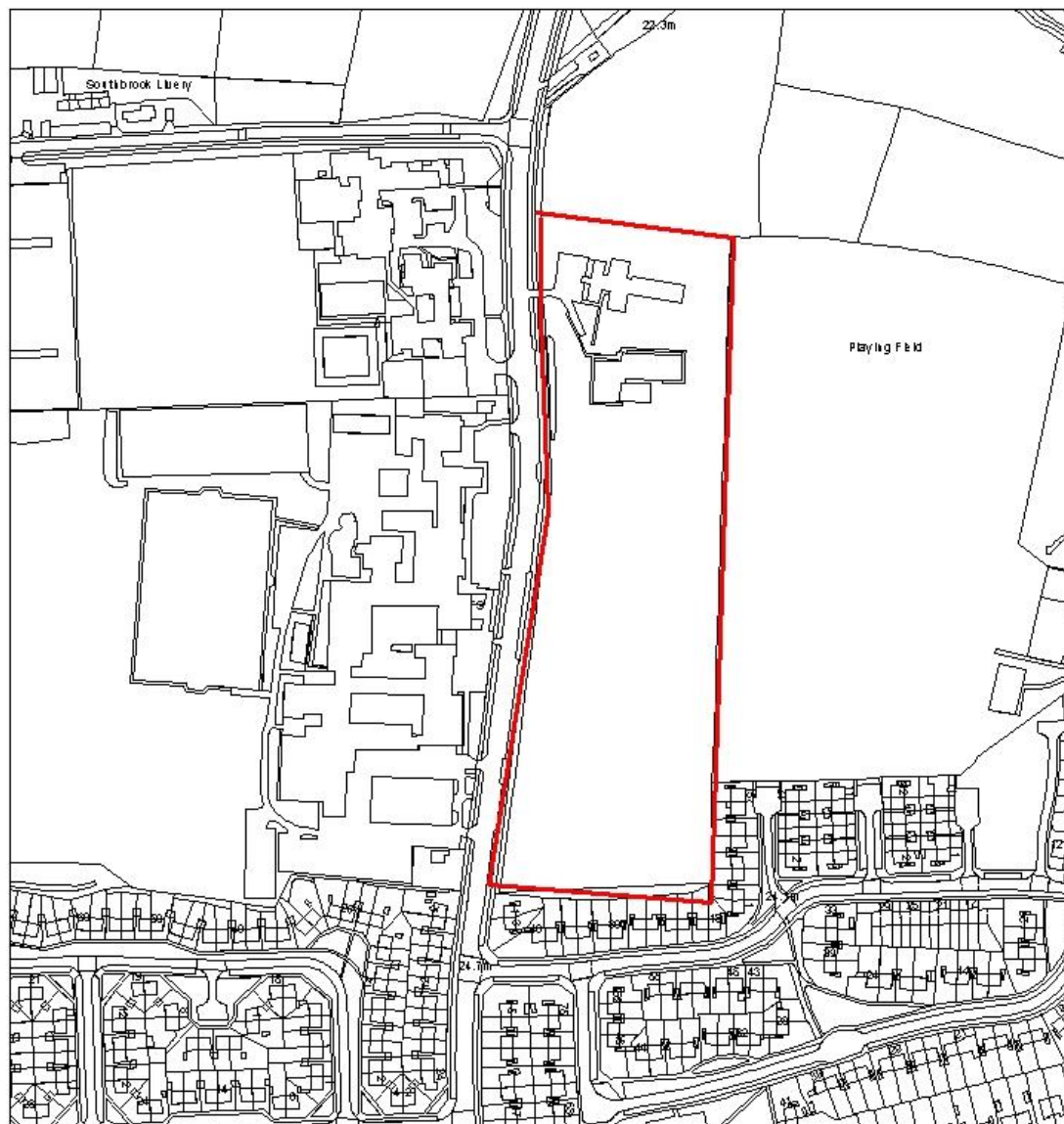
AUTHOR

3.33 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523284
E-mail: jane.tindall@hartlepool.gov.uk



WEST HARTLEPOOL RFC



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02.11.16
	SCALE 1:3000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0404	REV

No: 4
Number: H/2016/0289
Applicant: Mr Robert Robinson PALACE ROW HART
HARTLEPOOL TS27 3AY
Agent: Mr Robert Robinson 6 PALACE ROW HART
HARTLEPOOL TS27 3AY
Date valid: 01/07/2016
Development: Demolition of garage and erection of a single storey
extension to side and rear, alterations to garden wall and
patio and provision of hardstanding parking area to side
(resubmitted application)
Location: 6 PALACE ROW HART HARTLEPOOL

PURPOSE OF REPORT

4.01 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

4.02 A planning application has been submitted under the provisions of the Town and Country Planning Act 1991 (as amended) for extensions and alterations to no.6 Palace Row, Hart, Hartlepool. A previous application was submitted under ref. H/2016/0023 however this was subsequently withdrawn. Historically planning permission was previously granted for the erection of a single storey extension at the rear. Due to the number of objections received, the application must be considered by Members at planning committee.

4.03 The application was considered by Members at planning committee on 21st September 2016. The decision was deferred to allow for mediation to take place regarding the issues of access (particularly in respect to access to the highway for bin collection). The Council's Mediation team made contact with both parties following this meeting. However, agreement has not been reached regarding access and the mediation has not been able to proceed any further.

PROPOSAL

4.04 Planning permission is sought for the erection of two single storey extensions, one largely to the side and the other to the rear of the property, with demolition of the existing detached garage. The extensions would accommodate a kitchen, sitting room, lounge, wc, cloak room and entrance lobby. The rear extension would adjoin the previously built flat roof extension, with a projection of approx. 3.3m from this rear wall. The width would be approx. 6.4m. The side extension would project approx. 3.7m from the original gable with a depth of approx. 6.7m. This would adjoin the side of the existing property and the previous rear extension meaning the width would be approx. 4.5m at the rear. The eaves height of both extensions would be to

match the original dwelling house and a new pitched roof would be added above. Other works include the addition of an area of hard standing to allow two off-street parking spaces to the west of the original dwelling, reconfiguration of garden steps and alterations to the rear garden retaining wall, relocation of timber garden gates and bricking up of an existing front door.

SITE CONTEXT

4.05 The application site is no.6 Palace Row, a single storey end terraced cottage with white rendered walls and a tiled roof located in Hart Village. The property faces north towards the highway with an open frontage onto the pavement. To the north of this is a landscaped highway verge area beyond which are the south facing semi-detached dwellings of South View. To the south is the rear garden which has a change in level with retaining wall and steps leading up to a grassed area. A flat roof extension also exists as well as a detached garage. Surrounding the garden are a variety of shrubs and hedges of various heights between approx. 2-3m. To the east is the adjoining property at no.5 Palace Row which is separated by a boundary formed partially by a timber fence, stone wall and hedge. To the west is a blank gable of the host dwelling with gate access to the rear garden. There is also an area of land which is enclosed by an approx. 0.75m high timber fence to the north and west. An approx. 2m high brick wall exists on the southern boundary of this grassed area beyond which are two storey terraced dwellings at no's 7-13 Palace Row.

PUBLICITY

4.06 The proposal has been advertised by way of 11 Neighbour Notification letters and 3 Councillor Notification letters. Two objections have been received and one letter in support of the application has also been received. The reasons given for objecting are as follows:

- The scale and nature of the development is inappropriate to the character of the terraced row
- The design, proposed varied roof lines and massing do not reflect and are not sympathetic with the existing terraced row
- Impact on water supply due to increase in demand on Palace Row from proposed extensions
- The rear entrance to no.5 would be permanently blocked. I have a long standing established right of access down the side of 6 Palace Row. The development would obstruct Northumbrian Water from gaining access to the inspection chamber, impact upon refuse collection with waste accumulating, restrict emergency services gaining access in the event of an accident or fire, and restrict wheelchair users from gaining access as it is the only level access given the front is stepped
- The plans are contrary to Tees Valley Structure Plan Policy H5 as they do not take into account the shortage of affordable housing in particular in Hart Village
- The plans are contrary to Local Plan Policies Hsg5 and Hsg6
- The proposed kitchen extension would be within 45cm of my hedge which would suffer damage and possibly die
- The extension would block light

- Refutes claims that there is no established right of way.

Copy Letters C

CONSULTATIONS

4.07 The following consultation replies have been received:

HBC Traffic and Transport: There are no highway of traffic concerns. The proposed drive crossing will need to be installed by a NRSWA approved contractor and in accordance with Hartlepool Design Guide and Specification.

HBC Engineering (Structural): No further information is required.

HBC Heritage and Countryside (Countryside Access Officer): There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or being affected by the proposed development of this site.

HBC Ecology: I have no ecology survey or ecology condition requirements. Looking at the aerial photograph, the hedge is clearly between gardens and as such is exempt from the Hedgerow Regulations 1997.

HBC Landscape (Arboriculture): My previous comments still apply mainly that a tree is incorporated into the side garden to add visual amenity to this part of the village.

Hartlepool Civic Society: We repeat the comments which we made relating to the previous application (H/2016/0023).

Previous comments:

The Society feels an opportunity to enhance the character and street scene at this part of historic Hart Village is being missed. Although the property concerned is not a listed building and is not in a Conservation Area, it does however, form part of a row of worker's cottages dating back to the 18th century – together with the former school at the end of the row – this is an important part of the history of this village which includes the Grade I listed St Mary Magdelene Church.

The property already has an extension at the rear. On studying the detail of the plans – for both an extension at the side and the rear – the Society notes that the proposed extensions are disproportionate to the size of the original. The proposal further alters the appearance of the whole terrace by removing the main door (which is central to each cottage) to the side extension. Added to which the proposed roof line is alien to the original – the Society suggests that providing at least bedroom accommodation in the roof space with windows to the south should be explored.

We would encourage a design more responsive to the character of the property be employed, one which would better enhance the sense of place and improve the

streetscape of Hart by reference to the strong local character and history of this village.

The example afforded by adjacent 5 Palace Row which has embraced the inherent charm of the original facade and materials, has a better proportion and greater sense of place. This might afford an example which offers greater opportunity to promote and reinforce local distinctiveness.

Hartlepool Water: I am unable to find any details on 6 Palace Row, if this is just a planning application our water main is located at the front of the property in the highway, so in principal we would not have any objection to the application. We would expect the applicant to inform us before work started to confirm that the neighbours service was not within the proposed area of work.

Northumbrian Water: In terms of the proposed extension - 6 Palace Row, Hart, Hartlepool

Having checked our customer contact information data, there are no reports of drainage/flooding issues with the system which serves this property or the attached properties to the west. This property is at the head (start) of the system which serves the terrace properties of Palace Row.

Having said that, we have carried out a number of drainage surveys in this area (particularly the houses to the east of this property) to establish the location of the now transferred (private drains) sewer network, so we may have had problems with this part of our network (although again our customer system is not coming up with contacts). Even if we have had problems, these drains are not affected by the applicants proposals (different system).

The only thing Northumbrian Water is interested in, is the protection of the existing inspection chamber within the development boundary. This has been highlighted on the proposal plans, so the applicant (or someone acting on their behalf) must be aware of this. Will be covered by Building Regs.

PLANNING POLICY

4.08 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

4.09 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: General Environmental Principles
Hsg10: Residential Extensions

National Policy

4.10 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

PARA 002 : Primacy of Development Plan
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Core Planning Principles
 PARA 056 : Ensuring Good Design
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

4.11 The main issues for consideration in this instance are the impacts on visual amenity, neighbour amenity, ecology, highway safety, land stability/structural safety drainage/flood risk and residual matters.

VISUAL AMENITY

4.12 In relation to the visual impact, the proposal involves extensions and alterations to the property which would be visible from the street scene. In particular this includes the single storey side extension with pitched roof and the addition of a hard standing parking area. The side extension is noted to be just under half the width of the original dwelling house and also incorporates a set-back from the front elevation of approx. 1.5m. Whilst the overall depth would be approx. 6.7m which exceeds the original dwelling, the eaves height would match the original at approx. 2.5m and would wrap round the side and rear elevations. These design features and separation from the western boundary are considered to allow the side extension to

be subservient to the original dwelling house with no significant loss of character in terms of massing or dominance.

4.13 Given the position of the property, the side extension would be visible from a distance as seen from the western approach to the property along Palace Row. There would therefore be some degree of change to the street scene as a result of this and also from the blocking up of the front door. However, as noted above, the scale of the side extension is fairly modest and whilst the angle of roof pitch would differ from that of the original dwelling house, the alterations would not entirely obscure the western elevation of the original cottage. Furthermore, the side extension would also be separated significantly from the western boundary. Much of this piece of land (currently grassed) would be retained as soft landscaping with the timber fence also remaining. Given this and the width of the proposed parking area, there is not considered to be any significant loss of character in terms of amenity space. It is also worth noting that the works to block up the front door would not require planning permission in themselves. Overall, the visual impact of these aspects on both the host property and street scene are considered to be acceptable.

4.14 In relation to the proposed rear extension, this element would also be partially visible from the street scene due to the projection and roof design. Overall, the combined projection of the previous flat roof extension and the new extension would be approx. 5.9m. Given that the eaves height would be fairly modest at approx. 2.5m and considering the roof slope, the location of the extension to the rear and the separation distance from the rear boundary, there is considered to be no significant detrimental impact on the original property or character of the street scene.

4.15 Due to the works to the retaining wall, consultation was undertaken with HBC Engineering (Structural). No objections were received. Overall, given the extent of the works to the retaining wall and garage demolition, these are considered to have minimal overall visual impact.

4.16 Consultation with HBC Landscape (Arboriculture) resulted in no objection and comments stating that a tree should be planted to the west of the site. It is considered that the loss of any soft landscaped space to the west of the property would be acceptable subject to an appropriate landscaping scheme which can include the addition of a tree.

4.17 Comments from Hartlepool Civic Society raised concerns with regards to the visual impact of the proposal, and stated that although the property is not listed, it forms part of a row of worker's cottages dating back to the 18th Century and is an important part of the history of the village. Comments also stated that the extensions would be disproportionate to the original house and would alter the appearance of the whole terrace by removing the main door. The proposed roof was also considered to be alien to the original.

4.18 In relation to the wider context of the street scene, the terrace of Palace Row consists of fairly similar cottages when seen from the front. However, many of these have been extended at the rear with a variety of sizes and designed. Consequently a number of these properties have also added rear dormers as part of loft conversions. The property at no.1 Palace Row is an exception to the typical design

of the terrace as it is taller than the neighbouring cottages and has a different fenestration. Although extended/alterd under planning permission, the access is now via a side extension, noted to be similar to the proposal at no.6 Palace Row. It is understood the land to the west of no.6 where the side extension would be situated was formerly the site of a dwelling house meaning this space was not originally vacant and landscaped. The wider context of Palace Row consists of a variety of styles and ages of properties, with two storey semi-detached dwellings and terraces. External finishes also vary with white painted render, facing brickwork and pebbledash.

4.19 Whilst it is recognised that the cottage dates back to the 18th century, the property is not subject to any special planning controls which restrict its extension/alteration. It is also recognised that whilst there would be a fairly significant increase in useable floor space of the property, the extensions themselves are modest in scale in terms of height. Furthermore, the extent of the amenity space both to the rear and side garden areas (largely being retained) is adequate. Externally, there would be a white render added across the new extensions which would be in keeping with the existing external appearance.

4.20 Overall, whilst it is recognised there would be some change to the street scene, the visual impact of these changes is not considered to be significantly detrimental to the extent that planning permission should be refused on this basis. The proposal is considered to be acceptable in relation to the visual impact, in accordance with Saved Policies GEP1 and Hsg10 and paragraph 56 of the NPPF.

NEIGHBOUR AMENITY

4.21 In relation to the impact on neighbour amenity, two objections were received. The first was from the owner/occupier of no.5 Palace Row. In relation to the impact on the amenity of this neighbouring property, it is noted that the rear extension would be visible from a number of windows at this property due to the proximity to the neighbour's kitchen window and side facing windows on an offshoot which is on the other side of the garden. It is also noted that this property has consent for an extension at the rear which would project beyond the existing offshoot and have a bedroom window facing westwards towards the host dwelling. In this scheme the current windows on the offshoot would however form corridor windows and would not in fact serve habitable rooms. The proposed window on the bedroom would not be directly adjacent to the rear extension at the host dwelling. The impact on these windows is not considered to be significant in terms of loss of outlook, light or privacy. In terms of the existing situation the rear offshoot is located well off the boundary and given the separation it is not considered that the amenity of the window serving this room would be unduly affected by the development.

4.22 It is noted that the proposed rear extension would be built adjacent to the kitchen window on this neighbouring property and project some 3.31m beyond it. There would also be a minimal separation distance of approx. 0.45m between this and the stone boundary wall. Given this, there would be some degree of impact in terms of loss of outlook and light from/to this window due to the projection and height of the rear extension. It is however noted that the extension is of a moderate eaves height and relative projection and also incorporates a fairly shallow pitched roof. In

addition, the existing approx. 3m high (relative to the ground level of the extension) hedge along the shared boundary is considered to already somewhat restrict outlook from this kitchen window. Given the above and the fact that there are no windows proposed which would face east towards this neighbour's property, the impact on the amenity of this neighbour in terms of outlook, light and privacy is considered to be acceptable. It is concluded that the relationship with this neighbour as existing, or if the neighbour's extension is fully implemented, is acceptable.

4.23 Concerns were also raised regarding the impact on a neighbour's hedge given the extension would be within 0.45m of it. Consultation with HBC Ecology raised no objections to the proposal and stated that the hedge is exempt from the Hedgerow Regulations 1997. No objections have been raised by HBC Ecologist or HBC Arborist. It is noted that the ground level at the hedge base is raised significantly above the level of the foundations of the extension with the retaining stone wall retained in the proposed scheme which should limit any impact on the roots of the hedge, though clearly regular trimming of the hedge would be required. As the hedge is not protected it would be difficult in any case to sustain an objection on the grounds of any potential impact upon it.

4.24 The adjoining neighbours maintain they have a right of access across the application site which the development will obstruct. The HBC Countryside Access Officer has advised no records of any established or permissive public rights of way have been found between this property and no.6 Palace Row. However, should a private right of way exist, which is disputed by the applicant's solicitor, this is a civil matter between the applicant and neighbour. The granting of planning permission would not extinguish any rights which the neighbour might enjoy, the neighbour would be able to challenge any building works which might affect his access through the courts should a lawful right of access exist.

4.25 Overall, whilst it is recognised that there would be some degree of impact on the outlook and light of this neighbour, it is not considered that the development would result in any significant overbearing, overshadowing or loss of privacy. The impact on this neighbour is considered to be acceptable, in accordance with Saved Policies GEP1 and Hsg10.

4.26 A second objection was received from the owner/occupier of no.4 Mill View. The reasons for objecting relating to the impact on no.5 Palace Row. The same issues were raised as per the objection from the adjoining neighbour. Given the location of no.4 Mill View in relation to 6 Palace Row, there is considered to be minimal impact on the amenity of this particular property.

4.27 In relation to the impact on other properties at no's 4, 7 & 8 Palace Row, the proposal is considered to be significantly separated from these neighbours and also screened by boundary treatments. Any impact in terms of any overbearing effect, overshadowing, loss of their privacy or loss of outlook for those properties would be minimal.

4.28 In relation to the impact on properties at no's 4, 5, 6, 7 & 8 South View, it is noted that these properties face south towards no.6 Palace Row. It is noted that no's 5 & 6 are directly opposite the proposed side extension. However given the

separation distances and overall scale of the proposed extensions, it is not considered that there would be any significant detrimental impact on the outlook, light and privacy of any of these neighbouring properties on South View.

4.29 In relation to the impact on no.1 St James Grove, to the rear, this property is noted to be significantly screened from the host dwelling by trees and hedgerows. Given this and the separation distances and change in land level, it is not considered that there would be any significant detrimental impact on the amenity of this neighbour.

4.30 Overall, the impact on neighbour amenity as a whole is considered to be acceptable, in accordance with Saved Policies GEP1 and Hsg10.

ECOLOGY

4.31 Consultation with HBC Ecology raised no objections to the development and stated that the hedgerow between the host property and no'5 Palace Row is exempt from the Hedgerow Regulations 1997. It is therefore considered that given this and the minor loss of soft landscaped area, there would be no significant or detrimental impact on any wildlife or habitats, in accordance with Saved Policy GEP1.

HIGHWAY SAFETY

4.32 The works involve the addition of off-street parking to the side of the property. Consultation with HBC Traffic and Transportation raised no objections to the proposal and stated that the drive must be installed by an approved NRSWA contractor in accordance with the HBC Design Guide and Specification. This matter is within the control of HBC Traffic and Transportation and subject to this, it is considered that the impact on highway safety would be acceptable, in accordance with Saved Policies GEP1 and Hsg10.

LAND STABILITY/STRUCTURAL SAFETY

4.33 The proposal would involve works to the retaining wall within the rear garden and relocation of the steps. Consultation with HBC Engineering (Structural) raised no objections to the development and stated no further details were required. It is therefore considered that the works would be acceptable in relation to structural safety and land stability, in accordance with Saved Policies GEP1 and Hsg10.

DRAINAGE/FLOOD RISK/WATER SUPPLY

4.34 No objections were received from Northumbrian Water or Hartlepool Water. Given that the site is not within any EA flood zones with no critical drainage problems or water supply issues identified by relevant water and sewerage undertakers, it is considered that the proposal would have no unacceptable impact on flood risk, drainage or water supply infrastructure, in accordance with Saved Policies GEP1 and Hsg10.

RESIDUAL MATTERS

4.35 An objection has been raised that the development would affect the availability of affordable housing. It is not considered that extensions to a single property would significantly affect the supply of affordable housing and that such a reason for refusal could be sustained.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.37 There are no Section 17 implications.

REASON FOR DECISION

4.38 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and the plan (Site Location Plan) received by the Local Planning Authority on 01/07/16, and the plan (Proposed GA Plans Dwg No. 1891/2 Rev A) received by the Local Planning Authority on 05/09/16.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no window(s) shall be inserted in the east elevation of the extension facing no.5 Palace Row without the prior written consent of the Local Planning Authority.
To prevent overlooking.
5. Notwithstanding the submitted details and prior to the commencement of development, a scheme of landscaping to include tree planting to the west of the property shall be submitted to and agreed with the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.

BACKGROUND PAPERS

4.39 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

4.40 Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400

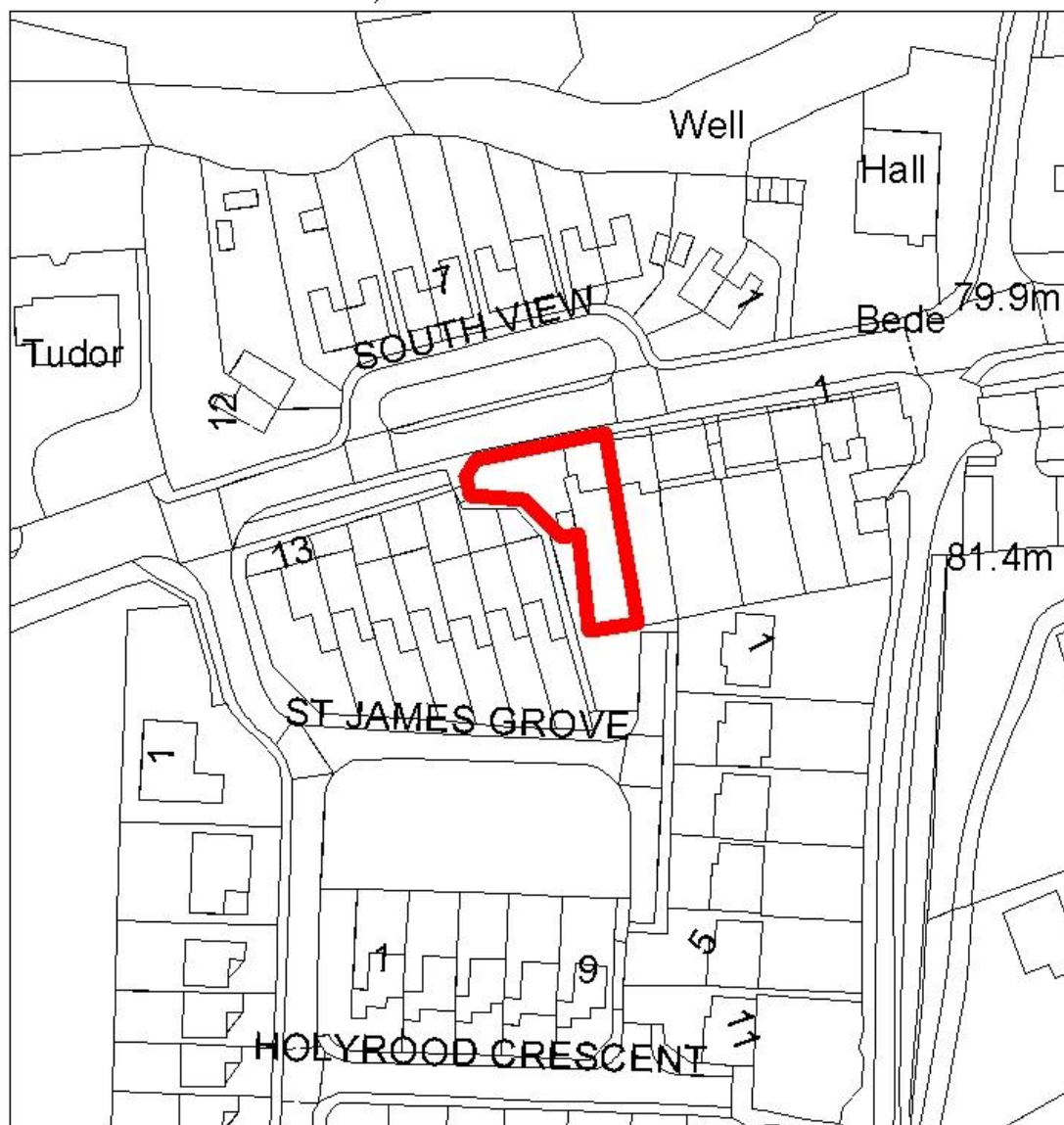
E-mail: denise.ogden@hartlepool.gov.uk

AUTHOR

4.41 Leigh Taylor
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523537

E-mail: leigh.taylor@hartlepool.gov.uk

6 PALACE ROW, HART

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/09/2016
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0289	REV

No: 5
Number: H/2016/0364
Applicant: MR T EATON TAMEBRIDGE STOKESLEY NORTH
 YORKSHIRE TS9 5LQ
Agent: AJ RILEY ARCHITECTS MR A RILEY 24 BEDFORD
 ROAD NUNTHORPE MIDDLESBROUGH TS7 0BZ
Date valid: 02/09/2016
Development: Subdivision of Plot 1 and the erection of two detached
 dwellings with attached garages, means of access,
 boundary enclosures and landscaping
Location: Plot 1 Manorside Phase 1 Wynyard BILLINGHAM

PURPOSE OF REPORT

5.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

RELEVANT PLANNING HISTORY

5.2 H/2014/0581 Outline application for the erection of 15 residential dwellings with some matters reserved – Approved 11 January 2016.

5.3 H/2015/0270 Outline applications for the erection of 12 dwellings with some matters reserved - Approved 12 April 2016.

5.4 There has been 17 reserved matters applications for 'self build' development approved with a further 2 application still under consideration.

5.5 The application is reported to Committee for consideration given the number of objections received.

SITE CONTEXT AND PROPOSAL

5.6 The application site lies within an area of land known as Manorside and is situated to the north of the A689 and to the west of the A19 and Wynyard Park. Manorside is accessed from the A689 via the existing road network which serves the residential development being undertaken by Taylor Wimpey to the north of the site, known as The Pentagon. To the east of the site there are a number of residential self build sites currently under consideration.

5.7 This area of Manorside was granted outline planning permission for 15 individual self build plots. It was known as Manorside Phase 1 and was part of a 2 phased development, with the second phase granted outline planning permission for 12 individual self build plots.

5.8 The current application seeks full planning permission for the subdivision of plot 1 to create two plots and the erection of two detached dwellings.

5.9 Plot 1 is currently some 0.54 acres (2200 sqm in area) this is the largest plot within phase 1 and 2 of the Manorside development. The sub division of the plot will create two plots of 0.27 acres (1100 sqm).

5.10 The proposed dwelling for plot 1 is a 5 bedroom detached property with an integral double garage and a recessed balcony, there will be provision for off street parking within the site. The property will have a footprint of some 247 sqm.

5.11 The proposed dwelling for plot 1A is a 5 bedroom detached property with an attached garage, there is also provision for off street parking within the site. The property will have a footprint of some 258 sqm.

5.12 The proposal provides landscaping within both plots.

PUBLICITY

5.13 The application has been advertised by way of site notice and neighbour letters (4). To date, there have been 4 letters of objection raising the following concerns:

- Outline was only for 27 properties not 28
- Entrance to plot 1 too close to roundabout
- Additional property at entrance will destroy aesthetic appeal and increase density
- Headlights will shine into my property
- When buying plot was assured non would be split
- Access over footpath is a safety issue
- Increase in vehicles, traffic and noise
- Not in keeping with rest of development
- No pedestrian access provided

Copy Letters E

5.14 The period for publicity has expired.

CONSULTATIONS

5.15 The following consultation responses have been received:

HBC Traffic & Transport: There are no highway or traffic concerns

HBC Public Protection: No objection

HBC Countryside Access Officer: There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or being affect by the proposed development of this site.

HBC Landscape: No objection subject to the landscape detail being carried out in accordance with the plan submitted.

Stockton Borough Council: The Highways, Transport and Environment Department have raised no objections to the application stating the proposed sub division of plot 1 and the erection of two detached dwellings with attached garages, means of access, boundary enclosures and landscaping, which forms part of the wider Wynyard Park proposals, would have a negligible impact on the highways network and as such there are no highways objections. Furthermore, there are no landscape and visual objections to the proposal.

Northumbrian Water Limited: Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

Discharge into ground (infiltration)

Discharge to a surface water body

Discharge to a surface water sewer, highway drain, or another drainage system

As a last resort, discharge to a combined sewer

PLANNING POLICY

5.16 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

NATIONAL PLANNING POLICY FRAMEWORK

5.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

5.18 The following paragraphs in the NPPF are of particular relevance to this application:

Paragraph 014 : Presumption in favour of sustainable development

Paragraph 017 : Role of planning system
Paragraph 056 : Design of built environment
Paragraph 057 : High quality and inclusive design
Paragraph 061 : Architecture of individual buildings
Paragraph 196 : Planning system is plan led
Paragraph 197 : Presumption in favour of sustainable development
Paragraph 203 : Can unacceptable development be made acceptable
Paragraph 204 : Planning obligations to meet tests
Paragraph 205 : Revision of obligations
Paragraph 206 : Planning conditions

LOCAL PLAN (2006)

5.19 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications. The following policies are relevant to this application:

GEP1: General Environmental Principles
GEP12: Trees, Hedgerows and Development
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
GEP9: Developers' Contributions
Hsg9: New Residential Layout - Design and Other Requirements

PLANNING CONSIDERATIONS

5.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact upon the character and appearance of the surrounding area, the effect of the proposal on the amenity of neighbouring properties, highway safety, flooding and drainage and landscaping.

PRINCIPLE OF DEVELOPMENT

5.21 The principle of residential development in this location has been established by the granting of the outline planning permission H/2014/0581 (Phase 1) for 15 residential plots.

5.22 The previous permissions for residential development were considered sustainable development in this location subject to the provision of planning obligations. The contributions were assessed and calculated on the quantum of development which was approved (27 plots in total). The additional dwelling increases the planning obligations required and a pro rata contribution has been agreed.

5.23 Policy GEP9 of the Hartlepool Local Plan 2006 states that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission.

5.24 Taking the specific circumstance of the development into consideration the following developer contributions have been requested:

- £9,641.01 towards affordable housing
- £1,822.28 towards secondary education
- £2,888.55 towards primary education
- £250 towards green infrastructure
- £250 towards play
- £250 towards built sports
- £233.29 towards playing pitches
- £57.02 towards tennis courts
- £4.97 towards bowling greens.

5.25 Discussions have taken place with the Agent and Wynyard Park with regard to the level of contributions that are required due to the additional dwelling. Wynyard Park have agreed to take responsibility for the contributions required, this can be done by a variation to the original legal agreement covering the site completed in connection with outline planning permission (H/2014/0581) or a new agreement relating to the site.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

5.26 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.27 The Hartlepool Local Plan 2006 advises that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

5.28 It is considered that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the site accords with the guidance set out in the Hartlepool Local Plan 2006. It is considered that the provision of an additional dwelling within the development would not have a significant detrimental impact on the character and appearance of the area.

EFFECT OF THE PROPOSALS ON THE AMENITY OF NEIGHBOURING PROPERTIES

5.29 There are currently no immediate properties to the application site, however some of the self-build plots have started ground works. The closest plot to the application site is plot 2 which submitted a reserved matters application for a large

detached dwelling, this was approved in July 2016. It is considered that the proposed dwellings would meet the minimum separation distances as set out in Supplementary Note 4 of the Hartlepool Local Plan in respect to this property and that the relationships with adjacent sites are acceptable; it is therefore considered the development would be acceptable.

5.30 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

5.31 The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 and Hsg9 of the adopted Hartlepool Local Plan and the NPPF.

HIGHWAY SAFETY

5.32 The Council's Traffic and Transportation Team have been consulted on the application and raised no objection to the proposal. It is therefore considered that the proposal is acceptable in highway safety terms.

FLOODING AND DRAINAGE

5.33 The latest flood map from the Environment Agencies website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

5.34 The Council's Principal Engineer raises no objection subject to surface water drainage details being submitted and agreed, this can be achieved by condition.

LANDSCAPING

5.35 An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted in support of the application. These documents provide details of how the existing trees at the development site will be affected by the proposal and how the remaining trees will be protected during development works. A general indication of the landscaping of the development have been provided, the Council's Arborist has assessed the details and raises no objection. The details can be controlled by condition.

CONCLUSION

5.36 It is considered that the proposal is acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.37 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.38 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

5.39 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – MINDED TO APPROVE subject to the variation of the original legal agreement completed in connection with application H/2014/0581 , or the completion of a new legal agreement to secure additional developer contributions of £9,641.01 towards affordable housing; £1,822.28 towards secondary education; £2,888.55 towards primary education; £250 towards green infrastructure; £250 towards play; £250 towards built sports; £233.29 towards playing pitches; £57.02 towards tennis courts and £4.97 towards bowling greens and subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans AJR16:121 Dwg No: 05 (proposed site location plan), AJR16:141 Dwg No: 04 (proposed site layout plan) received by the Local Planning Authority on 2 September 2016 and AJR16:141 Dwg No: 06 (plot 1 proposed elevations 1 of 2), AJR16:141 Dwg No: 07 (plot 1 proposed elevations 2 of 2) received by the Local Planning Authority on 2 November 2016 and AJR16:141 Dwg No: 01 (plot 1A proposed floor plans), AJR16:141 Dwg No: 02 (plot 1A proposed elevations 2 of 2) received by the Local Planning Authority on 22 August 2016 and AJR16:141 Dwg No: 03 Rev A (plot 1A proposed elevations 1 of 2), AJR16:121 Dwg No: 06 (site location plan), AJR16:141 Dwg No: 05 Rev A (plot 1 proposed floor plans) received by the Local Planning Authority on 31 October 2016. For the avoidance of doubt.
4. The landscaping shall be carried out in accordance with the details submitted on drawing AJR16:141/04 (proposed site layout plan) received at the Local Planning Authority 2 September 2016. In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 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 the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.

6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
7. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; drainage calculations for the surface water tank, detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

8. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. The development hereby approved shall be carried out in accordance with the following: 1. 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: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. 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'. 2. 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 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. 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development 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 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. 4. 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 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. 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 Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other

- garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the side elevations of the properties without the prior written consent of the Local Planning Authority. To prevent overlooking.
 11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no sheds or incidental buildings shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 13. The proposed window(s) of plot 1 at first floor in the west elevation facing plot 1A serving the en-suites for bedrooms 3 and 4 shall be glazed with obscure glass and the windows at ground floor facing plot 1A serving the living room shall be fixed and obscurely glazed. The proposed window(s) of plot 1A at first floor in the east elevation facing plot 1 serving the master en-suite shall be obscurely glazed. The obscure glazing shall be to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to the window would not satisfy the requirements of this condition. To prevent overlooking.
 14. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A). C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the

programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. To ensure proper recording of a heritage asset through a programme of archaeological works.

15. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).
16. No development shall commence until the boundaries of the individual plots have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme identifying and demarcating the plots shall thereafter be maintained as approved during the construction phase unless some variation is otherwise agreed in writing by the Local Planning Authority. In the interest of the proper planning of the area to ensure plots can be clearly identified.
17. Prior to the commencement of development of each individual plot hereby approved, a scheme highlighting how site CO2 emissions will be reduced by 10% over the maximum CO2 emission rate allowed by the Building regulations Part L prevailing at the time of development, will be submitted to and approved in writing by the LPA on a plot by plot basis. The development hereby approved shall be constructed in line with the approved scheme in the interests of sustainable construction. In the interests of sustainable construction.

BACKGROUND PAPERS

5.40 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

- 5.41 Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

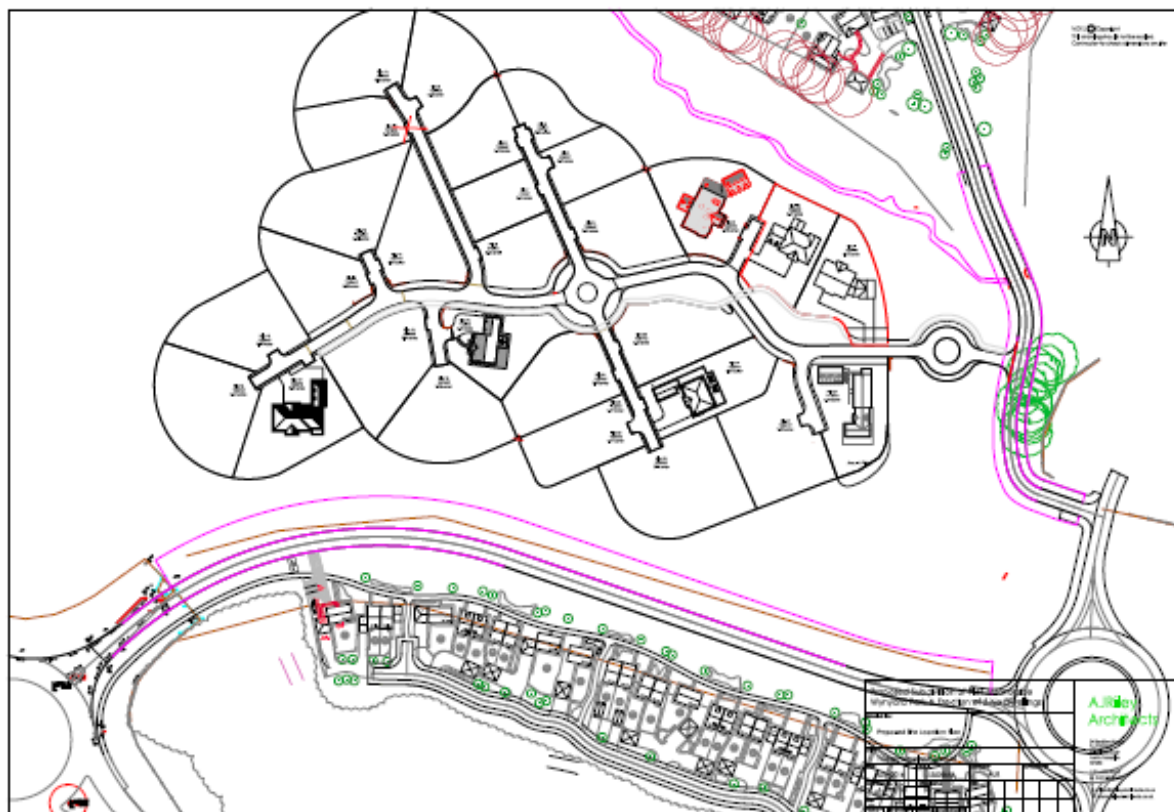
Tel: (01429) 523400
E-mail: denise.ogden@hartlepool.gov.uk

AUTHOR

5.42 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523284
E-mail: jane.tindall@hartlepool.gov.uk

PLOT 1 MANORSIDE



POLICY NOTE

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

ADOPTED HARTLEPOOL LOCAL PLAN 2006

Com12 (Food and Drink) - States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

GEP1 (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2 (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3 (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP9 (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GEP12 (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

GN5 (Tree Planting) - Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

Hsg9 (New Residential Layout – Design and Other Requirements) - Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Hsg10 (Residential Extensions) - Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Rec2 (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rec4 (Protection of Outdoor Playing Space) - Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec13 (Late Night Uses) - States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Rur1 (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur12 (New Housing in the Countryside) - States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur18 (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

WL7 (Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland) - States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

MINERALS & WASTE DPD 2011

Policy MWP1: Waste Audits : A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework for producing distinctive local and neighbourhood plans.

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

13. The National Planning Policy Framework is a material consideration in determining applications.

14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

17: within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer

land of lesser environmental value, where consistent with other policies in the framework;

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

34. Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

35. Developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

36. All developments which generate significant amounts of movement should be required to provide a Travel Plan.

37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57: It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the

integration of new development into the natural, built and historic environment.

64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

66: Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

96: In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever

appropriate, be sufficiently flexible to prevent planned development being stalled.

206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

PLANNING COMMITTEE

16 November 2016



Report of: Director of Regeneration & Neighbourhoods

Subject: APPEAL AT HORSESHOE HILL. QUARRY LANE, BRIERTON LANE, HARTLEPOOL, TS22 5PP FOR CHANGE OF USE FROM EXISTING PRIVATE STABLES TO LIVERY STABLES WITH THE ERECTION OF A NEW OFFICE BLOCK APPEAL REF: APP/H0724/W/16/3154082

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The application (H/2015/0536) was refused under delegated powers through the Chair of the Planning Committee on the following grounds;
 1. In the opinion of the Local Planning Authority the proposed building which incorporates a residential element would not be commensurate to the scale of the livery business with no justification submitted to support the business case for a building. As such the proposal is considered to be contrary to policies Gep1 and Rur7 of the Hartlepool Local Plan. Furthermore as the proposed building includes a residential element which is considered to be unjustified the proposal is contrary to paragraph 55 of the NPPF and New Dwellings outside of Development Limits SPD (March 2015).
 2. In the opinion of the Local Planning Authority the proposed building would be out of character with the rural setting outside the defined limits to development and would, by virtue of its size and design, be out of keeping with surrounding small scale rural buildings resulting in an inappropriate development in the open countryside thus eroding the rural character contrary to policies Gep1 and Rur7 of the Hartlepool Local Plan (2006) and paragraphs 28 and 56 of the NPPF.
 3. The applicant has failed to demonstrate that adequate visibility splays at the access onto Brierton Lane can be provided and maintained for the

life of the development. Therefore it is the opinion of the Local Planning Authority that the development is detrimental to highway safety contrary to paragraph 32 of the NPPF and policy Gep1 of the Hartlepool Local Plan (2006).

- 1.3 The appeal was dismissed. The inspector concluded that the building would not be harmful to the character of the countryside however it has not been demonstrated that the building would relate to a viable rural business or that the building would be commensurate to the operational requirements of a proposed business. Furthermore the inspector concluded that it was not demonstrated that the development would have an acceptable effect on highway safety in respect of visibility at the site access. A **copy** of the decision is attached.

2. RECOMMENDATIONS

- 2.1 That members note the outcome of the appeal.

3. CONTACT OFFICER

- 3.1 Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: denise.ogden@hartlepool.gov.uk

AUTHOR

- 3.2 Helen Heward
Planning Services
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523433
Email helen.heward@hartlepool.gov.uk



Appeal Decision

Site visit made on 4 October 2016

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/H0724/W/16/3154082

Horseshoe Hill, Quarry Lane, Brierton Lane, Hartlepool, TS22 5PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Robinson against the decision of Hartlepool Borough Council.
 - The application Ref H/2015/0536, dated 9 December 2015, was refused by notice dated 17 March 2016.
 - The development proposed is described as change of use from existing private stables to livery stables with the erection of a new office block.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal proposal is for the provision of an office building which the application form shows to be for Use Class B1 and the change of use of the existing established private stables to commercial livery stables. The submitted plans include the provision of a security/sleeping office within the proposed building. Whilst the appellant has stated that there is no residential element to the proposal, it is clear from the appeal documents that a 24 hour security presence would be maintained at the site on a commercial basis, rather than on a residential basis. I am clear therefore that the appeal proposal is not for a new dwelling in the countryside and I have dealt with the appeal accordingly. I have taken the site address from the appeal form as it is more accurate than that set out in the application form.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposed development on highway safety with particular reference to visibility splays onto Brierton Lane; and
 - Whether the proposed development accords with national and local planning policy regarding development in the countryside.

Reasons

Highway safety

4. The proposed development would use an existing access track from Brierton Lane, which would be upgraded as part of the proposed development. The
-

Appeal Decision APP/H0724/W/16/3154082

submitted plans indicate that visibility splays of 2.4 metres by 40 metres would be provided. I saw at my site visit that Brierton Lane is a rural road with a narrow carriageway width and no footway provision. The Highways Authority has set out that 2.4 X 70 metre sight lines are required for the development. These cannot be achieved due to a bend in the road to the north east of the appeal site. This restricts visibility to about 40 metres and I saw at my site visit that existing vegetation affects visibility to the south west, but that it appears that the required sight line could be met in that direction within the highway verge.

5. Few details are provided with the appeal regarding the use of Brierton Lane by traffic such as traffic speeds or in respect of the volume and type of traffic or the traffic which would be generated by the proposed development. However, given that the site would change to commercial livery use and could employ up to 3 people, I consider that an increase in the use of the access would inevitably occur. Vehicle parking would be provided close to the proposed building and it would be possible for vehicles to turn to enable them to exit the site in forward gear. However, the visibility distance to the north east for vehicles exiting the site would be significantly below the required level and the effects on highway safety would be exacerbated by the relatively narrow carriageway width within which vehicles would turn. On the balance of the evidence provided, I consider that it has not been demonstrated that safe access can be provided for the proposed development or if the road conditions are such that the proposed visibility splay of 40 metres to the north east would be acceptable in the interests of highway safety.
6. To conclude on this matter, it has not been demonstrated that the proposed development would have an acceptable effect on highway safety in respect of visibility at the site access. The appeal proposal is contrary to saved Policy GEP1 of the Hartlepool Local Plan 2006 which is concerned with general environmental principles and includes that in determining planning applications regard should be had to highway safety. The proposal is also contrary to the National Planning Policy Framework (the Framework) which in paragraph 32 includes that account should be taken of whether safe and suitable access to the site can be achieved for all people.

Development in the countryside

7. The appeal site is situated within the countryside. Saved Local Plan Policy Rur1 sets out that the spread of the urban area into the surrounding countryside will be strictly controlled. Saved Local Plan Policy Rur 7 sets factors for the determination of planning applications for development in the countryside, including visual impact on the landscape, compatibility of the design of the development within the landscape and operational requirements and viability of farm enterprises. The proposed office building is intended to be used as part of a new commercial livery stables business. National policy as set out in the Framework in paragraph 28 includes support for the sustainable growth and expansion of all types of businesses and enterprises in rural areas, through well designed buildings, and supports the development of land based businesses.
8. I saw at my site visit that the appeal site is situated within a wider rural landscape which includes a loose cluster of dwellings, commercial and other buildings. The appeal site consists of a number of stable blocks which exhibit some variety in their scale, design and external materials.

Appeal Decision APP/H0724/W/16/3154082

9. Whilst the proposed building would be single storey in scale, it would have a considerably larger footprint than the existing stable blocks, occupying a significant proportion of the width of the site and would consequently be more prominent, particularly as the building would be sited towards the top of a ridge when viewed from Brierton Lane. However, I do not consider that the proposed building would be out of character or scale with the buildings in the surrounding area and consider that as it would be seen against the backdrop of existing buildings and be constructed of materials and be of a design in keeping with those found in the wider area, it would not give rise to significant harm to the character and appearance of the countryside.
10. I have been provided with limited detail of the intended business use, such as the scale of the business, the number of horses which would be accommodated, the range of services and scope of livery offered, or been provided with a business case for the proposed development. I have however considered the appellants comments that the site at present lacks amenities and facilities such as toilets and that the proposed building is considered to be the minimum required for the business and to meet health and safety requirements. I have also considered the comments that a business could not operate without the proposed facilities and that horses need to be looked after. I have taken into account the comments regarding the thefts of horses from the site, but I have not been provided with any details.
11. On the balance of the evidence before me, whilst the Framework provides strong support for the development of rural business and I have found that the proposed building would not be harmful to the character and appearance of the countryside, it has not been demonstrated that the proposed building would relate to a viable rural business, or that the proposed building is of a scale commensurate with the operational requirements of the proposed business. Therefore the proposal does not accord with saved Local Plan Policy Rur7 in these regards.

Other matters

12. I have considered the appellants comments regarding the demand for livery stables in the area and that the development would use sustainable materials. I have also considered that the development could give rise to employment of staff. However these matters do not lead me to a different conclusion.

Conclusion

13. For the reasons set out above and having considered all matters raised I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR

PLANNING COMMITTEE

16 November 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has commenced in response to a complaint regarding the erection of a garage and wall at a residential property in Newark Road.
2. An investigation has commenced in response to a complaint regarding building works at a residential property in Shields Terrace.
3. An investigation has commenced in response to a complaint regarding the temporary siting of portacabins at a public car park in Seaton Carew.
4. An investigation has commenced in response to a complaint regarding the erection of a single storey extension at the rear of a residential property in Kingsley Avenue.
5. An investigation has commenced in response to a complaint regarding a partially collapsed outbuilding and the untidy condition of a rear garden in Zetland Road.
6. An investigation has commenced in response to a complaint regarding the increase in height of a rear boundary wall at Friar Terrace.
7. An investigation has commenced in response to a complaint regarding the erection of a balcony at the rear of a flat above a commercial premises in Lister Street.
8. An investigation has commenced in response to a complaint regarding the erection of a conservatory to the side and construction of raised decking at the rear of a residential property in Tunstall Avenue.

9. An investigation has commenced in response to a complaint regarding the change of use to a house in multiple occupation of a residential property in Onyx Close.
10. An investigation has been completed in response to a complaint regarding the running of a construction business at a residential property in Rossmere Way. It was found that, although a small amount of building materials had been stored at the property recently, this was an isolated occurrence and that this did not lead to a material change of use.
11. An investigation has been completed in response to a complaint regarding non-compliance with conditions relating to the retention of a boundary hedge at a development plot in Burns Close. It was found that a pre-existing gap in the hedge had been exploited to create a temporary access point and therefore that the relevant condition had not been breached. The developer indicated an intention to plant additional hedging to close the gap on completion of the works.
12. An investigation has been completed in response to a complaint regarding the erection of a timber outbuilding in the rear garden of a residential property in Howden Road. It was found that the height of the timber outbuilding marginally exceeded the maximum height allowed under permitted development. However, as the excess height is minor, it is considered to have no material effect and therefore no further action is necessary.
13. An investigation has been completed in response to a complaint regarding the raising of ground levels and the erection of a fence at a residential property in Swanage Grove. It was found that the raising of ground levels was not sufficiently significant to justify further action, and that the fence benefitted from permitted development rights.
14. An investigation has been completed in response to a complaint regarding the erection of a timber fence at the front of a residential property in Sedgewick Close. It was found that there is no 'open plan' condition linked to the property and that the fence is approximately 1m in height. Therefore permitted development rights apply in this case.
15. An investigation has been completed in response to a complaint regarding the erection of a shed and decking in the rear garden of a residential property in Howard Street. A valid application seeking approval for the development has subsequently been received.
16. An investigation has been completed in response to a complaint regarding the erection of a high rear boundary fence at a residential property in Torquay Avenue. As a result of helpful co-operation from the property owner the height of the fence has been reduced. Although the height of the fence still exceeds the maximum height allowed under permitted development, the excess height is minor and is considered to have no material effect. No further action is necessary.

17. An investigation has been completed in response to a complaint regarding the incorporation of agricultural land into residential curtilage at the rear of a residential property in Hardwick Court. A valid application seeking to regularise the incorporation of land has subsequently been received.
18. An investigation has been completed in response to a complaint regarding the insecure and untidy condition of a former care home in Cleveland Road. The property has subsequently been secured by the use of steel shuttering to ground floor windows and all refuse has been cleared from the grounds.
19. An investigation has been completed in response to a complaint regarding the use of a car wash as living accommodation at a premises in Usworth Road. Upon visiting the premises it was found that no part of it was being used as living accommodation and therefore that there had not been a material change of use.

2. RECOMMENDATION

- 2.1 That members note this report.

3. CONTACT OFFICER

- 3.1 Denise Ogden
Director of Regeneration and Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523300
E-mail denise.ogden@hartlepool.gov.uk

AUTHOR

- 3.2 Tony Dixon
Enforcement Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523277
E-mail: tony.dixon@hartlepool.gov.uk