

PLANNING COMMITTEE

AGENDA



Wednesday 19 December 2018

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Brown, Buchan, Cook, Fleming, James, Loynes, Morris and Young

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 28 November 2018 *(to follow)*

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*

1. H/2018/0192 White Cottage, Front Street, Hart (page 1)
2. H/2014/0428 Land South of Elwick Road, High Tunstall (page 17)
3. H/2018/0387 Land at 203-209 York Road (page 89)
4. H/2018/0415 30 North Lane, Elwick (page 99)
5. H/2018/0370 Greatham Sports Field, Station Road, Greatham (page 107)
6. H/2018/0265 Lidl Store, Jesmond Gardens (page 117)
7. H/2018/0246 Close Farm Cottage, Hartlepool Road, Wynyard (page 135)
8. H/2018/0377 22 High Street, Greatham (page 157)



5. ITEMS FOR INFORMATION

- 5.1 Annexe at Sunrise Cottage, Benknowle Lane, Elwick - *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Update on Current Complaints - *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

8. ITEMS REQUIRING DECISION

- 8.1 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*

9. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

10. FOR INFORMATION

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 16 January 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

28th November 2018

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Allan Barclay, Sandra Belcher, Paddy Brown, Tim Fleming, Marjorie James, Brenda Loynes and Mike Young

In accordance with Council Procedure Rule 4.2 Councillor James Brewer was in attendance as substitute for Councillor Bob Buchan

Officers: Jim Ferguson, Planning and Development Manager
Dan James, Planning Team Leader (DC)
Jane Tindall, Senior Planning Officer
Andy Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

75. Apologies for Absence

Apologies were submitted by Councillors Bob Buchan and George Morris.

76. Declarations of interest by members

Councillor Allan Barclay declared as prejudicial interest in planning application H/2018/0400 (Redheugh Gardens) due to predetermination and indicated he wished to speak on this matter as Armed Forces Champion.

Councillor Mike Young declared a personal interest in planning application H/2018/0358 (Village Green, Dalton Piercy) due to his status as Ward Councillor.

Councillor Brenda Loynes declared a personal interest in planning application H/2018/0358 (Village Green, Dalton Piercy) due to her status as Ward Councillor.

77. Confirmation of the minutes of the meeting held on 31st October 2018

Minutes approved.

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

Number: H/2018/0183

Applicant: THIRTEEN HOUSING MR WESLEY MCGEENEY
HUDSON QUAY WINDWARD WAY MIDDLESBROUGH

Agent: MR WESLEY MCGEENEY THIRTEEN HOUSING 2
HUDSON QUAY WINDWARD WAY MIDDLESBROUGH

Date received: 30/07/2018

Development: Installation of air source heat pumps

Location: 1-84 OVAL GRANGE HARTLEPOOL

Decision: **Deferred**

Number: H/2018/0358

Applicant: DALTON PIERCY PARISH COUNCIL DALTON
PIERCY HARTLEPOOL

Agent: DALTON PIERCY PARISH COUNCIL MRS J
WHITE 6 COLLEGE CLOSE DALTON PIERCY
HARTLEPOOL

Date received: 17/09/2018

Development: Installation of permeable paving to Dalton Piercy
Green at five locations

Location: VILLAGE GREEN DALTON PIERCY HARTLEPOOL

This was a retrospective application.

Members requested clarification on the status of the land under development. The Locum Solicitor confirmed that the application included land that was classified as Village Green. However members needed to consider the application based on planning merits rather than the legality of the development. Should the application be approved it was for the Parish Council to find a way round the illegality issues. The Planning and Development Manager confirmed that the land was still classed as green open space and it was considered the proposal was in line with current Local Plan policy.

The Clerk to the Parish Council was in attendance with a Parish Councillor. She asked that members support the application which was designed to provide a pathway for pedestrians and vehicles across the grassed area. It had helped to provide safety and stability for the elderly and disabled and was supported by the residents group. Since installation the grass had grown around it meaning it was impossible to see where the permeable paving had been laid. It was not intended to be used for permanent parking and signage forbidding parking had been installed. A member queried whether this could be conditioned but the Clerk indicated that this was already part of Village Green policy. The Planning and Development Manager commented that the Parish Council already had the power to enforce against parking on the Village Green and raised concerns around the practicalities of the Council enforcing such a condition. A member commented that the inclusion of such a condition was something for members to decide.

A member referred to the map which appeared to show that access to the rear could be achieved for some of the properties. The Planning and Development Manager advised that there appeared to be intervening land (garden) between the gardens and the access to the rear, a councillor confirmed this was the case, however the member felt she had insufficient information to make a decision and requested a site visit. A vote was taken and a site visit refused. Councillor Marjorie James expressed her disappointment in that decision.

Members expressed their support for the application however concerns were raised about the way the matter had been handled and suggestions made that the Secretary of State be informed. Members approved the application by a majority. **Councillor Marjorie James voted against the application due to having been denied her right to a site visit.**

Decision:	Planning Permission Approved
Number:	H/2018/0192
Applicant:	MS L RADFORD
Agent:	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
Date received:	07/08/2018
Development:	Outline planning application for the erection of 1 no. detached dwelling with all matters reserved (demolition of existing garage).
Location:	WHITE COTTAGE FRONT STREET HART

HARTLEPOOL

A nearby resident spoke against the proposal due to the impact it would have on their land and property. This included problems with access and drainage. They also highlighted that some of the works would impinge on their land and on land owned by other residents, none of whom had been given sufficient information. They also felt that a 2-storey building as proposed would not be in keeping with the Village and queried why a historic wall at the North of the property would be retained but a wall at the South would not.

Members suggested that queries be made to determine civil issues of ownership and queried whether the comments regarding the historic wall were accurate. The Locum Solicitor advised that implementation of planning approvals on land the applicant did not own were a matter of civil law and not for the Planning Committee to determine while the Planning Team Leader confirmed that the South wall had not been identified as being of historical interest by Tees Archaeology and was not listed locally.

Members requested a site visit in order to view the layout of the site. A vote was taken and a site visit was approved. Members suggested that officers and interested parties take the opportunity to clarify some of the issues raised prior to future consideration of the application.

Decision: **Deferred for a site visit**

Number: H/2018/0330

Applicant: HARTGEN LTD 17 SLINGSBY PLACE LONDON

Agent: FORSA ENERGY MS JILLIAN ADAMS
CLYDEVUE, SUITE F3 RIVERSIDE BUSINESS
PARK 22 POTTERY STREET GREENOCK

Date received: 28/08/2018

Development: Section 73 application for the variation of condition No. 2 of planning application H/2017/0287 (for a gas powered electricity generator and related infrastructure) to amend the approved layout including amendment to size and position of main building, amendment to position of dump radiators, reorientation of transformer, relocation of oil bulk tanks, shortening of access road, omission of 2no. parking bays and additional access detail

Location: LAND TO THE EAST OF WORSET LANE
HARTLEPOOL

Members sought confirmation that these amendments to the existing approval were acceptable giving the constantly changing laws around carbon fuels. The Senior Planning Officer indicated that public protection had raised no objection to the amendments. A Representative for the Applicant confirmed the development would function as a peaking plant meeting high demand periods for the National Grid. It would require a permit from the Environment Agency. She advised that these suggested amendments were mainly in order to avoid a cable running through the site and actually reduced the footprint on the site. Site investigations had been carried out, a gas engine manufacturer had been appointed and the Environment Agency had been approached regarding permits on air emissions and energy efficiency. It was hoped that construction would begin in autumn 2019.

Members approved the amendment by a majority.

Decision: Minor material amendment approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than 20th December 2020.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) HRT-GA-101 Rev TE (General Arrangement of GE Jenbacher 624 Engine Installation), HRT-GA-204 Rev TD (General Arrangement of GE Jenbacher 624 Engine Installation) and Site Location Plan received by the Local Planning Authority on the 28th August 2018 and HRT-GA-202 Rev TB (Isometric Views of GE Jenbacher 624 Engine Installation) and HRT-GA-203 Rev TB (Elevations of GE Jenbacher 624 Engine Installation) received by the Local Planning Authority on the 14th August 2018.
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of surface 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.
4. Notwithstanding the submitted information and prior to the commencement of the development, full scale plans and details of the proposed radiators and additional ancillary buildings and structures shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall take place in accordance with the approved details.
In the interests of visual amenity.

5. Notwithstanding the submitted information, 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 completion of the development. Any trees, plants or shrubs which 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, for the lifetime of the development hereby approved.

In the interests of visual amenity.

7. Notwithstanding the submitted information and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, blocking up of the existing 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 commencement of the use of the development 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.

8. 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. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and the impact on the visual amenity of the area.

9. Notwithstanding the submitted information, 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.

10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGV movements associated with the construction phases, and to effectively control dust emissions from the site remediation, demolition 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 cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

11. 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, 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 neighbouring land users and highway safety.

12. Prior to commencement of the development hereby approved, details of a 4 metre high acoustic fence to be erected around the boundary of the site as indicated on plan HRT-GA-101 Rev TE (date received 28th August 2018), shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to commencement of the use of the development hereby approved and shall remain in place for the lifetime of the development.

In the interests of visual amenity and the amenity of the occupiers of adjacent land.

13. Notwithstanding the requirements of condition 12, details of means of all other boundary enclosure shall be submitted to and approved in writing 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.

14. When the land ceases to be used as a gas powered electricity generator or, at the end of the period of 20 years from the date of grid connection (such date to have been given to the Local Planning Authority in writing within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials, equipment, buildings, acoustic fencing, hardstanding and structures erected, laid or brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommission works taking place. Such details shall

include the time table for decommissioning and restoration.

The application has been assessed in accordance with the details submitted by the applicant therefore at the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

Councillor Allan Barclay departed his place on the Committee.

Number: H/2018/0400

Applicant: Mr A Hanson Civic Centre Victoria Road
HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL STEVE
WILKIE CIVIC CENTRE VICTORIA ROAD
HARTLEPOOL

Date received: 02/10/2018

Development: Installation of 3 no new 2m wide pathways to the
setting of the Grade II Listed Winged Victory war
memorial

Location: REDHEUGH GARDENS RADCLIFFE TERRACE
HARTLEPOOL

A member expressed disappointment in the decision to include 3 pathways rather than a more symmetrical 4.

Councillor Barclay, in his role as Armed Forces Champion, spoke in support of the application which would give the elderly and disabled improved access to the site, particularly at times of national remembrance.

Members approved the application by a majority.

Decision: **Listed Building Consent 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 Site Location Plan number 347/01 L004 Rev A received by the Local Planning Authority on 2nd October 2018 and Proposed and Existing Layout Drawing number 347/01 L003 received by the Local Planning Authority on 25 September 2018.
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.
-

Councillor Allan Barclay retook his place on the Committee

Number: H/2018/0344

Applicant: MRS B COX REGENT STREET HARTLEPOOL

Agent: MRS B COX 5 REGENT STREET HARTLEPOOL

Date received: 11/09/2018

Development: Installation of replacement front door (retrospective application)

Location: 5 REGENT STREET HARTLEPOOL

This was a retrospective application.

The applicant urged members to support the application saying that the new doors were in keeping with the period and looked smart and well cared for. She also highlighted that when they had bought the house 2 years ago they had been informed by the Planning Department that the windows were acceptable but they were not in keeping with the period. Members noted that UPVC windows were acceptable in conservation areas provided the style was correct. The Planning and Development Manager indicated that as this was a listed building the rules were even stricter and UPVC was not acceptable.

Members were supportive of the application as they felt the design was acceptable and it would make the property more energy efficient. They approved the application by a majority on the basis that the design and appearance was acceptable in terms of its impact on the listed building and the conservation area.

Decision: **Planning Permission Approved**

Number: H/2018/0345

Applicant: MRS B COX REGENT STREET HARTLEPOOL

Agent: MRS B COX 5 REGENT STREET HARTLEPOOL

Date received: 11/09/2018

Development: Listed building consent for the installation of replacement front door (retrospective application)

Location: 5 REGENT STREET HARTLEPOOL

This application was approved for the reasons stated in H/2018/0344.

Decision: **Listed Building Consent Approved**

Number: H/2018/0368

Applicant: MR D ATTER REGENT STREET HARTLEPOOL

Agent: MR D ATTER 21 REGENT STREET
HARTLEPOOL

Date received: 18/09/2018

Development: Installation of composite front door and frame and upvc windows to rear of property (retrospective application)

Location: 21 REGENT STREET HARTLEPOOL

The Applicant urged members to support the application for the same reasons they had supported H/2018/0344 commenting that the door retained its period character and the windows had been approved previously by the Planning Department.

Members approved the application by a majority for the same reasons as H/2018/0344.

Decision: **Planning Permission Approved**

Number: H/2018/0369

Applicant: MR D ATTER REGENT STREET HARTLEPOOL

Agent: MR D ATTER 21 REGENT STREET
HARTLEPOOL

Date received: 18/09/2018

Development: Listed building consent for the Installation of composite front door and frame and upvc windows to rear of property (retrospective application)

Location: 21 REGENT STREET HARTLEPOOL

Members approved the application by a majority for the same reasons as H/2018/0368.

Decision: **Listed Building Consent Approved**

79. Unit 30-34 Navigation Point, Middleton Road *(Assistant Director (Economic Growth and Regeneration))*

Members were informed that a planning and enforcement appeal in respect of a retrospective planning application and associated enforcement notice had been dismissed. A copy of the decision letter was appended to the report.

Decision

That the outcome of the appeal be noted.

80. Negotiating Planning Obligations *(Assistant Director (Economic Growth and Regeneration))*

This matter had been brought to Planning Committee on 20th June 2018, at which time it was deferred in order to be considered by Regeneration Services Committee. Members' approval had been sought to allow the Planning and Development Manager the discretion to refer cases where discussions on planning obligations required in connection with development had reached an impasse to the District Valuer for advice.

On 22nd October Regeneration Services Committee had made the following decisions:

- (i) That in cases where an impasse was reached in respect of negotiations on planning obligations the Planning and Development Manager be given the discretion, in consultation with the Chair of Planning Committee, to refer the case to the District Valuer. The payment of this service to be met by the applicant.
- (ii) That the matter be referred to Planning Committee for noting purposes.

Decision

That the report be noted.

81. Update on Current Complaints (*Assistant Director (Economic Growth and Regeneration)*)

Members were informed of 13 complaints currently under investigation and 13 complaints on which investigations had been completed.

Decision

That the report be noted

82. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 83 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Minute 84 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Minute 85 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that

the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

- 83. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Authority was sought from members to issue an enforcement notice. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes.

- 84. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Authority was sought from members to issue an enforcement notice. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes.

- 85. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Authority was sought from members to issue an enforcement notice. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes

The meeting concluded at 11.20am.

CHAIR

No: 1
Number: H/2018/0192
Applicant: MS L RADFORD
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK
ROAD HARTLEPOOL TS26 0QE
Date valid: 07/08/2018
Development: Outline planning application for the erection of 1 no.
detached dwelling with all matters reserved (demolition of
existing garage).
Location: WHITE COTTAGE FRONT STREET HART
HARTLEPOOL

PURPOSE OF REPORT

1.1 An 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 This application was deferred at the meeting of 28th November to allow a site visit to be carried out.

1.3 The following planning applications associated with the site are considered relevant to the current application:

1.4 H/2006/0689 – Demolition of existing cottage and outbuildings and erection of a two bedroom detached bungalow with detached garage with storage above, withdrawn.

1.5 H/2007/0559 – Demolition of existing cottage and outbuildings and erection of a two bedroom detached dormer dwelling with integral garage (amended application), approved 04/03/08.

PROPOSAL

1.6 Outline approval with all matters reserved is sought for the subdivision of the existing plot in order to erect a detached dwelling; this would involve the demolition of the existing detached garage.

1.7 It is proposed to form vehicular access to the site from Hart Pastures to the south of the site.

1.8 Indicative details of a dwelling have been provided, although these are not finalised designs and are not intended to be secured as part of this application.

1.9 The application has been referred to Planning Committee due to the number of objections received in accordance with the Council's scheme of delegation.

SITE CONTEXT

1.10 The application site consists of an existing stone cottage with pantile roof and associated outbuildings to the east of the site. The existing property takes its principal aspect from Front Street, which is on an incline with levels increasing from east to west. There is also a variation in levels across the site itself with a shallower gradient rising from south to north. This is reflected in the indicative details of the property proposed, which is stepped with a lower ground floor to the rear.

1.11 There are existing detached bungalows to the west of the site, on the south side of the street and two-storey terraced dwellings to the north. To the south of the site is a cul-de-sac of two storey dwellings, known as Hart Pastures.

PUBLICITY

1.12 The application has been advertised by way of neighbour letters (11no), site notice and a press notice. To date, five objections have been received from neighbouring land users, Hart Parish Council do not object to the principle of development but have raised concerns in other respects.

1.13 The objections received can be summarised as follows:

- Potential damage to adjoining land,
- Loss of view,
- Loss of light,
- Overlooking due to differences in land levels,
- Concerns regarding adequacy of existing foul drainage,
- Existing street lamp will need to be relocated without loss of lux value,
- Proposed access will exacerbate existing parking issues in Hart Pastures,
- Existing parking issues prevent access for bin collections and emergency vehicles,
- Disruption during construction,
- Existing landscaping will impede visibility at proposed access,
- Proposals would limit the ability for cars to turn within the existing White Cottage site and exit in a forward gear,
- Proposed design is not in keeping with the surrounding area as scale is too large,
- Existing drainage is inadequate.

1.14 The period for publicity has expired.

1.15 Copy Letters **B**

CONSULTATIONS

1.16 The following consultation replies have been received:

HBC Traffic and Transport – I have no highway or traffic concerns with this application. The proposed development will require a drive crossing designed in accordance with the HBC specification and installed by a NRASWA registered contractor. The street light will potentially require relocation this should be done at the expense of the developer.

HBC Public Protection – Not object subject to conditions. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 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.

There should be adequate dust suppression facilities on site.

I would require the provision of a wheel washing facility to the entrance/exit of the site.

There should be no open burning at any time on the site.

The brick and rubble shall be stored within a properly drained impervious storage bay with a storage height restriction.

HBC Countryside Access Officer – There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Engineering Consultancy – Can I please request a surface water condition on this application please.

HBC Heritage & Countryside Manager – The application site is not in a conservation area, nor is the building listed or locally listed. In light of this I would have no objections to the proposals.

HBC Ecologist – I have no survey requirements.

NPPF (2018) paragraph 170 d) includes the bullet point: *Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

Net gain should be appropriate to the scale of the development and should be conditioned. The site is in an area that supports bats and swifts, both of which would benefit from the availability of cavities.

I recommend the following is conditioned:

A single integral bat brick to be built into the east facing side of the new build. This

can be built into the wall and rendered, into the roof as a bespoke tile or into stonework; and
A single integral swift nesting brick to be built into the west facing side of the new build.

HBC Landscape – There are no existing tree issues in connection with this planning application however to preserve the tree integrity of the central part of the village I am requesting that as part of the design, two trees that will not grow too large, are incorporated within the design of the frontage. This could be included as a landscape condition if necessary.

HBC Waste Management – Whilst we have had access issues at Hart Pastures, this has been at the part of the road shown on the map, below. Should the parking restrictions that are in place be adhered to, access would not be an issue.

Having looked at the plans, I do agree that work vans may cause us problems when the bins are being serviced, but as long as the area is kept clear of refuse/recycling collection day (currently weekly on a Friday, but may change in future), we will not have a problem.

I do not believe that the new driveway that would be created would affect us accessing the street.

HBC Property Services – The site itself is privately owned but the Council own some small areas of land to the west of the site. These areas should not be encroached upon during or after the development takes place. A plan showing details of this can be provided if required.

Tees Archaeology – I have no objection to the demolition of the existing garage.

The boundary to the north side of the property has some interesting features. At the eastern end an Iron Age beehive quern (used for milling grain) is built into the wall (HER 680). There is also another fragment within the wall which may be a cross-base. The wall is in keeping with the boundary walls of the neighbouring properties and adds to the character of the village. I would therefore recommend a condition requiring the retention of the existing boundary wall. This is in line with the guidance provided in the NPPF (para. 190).

I recommend the following planning condition to secure the retention and protection of the boundary wall:

The existing stone boundary wall to the north of the site shall be retained. The wall shall be protected from accidental damage during development in accordance with a scheme of protection first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the archaeological interest of this feature is retained and in the interests of the visual amenity of the area.

Updated Comments:

The historic Ordnance Survey maps indicate that the front/north wall is late 19th century in date, which in itself would not normally warrant preservation, however in

this case it is the presence of the Iron Age quern, and to a lesser extent the visual amenity of the wall in the village setting, which give it significance.

The rear/south wall is present on the historic OS maps from the mid 19th century, but the boundary has been altered in the mid-late 20th century, probably when the plot was subdivided for the construction of Southlands. The wall is in any case of little intrinsic historic interest and does not need to be retained.

Northumbrian Water – In making our response to the local planning authority Northumbrian Water will 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 I can confirm that at this stage we would have no comments to make.

PLANNING POLICY

National Planning Policy Framework (NPPF)

1.17 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

1.18 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan

13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
77	Rural Housing
124	Well-designed places
130	Refusal of poor design
150	Planning for climate change

Hartlepool Local Plan 2018

1.19 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC1	Minimising and adapting to climate change
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
QP7	Energy Efficiency
HSG1	New Housing Provision
RUR1	Development in the Rural Area

HBC Planning Policy Comments

1.20 Planning Policy has no objections to the proposed development. It is considered that the proposal is in accordance with the relevant Local Plan policies, particularly RUR1 which specifies that development in rural areas must be in keeping with other buildings nearby, located in or near to the village and enhance the quality, character and distinctiveness of the village and immediate area. We would require the development to be as energy efficient as possible, as per policies CC1 and QP7. Consideration must be made to the emerging Rural Neighbourhood Plan, particularly GEN1 and GEN2. GEN2 requires developments to demonstrate where the design of new development scores against the Rural Plan Working Group's Checklist, found in appendix 4 of the document. Although the plan hasn't been fully adopted, we request consideration be paid to this checklist. A copy of the draft Rural Plan can be found online. It is trusted that the case officer is satisfied with the design of the dwelling.

PLANNING CONSIDERATIONS

1.21 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring land users, the impact on highway safety and parking, archaeology, drainage, landscaping and ecology

PRINCIPLE OF DEVELOPMENT

1.22 The application site is within the development limits to Hart Village, as identified in the Hartlepool Local Plan 2018. As such, a new dwelling in this location is acceptable in principle in terms of policy RUR1, subject to other relevant material planning considerations being found to be acceptable.

1.23 Other policy requirements relate to the need for new developments to be energy efficient and their design to be assessed in line with the requirements of the Rural Neighbourhood Plan. As this application is in outline with all matters reserved, final details of design are not to be secured as part of this application. The agent has been made aware that these points would need to be satisfactorily addressed as part of a reserved matters application, should outline approval be granted, however there is nothing to suggest a suitable scheme could not be achieved in these regards and therefore refusal would not be warranted on this basis.

CHARACTER AND APPEARANCE OF AREA

1.24 The application site is part of the side garden of an existing dwelling; the plot is relatively wide with ancillary outbuildings located to the east of the dwelling. Based on the size of the site it is reasonable to conclude that a modest dwelling, similar to the existing property at the site, could be accommodated within the site without appearing unduly cramped and still allowing for amenity space for the occupants of both the existing and proposed dwelling.

1.25 The submitted plans show an indicative dwelling design, although some features of that proposal, such as the use of materials, are considered to be in keeping with the character of the area, the height of that property is larger than those around it and the applicant has been made aware that this is cause for concern both for officers and in terms of the neighbour comments received. Notwithstanding that, the specific details of scale and appearance are reserved matters and would therefore be considered at reserved matters stage if outline approval were granted.

1.26 Notwithstanding the concerns in relation to building height, the indicative details nevertheless demonstrate that a dwelling could be accommodated on the site. In principle therefore, the proposals would be acceptable, subject to a revised design being agreed at reserved matters stage.

AMENITY OF NEIGHBOURING LAND USERS

1.27 The northern and southern boundaries of the site are in excess of the usual minimum separation distances that would be required between principal habitable rooms, as such it can be concluded that a dwelling could be accommodated within the application site that would not significantly negatively affect the amenity of neighbouring occupiers to the north and south in terms of privacy, loss of light or an overbearing appearance.

1.28 The neighbouring occupier to the east of the site has raised concerns about the potential for a loss of privacy due to the difference in levels between the application site and their garden, requesting a suitable boundary treatment to overcome this. It is

noted that there is variation in levels in the area; however this application does not seek to secure specific details such as the design of boundary treatments at this stage. Notwithstanding this, the applicant has been made aware of the need to consider this at reserved matters stage, should outline approval be granted.

1.29 The donor property to the west of the application site includes a glazed door to the side elevation, fronting the proposed site. This is a secondary access and is not therefore considered to serve a primary habitable room. It is likely that this door would suffer a loss of light as a result of a new dwelling being erected alongside it, however given the nature of the opening it is not considered this impact would be so significant to warrant refusal of the application. Furthermore no objections have been received from HBC Public Protection subject to a number of conditions which are secured accordingly. Overall it is anticipated that a single dwelling could come forward on the site that would achieve satisfactory amenity and privacy levels for both existing and future occupiers of neighbouring properties and the proposed dwelling. Notwithstanding this, the applicant will have to demonstrate at reserved matters stage that such anticipated satisfactory relationships can be achieved.

HIGHWAY SAFETY & PARKING

1.30 A number of objectors have raised concerns about existing parking pressures within Hart Pastures to the south of the application site and the impact the proposed new access would have in terms of preventing parking in that location as well as the potential for the new dwelling to result in additional cars being parked within the street. The submitted plans indicated there is space available to park two cars in association with the proposed dwelling. Although not indicated on the submitted plans, it is considered there is sufficient space within the remaining curtilage of the donor property to allow for parking. The Council's Traffic and Transport team have raised no objections to the proposals on the basis of parking arrangements.

1.31 HBC Traffic and Transport have also confirmed that the proposed access is considered suitable to serve the site without detriment to highway safety. It is noted by HBC Traffic and Transport, as raised by one of the objections received, that an existing light column may need to be relocated to enable the development. Permission for this will fall under another regulatory regime and given there are no objections in relation to the principle of the light column being moved this is not considered to undermine the planning merits of the proposal and would not therefore warrant refusal of the application.

1.32 Concerns have been raised in relation to parking within Hart Pastures causing obstruction for large vehicles, namely bin wagons, following problems gaining access in the past. The Council's Waste Management team has confirmed that parking at the entrance to Hart Pastures, to the west of the proposed new access, has caused difficulties for bin wagons gaining access to make collections in the past. This issue has resulted in residents being warned about parking in that area and eventually the introduction of parking restrictions (double yellow lines) at the entrance to the street.

1.33 The Council's Waste Management team have further confirmed that the location of the proposed access is not considered to worsen existing access arrangements for bin wagons and they do not object on this basis. It is noted that

there may be disruption and parking pressures from large vehicles during construction, however it would be for the developers to ensure good site management and to ensure the highway is not blocked on collection day. Any matters of unlawful parking (e.g. blocking access to another person's property) would need to be reported to the police should they occur, equally if there are instances where parking restrictions are not observed this should be reported to HBC Traffic and Transport for enforcement. These matters are not material planning considerations that could inform the outcome of the application.

ARCHAEOLOGY

1.34 Following consultation with Tees Archaeology no objections have been raised to the principle of development, however a condition has been recommended to retain the existing boundary wall to the frontage of the site due to its historic significance. Such a condition is duly recommended. The boundary wall to the south of the site is not identified to be of historic interest and therefore there is no requirement for its retention.

OTHER PLANNING MATTERS

1.35 Concerns have been raised by neighbouring occupiers in relation to the existing foul drainage on the site being inadequate, however following consultation with Northumbrian Water no objections have been raised in that respect. There is not therefore any justification to require any improvements to foul drainage or refuse the application on this basis. Details of surface water disposal have been requested by HBC Engineering Consultancy which can be secured by a planning condition.

1.36 Details of landscaping do not form part of this application; however the Council's Arboricultural Officer has identified that a landscaping condition should be applied to any approval to ensure appropriate tree planting once the detailed design of the scheme comes forward. Such a condition is duly recommended.

1.37 There have been no objections raised by the Council's Countryside Access Officer with respect to public rights of way, as such the proposals are considered acceptable in that respect.

1.38 In accordance with the provisions of the NPFF, the Council's Ecologist has requested bio-diversity enhancements in the form of a bat brick and swift nesting brick which can be secured by a planning condition.

RESIDUAL MATTERS

1.39 The objections received make reference to the loss of a view and the potential for damage to be caused to neighbouring property during the course of the development; these are not material planning considerations and cannot therefore influence the outcome of the application.

1.40 Queries have been raised in relation to the ownership of the site, adjoining land and whether the appropriate requirements for serving notice on other land owners has been served. The applicant has reaffirmed their ownership of the White Cottage

APPLICATION site, including boundary wall to the rear, and the area of verge to the south that would accommodate the proposed access. In that instance no further certificates/notices of intended works are required for planning purposes. The Council is not in a position to arbitrate in any dispute over ownership, this is a civil matter that cannot inform the outcome of the planning application.

CONCLUSION

1.41 The application is submitted in outline only with all matters reserved; as such it seeks to secure the principle of development without the details of the dwelling itself determined at this stage. The site location is within development limits and the submitted plans indicate the site is large enough to accommodate a dwelling with associated parking and amenity space; accordingly the principle of a dwelling on the site is considered acceptable. The proposed access shown on the submitted plans has been considered in terms of highway safety and found to be acceptable. All relevant material considerations are deemed to be acceptable at this stage and therefore officer recommendation is to approve subject to relevant conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.42 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.43 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.

1.44 There are no Section 17 implications.

REASON FOR DECISION

1.45 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.

1. An 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, means of access, 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 the following plan: drawing number 1818:P:04 (Location Plan), received by the Local Planning Authority 25/07/18.
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 1 no. dwellinghouse (C3 use class).
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 the Block Plan shown on drawing number 1818:P01 (Proposed Plans, Elevations & Block Plan), date received by the Local Planning Authority 07/08/18.
To ensure a satisfactory form of development.
6. The existing stone boundary wall to the north of the site shall be retained. The wall shall be protected from accidental damage during development in accordance with a scheme of protection to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
In order to ensure that the archaeological interest of this feature is retained and in the interest of the visual amenity of the area.
7. Prior to the commencement of development, a scheme for tree and hedge protection shall be submitted to and approved in writing by 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 demolition and construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site, 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 adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.
8. A detailed scheme of soft landscaping, hedge, 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, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. 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.

9. Notwithstanding the submitted details and 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 areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the building and impact on adjacent properties 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/land users.

10. Notwithstanding the submitted information, development of the dwelling hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development 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 surface water flooding from any sources in accordance with the NPPF.

11. Details of all walls, fences, gates and other means of boundary enclosure to be constructed as part of the development shall be submitted to and approved in writing 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 and the amenity of the occupiers of the site.

12. Prior to the commencement of development of the dwelling hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO₂ emissions (measured by the Dwellings Emission Rate) would be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulation 5, Part L, prevailing at the time of development Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

In the interests of promoting sustainable development in accordance with local plan policies CC1 and QP7

13. Prior to the commencement of development a scheme to incorporate a single bat brick and a single swift nesting brick within the dwelling shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details and retained for the lifetime of the development.

In the interests of biodiversity enhancement.

14. Prior to the commencement of development a scheme for dust suppression, wheel washing facilities and storage for brick and rubble in a drained impervious storage bay with storage height restriction shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme for the duration of construction.
In the interests of the amenities of the area.
15. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction, 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.
16. 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.
17. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 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 avoid excessive noise and disturbance to the occupants of nearby properties.

BACKGROUND PAPERS

1.46 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

- 1.47 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

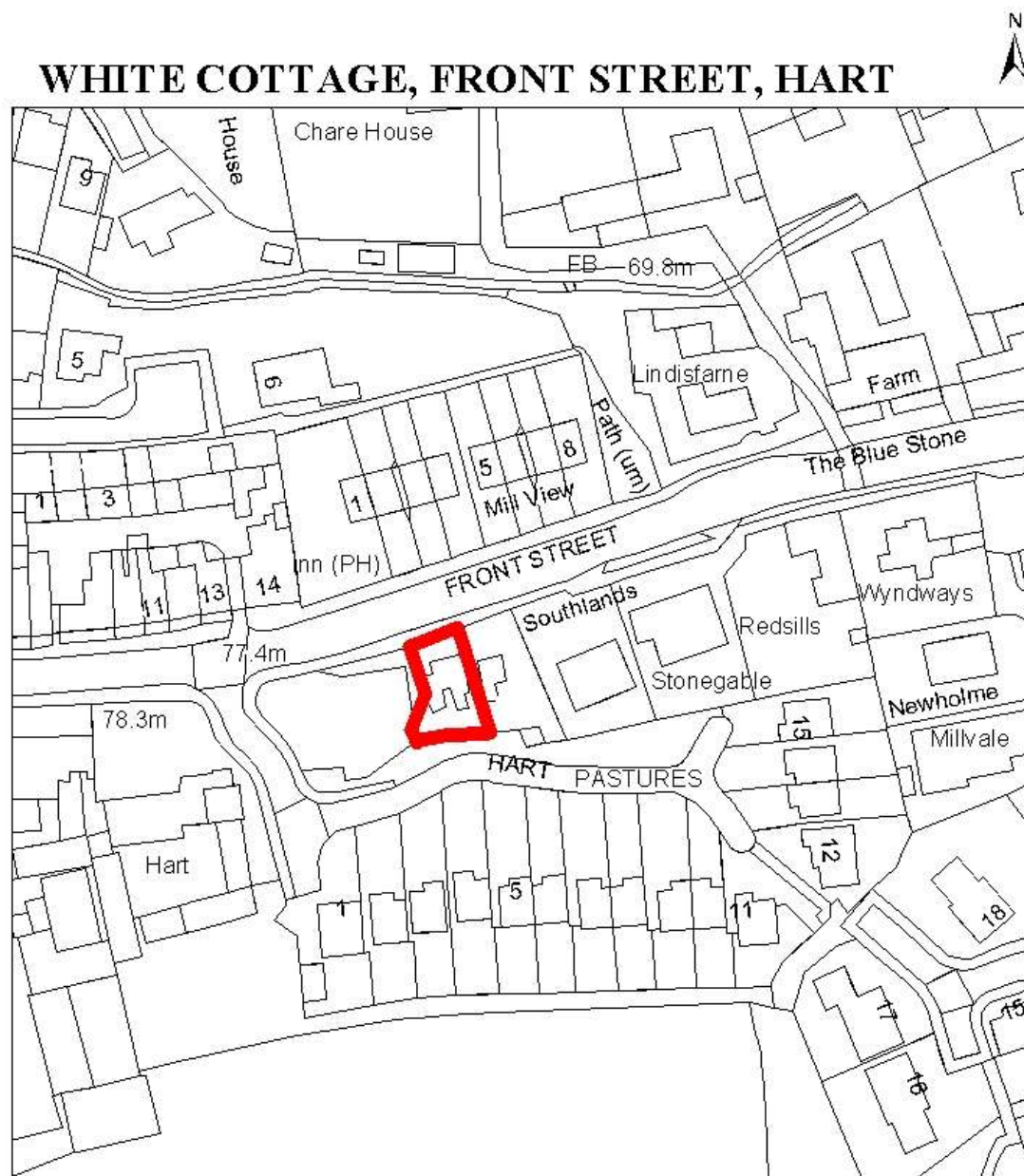
Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

1.48 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523273

E-mail: laura.chambers@hartlepool.gov.uk



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0192	REV

No: 2
Number: H/2014/0428
Applicant: Tunstall Homes Ltd c/o Agent
Agent: Prism Planning Ltd Mr Rod Hepplewhite
Date valid: 02/10/2014
Development: Outline application with all matters reserved for residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting.
Location: LAND SOUTH OF ELWICK ROAD HIGH TUNSTALL HARTLEPOOL

PURPOSE OF REPORT

2.1 An 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/RELEVANT PLANNING HISTORY

2.2 This application was last considered by the Planning Committee on January 31st 2018 when Members were minded to approve the application subject to the final planning conditions and details of the s106 legal agreement being reported back to the Planning Committee for their final agreement. Subsequently, there have been a number of events that are also relevant to this applications consideration. These include the revision to the National Planning Policy Framework (NPPF, in July 2018) and associated Planning Practice Guidance; the adoption of the Hartlepool Local Plan (May 2018); a change in approach on ecology matters (following a recent decision in European case law) and a proposed extension of the SPA; and the formation of a new planning committee, all of which need to be taken into account and therefore this new report is required to bring matters up to date. In addition when, originally considered by Planning Committee, part of the application site included the site of application H/2015/0551 (for 208 dwellings) which has now been withdrawn and appropriate modifications have been made to the current application including amended conditions to reflect the change.

Other relevant planning applications within vicinity of the site:

2.3 H/2015/0551 – A (hybrid) planning application made valid on 22.01.2016, on land South of Elwick Road, High Tunstall for *the erection of up to 153 dwellings (in detail) and up to 55 self build dwellings (in outline, all matters reserved), a sales area (in detail to include cabin and car parking) and associated access, landscaping and engineering works.*

2.4 This application was reported to Planning Committee on 9th May 2018 when Members were 'minded to approve the application subject to the completion of a s106 legal agreement. However the application has since been withdrawn (23.11.2018).

The following applications are considered to be relevant to the current application:

2.5 H/2015/0162 – Planning permission was granted on 09.05.2016 on land off Coniscliffe Road for *residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School.*

2.6 A Section 73 application to vary this approval was granted on 04.10.2018 (reference H/2018/0227) to allow for the siting of retaining walls to the rear of plots 35, 36 & 37 and amendments to landscaping, levels and drainage (part-retrospective application).

2.7 The site is currently under construction. The site lies to the south east/east of the current application site and outside of the High Tunstall Strategic Housing Site/the current application site.

Applications on land at Quarry Farm:

2.8 Land at Quarry Farm phase 1 (H/2014/0215) – Planning permission was allowed on appeal on 18.02.2015 for the erection of 81 dwellings on land at Quarry Farm, Elwick Road (LPA Ref H/2014/0215, Appeal Ref APP/H0724/A/14/2225471). The site is currently under construction. The site lies to the north of the current application site beyond Elwick Road.

2.9 Land at Quarry Farm phase 2 (H/2015/0528) – Planning permission was granted on 12.10.2018 following the completion of a s106 legal agreement for up to 220 residential dwellings with associated access, all other matters reserved. The site is proposed to be accessed from Reedston Road.

PROPOSAL

2.10 This planning application seeks outline permission with all matters reserved for residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting on land to the south of Elwick Road/High Tunstall, Hartlepool.

2.11 Since the application was made valid in October 2014, there have been a number of significant amendments to the scheme including a reduction in the size of the application site (reduced from approximately 118ha to 82ha, reduction in the overall western boundary reduced by over 200m (approx) in width and removal of a previously proposed distributor road from the A179), a reduction in the overall dwelling numbers from 2000 to 1200 dwellings and the removal of previously proposed care facilities. The site boundary was increased again (to approx. 92ha) in August 2016 to include further areas of Suitable Alternative Natural Greenspace (SANGS) required as ecological mitigation. Amended masterplans and additional

supporting documents/plans were submitted. More recently, the plans were updated to omit reference to the recently withdrawn hybrid application for 208 dwellings (H/2015/0551).

2.12 The application relates to the allocated High Tunstall Strategic Housing Site (Policy HSG5) of the adopted Hartlepool Local Plan (May 2018). The proposed masterplan relates to an overall area of approximately 92ha which would include the following elements which reflect the requirements of Policy HSG5 of the Hartlepool Local Plan (2018);

- No more than 69.1ha of land to be developed for new housing and associated housing infrastructure with residential development consisting of up to 1200 dwellings
- A centralised neighbourhood facilities site to include retail (up to 250sqm in A1 Use floorspace), a public house (up to 600sqm of A3/A4 Use floorspace), health facilities (up to 500sqm of D1 Use Class floorspace), a crèche (up to 100sqm of D1 Use floorspace) and a community centre (up to 500sqm of D1 Use floorspace)
- A site reserved for a two-form entry primary school with playing pitches which will be for community use.
- 15ha of Suitable Alternative Natural Greenspace (SANGS) and multi functional green space including a large parcel of open space to the west of the site and to the south. The submitted masterplan includes screen planting along the western perimeter of the site
- Pedestrian and cycle linkages to the urban core, including provision for an access to Summerhill Country Park
- Provision for a future link road through the site (it is anticipated that this link along with other linkages would provide a future western relief road in the future)
- The scheme will make provision for Sustainable Drainage Systems (SuDS)

2.13 Works to Elwick Road in the north west corner of the site will be required to form a new access roundabout which will be the main access into the site (the above referenced withdrawn application (H/2015/0551) for 208 dwellings was to be served by a separate, secondary access (with ghost island priority controlled junction) further east along Elwick Road. This secondary access is still indicatively shown on the revised proposals with a view to serving 'phase 1' of the development). A main distributor road would serve the development running from the north west corner (Elwick Road) down and through the centre of the site, terminating in the south east corner (it is anticipated this will eventually form part of a western relief road for the town, as required by Local Plan Policy HSG5(7)). The proposal includes a number of highway mitigation measures which will be discussed in the main body of the report.

2.14 The application has been accompanied by an Environment Impact Assessment in the form of an Environmental Statement (ES). In addition, reports submitted with the application include a Landscape and Visual Impact Assessment, a Transport Assessment, a Travel Plan, a Flood Risk & Drainage Assessment, a Geo Environmental Desk Report, a Planning Statement, a Design & Access Statement, a Statement of Community Involvement, an Air Quality Assessment, a Noise Assessment, Ecological Reports, Archaeological and Heritage Reports, a Sequential

Assessment and an Arboricultural Impact Assessment. Addendum reports to the original ES were provided following the reduced size (and number of dwellings) of the application site.

2.15 The Environmental Information contained in the ES and the above information has been taken into account in reaching the recommendation outlined in this report.

SITE CONTEXT

2.16 The application site relates to an approximately 92 hectares parcel of land to the south of Elwick Road. The site is primarily agricultural land. Beyond the site boundary to the east are existing residential properties and a primary school within the West Park area. As set out above, a site is currently under construction for the erection of 39 dwellings on land off Coniscliffe Road to the east of the application site.

2.17 Beyond the northern boundary is Elwick Road with 81 dwellings currently under construction on land at Quarry Farm (north east), agricultural land and a number of existing properties (Quarry Farm/Quarry Cottages) to the north. Existing residential properties are also present to the north east beyond Elwick Road. Beyond the western boundary of the application site is further agricultural land which is defined by field boundaries and hedgerows. A number of farms and other properties are present beyond the south west boundary. Elwick village and the A19 lie to the west of the application site with Dalton Piercy to the south west.

2.18 The topography of the site slopes, from the highest point in the north and west, down towards the south and east of the site. The land undulates with localised rises and falls across numerous agricultural fields. A major hazardous gas pipeline runs along the northern and eastern boundaries of the site (as discussed within the main body of the report). A public right of way also runs from north to south beyond the eastern boundary of the application site/Tunstall Farm down to Duchy Road (Footpath No. 25, Hartlepool) and a public right of way cuts through the middle of the application site, running from east to west (Footpath No 7, Hartlepool).

PUBLICITY

2.19 The application was originally advertised by way of site notices, a press advert and neighbour letters (more than 1000). Following the submission of amended plans (including amendments to the description and redline boundary), further re-consultations (on more than one occasion) have taken place by way of site notices, press adverts and neighbour re-consultation letters.

2.20 The January 31st 2018 committee report detailed that 482 objections had been received (including a petition of 24 signatures, and more than one objection from the same person). This included an objection from Hartlepool Civic Society.

2.21 An additional two objections/representations were 'tabled' before Members at the 31st January 2018 committee meeting. A further objection/representation was

received in August 2018 from the same party. All of these objections and concerns are summarised as follows;

- Proposal will increase problems of congestion and increase in traffic and queuing
- Increase in traffic through Elwick village
- Existing issues of queuing on A19 and A179 resulting in increased highway safety issues/there have been fatalities at the junction
- Existing issue of queuing on A19 to access Elwick and Dalton Piercy
- Concern regarding proposed development and any access from Coniscliffe Road
- Increase in traffic and congestion at Elwick Road/Wooler Road/Park Road junction, Valley Drive/Egerton Road
- Concerns that a large number of dwellings will be permitted before the proposed Elwick bypass is put in place resulting in high volume of traffic through Elwick village and to the detriment of quality of life
- The proposed bypass needs to be put in place now
- Any traffic monitoring by HBC should be taken over a prolonged period
- Loss of farmland
- Impact on wildlife habitat and ecology
- Overdevelopment of site/high density
- Impact on amenity and privacy of surrounding residential properties in terms of noise disturbance, light pollution, overlooking/loss of privacy and overshadowing
- Construction noise and dust for a prolonged period/years
- Adverse visual impact
- Design out of keeping with area
- Increase in noise and air pollution
- Damage to existing roads
- Issues of road safety in respect of school children
- Increase in drainage and flooding issues
- Increase in littering and fly tipping
- Development of brown field sites would be more beneficial to Hartlepool
- The development was removed from 'the original town plan' and the reasons should be taken into account
- The Council has been slow to adopt a new local plan
- Impact on 'green belt'
- Increased pressure on schools
- Existing empty houses in town/large number of properties struggling to sell
- Loss of views
- Who will buy the properties
- The development is unnecessary given the approved developments at Quarry Farm
- Neighbour consultation is a waste of time
- There will be requests for council tax reductions
- Hartlepool has no accident and emergency unit
- Property devaluation/devaluation of 'exclusivity' of area
- Significant concerns regarding the environment and ecology
- The proposed local centre will be a magnet for anti-social behaviour
- Littering and fly tipping encroaching further into the countryside

- Overdevelopment
- Increased pressure on schools in the area
- Insufficient health care services in the town
- Loss of landscape view
- The proposed conditions do not ‘properly’ limit the amount of development prior to the delivery of the bypass and grade separated junction
- No condition was secured for the delivery of improvements to the local road network
- The viability assessment has not been made publically available despite requests from an objector – the development ‘proposes to make materially lower contributions when compared to Quarry Farm Phase 2’ and that the Council are not approaching the High Tunstall and the Quarry Farm 2 developments in the same manner
- the proposed scheme as a result of not being able to make any contribution to a number of facilities/infrastructure including no affordable housing, will have a ‘significant impact’ on the local community
- failure of the Council to publish the viability assessment, particularly in the context of the updated NPPF and PPG (July 2018) on viability and it is vital that local residents understand the viability assessment
- As a minimum, an executive summary of the viability assessment should be published

2.22 Two letters of support and 1 letter of ‘no objection’ were also received. Those supporting the proposal give the following reasons;

- the proposal will deliver much needed new houses in Hartlepool
- the proposal will provide a diverse mix of housing types including executive homes

2.23 Copy Letters **A**

2.24 The period for publicity has expired.

CONSULTATIONS

2.25 The following consultation responses have been received;

HBC Traffic and Transport

A joint transport assessment with the Quarry Farm 2 development was carried out and the scope of the assessment agreed with Hartlepool Borough Council. Other future committed developments were included in the assessments.

Concerns were expressed that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles extending beyond the queuing lane into the main running lane on the A19, which is addressed by the existing Holding Order imposed by Highways England on any further development which is likely to increase traffic movements at the three existing right turn junctions on the A19 at Elwick and Dalton Piercy.

In order to address these concerns, and to bring forward development prior to the construction of the Elwick by-pass and grade separated junction, the developer in conjunction with the proposed Quarry Farm 2 development have provided plans which propose the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy. This can only be done after extensive improvement / signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19 have been completed as the existing junction cannot accommodate the additional traffic that will be generated by preventing right turn manoeuvres at the three junctions. The signalisation of Sheraton is being delivered by Durham County Council and funded by Highways England under the Congestion Relief Programme announced as part of the 2016 Autumn Statement. The gap closure scheme would address concerns about right turning traffic on the A19. The scheme does not address the cumulative impact this and the High Tunstall Development will have on increased flows through Elwick village in the am peak heading south on the A19 and the increased travel time for residents of Elwick and Dalton who will not then be able to access the northbound carriageway on the A19 from the village due to the gap closures. The scheme should therefore only be considered a short term measure and the development should be required to pay a pro rata contribution towards the construction of the Elwick by-pass and Grade separated junction. This scheme is currently being developed by Hartlepool Borough Council.

It has been agreed that the above works can accommodate 208 houses on High Tunstall and 220 on Quarry Farm 2. There are concerns that if the A19 gaps are not closed prior to the commencement of the development there may be issues with construction traffic and operatives vehicles using the A19 / Elwick junctions. This would be detrimental to highway safety. It is understood that in order to allow development to commence prior to construction Highways England who are responsible for the junction will require the developer to produce a construction management plan in an attempt to direct construction traffic to alternative routes, however it will be the responsibility of Highways England to police this plan as the potentially dangerous manoeuvres will be taking place on highway for which they have responsibility. No further housing outside of the 208 dwellings on High Tunstall and 220 dwellings on Quarry Farm 2 can commence until the commencement of the Elwick By pass and the GSJ.

The 208 properties (Phase 1) will be accessed from Elwick Road, the junction will be a standard priority junction with a segregated right turn lane, and this is considered acceptable. The existing 30 mph speed limit would need to be repositioned at the developer's expense to a point west of the new junction, exact position to be agreed with Highway Authority. The street lighting along Elwick Road will also need to be extended to cover the junction.

A further roundabout junction will be constructed on Elwick Road west of the above access on commencement of the remaining dwellings (H/2014/0428) this will require the amendment of the current National speed Limit, the junction will also be required to be illuminated. This junction will provide access to the main local distributor road and this will form part of the proposed Hartlepool western by-pass.

Several junctions on the local highway network were assessed for capacity. There will be a cumulative impact on the local highway network although this is not

considered to be severe until after the 208th dwelling at High Tunstall and the 220th dwelling at Quarry Farm 2 development have been completed. This has been verified by specialist Transport consultants ARUP who were commissioned by Hartlepool Borough Council. There are therefore no requirements to carry out mitigation works to any junctions on the internal road network.

After the construction of 428 properties the impact on the Park Road / Wooler Road / Elwick Road junctions and Hart Lane / Serpentine Road junctions is considered to be severe. The developer has submitted outline designs to mitigate the completion of the 1200 dwellings proposed for the High Tunstall development (H/2014/0428). Hartlepool Borough Council will work with the developers to deliver appropriate works to mitigate the severe effect that additional development will have on the internal road network at the two junctions identified whether this be at the junctions themselves or in other areas of the town. The s106 legal agreement will secure a financial contribution from the developer towards such schemes, which will be implemented by the Council.

November 2018 update:

HBC Traffic and Transport provided a number of planning conditions to be applied to the 1200 Dwellings application (H/2014/0428). Following the withdrawal of application H/2015/0551, the wording of a number of highway related conditions have required updates and have been duly agreed with HBC Traffic and Transport. These are set out in the conditions in the main body of the report.

Highways England (updated, received 30.01.2018)

Highways England wish to revise condition 1 of our response to the above application.

Durham County Council are the delivery agent for Highways England of the A19/A179 Sheraton Junction signalisation improvement.

They have raised concerns regarding the risk of delivery of the Elwick Grade Separation and Bypass being delayed such that the development of further housing in Hartlepool increases traffic flows beyond safe capacity on the Sheraton Junction, which is an interim scheme, ahead of the Elwick upgrade.

To address this we seek that the condition is adjusted to remove this risk. This is done by conditioning the occupation of property rather than the commencement and the opening of the bypass rather commencement of works, unless otherwise agreed. This will remove the risk of housing development running ahead of road improvement and with this traffic levels in excess of capacity.

Should build-out run ahead of delivery of the scheme, we will be willing to consider further information demonstrating that the network can operate safely, in due course, so that no unnecessary delay in delivery in housing is created.

I trust that the developers understand the need to for this late change to ensure that highway safety is maintained.

Please note development of the first 208 dwellings is controlled by further conditions attached to Hartlepool application H/2015/0551

Highways England Planning Response (HEPR 16-01)
Formal Recommendation to an Application for Planning Permission

Notice is hereby given that Highways England's formal recommendation is that we:
 b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Condition(s) to be attached to any grant of planning permission:

1, Prior to the occupation of development of the dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic, to the satisfaction of the Hartlepool BC, Durham BC and Highways England. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision to be concluded simultaneously with this application). (For the avoidance of doubt the completion of the gap closures on the A19 would not constitute commencement of the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 for the purposes of this condition).

2, Prior to commencement of construction of the 209th house, a Construction Transport Management Plan addressing any outstanding issues affecting the Strategic Road Network (SRN) should be agreed with Hartlepool Borough Council in consultation with Highways England.

Reason(s) for the recommendation above:

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the Local Plan.

November 2018 update:

Highways England have been notified of the withdrawn status of application H/2015/0551, which is referenced in their original condition 01 wording, and this condition has been amended accordingly to reflect this, as set out in Condition 08 in the main body of the report.

HBC Public Protection (received January 2018)

HBC Environmental Health Manager confirmed no objections to the development subject to the requirement for planning conditions relating to;

- A Construction Management Plan
- A control on hours of construction/building/demolition works or deliveries
- Noise insulation measures to properties directly adjacent to the access and spine roads of the development
- Restrict hours of use of retail and pub (limited to 2330 as per the local centres policy)
- Restrict hours of deliveries of retail and pub (limited to 2330 as per the local centres policy)
- Public house (A3/A4 Use) would require an extract ventilation condition to the kitchens.

HBC Ecologist (update November 2018)
Executive Summary for Ecology

Habitats Regulations Assessment

The outline application is for 1,200 dwellings.

Hartlepool Borough Council (HBC) submitted Habitats Regulations Assessments (HRA) covering the 1,200 dwellings to the Government's statutory conservation agency, Natural England (NE) in October 2018. HRA was prepared in two parts – stage 1 screening and stage 2 Appropriate Assessment. NE approved the HRA in an email dated 05/10/2018.

'I can confirm that Natural England concur with the findings of the submitted HRA for the above site and have no further comment to make' (Michael Miller, Lead Sustainable Development Advisor).

At the point when the scheme was divided into a 992 dwellings project and a 208 dwellings project, two sets of HRA were produced. The scheme is currently for 1,200 dwellings, so for clarity, the previous HRAs have been combined.

The secured HRA mitigation measures are:

- 15 Ha of SANGS.
- A financial contribution to the Hartlepool HRA Mitigation Strategy and Delivery Plan of £250/dwelling = £300,000.
- Provision to each household of an information pack highlighting on-site recreational opportunities and the importance safeguarding European Sites.
- Access route to Summerhill Country Park.

Ecology Conditions

Several ecology conditions have been recommended by the applicant - described in the following report:

- Naturally Wild ES Ecology Chapter Addendum Report (dated 01/04/2016).

I can clarify that the following are the conditions that the HBC Ecologist has sought agreement on. NB: These are at the discretion of the LPA and not Natural England. These conditions address HBC concerns and also those of the Teesmouth Bird Club.

Wildlife corridors and SUDS, shown on Masterplan P101 Rev P, to be buffered. This includes:

Gas pipeline corridor, 10m buffer. Margins of the gas pipeline wildlife corridor to be planted with native species trees. Central area of gas pipeline wildlife corridor to be planted with native species wildflower mix and native species shrubs.

Existing water courses, 10m buffer to be planted with native species wildflower mix and amenity grass with native species trees as appropriate

Existing woodland (eastern side), 10m buffer to be planted with native species trees.

Existing Hawthorn stand, 5m buffer to be planted with native species wildflower mix.

Woodland belt on SW boundary, 10m buffer to be planted with native species trees.

Existing hedgerows, 5m buffer to be planted with native species wildflower mix. NB: Buffer appears not to be shown on Masterplan.

SUDS features, 10m buffer. Buffers to be planted with small blocks of native species trees (plus an orchard) and areas of native species wildflower mix. SUDS ponds to be securely fenced to discourage access by people and especially dogs [possibly with the exception of the string of small SUDS running roughly north to south through the northern section of the site, which could be open].

Western boundary to be planted with native species hedgerow and tree species.

Both sides of the main access road to be planted with trees, including a proportion of native species trees, in order to maintain the Local Plan Green Wedge NE3.

Two new, native species woodland areas to be planted on the western side and south-eastern side.

Tree and hedge species to be used should be predominantly:

- Hawthorn (*Crataegus monogyna*)
- Blackthorn (*Prunus spinosa*)
- Holly (*Ilex aquifolium*)
- Crab apple (*Malus sylvestris*)
- Hazel (*Corlyus avellena*)
- Spindle (*Euonymus europaea*)
- Sessile Oak (*Quercus petraea*)
- Hornbeam (*Carpinus betulus*)
- Field maple (*Acer campestre*)
- Silver birch (*Betula pendula*)
- Wild cherry (*Prunus avium*)

The following detailed conditions will be required (*summarised, conditions set out in full in main body of report*):

- Bird nesting
- Protection of wildlife corridors
- Bird breeding opportunities

Further mitigation was recommended by Naturally Wild in an email dated 18/09/2017, including:

- The annual provision of a spring cereal/ autumn-winter stubble plot for twenty years.

- Integral bat nesting bricks (which are commercially available) to be built into 10% of buildings, including the school, with the selection of buildings facing onto wildlife corridors. See note in Box 1 below.
- All dividing garden fences to contain a 10cm² square Hedgehog access hole at ground level, to allow free passage of Hedgehogs through gardens and into wildlife corridors.

Box 1. Note:

Swift nest boxes should be permanent bird nest boxes/ bricks, built into each new house. These are commercially available, for examples see: <http://www.swift-conservation.org/Shopping!.htm> and <http://www.nhbs.com/1sp-schwegler-sparrow-terrace>

Bat roost boxes should be permanent boxes/ bricks, built into each new house. These are commercially available, for examples see: <http://www.nhbs.com/1ffh-schwegler-universal-bat-box>

Additional comments were received 19.09.2017 - Consideration of the objections presented by Teesmouth Bird Club and response of the Naturally Wild. These comments are summarised as follows:

The Teesmouth Bird Club (TBC) makes some valid points, which in general apply to all housing developments. However, it is my consideration that the applicant (via Naturally Wild) has largely satisfied the bird conservation concerns. I concur with Naturally Wild that further efforts should be made and recommend these are conditioned at the appropriate stage.

I am satisfied that these considerations cover the concerns raised by the TBC and will provide adequate ecological mitigation and compensation. I have no additional ecological concerns.

Natural England (received August 2017, summarised)

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would: have an adverse effect on the integrity of Durham Coast Special Area of Conservation (SAC) and the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Hartlepool Borough Council submitted a Habitats Regulations Assessment (HRA) which requires 15Ha of SANGS, links to Summerhill Country Park and a sum of £300,000 (£250 per dwelling) is suggested cover additional costs to be borne by Summerhill CP and for coastal wardening and management. The submitted HRA

covers this site and also covers a concurrent planning application reference H/2015/0551).

Natural England also provided other general advice on consideration of protected species and other natural environment issues which have been duly considered. These include reference to

- Best and most versatile agricultural land and soils
- Protected Species
- Local sites and priority habitats and species
- Environmental enhancement
- Access and Recreation
- Rights of Way, Access land, Coastal access and National Trails
- Biodiversity duty

Teesmouth Bird Club (received August 2017)

Teesmouth Bird Club objects to this application on the basis that the mitigation measures fail to address the loss of biodiversity. There is no specific plans targeted to compensate for the decline in the site's avifauna by designed measures to enhance the variety of the assemble of bird species - (NPPF clauses 117 – 118). The ecology consultant's report is a credible assessment of the present bird population and the negative effects that the development can be expected to have. Their mitigation suggestions are, however, conventional, broad brush and are merely aligned with the general soft landscaping proposals for the site, as a whole. The latest proposed site plan (Master Plan rev. P of 8/8/17), shows water bodies of reasonable size and areas of open space with peripheral shrub and tree plantings plus further measures to safeguard existing areas of trees. However, the design of wildlife corridors is not continuous and in places narrow. Given the size of the development and its housing density, the disturbance by people and their pet dogs and cats, leaves little scope for a diverse bird species assembly to develop after the housing is complete. The consultant's report further acknowledges that the inevitable loss of breeding Skylarks and Yellowhammers will be of county significance. (These two species are of Red Category Concern).

Often with outline planning applications, the biodiversity potential of water bodies is lost when their key role as SUDS becomes their overriding raison d'être. Subsequently, drainage requirements for water discharge rates lead to fluctuating water levels. This, in turn, prevents development of the full potential for biodiversity in the aquatic environment of SUDS. Prevention of such events should be a feature of the S 106 Agreements, should there be planning approval.

The applicant's claim of "housing with strong environmental credentials" in clause 4.7 of their Sustainability Section in their introductory documentation, should be tested. One such test is their preparedness to acknowledge the modern acceptance that the urban landscape is worthy, not only of its architectural significance, but also meritorious of planned biodiversity measures.

I note that Revision P of the proposed Master Plan, shows Storey Homes as a builder for one section of the development. Storey already operate in the UK an imaginative, biodiversity - enhancing policy in their homes by installing nesting

cavities for Swifts (Amber List Species). (I personally, am speaking to their staff on a smaller housing a development in my village of Kirklevington. Our village has a variety of S 106 reserved matters to be agreed, of which this is but one example). The practice of encouraging swifts and other cavity utilising birds and bats to utilise new suburban developments is well established and growing in progressive cities in the UK (see swift-conservation.org). The use of the built environment itself as a medium for biodiversity enhancement, is at last being acknowledged by planners and developers. If the application is approved, the S106 Agreements should require the developer and/or subsequent house builders to adopt similar practices of biodiversity be built in to the properties themselves.

HBC Engineering Consultancy (received April 2016)

I have reviewed the Preliminary Flood Risk and Drainage Assessment (FRA) report for the site (Wardell Armstrong NT11730, August 2014). The report indicates that the site falls within a Flood Zone 1 on the Environment Agency's mapping and there is no known history of fluvial flooding on the site. The topography of the site generally falls from north to south and currently surface water flows would be expected to be intercepted by the watercourse on the site conveyed away from the site. Tunstall Farm beck flows from this proposed site towards the 'West Park' area and along Valley Drive and ultimately through the Burn Valley. Parts of this watercourse further downstream are classified as being within flood zones 2 and 3 and as such an increase in surface water within this watercourse would not be acceptable. I do however feel that with a suitably designed surface water scheme that can withhold some of the exiting field run off and thus prevent it from entering this watercourse until such time as the peak storm event has passed can offer a benefit to the wider area.

In terms of proposed storm drainage, I accept that in theory flows can be discharged into the watercourse that flows through the site on the proviso that the Greenfield run of rate is not exceeded and if feasible provide betterment. This will require onsite measures to ensure that surface waters are not passing on a flooding risk elsewhere. With this in mind I welcome the developers proposals to use Sustainable Drainage Systems (SuDs) techniques through a mix of swales, filter trenches/strips, ponds, basins and storage tanks/pipes. The development proposals will also consider inclusion of source control and interception storage which will all be beneficial in ensuring surface water up to a 100 year plus 30% are contained within the site boundary.

With this in mind I would not object to this application but given the level of detail provided at this stage I would request a pre commencement drainage condition. I would expect the existing Greenfield run off for the site to be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 30%) being contained within the red line boundary of this site. Should these parameters not be met then I would have no alternative but to object to the proposal. I would also urge the developer to where ever possible make space for water above ground through the use of the open space on the site to provide multiple Suds solutions.

After considering the FRA and SuDS proposals please could I request that the standard HBC condition is imposed on any approval for land drainage and contaminated land.

Further comments received on amended plans (August 2017):

My comment remain valid for both applications, the only thing that has changed is that a climate change allowance of 40% should now be used instead of 30% as per latest standards.

Environment Agency (received 28.10.2014, summarised)

We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing a number of planning conditions are imposed and informative/advice secured on any grant of planning permission:

Condition 1 – Surface Water Drainage Scheme

Condition 2 – Buffer Zone

Condition 3 - Landscape Management Plan

- Environmental Enhancement Opportunities
- Water Framework Directive
- Designated Bathing Waters
- Sewage Capacity and Water Quality
- Green Infrastructure
- Local Plant Species
- Fish and Biodiversity
- Culverts
- Ordinary Watercourse Consent - Advice to LPA/Applicant
- Land contamination - Advice to LPA/Applicant
- Waste - Advice to Applicant

(Further comments received 6th May 2016)

Thank you for your letter, which we received on 20 April 2016, in respect of the additional information submitted for the above planning application. We have assessed the additional information and have the following comments to make.

Flood Risk

The site lies entirely within Flood Zone 1. Our previous comments in our letter dated 28 October 2014 in relation to surface water flood risk are now within the remit of the local authority.

Biodiversity

As previously detailed in our letter of 28 October 2014, we recommend that the following conditions are imposed on any grant of planning permission (*as set out above*).

Our biodiversity advice as detailed in our previous letter dated 28 October 2014 still applies. This includes advice in respect of environmental enhancement opportunities, Green Infrastructure, local plant species, fish and biodiversity and culverts.

Additional comments on amended plans (received August 2017)

Thank you for your letter in respect of the additional information submitted in support of the above planning application which we received on 27 July 2017. We have assessed the submitted information and can advise that we have no comments to make further to our previous response on 6 May 2016.

Northumbrian Water (received October 2014)

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.

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

Additional comments on amended plans (received August 2017)

In making our response to the local planning authority Northumbrian Water will 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 I refer you to our original response to the application, dated 9th October 2014, and can confirm that at this stage we would have no additional comments to make.

Hartlepool Water (received April 2016)

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 assessed 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.

- Existing assets are currently to the west within the development area and will require major diversion works.
- Existing network main runs parallel to Elwick Road within the field on the same side as the proposed development, and will require protection during the construction of the new access road.
- In order to supply this development we may need to reinforce our infrastructure.
- We have no objection to this development

Tees Archaeology (received May 2016)

I have read the report and also monitored the fieldwork as it was taking place. A number of archaeological features were noted. The principal focus of archaeological activity is in the south-west corner of the development where an Iron Age or Romano-British settlement was identified. This appears to be a small farmstead consisting of several round-houses with associated boundary ditches and gullies. Archaeological features were also noted to the west of High Tunstall and these probably also relate to Iron Age or Romano-British activity. Further remains of unknown date were noted in the south-east part of the development area.

The archaeological remains are significant as they add to our body of knowledge of rural agricultural settlements either side of the Roman occupation. However there is no evidence that the remains are of particularly high status or of exceptional preservation. For these reasons the remains might be best described as of local or regional importance. The remains are therefore not of such significance that they would warrant physical preservation and a mitigation response would be appropriate in this case .

A suitable mitigation response would include an archaeological strip, map and record exercise over the known archaeological features followed by post-excavation analysis, reporting and archiving. This would include the three areas specifically mentioned in this response forming parts of Areas 5, 7 & 13 in the archaeological trial trenching report.

These works can be secured by means of a planning condition, the suggested wording for which I set out below:-

- Recording of a heritage asset through a programme of archaeological works

Additional comments received on amended plans (August 2017):

I have reviewed the revised plans for this application and note the change in the red line boundary to include areas to the west and south of the original proposal which are labelled as 'open space'. These areas were not included in the evaluation phase of geophysical survey and trial trenching, however they may be considered to have archaeological potential given the results of the previous work in the surrounding area.

As detailed proposals for these areas are not available at this stage, it would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development. The level of field

evaluation and mitigation required will be dependent of the degree of ground disturbance, if any, which is proposed in these areas, e.g. landscaping works, tree planting etc.

These works can be secured by means of a planning condition, the suggested wording for which I set out below:-

- Recording of a heritage asset through a programme of archaeological works

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

HBC Heritage and Countryside Manager (received November 2014)

There are no designated assets or heritage assets i.e. locally listed buildings impacted by this proposal. No objections.

HBC Landscape (received October 2014)

In response to the application to develop land at High Tunstall Farm, I have read through the application details and have the following comments to make:

One of the consultants, Prism Planning acting on behalf of Tunstall Homes Ltd. commented within their Environmental Statement, that there are trees and hedgerows within the site and in areas of the sites' boundaries where an arboricultural impact assessment should be included in support of any planning application for development of the site. In addition to this a comprehensive landscaping scheme will also be required.

This has now been carried out by Elliot Consultancy Ltd. who have identified the most dominant and important trees and hedges on this site which encompassed 15 mature trees, an additional 8 groups of trees and 7 mature hedges. Most of the trees are Ash and Sycamore and the majority of the hedges are hawthorn and elder. That said, most of the site does not support tree cover and the applicant is minded to retain existing tree features within the design brief. In terms of the condition of these trees and hedges they have been categorized within the range of B1 (trees of a moderate quality and with an estimated lifespan of at least 20 years) to C1 (low quality trees with a life span of at least 10 years). (BS5837:2012 Trees in relation to design, demolition and construction Recommendations)

Landscaping is a reserved matter and therefore no details of the landscaping of the site have been prepared at this stage. Nonetheless, the applicant recognises the need to provide landscaping and access to amenity space and playspace as a constituent part of the development. It is therefore proposed to provide landscaped amenity space throughout the development together with a number of 'doorstep' equipped play areas for younger children and 'kickabout' areas where older children and teenagers may gather and play.

A key aim will be to retain as much of the existing tree cover within the site together with as much of the existing hedgerows as is reasonably possible, accepting that it will be necessary to lose some sections of hedgerow where roads break through to be implemented should this be approved and there will be a net gain in tree cover over the whole site. With this in mind further details will need to be submitted

showing this in more detail as and when this land is developed. Given the scale of the development, it is anticipated that construction will be undertaken in phases (13 phases are envisaged).

As the applications stand, there will be no detrimental loss on the tree cover and the proposed new planting will more than offset the loss of the few trees that will have to be removed and I await further details when this stage is reached.

HBC Countryside Access Officer (received April 2016)

I am concerned that the majority of Public Footpath No.7, Hartlepool, within either Story Homes or Tunstall Homes sites, is located next to the estate roads.

DEFRA Public Rights of Way Circular 1/09, paragraph 7.8 -

<https://www.gov.uk/government/publications/rights-of-way-circular-1-09> advises developers to avoid using estate roads for the routing purposes of public rights of way (PROW) and to look to place or divert if necessary, the public footpaths through open spaces or landscaped areas and where possible, away from vehicular traffic.

Paragraph 7.2 explains the effect that any development has on PROW, by it being a material consideration when an application is determined. It also advises Local Authorities to ensure any potential consequences are accounted for when these applications are considered, in relation to PROW and possible diversions etc.

Whilst the existing public footpath seems to be routed next to 'Tertiary Circulation' estate roads (as per the latest version of the Design and Access Statement); very little or none of the proposed open spaces and landscaped areas is considered as alternatives for the diverting of this footpath.

At no time can cycling provision be placed upon existing or legally diverted public footpaths. They can be placed near to or next to the path but not on it, as the only legal user allowed to use a public footpath is a pedestrian.

Having studied the latest 'Proposed Master Plans' (13163653 and 13163664), I note that there are opportunities to either divert the existing public footpath (which may need to be diverted to make sure that its present line does not end up lying on top of a garden or in the middle of a road or driveway) or to create new PROW so as to add to or enhance access through the development site.

Potential routes from the existing path, to the south east and in the western area, should be looked at as additional access, thus linking to other countryside facilities in the near vicinity.

I do need to discuss the whole aspect of pedestrian access with the consultants/agents or developers, before the application moves too far forward, as the access location will strongly determine the whole housing layout. My contact details are: chris.scaife@hartlepool.gov.uk and 01429 523524.

Comments on amended plans (received August 2017);

After looking at the latest drawings I have marked the attached plan showing what I feel is the best routes that should be considered when looking to link this development site with Summerhill Countryside Park.

The opportunity is there for not just pedestrian links to be made but also cycling access as well. Provision for both these user communities would enable safe and accessible links to and from town, with the countryside as well as Summerhill. We already have an existing public footpath that runs in an east-west direction across the centre of the development and so these new routes, which take into account the best available open space and open areas close to the new main spine road, will provide a greater benefit to the residents and other who visit or access through the area.

Please ask the developer to contact me so that we can discuss this further and develop the best opportunity for improved access for all

Further comments on amended plans (received August 2017):

I am happy for it to be conditioned and added as an s106 obligation. We will need to be mindful of any potential archaeological sensitivity that may occur as part of future surveys. But apart from that it sounds a good idea.

I think that the plan should be able, in principle, to accommodate these access links.

Ramblers Association (received April 2016)

We thank the council for consulting the Ramblers on the amended outline application replacing the outline application made in 2014.

The proposed site layout shows that for most of its length through the Tunstall Homes development FP Hartlepool 07 will follow an estate road as it goes west from the Story Homes development to meet FP Elwick 05 at the site boundary. The way is shown alongside but separate from the southern side of a road carrying access traffic and crosses a dozen or so driveways connecting dwellings to this road. The Travel Plan (Version 2) section 4.4.1. states the way is also to be used as a cycle route:

'The existing Public Right of Way which runs through the centre of the site between Duchy Road and Dalton Piercy Road will be enhanced and incorporated within the site layout. This will provide a direct and convenient off-road pedestrian/cycle route to West Park Primary School, amongst other destinations.'

The Planning Policy Guidance (Companion to the NPP Framework) states at Paragraph- 004 Reference ID- 37-004-20140306

'Public rights of way form an important component of sustainable transport links and should be protected or enhanced. The [Rights of Way Circular \(1/09\)](https://www.gov.uk/government/publications/rights-of-way-circular-1-09) gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way. It also contains guidance on the consideration of rights of way in association with development. The Circular also covers the statutory procedures for diversion or extinguishment of a public right of way.' The circular is available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>.

The Circular 1/09 in section 7 dealing with 'Planning permission and rights of way' points out at paragraph 7.2

'7.2 The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.'

Further at paragraph 7.8 it is stated:

'7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.'

The proposals are not in line with the Government's advice.

The application is in Outline form with all matters reserved. We should hope the proposals for public footpath Hartlepool 07 when the reserved matters application is made are consonant with the advice and reasons given by Government in Circular 1/09, the NPP Framework and PPG.

Health and Safety Executive (received 5.10.2017)

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Hartlepool.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Northern Gas Networks (received October 2017)

NGN own and operate a high pressure pipeline inside the proposed development site and this pipeline has a Building Proximity Distance (BPD) of 17m, meaning that no buildings should be with 17m of the pipeline. We also have an easement which will need to be observed (technical advice was enclosed in the response).

Cleveland Fire Brigade (received April 2016)

Cleveland Fire Brigade offers no representations regarding the development as proposed. However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20. Further comments may be made through the building regulation consultation process as required.

Cleveland Emergency Planning Unit (received May 2016)

The proposal covers land that contains the Northern Gas Networks Major Accident Hazard Pipelines which needs to be taken into account and also the impacts on the transport links in particular Elwick road and Coniscliffe Road. There is also the

linking of the water course into the west park beck which would need looking at as too not overwhelm the existing system.

Elwick Parish Council (received April 2016)

Elwick Parish Council wishes to object most strongly to the application to build 1,200 dwellings at High Tunstall Farm.

Elwick village has suffered a dramatic increase in vehicular traffic over the last few years, which will only increase once the development at Quarry Farm starts - indeed, site traffic is already coming through the village. Any further development will be strongly opposed until a new road has been built to take traffic to and from the A19 away from the village.

Additional comments on amended plans (received August 2017):

Elwick Parish Council does not meet again formally until the end of September, when their response will be formally minuted. Informally, I can say that Councillors continue to strongly object to this application which, if approved, will mean even more traffic coming through Elwick.

Whilst we have had to regrettably accept that the draft Local Plan includes the development at High Tunstall Farm, we do not wish to see any building works commence before the road infrastructure has been improved.

Highways England has already made clear that it wishes to see no increase in the amount of traffic from north east Hartlepool until the access onto the A19 at the A179 junction has been improved AND a by-pass is opened around Elwick.

No matter what restrictions the Borough Council places on construction traffic using the Elwick Road to reach the A19, they will be ignored. The evidence for this is very clear from the number of complaints we received, and have made, in regard to the construction traffic at the Quarry Farm development.

Drivers of all sorts of vehicles use sat-navs which give them the shortest route to the A19, and the number of vehicles using this as a route to and from the town has risen exponentially as the number of drivers using sat-navs has increased.

We now have large numbers of heavy goods vehicles coming through the village, despite the weight restriction on the road. Some of them even use Church Bank, causing mayhem as they meet with other vehicles coming from the opposite direction on this narrow, winding road.

The sheer volume of traffic coming along this rural road is now is quite appalling. The majority of vehicles have to travel past the primary school in North Lane, where there are already problems in term times, with cars of parents and school workers parked on either side of the road, causing a bottle-neck. Few drivers respect the 20 mph speed limit through the village, some drivers even overtake others at speed, and it is highly likely that, before long, someone will be badly injured or killed.

Please record this 'informal' objection, as I am sure that my Councillors will wish to make formal objection in September, though their wording may be different.

Dalton Piercy Parish Council (received May 2016)

Dalton Piercy Parish Council would like to object to the Planning Application ref H/2014/0428, which involved the building of 1200 houses at High Tunstall Farm.

The traffic through the village has increased over recent years, and this development would undoubtedly increase it even more. Without the new road, this would be a lot worse. Furthermore, the junction going onto the A19 is extremely dangerous, and would definitely be used more if this development goes ahead.

In addition, in line with the draft Rural Plan we feel this development would significantly contribute to the spread of Hartlepool Town into the surrounding villages.

Residents of the village and council members, who voted on this formal objection, are all very much opposed to this development change.

Stockton on Tees Borough Council (received May 2016)

In terms of Highway impact there is no objection to the proposed development. A revised Transport Assessment has been submitted in support of the proposed application which demonstrates that the trips associated with the proposed development have a negligible impact on the local road network within the Borough of Stockton.

It should be noted that this application in addition to those within the Wynyard Park and Wynyard Village areas could collectively add pressure on school places in Stockton-On-Tees and therefore any impact from the proposed housing on education facilities/provision must be fully mitigated.

You should also be satisfied that the proposed development mitigates its own impacts and that infrastructure which is required is where ever possible or necessary, provided on site to ensure that the proposals remain sustainable as required by the NPPF. It will be necessary to ensure that any mitigation which is required is appropriately secured through planning conditions or section 106 agreement.

CPRE Durham (and Durham Bird Club) (objection summarised, received December 2014)

CPRE Durham is opposed to both of these applications....in particular

- 1) We are not convinced that there is the need for such a large amount of new households in Hartlepool
- 2) The applications represent a significant and detrimental intrusion into open countryside beyond the Urban Fence
- 3) If granted permission, this would detrimentally affect the redevelopment of suitable brownfield sites within the borough
- 4) The road proposals appear to have significant implications which need a proper assessment.

Northern Powergrid (formerly CE Electric /NEDL)

No comments received

National Grid

No comments received

Hartlepool Rural Neighbourhood Group

No comments received

Cleveland Police

No comments received

Durham County Council

Comments were received from DCC in January 2018 in respect of Sheraton interchange highways works to which DCC confirmed no objections to the gap closures and that there is a workable solution in respect of the timing for the highway works at Sheraton interchange (which need to be undertaken prior to the gap closures which is discussed above under the HBC Traffic and Transport Section's comments)

HBC Education (received November 2018)

Children's & Joint Commissioning Services note your comments in relation to the timescale for release of the school land within the High Tunstall development. However, we do have concerns in relation to these timescales, i.e the release of school land not likely to be until the 550th dwelling is completed.

However, Children's & Joint Commissioning Services have no objections to the planning application. The pupil yields from the development will be reviewed regularly and the impact on education provision throughout the phasing of the development will be monitored. Should temporary education accommodation be required we would expect the developer to consider this.

PLANNING POLICY

2.26 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

2.27 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits.

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

2.29 The following paragraphs in the NPPF are relevant to this application:

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development (3 overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
020	Strategic Policies
022	Strategic Policies should look ahead over 15 years to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
034	Developer Contributions
038	Decision making
047	Determining applications
048	Weight given to emerging policies (Rural Plan)
054	Planning conditions and obligations
055	Planning conditions and obligations
056	Planning conditions and obligations
057	Plan led viability – weight given to viability is a matter for the decision maker
059	Significantly boosting the supply of homes
062	Affordable Housing – onsite unless justified
064	Level of affordable housing
072	Strategic size housing sites
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
076	Conditions to ensure timely start of development
077	Rural housing
078	Rural housing
091	Promoting healthy and safe communities
092	Community Facilities
094	Sufficient School Places
096	Access to high quality open space
098	Protect and enhance public rights of way
102	Promoting sustainable transport
104	Mix of uses across large sites including providing any large scale transport

	infrastructure
108	Access and impacts of development on the wider highway network and highway safety
109	Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
111	Transport Statements
122	well-designed attractive places
124	Achieving well-designed places
127	Achieving well-designed places
150	Reducing vulnerability to flooding and reducing greenhouse gas emissions
153	Planning for climate change
155	Avoiding development in areas of high risk from flooding or mitigated development and not increasing risk elsewhere
163	Ensuring flood risk is not increased
165	Use of sustainable drainage systems
170	Conserving and enhancing the natural environment
175	Habitats and biodiversity

ADOPTED TEES VALLEY MINERALS AND WASTE DPD

2.30 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.

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

Policy	Subject
MWP1	Waste Audits

2.32 The case officer should be satisfied that a suitable site waste management plan is in place.

HARTLEPOOL LOCAL PLAN (Adopted May 2018)

2.33 As part of the evidence base prepared to support the Local Plan the following have relevance to applications for housing:

- **The 2015 Hartlepool Strategic Housing Market Assessment** which sets out up-to-date information in relation to the housing need within the Borough as well as the affordable need. It highlights a need for 144 affordable homes a year. Against the Local Plan housing target of 410 dwellings it equates to a 35% need. The document highlights that the Rural West Ward has a need for 1-3 bed detached houses / cottages, 1-2 bed semi-detached houses / cottages, 1-2 bed terraced house / cottage, bungalows and flats.

- **The 2015 Strategic Housing Land Availability Assessment** – this document assessed a wide number of locations across the Borough to assess their suitability for inclusion within the Local Plan as a housing site. This site was included as part of

the wider High Tunstall site (Parts of No.45, 46 and 48 in the assessment). This site scored well in terms of sustainability however there were issues raised regarding:

- 1) Highway capacity and the impact on the A19/Elwick junction.
- 2) The survey also notes that there is a high pressure gas main which runs north/south through the site
- 3) It notes there are culverts on the site. Development should not take place over or within 5m of a culvert as it will restrict essential maintenance and emergency access to the watercourse/culvert – further advice should be sought from the engineers on this.
- 4) Infrastructure reinforcement in relation to water mains was highlighted
- 5) Site 46 was seen as being suitable for development within the 1st five years of the plan.
- 6) This is a large Greenfield site in an area of known prehistoric and Romano-British activity. Heritage assets will require further assessment in the form of a desk based assessment and field evaluation.
- 7) The need for a primary school and Local Centre

- **2015 Open Space, Sport and Recreation Assessment** – this document looks at a wide variety of open spaces and considers quantitative and qualitative issues which should be reflected in emerging developments.

2.34 The following policies from the Hartlepool Local Plan are relevant to the proposed development. Policy HSG5 allocates the High Tunstall site for a total 1200 dwellings and the application is in line with the quantum of housing identified. Criterion 8 in the HSG5 Policy requires the development to accord with the key principles of Diagram 3 in the Local Plan and to accord with an approved masterplan. The masterplan will help to guide the development of the site, particularly in terms of future reserved matters applications. Currently the developers of the site have been liaising with officers regarding a draft masterplan and it is anticipated that a final masterplan will be presented to Regeneration Services Committee on the 17 December 2018 for approval. Criterion 3 of the Policy sets out the requirement for land for a primary school in accordance with INF4 which requires land to be safeguarded for a School at High Tunstall, notes that regular monitoring will determine when school provision is needed and that developers will be required to contribute towards construction and that community use agreements will be put in place in relation to the playing fields at the school (*community use of the playing pitches at the school will be secured when the school site is transferred to the end user by the Council*). Masterplan Illustration (Rev T) is considered to conform with the requirement to safeguard land for a school. It also illustrates the location of a local centre, public house, community centre and a crèche which will help to meet the community needs of the development and conform with criterion 3b of Policy Hsg5. Whilst it is considered that the current proposals broadly meet the green infrastructure requirements of criterion 4 of the Policy, it is noted that no location for a formal childrens play area(s) is illustrated. For a development of this size it is considered crucial that play facilities are required to help to create a sustainable community.

2.35 Policy INF2 is also particularly relevant to this site as it requires the Elwick bypass and grade separated junction which are required to provide the Highway Capacity for the 1200 homes; The works are estimated to cost £18m and detailed

designs have been produced by the Council's engineers and consultation has taken place with the landowners to ensure the design accounts for future farming operations. Discussions are still ongoing regarding the purchase of the land for the road. A planning application is likely to be submitted in early 2019. Given there are approximately 1500 homes within the Local Plan in the vicinity which rely on the grade separated and bypass this means the per dwelling cost for the works is £12,000 and all developments are required to make a pro-rata contribution to the overall works. This is discussed further in the sections below. Whilst it has been agreed with Highways England that approximately 400 dwellings can be built prior to the installation of the grade separated junction and bypass with the closure of the central gaps at Elwick and Dalton and some improvements at the A179, these are only acceptable as a first phase and would not have been permitted without the grade separated junction and bypass.

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
CC3	Renewable and Low Carbon Energy Generation
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG5	Tunstall Farm
HSG9	Affordable Housing
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

2.36 It is not considered that there is any conflict with the emerging Rural Plan as the site lies outside of the boundary of the Neighbourhood Plan.

HBC Planning Policy Comments (summarised)

Principle of development

2.37 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. 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. It is clear that the proposal is broadly in line with Local Plan Policy HSG5 which allocates the site for approximately 1200 homes – as noted in section 4 above the proposal is broadly in line with the criterion of Policy Hsg5.

2.38 In viewing statute, planning policy and the information submitted, Planning Policy must have regard to a wide range of considerations to consider if the proposal is deemed to be sustainable development. In the case of this development (and others in the vicinity) it is known that a new bypass to the north of Elwick village and a grade separated junction at the northern Elwick access onto the A19 needs to be constructed. These highway infrastructure works are necessary to make the High Tunstall development acceptable in highway terms and to satisfy concerns from Highway England. In order to try and facilitate these works the Council is exploring opportunities for grant funding and has agreed that prudential borrowing may be used to fund the works pending repayment via S106 contributions – in order to safeguard the Council if prudential borrowing is needed it is necessary to require developments in the area to agree to paying a contribution of £12,000 per dwelling to cover the overall cost of £18 million. If any grant funding is secured or there is an under spend on the Highways Work, then the money secured from developers would then be redirected to the other requirements such as education or affordable housing.

2.39 If the requirements of the Local Plan policies are delivered then this development would be considered sustainable. However, as discussed in the developer contributions section below, the level of contributions will determine whether the development coming forward is sustainable.

Developer contributions

2.40 Paragraphs below set out the contributions which were set out when the application was submitted as being necessary to create sustainable development. Discussions have taken place over the past couple of years with regards to the viability of the scheme. A summary of the consideration of viability is included below along with an update on the current situation of what the developer is offering at present.

2.41 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms Planning Policy would contend that the following contributions would normally be necessary:

Play

2.42 Given the scale of development it is crucial that on-site play facilities are provided within the green wedge to cater for a range of ages. This could be provided by a range of formal and informal play facilities.

Built Sports Provision

2.43 In the interests of ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it is not possible to provide new build facilities on site, however it is necessary to assist in improving the built sports facilities within the town to support the increased pressure and use of those facilities. As such a sum of £250 per dwelling should be provided and will be directed towards improving the built facilities at Summerhill which provides a range of sporting activities which they are currently looking to increase. Therefore a total built sports contribution of £300,000 is required for the 1200 units.

Green infrastructure

2.44 The development will be expected to provide formal and informal green infrastructure in line with policies NE3 (Green Wedge) and NE2 (Green Infrastructure) in the plan as illustrated on the Policies Map and in line with Diagram 3. Planting along the western boundary will be necessary to soften the boundary between the urban and rural areas as required by HSG5.

Playing Pitch Provision

2.45 In line with the adopted Planning Obligations SPD there would normally be a requirement for the development to pay £233.29 per dwelling (total £279,948) towards playing pitch provision and improvements – however, in this instance, there will be a Community Use agreement for the School playing pitches so a contribution is not required.

Tennis Courts

2.46 In line with the adopted Planning Obligations SPD there is a requirement for the development to pay £57.02 per dwelling (total of £68,424) towards tennis courts. This will be spent towards improving the facilities at the Hartlepool Lawn Tennis Club on Granville Avenue.

Bowling Greens

2.47 In line with the recently adopted Planning Obligations SPD there is a requirement for the development to pay £4.97 per dwelling (total of £5,964) towards bowling greens. Parks and countryside have drawn up a list of strategic priorities for Bowling Green improvements which, given the relatively small amounts involved will need to be pooled from a number of schemes.

Education

2.48 The provision of and/or the improvement to education facilities is essential to ensure the sustainable growth in Hartlepool. The site lies within the North Eastern Education Planning Area. Currently there are capacity issues within the primary schools within the north west planning area. As such there is a requirement for the High Tunstall masterplan area to accommodate a new primary school within the development. There is a need for the developer to provide the site for a primary school on site. This should be large enough to cater for a two form entry primary

school. It is expected that this development will make a contribution to the provision of a new primary school via recycled contributions. The HBC education team have also indicated there is a need for a secondary school contribution.

2.49 The proposed site and timing of the primary school have been noted by the education authority who have noted that they will continue to monitor pupil projections and if there is a need for a temporary school prior to the main school site becoming available, they will liaise with the developers regarding how this will be provided.

2.50 This development would house 258 primary age children therefore: $258 \times £13,755$ (cost per primary school place) = £3,548,790 primary contribution. This would be used alongside other developer contribution funding from other neighbouring developments along with government funding to deliver the school.

2.51 In terms of secondary education contribution, this development would house 164.4 secondary age children, therefore the contribution required is $164.4 \times £14,102.00$ (cost per secondary school pupil) = £2,318,368.80 secondary contribution.

Training and employment

2.52 To assist in ensuring that Hartlepool's economy grows sustainably Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.

Transport

2.53 Policy INF2 states that a Travel Plan should be prepared for developments that would lead to an increase in travel.

2.54 The Elwick by-pass and grade separated junction referenced above has an estimated cost of £18million. As such, developments in Hartlepool which are considered to have an impact on the need for this are expected to contribute towards repaying this. On the basis that High Tunstall will provide 1200 dwellings, Quarry Farm 2 will provide 220 dwellings and other smaller sites in the vicinity and at Elwick could deliver up to another 80 a cost per dwelling has been worked out as follows:

2.55 Overall cost of works £18 million / 1500 dwellings = £12,000 per dwelling contribution.

2.56 Therefore this development would need to contribute $£12,000 \times 1200 = £14,400,000$. It is understood that the s106 agreement has been written in a flexible manner to allow redistribution to other elements reduced through the viability discussion should any element of grant funding be secured. At the time of writing just over £4m of grant funding has been agreed with the Tees Valley Combined Authority and a similar sum is being negotiated from other sources although this grant is still going through the due processes.

2.57 There is also a requirement on the last 992 dwellings of this development to upgrade the local road network at an estimated cost of approximately £1m. These

improvements mainly focus on the Park Road / Wooler Road / Elwick Road junction and further details can be provided by the Highways team.

Affordable housing

2.58 The provision of affordable homes is a significant part of the Government's agenda with regard to increasing the supply of homes across the country. Affordable homes are necessary to ensure that the needs of all residents are met and to ensure that all residents have the opportunity to reside in a high quality home in an attractive environment.

Affordable housing position in Hartlepool

2.59 The 2015 Hartlepool Strategic Housing Market Assessment (SHMA) states that there is a need to provide 144 affordable dwellings each year in the Borough. The Borough's housing target in the Local Plan is 410 dwellings per year. Therefore in order to meet the affordable housing target for each year; 144 of the 410 net additional dwellings will need to be affordable ($144 / 410 = 35\%$). However, the adopted Planning Obligations SPD, recognising development viability, sets a target of 18% affordable housing from new developments. This 18% (which is included as a target in the Local Plan – Policy Hsg9) would equate to the provision of 216 new affordable dwellings. To form a sustainable extension to the town we would expect to see this need delivered on site and in line with evidence provided in the 2015 SHMA which indicates that the predominant need in the Rural West Ward is for older persons 1 and 2 bedroom properties. Again, this points to the need for the scheme to incorporate an element of bungalows as reserved matters applications come forward. If specific elements of the scheme are considered executive housing as the reserved matters come in there may be a case to make an off-site affordable contribution which would then be used to assist in housing market renewal areas in the centre of the town.

2.60 In the interests of providing sustainable development and assisting in addressing any imbalance in housing supply all developers are expected to align plans with the evidence base and if this is not possible then this should be justified through a viability assessment.

10% on site renewable or decentralised energy provision

2.61 To assist in meeting the EU renewable energy consumption target of 15% of the UK energy is consumed via renewable resources and to assist in the Council's climate change agenda consideration should be given to the provision of on site renewable energy generation. Evidence regarding the on site provision of renewable energy is set out in the 2010 background paper entitled 'energy supply from decentralised and renewable or low carbon sources'. The background paper indicates that an acceptable level of on site provision is 10%, such provision was deemed to not render a scheme unviable.

Viability

2.62 Over the past 24 months or so the Council has continued to liaise with the applicant of the wider High Tunstall site to discuss the viability of the overall development of 1200 homes. The highway works to the bypass and local road network along with a £300,000 contribution towards ecological mitigation are all

needed to make the developments acceptable to Statutory Consultees including Highways England, Natural England and the Local Highway Authority; as such these are considered fundamental to the acceptability of the development in planning terms. The overall cost of these elements in respect to this application equates to £15,700,000. The information assessed by the Planning Policy Team offered this amount of developer contributions. Whilst values were considered to be appropriate to the area the main issue however is the build cost which is significantly higher than the Council's Deliverability Risk Assessment identified as appropriate for that market area; there was broad agreement to the figures within the Deliverability Risk Assessment at the Local Plan Hearings. On such a large scheme, with very little detail around the mix of houses even small changes to the build cost can have multi-million pound impacts on the viability of the scheme.

2.63 Whilst this means that initially no affordable homes (or off-site Contribution) are being proposed, no education contribution (other than providing the site for a school on the wider development area), no built sports contribution, no tennis or bowling green contribution and no 10% renewable provision, it is however noted that an uplift in line with the increase in the Office for National Statistics Homes Price Index (HPI) has been agreed with the developer as part of the s106 which could bring additional funds in which could be used on these elements should the housing market remain buoyant. Also the development will be reliant on recycling of funds (which would be on a pro rata basis with the other sites in the vicinity) should grant funding for the bypass be secured to deliver some of these fundamental elements or in the event that there should be an underspend on the Highways Works.. Planning Policy believe that without money towards these other elements the development of this site would not lead to the creation of a sustainable community and will not comply with many of the requirements of the Local Plan or elements of national guidance. It would appear at the time of writing that some £4 million of grant funding has been secured towards the bypass which will be greatly beneficial in terms of recycling to help in delivering some of these elements such as affordable housing – this would then have a positive impact on the sustainability of the scheme.

2.64 (Viability is considered in detail in the main body of the report at paragraphs 2.82-2.96. This section also includes a published Executive Summary of the applicant's submitted Economic Viability Assessment, in line with National Planning Practice Guidance.)

HBC Planning Policy Summary

2.65 Whilst the principle of the development is supported by Policy Hsg5 and the indicative layout of scheme appears to deliver the elements such as a primary school, green wedge, community facilities etc as required by Policy Hsg5 – this is supported by Planning Policy; there are still concerns that the contributions proposed will not lead to sustainable development unless the housing market remains buoyant and an uplift is realised or if grant funding is received for the bypass – there is particular concern around the fact no affordable housing or education contributions are currently being made but the way the legal agreement has been worded and the progress on identifying grant funding from the Combined Authority of £4m and potentially a further £4m (still being investigated) would hopefully help to address these concerns and ensure the sustainability of the development.

PLANNING CONSIDERATIONS

2.66 The main planning considerations in relation to 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, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, impact on heritage assets and archaeological features, flooding and drainage and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT/PLANNING POLICY

2.67 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 recently adopted 2018 Local Plan forms the main part of the Development Plan for determining planning applications.

Local Plan 2018 and evidence base

2.68 The policies of the Local Plan (2018) relevant to the proposed development are identified in the policy section in the main body of the report.

2.69 This proposal forms the High Tunstall Strategic Housing Site (Local Plan Policy HSG5) within the adopted Local Plan (2018) which allocates the High Tunstall site for a total 1200 dwellings. The evidence base that has been prepared to support the Local Plan 2018 and are considered to have relevance to applications for housing, include the 2015 Hartlepool Strategic Housing Market Assessment and the 2015 Strategic Housing Land Availability Assessment.

2.70 Policy INF2 is also particularly relevant to the High Tunstall site as it requires the Elwick bypass and grade separated junction (which are required to provide the highway capacity for the 1200 homes). This application is expected to make a substantial (pro-rata) contribution to the overall works/costs of the Elwick bypass and grade separated junction. This is discussed further in the report below.

Hartlepool Rural Neighbourhood Plan

2.71 It is not considered that there is any conflict with the emerging Hartlepool Rural Neighbourhood Plan as the application site lies outside of the boundary of the Neighbourhood Plan.

Supply of deliverable housing sites

2.72 A significant material consideration is the supply of housing land. Increasing the supply of housing is clearly one of the government's priorities and this is reflected in NPPF which states that to boost significantly the supply of housing, local planning

authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

2.73 This proposal for 1200 homes forms the High Tunstall Strategic Housing Site as allocated in the Local Plan 2018. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. 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.

2.74 In this context, the Council is using the housing requirement in the Local Plan 2018 (which incorporates a fully objectively assessed housing need (OAN)) as the requirement against which the five year supply of deliverable housing site is assessed.

Impact on the vitality and viability of the town centre and existing local centres.

2.75 The development incorporates a small local centre which is a reasonable requirement for a development of this scale. Furthermore, this is included within the High Tunstall Strategic Housing Site (Policy HSG5) within the Local Plan (2018).

2.76 In support of the original submitted application, the applicant prepared a sequential assessment for the local centre (given the scale of the local centre (less than 2,500 sq m) a retail impact assessment was not required). This concluded that the application site is the sequentially preferable site and that it will provide for the population of the development.

2.77 In terms of achieving sustainable development it is appropriate for the development to accommodate a local centre which will provide for the future residents. Given the scale of the proposed local centre and its distance from the other local centres, the development is considered to be acceptable in this respect.

Sustainable Development

2.78 When considering NPPF paragraphs 10 and 11 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Critically, the NPPF (paragraph 11) states that in decision taking, Local Planning Authorities should be 'approving development proposals that accord with an up-to-date development plan without delay'.

2.79 Considerable weight should be given to the fact that the application falls within an allocated housing site and that the authority can 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 (para 8) states that 'achieving sustainable development means that the planning system has three overarching objectives'; economic, environmental and social. The NPPF states that these are 'interdependent and need to be pursued in mutually supportive ways (so that

opportunities can be taken to secure net gains across each of the different objectives).’.

2.80 In this context, the main benefits and adverse impacts arising from the scheme are outlined below;

Benefits

- Significant boost to the supply of housing including a mix of housing types (economic*)
**there will also be ‘social’ benefits delivered by private housing provision however this benefit is reduced by no affordable housing provision, at the time of writing*
- The application would contribute towards significant improvements to accessibility, connectivity (in particular an improved link between the A19 into Hartlepool) and reducing congestion issues by making a substantial pro-rata contribution towards the grade separated junction at the A19 and bypass to the north of Elwick village (economic, environmental and social)
- It will potentially deliver beneficial highway safety mitigation impacts (environmental)
- It will potentially deliver beneficial ecological benefits (environmental)
- The application would improve connectivity by making provision for pedestrian connections for footpaths connecting the site to existing footpaths and the existing urban areas including the Summerhill Country Park (environmental and social)
- The development would safeguard land for part of a future link road to the South West Extension which would further reduce congestion in the town (environmental and economic)
- Increased Council Tax and potential New Homes Bonus (economic)
- The proposal would provide onsite open space and Green Wedge (social and environmental)
- The proposal has the potential to provide a self sustaining community with respect to the provision of on site community facilities including a retail centre and primary school (social and 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)

Adverse Effects

- Potential adverse ecological impacts (environmental)
- Potential impact on visual amenity of area and loss of agricultural land (environmental + economic)
- Potential impact on residential amenity, particularly during construction phases (environmental)
- Potential highway impacts (environmental)

- The development does not make any provision or contribution, at the time of writing, towards affordable housing provision, primary and secondary education (*although the proposal safeguards land for a 2-form primary school and playing pitches*), built sports, and towards renewables (social, environmental and economic)
- The development does not, at the time of writing, contribute towards the overall housing need in respect of not providing an affordable housing contribution (social and economic)
- The lack of financial contributions towards education could result in an increased pressure on school capacity (social and economic).

Planning Obligations

2.81 As set out within the Planning Policy section of this report and in line with Local Plan Policy QP1 (Planning Obligations), the following contributions and obligations were requested/are required;

- £14,400,000 (pro-rata) contribution towards the Elwick by-pass and grade separated junction at the A19
- £1,075,000 towards improvements to the local road network to address resultant impacts on Park Road/Wooler Road/Elwick Road junction
- £300,000 contribution to ecological mitigation measures
- The provision of 216 new affordable dwellings delivered on site (£11,569,210.56 equivalent as an off-site Affordable Housing Contribution)
- £300,000 towards for built sport facilities at Summerhill
- On site formal and informal play provision/facilities within the Green Wedge
- £279,948 towards playing pitch provision and improvements (not now required as a Community Use Agreement will be imposed on the provider of the School and playing field).
- £3,548,790 for primary school contribution towards the provision of a new primary school within the application site
- £2,318,368 towards secondary school provision (off site)
- £68,424 towards the Hartlepool Lawn Tennis Club
- £5,964 for bowling greens (off site)
- 10% on site provision of renewable energy
- Contribution towards Green Wedge and Green Infrastructure within the wider High Tunstall Masterplan/Strategic Housing Site
- an obligation requiring the provision and implementation of a Conservation and Habitat Management Plan (including the delivery of 15ha of SANGS, the annual provision of a spring cereal/ autumn-winter stubble plot for twenty years and household information packs);
- An obligation to make provision of footpaths/cycle links/access to Summerhill Country Park
- An obligation relating to the provision, maintenance and long term management of play facilities, community facilities, landscaping, open space (including SANGS) and SuDS;
- An obligation relating to the provision of a suitable landscape buffer along the western boundary to soften the boundary between the site and the rural fringe

- An obligation relating to securing a training and employment charter/local labour agreement;
- An obligation to safeguard land for a 2-form primary school and playing pitch which will be for community use.
- An obligation to safeguard land for the future provision for a link road between this site and the South West Extension;
- To deliver and implement a travel plan.

VIABILITY

Viability: Introduction

2.82 In decision taking the Council has had regard to the National Planning Practice Guidance (NPPG) which was updated in July 2018 with specific regard to economic viability assessments (EVA) where relevant and appropriate.

2.83 The Government has not specified any transitional arrangements with regard to planning applications that are yet to be determined but were validated prior to the July 2018 changes. Bearing this in mind, in the case of this application and other recent ones which have formed Local Plan housing allocations in the Borough (including Quarry Farm Phase 2, South West Extension, various at Wynyard etc.) which are up to 4 years old in being determined and where the Council's Planning Committee have already minded to approve, the Council has taken the decision that to fundamentally revisit the EVA calculations would be unreasonable and would risk the delivery of new economic growth, strategic infrastructure and housing growth which is fundamental to the Council's regeneration strategy.

Viability: Strategic Infrastructure Requirements

2.84 The development site, with others including Quarry Farm Phase 2, is allocated in the Local Plan for approximately 1,500 dwellings in total in the Elwick Road area. In allocating those sites the Council sought to take advantage of a unique opportunity to fund the delivery of strategic highway improvements which improve highway safety on the A19, reduce traffic through Elwick Village and would open up development in the north west part of the town and benefit the whole Borough by reducing congestion on other routes including the A179 and A689; which are both approaching capacity. Delivering the strategic highway improvements, or Western Growth Corridor (WGC), would also overcome any potential objections from Highways England to any future development in the Borough bearing in mind existing road network capacity. These sites (including the High Tunstall site) were specifically allocated in the Local Plan to enable the delivery of the WGC.

2.85 In the Local Plan sites were allocated for development and land safeguarded for the route of the WGC; with the delivery of the WGC being funded on a pro-rata basis by numerous residential developments and the support of external grant. The High Tunstall site plays a crucial role in delivering the WGC due to its strategic size. Without the delivery of this site as a single planning entity it would not be possible to obtain the required amount of pro-rata contributions, due to the current limits imposed on the pooling of contributions contained in the CIL Regulations 2010.

Viability: Economic Viability Assessment and S106 Legal Agreement

2.86 The WGC and local road network along with a contribution towards ecological mitigation are all needed to make the developments acceptable to Statutory Consultees including Highways England, Natural England and also the Local Highway Authority; as such these are considered fundamental to the acceptability of the development in planning terms. The overall cost of these elements equate to a total cost of £15.775m based on 1,200 dwellings:

- £14,400,000 (pro-rata) contribution towards the WGC based on 1,200 dwellings. Equating to £12,000 per dwelling.
- £1,075,000 towards improvements to the local road network to address resultant impacts on Park Road/Wooler Road/Elwick Road junction. Equating to £895 per dwelling.
- £300,000 contribution to ecological mitigation measures based on 1,200 dwellings. Equating to £250 per dwelling.

2.87 The latest version of the EVA submitted by the applicant in January 2018 indicated that there was only sufficient viability in the scheme to cover this total cost at this point in time bearing in mind known site constraints, the current housing market conditions and an uncertain housing mix which may actually be delivered in the future (bearing in mind the application is only in outline).

2.88 For a development of this strategic size the Council would normally expect a total planning obligation requirement of approximately £22m in quantifiable financial contributions along with other physical provision on the site which “cost” the developer. These specific expected requirements are set out in paragraph 2.81 in the report. When combined with the additional exceptional costs (with the WGC making up the majority) of a further £15.775m as set out above, it is accepted that economic viability on the site would be challenging; certainly in the early years of the development. Further to those identified above the following issues are also relevant:

- Provision has been made for a two form entry Primary School and playing pitches with the developer providing the land, at cost, as a minimum.
- There is a spine road running down the western edge of the development for a substantial amount of its length and is therefore only developable from one side only. Normally such roads are developed on both sides (thus sharing the cost) so only developing on one side means less viability.
- The developer is also providing the land, at cost, (which is safeguard and therefore un-developable) which will allow a future link road between approved housing development at South West Extension and proposed development at High Tunstall application site as required by Policy INF2 in the Local Plan.
- No developers are party to the proposed S106 Legal Agreement or part of the planning application. For that reason the Council does not have any track record of house types proposed, sales values, established marketable brand etc.
- Being in complete outline there is uncertainty around the mix/style and size of the dwellings (e.g. semi detached, detached, bungalows or apartments) or quantum of thereafter which would be brought forward through subsequent Reserved Matters applications.

- Due to the strategic size of the site abnormalities remain a real risk as each phase develops and these will only become apparent at that point in time when subsequent Reserved Matters application are submitted.

2.89 In light of all the points illustrated above the Council has agreed that initially the applicant would contribute £15.775m and that the S106 would include provisions to enable the capture of any potential uplift in revenues (and therefore increased economic viability) over the lifetime of the development which should result in more planning contributions being recycled for items such as additional local road network requirements, affordable housing, built sports and education provision.

2.90 Whilst the overall average per dwelling contribution equates to £13,145, two elements of the contributions (local road network of £1,075,000 and ecology of £300,000) pay for specific deliverable items and therefore are not subject to future uplift (albeit the local road network could benefit from recycled/uplifted monies should it be required). Using the base date of January 2018 (when the EVA was set) the S106 will secure a benchmark whereby each dwelling will contribute a minimum of £12,000 in planning obligations as the development builds out. This will ensure that the development pays its pro rata contribution towards the WGC and therefore ensuring the strategic infrastructure delivery as a minimum. It must be appreciated that the £12,000 per dwelling baseline is a minimum requirement and will be subject to uplift over the build out of the development. In order to achieve this uplift, the minimum requirement will be index linked to the England House Prices Index (HPI) on a monthly basis; so whenever a subsequent reserved matters phase is granted planning permission it will be subject to the correspondent HPI uplift. As an example, if a subsequent Reserved Matters phase of 150 dwellings is granted planning permission in August 2021, the original £12,000 will be uplifted by the corresponding HPI figure at August 2021 as a percentage uplift; so in simple terms if the HPI has increased by 15%, the original £12,000 will then be increased by 15% and set at £13,800. To give a review of previous HPI performance (and to estimate how much contributions could increase over the next 15 years as the development builds out), in January 2015 the England HPI figure was 100 and in January 2018 the figure was 118.88; so had increased by 18.8% over a 3 year period.

2.91 As set out above the S106 includes provisions which link the projected HPI increase to the planning obligation provided. This flexible S106 will definitively allow for uplift and changing positive housing market conditions and will allow for greater contributions over the lifetime of the development from the agreed baseline at the current time. The approach advocated above is in accordance with paragraph 009 Reference ID: 10-009-20180724 in the NPPG as:

“Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time.”

2.92 On 27th July 2018 the Council secured grant aid from the Tees Valley Combined Authority (TVCA) Cabinet to the value of £4.175m to contribute towards the provision of the WGC. This external grant assistance will offset the contributions made towards the WGC and therefore these contributions can be recycled towards local road network, affordable housing, built sports and education provision as set

out in the flexible S106 Legal Agreement; making the development more sustainable. On a pro rata basis, the grant would also benefit/subsidise other developments, including Quarry Farm Phase 2; at this point in time an additional £4.175 grant funding will allow £3.34m of planning obligations earmarked for the WGC from the High Tunstall site to be recycled into other items in the S106. In addition the Council is currently in positive discussions with the TVCA, Central Government and Homes England to secure a further £4.175m external grant aid; in the event of it being forthcoming additional contributions will again be recycled accordingly in S106.

VIABILITY: EVA EXECUTIVE SUMMARY- EVA (submitted January 2018)

2.93 In preparing this executive summary the Council is mindful of objections raised through the publicity of the application and also paragraph 021 Reference ID: 10-021-20180724 of the National Planning Practice Guidance July 2018 in respect of transparency but also with respect to commercial sensitivities. The Council is satisfied that some key information in the EVA is commercially sensitive and for that reason the full EVA in its entirety has not been made publically available. The sensitive information is not being revealed due to the following reasons:

- The applicant is not the landowner and the proposed business/delivery model involves constant negotiation with prospective developers of each phase and similar negotiations with landowners with regard to land values and overage.
- These negotiations will go on for the lifetime of the development. Revealing such information could prejudice commercial negotiations going forward.

2.94 The table below illustrates an executive summary of the EVA submitted by the applicant in January 2018 based on the provision of 1,200 dwellings, giving headline amounts for each development component and a narrative of the assumptions made. In accordance with NPPG paragraph 021 Reference ID: 10-021-20180724 the information has been aggregated in the table to ensure transparency but also to protect commercially sensitive data.

Item	Value	Notes
Gross Development Value	£264.1m	Revenue received from projected sales based on an indicative dwelling mix (approx. 1,200 sqft per dwelling @ approx. £185 per sqft value).
Land and Build Costs	£151.6m	Costs associated with the acquisition of land for residential, retail, education and non-developable including stamp duty (4% of land value), legal fees (0.5% of land value). Costs associated with the individual dwelling build costs based on an indicative dwelling mix at £80 per sqft.
Abnormal Build Costs	£37.8m	Costs associated with footpaths, roads, sewers, surface water drainage, street lights, services, gardens, retaining walls, fences, utility provision, archaeology etc.

Item	Value	Notes
S106 Costs	£15.7m	Initial costs not taking into account uplift and external grant. As HPI increases as the development builds out this figure will increase and similarly will when external grant is included. The S106 will be flexible enough to account for such changes.
Developer Profit, Overheads and Contingency	£61.7m	Developer profit (11%), sales and marketing fees (3.5% of GDV), overheads (7% of GDV), finance costs (7% of borrowing), contingency (3% of build costs) etc.
Total Viability	-£2.8m	The revenue and total costs result in a projected loss of £2.5 to 2.8m; equating to less than 1% of the overall development value. This is considered acceptable when considering the contingency included.

Viability: Conclusion

2.95 Notwithstanding what planning obligations the Council would normally expect for a development of this size there is the additional strategic infrastructure requirements which place an added burden on the development. The Council has agreed that initially the applicant would only contribute £15.775m and that the S106 would include provisions to enable capture of uplift in residential values (by virtue of the HPI link) and therefore increased economic viability over the lifetime of the development. The addition of the confirmed and projected grant assistance to the total value of £8.35m will result in more planning contributions being provided for items such as local road network, affordable housing, built sports and education provision making the development more sustainable in the long term. This approach not only satisfies the requirements of the NPPG but also addresses the concerns raised in objections to the planning application relating to how the Council has secured planning obligations.

2.96 For those reasons set out above the Council's Assistant Director for Economic Growth and Regeneration has confirmed that the EVA is broadly acceptable and that the flexible S106 will allow for the capture of any uplift in the housing market and will allow for the recycling of contributions over the lifetime of the development from the agreed baseline at the current time. This will need to be considered below in the 'planning balance'.

Sustainability (and Principle of Development) conclusion

2.97 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 a number of shortcomings, in particular it not being able to contribute, at the time of writing, towards key

infrastructure to provide a sustainable community and a sustainable form of development.

2.98 Significant weight is required to be placed on the need to support economic growth through the planning system. Consideration is also given to the site's location, which has been included as a wider strategic housing site allocation and within the new development limits as set out in the relevant policies of the adopted Local Plan 2018. In this context, the site is not considered to result in an obtrusive extension to the urban core of Hartlepool (for the reasons detailed below). Consideration is given to the significant contribution the development will provide towards boosting housing numbers and towards the key highway infrastructure works.

2.99 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, on balance, deliver sustainable development within the overall meaning of the revised NPPF (2018). Consequently the provisions of paragraph 11 clearly apply.

2.100 It is considered that in this instance, that none of the concerns/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.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

2.101 A number of objections (including from both residents and Parish Councils) have raised concerns with respect to the impact of the development on highway safety and increasing congestion including through town and the villages of Elwick and Dalton Piercy.

2.102 The impact of the development has been considered in detail during the course of the consideration of the application(s) with a number of parties being involved, including Highways England (responsible for the A19), HBC Traffic and Transport section and Durham County Council (in addition to the applicant's acting transport consultants).

2.103 Detailed comments have been provided by HBC Traffic and Transport which are set out in full above and are considered as follows;

Wider Road Network

2.104 Concerns were expressed by HBC Traffic and Transport that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles extending beyond the queuing lane into the main running lane on the A19.

2.105 As a result a joint transport assessment was undertaken between the developers of the recently withdrawn application H/2015/0551 for 208 dwellings (which fell within the red line boundary of the current application for 1200 dwellings) and the Quarry Farm 2 development (approval reference H/2015/0528, for 220 dwellings) and the scope of the assessment was agreed with HBC Traffic and Transport section.

2.106 In order to address these concerns, and to bring forward a quantum of development prior to the construction of the Elwick by-pass and grade separated junction (GSJ) (discussed above), a scheme for the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy has been produced. It has been agreed between the above referenced parties that this can only be done after extensive improvement/signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19 have been completed as the existing junction cannot accommodate the additional traffic that will be generated by preventing right turn manoeuvres at the three junctions (following the 3 x gap closures).

2.107 The signalisation of Sheraton is being delivered by Durham County Council and funded by Highways England. HBC Traffic and Transport consider that the gap closure scheme would address concerns about right turning traffic on the A19. This view is supported by Highways England and Durham County Council.

2.108 The scheme is only considered to be a short term measure with the above referenced approval H/2015/0528 (220 dwellings at Quarry Farm 2) being required (along with the 1200 dwellings of this application) to pay a pro rata contribution towards the construction of the Elwick by-pass and grade separated junction (as set out above). For the avoidance of doubt, it has been agreed that the above works (the works at Sheraton interchange and the A19 gap closures) can accommodate 208 houses on the High Tunstall strategic site/the current application site (in lieu of the withdrawn application for 208 dwellings, ref H/2015/0551) and the approved application for 220 dwellings on Quarry Farm 2 (H/2015/0528).

2.109 HBC Traffic and Transport raised concerns that if the A19 gaps are not closed prior to the commencement of the development there may be issues with construction traffic and operatives vehicles using the A19 / Elwick junctions. Notwithstanding these concerns, HBC Traffic and Transport accept that in order to allow a certain quantum of development to commence prior to construction, Highways England (who are responsible for the junction) required the developers of the recently withdrawn application for 208 dwellings on the High Tunstall site (H/2015/0551) and approved application H/2015/0528 (220 dwellings) to produce construction traffic management plans (CTMP) in an attempt to direct construction traffic to alternative routes (this also takes into account impact on the local road network and school times).

2.110 As requested by Highways England, a CTMP will also be required for each phase on this application for 1200 dwellings and a planning condition will secure this requirement. It should be noted that no further housing outside of the 'permitted' 208 dwellings on the High Tunstall site and the 220 dwellings on Quarry Farm 2 (H/2015/0528) can thereafter be occupied on the High Tunstall site until the completion of the Elwick by pass and the GSJ (which will be subject to a separate

consent). This is also secured by a planning condition on the current application as required by both Highways England and HBC Traffic and Transport.

2.111 In summary, a first phase of this application at the High Tunstall masterplan site (208 out of 1200 dwellings, based on the withdrawn application H/2015/0551 which was for 208 dwellings) and Quarry Farm phase 2 (H/2015/0528 for 220 dwellings) are subject to a planning condition for the works at the Sheraton interchange being completed first, followed by the three, identified gap closures at the A19. The current application for the High Tunstall masterplan (1200 dwellings, minus 208 dwellings) will require the works for GSJ and the Elwick Bypass to have been completed ('fully open to traffic') prior to the remainder of the dwellings (992 of the 1200) being occupied. This again is secured by a planning condition and has been agreed with both Highways England and HBC Traffic and Transport.

2.112 The proposal is therefore considered to be acceptable in respect to the identified impacts on the wider road network.

Local Road Network

2.113 As set out in the HBC Traffic and Transport section's comments, several junctions on the local highway network were assessed for capacity. Whilst there will be a cumulative impact on the local highway network, HBC Traffic and Transport have confirmed that it is not considered to be 'severe' (as defined by paragraph 109 of the revised NPPF) until after the 208th dwelling at High Tunstall and the 220th dwelling at Quarry Farm 2 development (H/2015/0528, approved) have been completed. As such, HBC Traffic and Transport section has confirmed that there are therefore no requirements to carry out mitigation works to any junctions on the local road network for this quantum of development (428 dwellings).

2.114 After the construction of the above referenced 428 properties (208 + 220 dwellings) the impact on i) the Park Road/Wooler Road/Elwick Road junctions and ii) the Hart Lane/Serpentine Road junctions is considered to be 'severe'. Appropriate measures to mitigate the severe effect that additional development (over and above the 428th dwelling, set out above) will have on the internal road network will be a requirement of the current application (H/2014/0428). HBC Traffic and Transport have advised that the Council will work with the developers to deliver appropriate works to mitigate the severe effect that additional development (992 dwellings of the 1200) will have on the local road network at the two junctions identified; this may take the form of works to the junctions themselves or in other areas of the town. A planning obligation within the s106 legal agreement will secure a financial contribution of £1,075,000 from the developer towards such schemes, which will be implemented by the Council (additional funds may also be secured towards funding such works if a more expensive scheme is necessary through the 'recycled' funds from the GSJ/bypass contributions, as explained above). Subject to this planning obligation, the scheme is considered to be acceptable in respect of the impact on the local road network.

Site Specific Highway Requirements (including mitigation measures).

2.115 Notwithstanding the above requirements, HBC Traffic and Transport section have raised no objections to the proposal subject to the provision of

- i) a detailed scheme for the roundabout junction and any secondary access(s) from Elwick Road into the site;
- ii) a scheme for the assessment of the existing speed limit along Elwick Road (within vicinity of the site) and any necessary speed reduction measures;
- iii) a scheme for a system of street lighting on Elwick Road which covers the extent of roundabout junction and the section of Elwick Road adjacent to the northern section of the site.

2.116 Overall, it is considered that with the mitigation proposed, the proposed development would not result in a 'severe' impact on the local or wider road network, and that the proposal, subject to the requisite, identified planning conditions and planning obligation(s), is considered to be acceptable in respect of highway (and pedestrian safety) related matters.

DESIGN/IMPACT ON THE VISUAL AMENITY ON THE AREA (INCLUDING LANDSCAPING & OPEN SPACE)

2.117 The revised National Planning Policy Framework 2018 (NPPF) continues to set out the Government's commitment to good design. Section 12 of the NPPF sets out that 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.

2.118 In terms of the overarching principle of the siting of the proposed residential development, it is considered that the proposed application site, which has been included within the development limits of the Local Plan (as part of the wider High Tunstall Masterplan/strategic site under Policy HSG5) would form a logical extension to the western edge of the existing urban area.

2.119 The site is subject to a number of constraints, which to a degree, have dictated the form of the development proposed. These include the presence of a major gas pipeline running to the east and to the north of the site, and the requirement for areas (15ha in total) of Suitable Alternative Natural Green Space (SANGS) to provide ecological mitigation; the areas required for this application include large parcels of open space to the west (4.18ha), south east (2.1ha) and south of the site (5ha).

2.120 Policy HSG5 allocates the High Tunstall site for a total 1200 dwellings and the application is therefore in line with the quantum of housing identified. As currently proposed, the density of the development is considered to be acceptable when compared to neighbouring housing areas. Criterion 8 in the HSG5 Policy requires the development to accord with the key principles of Diagram 3. The amended

masterplan for the current application (Revision T) is considered to be in general conformity with Diagram 3 in the Local Plan for the reasons detailed below.

2.121 Given this is an outline application the detail behind the size or type of properties is limited (it is understood that the development will propose a mix of 2-5 bedroom dwellings and be up to 2.5 storeys in height). HBC Planning Policy has advised that the provision of some bungalows would assist in meeting a specific need highlighted within the 2015 SHMA. The SHMA noted bungalows are in short supply in Hartlepool and therefore is something that new developments should look to provide an element of within the overall scheme (this would come forward/be considered under the requisite reserved matters applications).

2.122 It is also noted that this is one area of the town that can provide executive housing sites. The SHMA also highlights a need for 144 affordable dwellings to be provided annually. The document highlights that the Rural West Ward has a need for 1-3 bed detached houses / cottages, 1-2 bed semi-detached houses / cottages, 1-2 bed terraced house / cottage, bungalows and flats.

2.123 Whilst it is disappointing that the development cannot, at the time of writing, contribute towards the provision of affordable housing (for the reasons detailed above), on balance, it is not considered that this would dilute the benefits that the scheme, overall, would deliver. Furthermore, the commitment from the applicant to deliver a flexible S106 Legal Agreement which takes advantage of positive increases in property process (and any external grant aid) will hopefully allow for the provision of other planning obligations as the development progresses including affordable housing.

2.124 Provision of public open space is focused on a central area of Green Wedge (required as part of HSG5) that will run through the central-upper portion of the site. As stated above, up to 15ha of SANGS will be delivered primarily along the eastern, western and southern boundaries of the site. Policy HSG5 requires the provision of play facilities; it is considered these are necessary to enable young children to play safely close to their homes. It is expected that these will need to come forward as part of the required phasing plans for the development (and subsequent reserved matters applications) to help to create a sustainable community. The indicative masterplan also details the provision of screen planting along/beyond the western boundary of the site as required by criterion 5 of Policy HSG5.

2.125 The green corridor to the east of the site (that will form an area of SANGS) forms part of a network of designated walking/cycling routes across the developed site and into the surrounding area (including Summerhill Country Park which will be linked as part of this application which will be secured by a planning obligation).

2.126 The provision of the highway infrastructure and access into the site will result in the loss of some landscaping and open up views and access from Elwick Road however this impact will be localised and additional planting is to be accommodated within the site and within the green corridor adjacent to the site entrance. Furthermore, the Council's Arboricultural Officer has advised that there will be no detrimental loss on the tree cover and the indicative proposed new planting would more than offset the loss of the few trees that will have to be removed. Detailed

landscape proposals will be required to come forward as part of the above referenced phasing conditions and on the reserved matters application. A further condition is secured in respect of existing tree and hedge protection measures (requiring an arboricultural impact and method statements).

2.127 As detailed above, the site includes/safeguards land for a primary school site (and playing pitches). The proposed masterplan also illustrates the location of a local centre, public house, community centre and a crèche which will help to meet the community needs of the development and conform with criterion 3b of Policy HSG5.

2.128 In the above context, it is considered that a development on the outline parcel of the site can be brought forward that would not have a detrimental impact on the character and appearance of the area and that the indicative density and layout of the scheme is therefore considered to be acceptable. However it is noted that the application is in outline to establish the principle of development and full details regarding design and layout of the dwellings are to be submitted at a later date with a reserved matters application(s) when they will be fully assessed. Furthermore, a number of planning conditions have been secured with respect to the phasing/programme works to ensure the coordinated progression of the development and the provision of the relevant infrastructure and services to the anticipated phasing of the site.

2.129 In terms of any wider visual impact, the proposed development will clearly have a significant impact on the landscape in this area with the existing farmland being replaced by urban development (albeit with large areas of green infrastructure). The submitted application was accompanied by a Landscape and Visual Impact Assessment (LVIA) as required by criterion 9 of Policy HSG5. The LVIA considers that the proposal affects 'medium' value rural fringe and 'low value' undulating farmland and that the overall landscape sensitivity of the site as 'medium' from the National Character area definition.

2.130 Furthermore and as detailed above, following a significant amendment to the original submitted scheme (for 2000 dwellings), the overall site area was reduced but more significant, the western site boundary was reduced by approximately 200m (roughly one third of the development) and it was considered that the removal of this strip of land effectively removed the most 'sensitive' land from the development (identified within the Hartlepool Landscape Assessment 2000 as 'undulating farmland High Value') and therefore most sensitive to the landscape effects of development.

2.131 In the context of the overall landscape character, the magnitude of the change from existing farmland to urban development was assessed as being 'high' particularly during construction and prior to the establishment of landscape mitigation. During the establishment period of the development, the landscape effects were assessed to be 'moderate' and 'adverse'. Whilst it is fully acknowledged that there will be a permanent and irreversible change in character, the LVIA predicted the change will reduce to 'medium' during the establishment of the proposed landscape mitigation which will soften the urban character of the environment with the site resulting in 'moderate/minor' and 'neutral' landscape

effects. It is considered that the impacts would not be considered as 'significant' in the context of the EIA Regulations.

2.132 Overall, it is considered that the impacts on the character of the area will be both positive and negative. The proposed green corridor/planting buffer along the northern boundary to the site (adjacent to Elwick Road), the subsequent setback of the development from Elwick Road, and the provision of the areas of SANGS to the south, east and west will assist in softening the visual impact of the development. It should also be noted that in a number of views, the site will be seen in the context of the existing urban area and the topography of the site. It is considered that the landscaping required will assist in further filtering or screening views of the development however given the scale of development proposed and the elevated nature of parts of the site relative to adjacent areas mean that it will not be possible to screen the development entirely. This matter is touched upon in the conclusion to this report where it is determined that on balance, any negative impacts would not outweigh the positive impacts arising from the proposal.

2.133 The requirement of criterion 5 of Policy HSG5 for a landscape buffer to be provided along the western boundary of the site will be secured by a planning obligation within the s106 legal agreement to prevent any adverse impact on the visual amenity of the wider area and the rural fringe.

2.134 Overall, it is considered that the proposed development would not result in a significant adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area for the reasons detailed above. The proposal is therefore considered to be in accordance with the provisions of the NPPF and the relevant Local Plan policies.

THE AMENITY OF THE OCCUPIERS OF ADJOINING PROPERTIES/FUTURE OCCUPIERS OF THE SITE

2.135 Beyond the site boundaries, the nearest existing neighbouring properties to the application site are those to the east (within West Park/Elwick Rise) and to the north east beyond Elwick Road (within the established residential estates), directly to the north (within Quarry Farm Phase 1 currently under construction with a high number of occupied properties, and a number of established, individual properties) and to the south west in the form of a number of farms.

2.136 It is considered that the proposed development would achieve the minimum requisite separation distances (set out in Policy QP4 of the Local Plan) from the nearest existing neighbouring properties whilst taking into account the required landscape buffers and areas of SANGS between the application site and the surrounding areas. It is therefore considered that the indicative layout has been designed in such a way as to limit the impact upon the amenity and privacy of the neighbouring properties.

2.137 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.

2.138 As detailed in the highway matters section of this report, detailed consideration has been given to the impacts of the development on both the local road network and wider road network. Concerns have been raised by objectors regarding the disruption that would be caused during the development of the site including additional traffic and noise and disturbance. It is both appreciated and inevitable that the development of a site of this scale will cause some disruption to neighbouring residents, either alone or in combination with the existing and proposed housing and other developments in the area.

2.139 It is however considered that the separation distances to neighbours for much of the development area will help to minimise any impacts. Furthermore and as set out above, a Construction Traffic Management Plan (CTMP) will be required to agree the routes (and times of day) that deliveries can access the site. A further condition is secured with respect to the requirement for a Construction Management Plan (CMP) that will require the developer to address relevant issues in relation to noise, dust, wheel washing and consultation with neighbours to seek to minimise disruption. A further condition will also restrict hours of construction and deliveries. Conditions will also be required to limit hours of operation and deliveries, and details of any extraction equipment for the commercial uses (A1 and A3/A4) proposed within the site as requested by the Council's Public Protection team.

2.140 Subject to these conditions, the Council's Public Protection team raise no objections to the application. Finally there are various powers available to the council under the relevant public health and highway acts should incidents arise.

2.141 In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of adjoining properties/future occupiers of the site.

ECOLOGY AND NATURE CONSERVATION

2.142 The application has been considered in detail by the Council's Ecologist. Advice has also been provided by Natural England. The application site is deemed to be within or in close proximity to a European designated site (and its proposed extension) and therefore has the potential to affect its interest features.

2.143 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore prepared (as the competent authority) a Habitat Regulations Assessments (HRA) in two parts – stage 1 screening and stage 2 Appropriate Assessment.

2.144 The HRA stage 1 has screened four European Sites within 12km against potential adverse impacts. Likely Significant Effect (LSE) has been found as follows:

- Teesmouth and Cleveland Coast SPA and Ramsar and pSPA – recreational disturbance.

2.145 These adverse impacts were HRA stage 2 'Appropriately Assessed' in a separate document.

2.146 The HRA concludes that the identified residual impact of the development is mitigated by the availability of an acceptable amount and distribution of SANGS (15ha across 6 areas), a commitment to provide promotional material (householder information packs) and a financial contribution (£300,000) to wardening the Teesmouth and Cleveland SPA and Ramsar. As such, the following ecological mitigation for the application (as set out within the HRA) is required:

1. A total of 15 Ha SANGS that will encourage, in particular, daily dog walking. This will be located in 6 areas namely;
 - a) A large parcel of open space to the west of the site (approx 4.18ha)
 - b) a central area of open space to the south west corner of application H/2015/0551 (1.07ha)
 - c) a green corridor running to along the eastern boundary of the site (2.14ha)
 - d) a large parcel of open space to the south east corner of the site (2.1ha)
 - e) a strip of open space to the south west corner of the site (0.51ha)
 - f) a large parcel of open space beyond the southern boundary of the main build development of the site (5ha)
2. A financial contribution (pro-rata contribution of £300,000 to cover additional costs to be borne by Summerhill Country Park and for coastal wardening and management.
3. Provision to each household of an information pack highlighting on-site recreational opportunities and the importance safeguarding European Sites.
4. The annual provision of a spring cereal/ autumn-winter stubble plot for twenty years (which would form part of a conservation habitat management plan)
5. links to Summerhill Country Park

2.147 The HRA process has been duly considered and agreed by Natural England as a statutory consultee in this process including the identified measures.

2.148 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 and raises no objections to the application, providing that all mitigation measures are appropriately secured. These measures will be secured by appropriate planning obligations within a section 106 legal agreement.

2.149 In line with NPPF, the LPA requires development to enhance biodiversity and the environment where possible. The applicant has agreed to mitigation, compensation and enhancement measures (as per the applicant's submitted Naturally Wild Ecology Chapter Addendum Report dated 01/04/2016) and these will be secured by a number of planning conditions (and planning obligations within the s106), thereby satisfying Natural England's standing advice. These conditions will

include tree and hedge protection, landscape buffers, bird nesting, low level lighting, suitable planting to the SuDS, and bird breeding opportunities. The HBC Ecologist considers that in his view this would satisfy the objections from Teesmouth Bird Club.

2.150 Subject to the above referenced 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

2.151 The Council's Heritage and Countryside Manager has confirmed that the proposal will not affect any heritage assets and raises no objections to the application.

2.152 Tees Archaeology has considered the submitted information which identifies that there are a number of archaeological features within the proposed development area. They are however satisfied that these reports meet the information requirements of the NPPF regarding heritage assets of archaeological interest (NPPF para. 189) and raise no objections to the application subject to the recording of the heritage asset through a programme of archaeological works, which can be secured by a planning condition. The proposal is therefore considered to be acceptable in this respect.

FLOODING AND DRAINAGE

2.153 Concerns/objections have been raised by objectors with respect to flooding and drainage matters and the implications for the wider area.

2.154 The application site is located within Flood Zone 1 (indicated as having a low risk of to flooding) at the time of writing. Notwithstanding this, the submitted Flood Risk Assessment has been considered by the Council's Principal Engineer, the Environment Agency and Northumbrian Water (as set out in full within the consultation comments).

2.155 The Council's Principal Engineer (HBC Engineering Consultancy) has advised that there is no known history of fluvial flooding on the site. The topography of the site generally falls from north to south and currently surface water flows would be expected to be intercepted by the watercourse on the site and conveyed away from the site. Tunstall Farm beck flows from this proposed site towards the 'West Park' area and along Valley Drive and ultimately through the Burn Valley. The Council's Principal Engineer has advised that parts of this watercourse further downstream are classified as being within flood zones 2 and 3 and as such an increase in surface water within this watercourse would not be acceptable.

2.156 Notwithstanding this, the Council's Principal Engineer has confirmed that detailed designs will be required and therefore recommends a pre-commencement

planning condition relating to details of a suitably designed surface water scheme to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere. The Council's Principal Engineer welcomes the proposals to use Sustainable Drainage Systems (SuDs) techniques through a mix of swales, filter trenches/strips, ponds, basins and storage tanks/pipes.

2.157 Subject to the final design being secured by a planning condition(s), the Council's Principal Engineer and the Environment Agency (EA) have raised no objections to the application.

2.158 The EA has also requested planning conditions relating to the provision and management of buffer zones along watercourses, and a landscape management plan. These have been secured accordingly (the buffers are also required from an ecological mitigation perspective to be applied to not only watercourses but areas of ponds, woodland belt, wildlife corridors and SUDS). Landscape management will be secured through a planning obligation on the s106 legal agreement. The EA has also provided advice on a number of environmental related matters, which can be relayed by informatives.

2.159 In addition to the requirement for surface water details (to be secured by a planning condition as per above), Northumbrian Water has also requested that details of foul sewerage be secured by appropriate planning condition and have provided advice which can be relayed by way of an informative.

2.160 Hartlepool Water has been consulted and raised no objections to the proposal but has advised that their existing assets will require major diversion works and in order to supply this development they may need to reinforce their infrastructure. Again, their comments can be included as an informative for the applicant's consideration.

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

OTHER PLANNING MATTERS

Public Right of way

2.162 'Public Footpath No.7, Hartlepool', runs through the proposed application site, in an east to west direction. The proposed masterplan indicatively shows the retained footpath running from east to west. The treatment and details to the footpath will need to be considered and agreed as part of the phasing details for the overall masterplan and as part of any individual reserved matters application affecting that section of the footpath. The Council's Countryside Access Officer has advised that it will be important to ensure that the footpath does not become overly 'urbanised' and that its treatment will need to be considered further.

2.163 An informative is appended to the decision notice with respect to the applicant contacting the Council's Countryside Access Officer at early stage to discuss this further including the requirement to keep the public footpath open at all times for the

use by the public (or if there is a need for temporary closure). Subject to a satisfactory scheme being achieved, it is considered to address the concerns from the Ramblers Association.

2.164 The scheme will facilitate the retention of the existing footpath crossing through the site. It is also anticipated that there will be a footpath connection between the site access to the north of the site and the existing footpaths to the east of the site (along Elwick Road) which will further enhance connectivity and the sustainability of the application site. The works to retain the existing footpath and provide further footpath connections will allow the site to tie into 'Public Footpath 25, Hartlepool' that runs to the east of the site from Elwick Road (north) through Tunstall Farm and onto Duchy Road (south).

2.165 Furthermore, the current application will be required to make provision for connections (footpath/cycle links) to Summerhill Country Park to the south of the overall masterplan site (as indicatively shown on the masterplan), which would be secured by a planning obligation on the s106 legal agreement.

2.166 Whilst it is disappointing that the development cannot, at the time of writing, contribute towards improving Green Infrastructure/footpaths beyond the site boundaries (for the reasons detailed above), on balance, it is not considered that this would dilute the benefits that the scheme, overall, would deliver. Furthermore, the commitment from the applicant to deliver a flexible S106 Legal Agreement which will take advantage of positive increases in future property values and any grant aid received this will hopefully allow for the provision of other planning obligations/contributions as the development progresses including green infrastructure.

2.167 In view of the above, the scheme is considered to be acceptable in this respect.

Proximity to high pressure gas pipeline and other infrastructure

2.168 A high pressure gas pipeline runs immediately adjacent to the application site to the east and to the north. As set out above, this has dictated to an extent the layout of the land with the applicant aware of the requisite easement and separation distance required to the pipeline. The land in close proximity of the pipeline cannot be developed. In order to address this, the applicant is proposing to leave the area of the pipeline undeveloped and would form one of the SANGS as part of the ecological mitigation.

2.169 The application has been considered through the Health and Safety Executive's online Planning Use Planning system, which confirms that there are no grounds to advise against the granting of planning permission (the HSE have confirmed in writing that this is the correct stance). The pipeline operator (Northern Gas Networks) has also been consulted and they have raised no objections to the proposed scheme providing that the requisite easement is achieved, which have been illustrated on the submitted drawings. The relationship with the pipeline is therefore considered to be acceptable.

2.170 Northern Powergrid and National Grid were both consulted and neither provided any comments.

2.171 Furthermore, Cleveland Emergency Planning Unit has raised no objections to the application, highlighting the presence of the pipeline.

Contaminated land

2.172 The Council's Principal Engineer has considered the submitted information and has requested that an appropriate planning condition is secured with respect to further site investigation works into contaminated land.

Agricultural land

2.173 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 Grade 3 (good-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.

Waste

2.174 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.

2.175 Matters of indiscriminate waste and fly tipping could be controlled through separate legislation.

Fear of Crime/Anti-social behaviour

2.176 Objectors have raised concerns with respect to the proposal resulting in an increase in crime/fear of crime, anti social behaviour (ASB) and vandalism.

2.177 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 (in particular, the proposed neighbourhood centre). 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 HBC Community Safety and Engagement team and such concerns would not be of sufficient weight to warrant refusal of the application.

2.178 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 Local Plan Policy QP5 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

2.179 With respect to a number of concerns and objections received (that have been summarised in the publicity section of this report), several of these matters are not material planning considerations including property devaluation, reduction on council tax, and querying who will buy the properties

2.180 The application site is not located within a Green Belt.

2.181 Objections have made reference to the loss of views; the 'Right to Light' and '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.

2.182 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.

2.183 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

2.184 The application site falls within an allocated housing site (as part of the High Tunstall Strategic Housing Site, Policy HSG5) in the development limits as part of the adopted Local Plan 2018 and the site is not considered to result in an incongruous form of development for the reasons detailed within the main report. The principle of development in this location is therefore accepted. Applications are also to be considered in the context of the presumption in favour of sustainable development as set out in the revised NPPF (2018).

2.185 In terms of the benefits arising from the development these are considered in the report above and include the development's significant contribution to the

Borough's housing land supply, the delivery of socio economic benefits (including jobs during and after construction, additional council tax, additional household expenditure), significant contributions towards highway infrastructure (which in turn will allow for further, sustainable growth in Hartlepool), and enhancements to the green infrastructure of the town (Green Wedge and links to Summerhill Country Park).

2.186 There are also a number of identified 'disbenefits' to the scheme as set out in the report above, primarily the scheme being unable, at the time of writing, to deliver/contribute towards a number of planning contributions including education, affordable housing, and built sports. Concerns are therefore raised by HBC Planning Policy that the development of this site will not lead to the creation of a truly sustainable community, at least in the short term. Notwithstanding this and as set out in the viability section of the report the S106 is to include provisions to enable the capture of any potential uplift in future property sales values over the lifetime of the development which should result in more planning contributions being recycled for items such as additional local road network requirements, affordable housing, built sports and education provision. Should the anticipated grants be received for the GSJ/WGC works this will also free up developer contributions to be recycled into other required infrastructure. 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, on balance, deliver sustainable development within the overall meaning of paragraphs 8--217 of the NPPF. Consequently the provisions of paragraph 11 clearly apply. 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.

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

2.188 It is considered that in this instance, that none of the concerns/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.

The application is accordingly recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.189 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.190 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.

2.191 There are no Section 17 implications.

REASON FOR DECISION

2.192 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 section 106 agreement securing developer obligations/contributions towards the Elwick bypass and Grade Separated Junction (£14,400,000); a financial contribution towards improvements to the local road network (£1,075,000); a financial contribution towards ecological mitigation (£300,000); an obligation requiring the provision and implementation of a Conservation and Habitat Management Plan (including the delivery of 15ha of SANGS, the annual provision of a spring cereal/ autumn-winter stubble plot for twenty years and household information packs); the provision, maintenance and long term management of play facilities, community facilities, landscaping, open space (including SANGS) and permissive paths; the provision, maintenance and long term management of SuDS; an obligation relating to the provision of a suitable landscape buffer along the western boundary; an obligation to safeguard land for a 2-form primary school and playing pitches which will be for community use; an obligation to make provision of footpaths/cycle links/access to Summerhill Country Park; an obligation to safeguard land for the future provision for a link road between this site and the South West Extension; an obligation relating to securing a training and employment charter/local labour agreement; an obligation to deliver and implement a travel plan (the s106 legal agreement will be flexible enough to “capture” any potential uplift in property sales values over the lifetime of the development which could result in more planning obligations being provided for items such as affordable housing, built sports and education provision, the agreement will also allow the specific contributions identified above to be recycled and used to meet the other obligations identified in this report should they not be required to meet the original purpose (in whole or part) and subject to the following conditions;

1. Application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase. For the avoidance of doubt.
2. Approval of the details of the access, internal pedestrian and highway layout, layout, scale and appearance 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 that these details are satisfactory.

3. The details submitted at the reserved matters stage shall be in general conformity with drawing no. P101 Revision T 'Proposed Master Plan' received by the Local Planning Authority on 28th November 2018 and Hartlepool Local Plan 2018 Policy HSG5 (criterion 8 - 'High Tunstall Strategic Housing Site' and associated 'Diagram 3 High Tunstall Concept Plan').

In the interests of the proper planning of the area and to be in general conformity with Hartlepool Local Plan 2018 Policy HSG5 (criterion 8)..

4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes shall identify the phasing of all development, infrastructure, landscaping including strategic landscaping, the means of access/pathways/cycleways, enclosures and gates, public and amenity open space, suitable alternative natural green space (SANGS), play facilities and sports pitches of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

5. No development of any phase of the development for which outline planning permission is hereby approved shall commence until detailed proposals for the treatment of the green wedge (to be provided in general conformity with Hartlepool Local Plan 2018 Policy HSG5, criterion 4) within that phase including details of any phasing, play/sports facilities, the means of access/pathways/cycleways, enclosures and gates, footbridges, lighting, benches, bins, street furniture, landscaping (incorporating ecological mitigation and enhancements in accordance with Naturally Wild Environmental Statement Ecology Chapter Addendum Report (received by the Local Planning Authority on 1st April 2016) (except as may be varied with the agreement of the Local Planning Authority) and a timetable for its provision have been submitted to and approved in writing by the Local Planning Authority. The green wedge shall be provided in accordance with the details and timetable so approved. In the interests of visual amenity and in order to ensure that the green wedge is provided in a planned and appropriate manner.

6. The development hereby approved shall be carried out in accordance with the following drawing no(s); P100 Revision G (Existing Site Layout) and amended plans; P101 Revision T (Proposed Master Plan) and P102 Revision F (Proposed Location Plan), both plans date received 28th November 2018 by the Local Planning Authority. For the avoidance of doubt.

7. The total development hereby approved shall not exceed the following maxima:
Up to 1200 residential dwellings (C3 Use Class).
2.4ha of land allocated for the following neighbourhood facilities;
Up to 500sqm floorspace of a community centre (D1 Use Class)

Up to 500sqm of medical centre floorspace (D1 Use Class)

Up to 100sqm of crèche floorspace (D1 Use Class)

Up to 250sqm retail floorspace (A1 Use Class)

Up to 600sqm of public house/drinking establishment floorspace (A3/A4 Use Class)

Up to 2.05ha for a Primary School Site and playing pitches

For the avoidance of doubt and to be in general conformity with Hartlepool Local Plan 2018 Policy HSG5 (criterion 3).

8. Prior to the occupation of the 209th dwelling of the 1200 dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic, to the satisfaction of the Hartlepool BC, Durham BC and Highways England.

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the Hartlepool Local Plan 2018.

9. Prior to the occupation of the dwellings hereby approved, a scheme for i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and ii) the closure of the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England. Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed and following this but not before, and again prior to the occupation of the dwellings hereby approved, the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall have been closed to prevent right hand turn manoeuvres, in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures could include temporary works ahead of permanent works, however any change from temporary to permanent measures for the closure of the gaps must be contiguous and ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed.

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the Local Plan.

10. Notwithstanding the submitted plans, no development shall take place until a detailed scheme for the provision of a roundabout junction and any other secondary access(s) (as may be required) from Elwick Road (to be provided on a 1:500 scale plan, minimum) and a Phasing Plan/Programme for the implementation of such highway mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided in general conformity with Drawing No. P101 Rev T ('Proposed Master plan', date received 28.11.2018) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016).

Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority. 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 the existing speed limit has been assessed along Elwick Road (within vicinity of the site), and any required mitigation

measures identified with a scheme and a Phasing Plan/Programme for the implementation of such highway mitigation measures to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of highway and pedestrian safety.

12. No part of the development shall be occupied until a system of street lighting has been completed on Elwick Road which covers the extent of the roundabout junction and along the section of Elwick Road adjacent to the northern boundary of the site (including any secondary access(s)) in accordance with a Phasing Plan/Programme for the implementation of such highway mitigation measures first submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority.

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

13. 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.

14. Prior to the commencement of development on each phase, a Construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Highways England to agree the routing and movement of all construction traffic associated with the construction phases. Thereafter, the development of the site shall accord with the requirements of the approved Construction Traffic Management Plan to the satisfaction of the Local Planning Authority in consultation with Highways England.

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the Local Plan.

15. Notwithstanding the submitted information, no development in any phase 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. 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. groundwaters 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 shall 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 shall 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 shall 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'.

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) (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, 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 the prior written consent of the Local Planning Authority.

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.

16. (A) No demolition/development in any phase shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for that phase 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 (A).

(C) No phase of the development shall be occupied until the site investigation and post investigation assessment relevant to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In order to ensure that the archaeology of the site is adequately investigated.

17. Development shall not commence on any phase of the development until a detailed scheme for the disposal of foul water from that phase of the development 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.

18. No development on any phase shall take place until a scheme for a surface water management system for that phase including the detailed drainage/SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The

scheme must ensure that the existing Greenfield run off rate for the site be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide multiple SuDS solutions. 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 thereafter 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 prior to the occupation of any part of that phase of the development and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on trees are taken into account in any design.

19. Prior to the commencement of each phase, a detailed scheme of landscaping, tree, hedge and shrub planting (in general conformity with drawing no. P101 Revision T 'Proposed Master Plan' received by the Local Planning Authority on 28.11.2018) and incorporating ecological mitigation and enhancements in accordance with the Naturally Wild Environmental Statement Ecology Chapter Addendum Report (received by the Local Planning Authority on 1st April 2016) (except as may be varied with the agreement of the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme and timetable of the works to be undertaken, and be implemented in accordance with the approved details and programme/timetable of works.

In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.

20. 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 of that phase 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.

21. Notwithstanding the submitted information and prior to the commencement of any phase of the development, an Arboricultural Impact Assessment and Method Statement for the removal and protection of any trees and hedgerows within that phase shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Method Statement, unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure that any impact on trees is minimised in the interest of visual amenity and the ecology of the area.

22. Notwithstanding the submitted details, no development of any phase shall commence until detailed proposals for the provision of public open space and play areas including details of their phasing, location and design/specification, landscaping, play equipment, surfacing, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The play facilities shall be provided in accordance with the approved details and timetable.

In the interests of public health and delivering a sustainable development and in order to ensure that the play areas are provided in a planned and appropriate manner.

23. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of sports pitches including details of their phasing, location and design/specification, equipment, landscaping, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The sports pitches shall be provided in accordance with the approved details and timetable.

In the interests of public health and delivering a sustainable development and in order to ensure that the sports pitches are provided in a planned and appropriate manner.

24. Prior to the commencement of each phase of the development a scheme for the provision and management of a 10m wide buffer zone alongside the existing watercourses and ponds, woodland belt, wildlife corridors and SUDS, and a 5m wide buffer to the existing hawthorn stand and existing hedgerows (where retained) 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 except where infrastructure is required by the local planning authority. The scheme shall include:

- a) plans showing the extent and layout of the buffer zones;
- b) details of any proposed planting scheme (for example, native species);
- c) 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;
- d) details of any proposed footpaths, fencing, lighting etc.

In the interests of the environment and ecology of the area and in accordance with paragraph 170 of the NPPF which recognises that the planning system should aim to conserve and enhance the natural and local environment by 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. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats

Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Northumbria River Basin Management Plan.

25. Prior to the commencement of development on any phase of the development a scheme to provide bat mitigation features to provide long term roost sites for the local bat population within that phase including details of the features and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. These shall include bat nesting bricks to be built into 10% of buildings, including the proposed primary school, with the selection of buildings facing onto the larger open spaces to be prioritised. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.
To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 175 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
26. Prior to the commencement of development on any phase of the development a scheme to provide bird mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These shall include house martin nest cups and integral swift nesting bricks to be built into 10% of buildings, including the proposed primary school, with the selection of buildings facing onto the larger open spaces to be prioritised. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.
To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 175 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
27. The clearance of any vegetation, including trees and hedgerows (as agreed) and arable land, shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.
In the interests of the ecology of the area.
28. Notwithstanding the submitted information and prior to the commencement of each phase details of all walls, fences and other means of boundary enclosure shall be

submitted to and approved by the Local Planning Authority before the phase is commenced. Each phase details shall include the provision a 10cm² square Hedgehog access hole at ground level within dividing garden fences, to allow free passage of Hedgehogs through gardens and into wildlife corridors. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity and the ecology of area.

29. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, 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 measures to reduce mud on highways (to include bath washing facilities), roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
30. Prior to the commencement of each phase of the development a detailed scheme of noise insulation measures for the residential properties directly adjacent to the access and spine roads of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented, and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified in the scheme and shall be permanently retained thereafter unless some variation is otherwise agreed in writing by the Local Planning Authority. In the interests of the amenity of future occupiers of the development.
31. Prior to the commencement of any phase of the development hereby approved, details of any proposed pumping station(s) shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be in accordance with the details so approved. In the interests of visual amenity.
32. No development shall commence on any phase until details of existing and proposed levels within and outwith the site including any earth retention measures within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority. In the interests of the amenities of the occupants of neighbouring properties.
33. Notwithstanding the submitted information and prior to the first unit of each phase being constructed above damp proof level details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority,

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.

34. Prior to the commencement of each phase 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.

35. Prior to the commencement of each phase of development, details for the storage of refuse 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 details.

To ensure a satisfactory form of development.

36. Prior to the submission of Reserved Matters applications relating to any self build phase, the applicant shall submit a Design Code identifying the parameters and general design principles of the self build area. Once approved all plot specific Reserved Matters applications shall be in accordance with the Design Guide, unless otherwise agreed in writing with the Local Planning Authority. No development on any individual plot shall commence until the boundaries of all 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 and relationships assessed when reserved matters applications are submitted

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), 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. The commercial premises (use classes A1, A3/A4) hereby approved shall only be open to the public between the hours of 07:00 and 23.30 on any day.

In the interests of the amenities of the occupants of neighbouring properties in accordance with Policy RC16 of the Hartlepool Local Plan 2018.

39. Deliveries to the commercial premises (Use classes A1, A3/A4) hereby approved shall only take place between the hours of 07:00 and 23.30 on any day.
In the interests of the amenities of the occupants of neighbouring properties in accordance with Policy RC16 of the Hartlepool Local Plan 2018
40. None of the A3/A4 uses hereby approved shall commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
41. 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 8.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays. Unless some variation to these times is 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.

BACKGROUND PAPERS

2.194 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

2.195 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

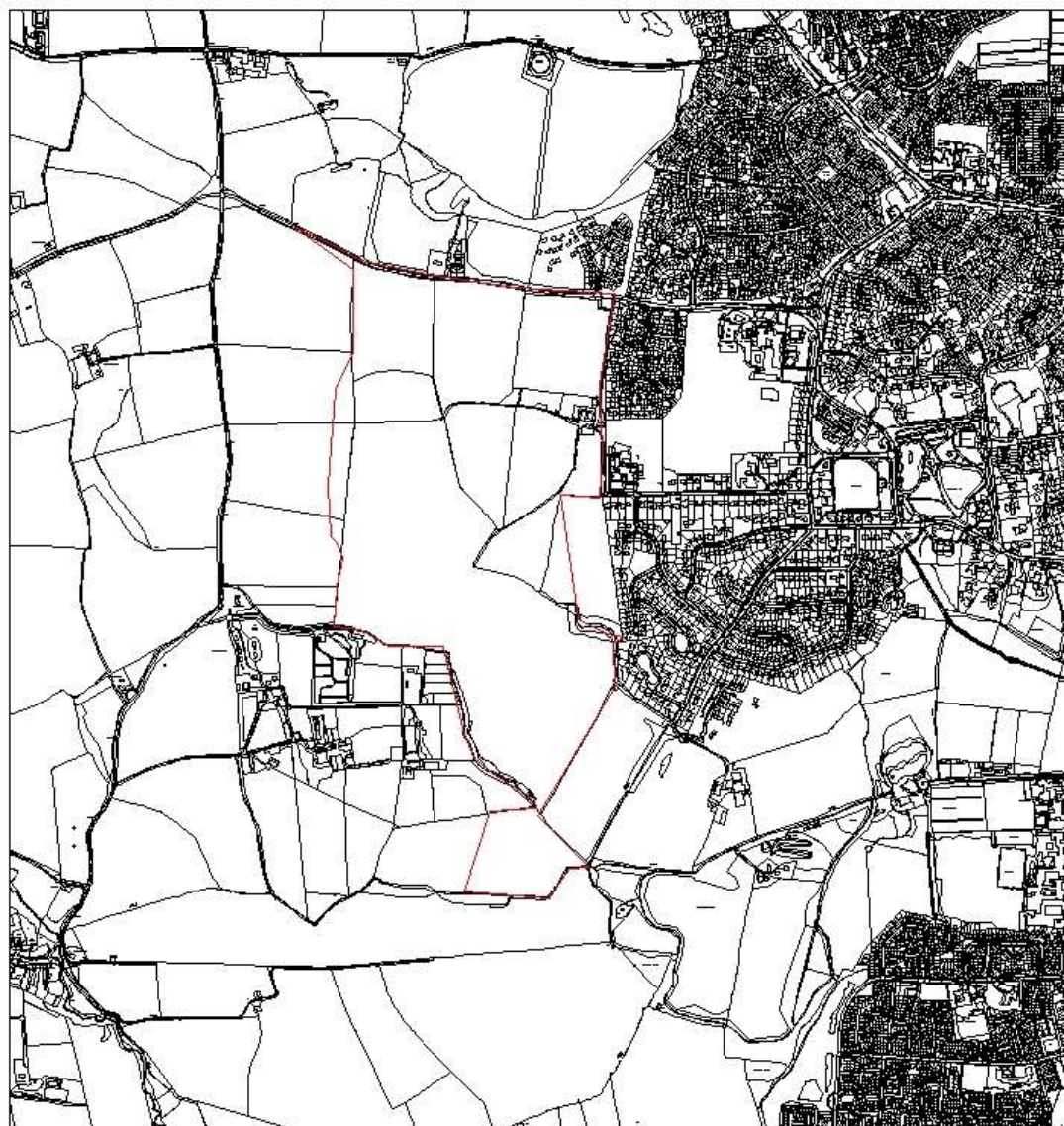
Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

2.196 Daniel James
Planning Team Leader (DC)
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 284319
E-mail: daniel.james@hartlepool.gov.uk

LAND SOUTH OF ELWICK ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:15,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2014/0428	REV

No: 3
Number: H/2018/0387
Applicant: MRS SANTOS BANSAL
Agent: MARK TAYLOR
Date valid: 20/09/2018
Development: Erection of fence
Location: LAND AT 203 - 209 YORK ROAD HARTLEPOOL

PURPOSE OF REPORT

3.1 An 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

3.2 There are no relevant planning applications associated with the site.

PROPOSAL

3.3 The application seeks planning permission for the erection of fencing to the west of the plot of land at 203-209 York Road, Hartlepool.

3.4 The fencing will be maximum height of 2.4 metres and will be constructed of galvanised steel palisade fencing painted in an olive green colour (RAL 6003). The fencing will be primarily screened from York Road by the existing advertising hoardings to the east of the application site and will be set back from the public highway of Caroline Street by approximately 24 metres.

3.5 The original proposal included an addition of 0.6 metres of barbed wire to the top of the fencing however, following the concerns raised by the case officer and the objections received, the Agent has removed this element from the proposal and submitted amended the plans to the Local Planning Authority.

3.6 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the number of objections received and the recommendation.

SITE CONTEXT

3.7 The application site is relates to land at 203 – 209 York Road. The site is within a terraced street made up of predominately retail units/shops on the ground floor and flats/office space above.

3.8 The site is bounded by No. 201 York Road (currently occupied by Epilepsy) to the north, No.'s 211 – 221 York Road (currently occupied by Gerald Shotton Furnishings) to the south. Approximately 36 metres to the east are properties across

the public highway of York Road, namely No.'s 212 to 216 York Road and approximately 33 metres to the west are further properties across the public Caroline Street, currently under construction (H/2017/0566, approved 22/03/18).

PUBLICITY

3.9 The application has been advertised by way of a site notice and seventeen neighbour letters, along with the local ward members. To date, there have been three responses received (two to the initial consultation of the application and one to the re-consultation of the application).

3.10 The objections and concerns raised can be summarised as follows:

- Due to the run down nature of this area, if this land was fenced off we believe it could pose a health, safety and fire risk to which emergency and council services would have no access. Also we would be unable to gain access to our building for maintenance and repair.
- Support the building of a fence but have concerns about the visual impact a 3 metre tall metal fence topped with barbed wire will have on this improving area. Following the amendments to the application (removal of the barbed wire element) a further response was received from the same person stating no objection.

3.11 Copy Letters **C**

3.12 The period for publicity has expired.

CONSULTATIONS

3.13 The following consultation replies have been received:

HBC Public Protection – Not object.

Hartlepool Civic Society – The Society has studied this application. Whilst we understand the reasons for this – we believe that the it is far too 'industrial' for this area – proposals being up to 3m high with barbed wire topping - actually 9ft 10".

Other residents must be considered here as well as future residents who will be living in the new housing development over the road - this is surely not the right image.

Fronting York Road of the site are billboards so it is not visible from York Road.

We urge the Council to meet with the applicant and come to a better arrangement which will succeed in dealing with the problem without creating yet another of a 'stalag' situation – just not appropriate of what is to become a residential area using a brownfield site.

HBC Landscape Architect – The visual impact of the fence on York Road will be screened by advertising hoardings.

The visual impact on Caroline street should be mitigated by the provision of a painted finish the fence, colour black or olive green (RAL 6003).

While the existing vegetation on site is self-seed, it is functioning to screen the rear of the advertising hoardings and should be retained.

A further response was received in relation to the re-consultation of the application stating ‘there are no landscape objections to the proposal. The fence should however have a painted finish the fence, colour black or olive green (RAL 6003).

HBC Traffic and Transport – No objections to this application.

Cleveland Police Architectural Liaison Officer – Police have no objections to proposed fencing of this land however I would not recommend the use of palisade fencing with barbed wire topping in this location

Other alternative fencing would be more appropriate with regard both security and maintenance costs. Such appropriate fencing would include Weld Mesh, Palisade or railing fence.

All fencing requires to be professionally installed and meet the standards of BSEN 1722.

HBC Community Safety Team – Community Safety have no concerns regarding the application as it will deal with fly tipping problems at this location.

A further response was received in relation to the re-consultation of the application stating ‘Community Safety have no concerns regarding the amended application.

Cleveland Fire Brigade – Cleveland Fire Brigade would offer no objection to this application.

The erection of the proposed steel palisade fencing would not prevent access to an incident in the event of a fire situation.

PLANNING POLICY

3.14 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 (NPPF)

3.15 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

3.16 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Primacy of the Development Plan
7	Three dimensions to sustainable development
8	Achieving sustainable development
9	Pursuing sustainable development
10	Achieving sustainable development
11	Planning law and development plan
12	Status of the development plan
38	Decision-Making
47	Determining Applications
91	Promoting healthy and safe communities
124	Well-designed places
127	Well-designed places
130	Well-designed places

Hartlepool Local Plan 2018

3.17 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters

HBC Planning Policy Comments:

3.18 Planning policy have no objections to the proposed development, it is not considered that the fence will have a detrimental impact on the visual amenity of the area and is not contrary to policy.

PLANNING CONSIDERATIONS

3.19 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 proposals on the visual amenity of the area, the impact on the amenity of neighbouring land users, impacts upon highways safety and parking provision and safety and security

IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

3.20 It is noted that objections have been received with regards to the design, size, and construction materials of the associated fencing.

3.21 The primary function of the fencing was stated by the applicant to stop fly tipping on the land subject to the application. The planning statement states that the applicant has been notified by the council of the need to clear waste from the application site (which is acknowledged by the HBC Community Safety Team).

3.22 It is acknowledged that the associated fencing is not constructed of traditional materials (i.e. timber, or weld-mesh in appropriate locations) and that palisade fencing may be considered an inappropriate materials in such an urban/non-industrial location. Notwithstanding this, it is acknowledged that the proposed fencing is of functional design (galvanised steel, painted in an olive green colour) to address the above referenced issues (such as fly tipping) at the site.

3.23 Furthermore, the Council's Landscape Architect considers that the visual impact of the fence, when viewed from the key York Road will be screened by the existing advertising hoardings and that the visual impact on Caroline Street could be mitigated by the provision of a painted to finish the fence (colour black or olive green). The Landscape Architect has also advised that the impact from this elevation is further softened by the existing vegetation on the site which is self seeded and to which none of the planting is formally protected or considered to be of any real amenity value. As such it is considered that the formal protection of this planting would be unjustified. Furthermore, the proposal would be set back from the public highway of Caroline Street to the west by approximately 24 metres.

3.24 In view of the above, it is considered that, on balance, that the proposed fencing is not of a demonstrably poor design (given the mitigating circumstances of the siting, screening and separation distances) and therefore the proposal would not result in an unacceptable loss of visual amenity of the area as to warrant refusal of application in this instance.

AMENITY OF NEIGHBOURING LAND USERS

Impact on properties to the North & South (No.'s 201, 211 – 221 York Road)

3.25 It is noted that the associated fencing would be approximately 2.4 metres in height and would run between the boundaries of No. 201 to north and 211 to the south for a distance of approximately 22 metres. It is considered that due to the orientation (north to south) and the maximum height of the fencing (2.4 metres), the

proposal would not have a significantly adverse impact upon the amenity of the occupiers of these properties in relation to loss of light, outlook, overshadowing or privacy.

Impact on properties to the East (No.'s 212 to 216 York Road)

3.26 No.'s 212 to 216 York Road are approximately 36 metres to the east of the associated fencing. It is considered that the fencing will be primarily screened from York Road by the existing advertising hoardings to the east of the application site. Therefore, it is considered due to the separation distance across the public highway of York Road and the screening mentioned above the proposal would not have a significantly adverse impact upon the amenity of the occupiers of these properties in relation to loss of light, outlook, overshadowing or privacy and therefore is considered that the proposal is acceptable in this regard.

Impact on properties to the West (Properties on Caroline Street)

3.27 It is noted that construction of further properties across the public highway of Caroline Street are currently under construction (H/2017/0566, approved 22/03/18) approximately 33 metres to the west of the associated fencing. It is considered that due to the separation distance across the public highway of Caroline Street mentioned above and scale of the fencing (maximum height of approximately 2.4 metres), the proposal would not have a significantly adverse impact upon the amenity of the occupiers of these properties in relation to loss of light, outlook, overshadowing or privacy and therefore is considered that the proposal is acceptable in this regard.

3.28 The Council's Public Protection team were consulted on the proposal and have raised no objections to the application. It is considered the proposed development will not have a significant adverse impact upon the amenity of the neighbouring land users and therefore the proposed development is acceptable in this regard.

HIGHWAYS SAFETY

3.29 It is acknowledged that the proposed development does not alter any access to York Road or Caroline Street nor affect any formal parking provision. The Council's Traffic and Transport team were consulted on the proposal and have raised no objections to the application. It is considered the proposed development will not have a significant adverse impact upon highways safety or parking provision therefore the proposed development is acceptable in this regard.

SAFETY AND SECURITY

3.30 The Council's Community Safety team and Cleveland Police were consulted on the proposal and have raised no objections to the principle of fencing within the application site subject to the removal of the barbed wire element (which has now been removed).

3.31 It is noted that one of the representations received raises concerns regarding health, safety and fire risks to which emergency and council services would have no

access. Cleveland Fire Brigade have been consulted on the proposal and offered no objection to this application stating that ‘the erection of the proposed steel palisade fencing would not prevent access to an incident in the event of a fire situation.’

Therefore, it is considered the proposed development in relation palisade fencing of 2.4 metres in height, is unlikely to have a significant adverse impact upon the safety and security of the site including fire risk. Cleveland Police have raised no objections or comments in respect of emergency access either.

3.32 Overall, it is considered the proposed development is unlikely to have a significant adverse impact upon the safety or security or the application site or the wider area and therefore the proposed development is acceptable in this regard.

OTHER ISSUES

3.33 It is noted that one of the representations received raises concerns regarding third party access to the application site and that neighbouring properties would be unable to maintain and repair their building should issues arise. Whilst the concerns are acknowledged it is considered that these concerns are outside the control of planning and therefore are not material planning considerations in relation to the determination of the application.

CONCLUSION

3.34 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.36 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.

3.37 There are no Section 17 implications.

REASON FOR DECISION

3.38 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 approved shall be carried out in accordance with the following approved plan(s) and details; Site Location Plan (1:1250), Proposed Site Plan, Sheet 3 (1:500); both received by the Local Planning Authority on 13th September 2018; Proposed Plans, Sheet 1 (1:100); received by the Local Planning Authority on 23rd November 2018.
For the avoidance of doubt.
3. The development hereby approved shall be painted in an olive green colour (RAL 6003).
In the interests of visual amenity.

BACKGROUND PAPERS

3.39 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

3.40 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

3.41 James Blythe
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523292
E-mail: James.Blythe@hartlepool.gov.uk



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0387	REV

No: 4
Number: H/2018/0415
Applicant: MR P TIPLADY NORTH LANE ELWICK HARTLEPOOL
 TS27 3EG
Agent: PMT DESIGN SERVICES LTD MR P TAYLOR 8 HALL
 DRIVE ACKLAM MIDDLESBROUGH TS5 7EN
Date valid: 12/10/2018
Development: Erection of a single storey extension at the rear
Location: 30 NORTH LANE ELWICK HARTLEPOOL

PURPOSE OF REPORT

4.1 An 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

4.2 The following planning applications associated with the site are considered relevant to the current application:

4.3 HFUL/2004/0989/04 – Dormer Extension to the Rear – Approved 12/01/2005

PROPOSAL

4.4 Planning permission is sought for the erection of a single storey extension to the rear of 30 North Lane, Elwick (also known as 'Dorrick'). The proposed extension would measure approximately 4.5m in total depth and 9.520m in width and the total height of the extension would measure 2.9m (approx.) with a flat roof design. The side elevation (north) of the proposal would project 3m (approx.); the extension would then step in from the adjacent boundary to the north by 1.5m (approx.) and would project 1.5m (approx.) thus projecting a total of 4.5m (approx.) from the original rear elevation. The proposal will feature a window, a set of French doors and a single door in the rear elevation of the extension, a window in the stepped rear elevation section and a window in the side elevation (south) of the extension. The proposed extension will be constructed of facing brick to match existing.

4.5 The application has been brought by the Planning Committee following 3 objections from neighbouring land users.

SITE CONTEXT

4.6 This application site relates to a semi-detached west facing bungalow located along North Lane, Elwick, Hartlepool. This residential area consists of predominantly semi – detached and detached bungalows to the north and east and semi detached two storey dwellings to the front (west) of the application site. St Peter's Elwick Primary School abounds the application site to the south with No.32 North Lane

(also known as 'Floreat') adjoining the property to the north. No. 4 Hillcrest Grove abounds the rear garden of the application site to the north with No.6 Hillcrest Grove abounding the rear garden to the east.

4.7 The host property is served by an existing rear conservatory that measures approximately 2.5m in projection, 3.6m in width and 2.5m in height. There is a large rear garden (Approx. 20m in length), with a 1.8m (approx) close boarded boundary fence along the northern boundary. There is a close boarded rear boundary fence and hedge and a boundary hedge south of the site.

PUBLICITY

4.8 The application has been advertised by way of neighbour letters (5 in total), to date, 3 objections with the following comments have been received and are summarised as follows;

- Impacts on amenity in terms of overshadowing, overbearing and loss of light on windows and garden areas of neighbours including No. 32 North Lane (Floreat) and No's 2, 4 and 6 Hillcrest Grove.
- Concerns about height of proposal
- Concerns about main drains
- Overdevelopment of property
- Out of keeping with area
- Disproportionate impact on neighbouring garden

4.9 The period for publicity has expired.

4.10 Copy Letters **D**

CONSULTATIONS

4.11 The following consultation replies have been received:

HBC Traffic and Transport – There are no Highway or Traffic Concerns

HBC Building Control Manager – I can confirm that a building regulation application would be required for the described works

PLANNING POLICY

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

National Policy

4.13 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

Paragraph 2 (permission determined in accordance with development plan)
 Paragraphs 7-12 (achieving sustainable development)
 Paragraph 38 (positive approach to decision making)
 Paragraph 47 (determine applications in accordance with development plan)
 Paragraphs 54-57 (planning obligations/conditions)
 Paragraph 91 (healthy, inclusive and safe places)
 Paragraph 109: (considering development proposals that impact highway safety)
 Paragraph 124 (ensuring good design)
 Paragraph 127 (design/functionality of developments)
 Paragraph 130 (refusal of poor design)
 Paragraph 150 (reduce greenhouse gases through location, orientation and design)
 Paragraph 153 (minimising energy consumption)

Local Policy

4.14 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

GEP 1: General Environmental Principles
 SUS1: The Presumption in Favour of Sustainable Development
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 HSG 11: Extensions to Existing Dwellings

PLANNING CONSIDERATIONS

4.15 The main issues for consideration in this instance are the appropriateness of the proposal in particular the impact upon the character and appearance of the existing bungalow and surrounding area, the impact on the amenity and privacy of the neighbouring land users and the impact on highway safety. These and all other planning and residual matters are considered in detail below.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUNGALOW AND THE SURROUNDING AREA

4.16 The proposal is considered to accord with the provisions of policies HSG11 and QP4 of the Hartlepool Local Plan, as the proposed extension is considered to be of a design and scale (including matching materials) that respects the character and appearance of the existing bungalow and application site as a whole. Furthermore given the remaining garden area, the proposal would not constitute overdevelopment of the site.

4.17 The proposal is to the rear of No. 30 North Lane with limited views from the main street scene and therefore it is considered that the extension will not have any adverse impact on the existing street scene. The proposal is considered to be acceptable in this respect.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on No.32 North Lane ('Floreat') (North)

4.18 Following the submission of amended plans, the proposed side wall of the extension, nearest to the boundary (north) will step in at approximately 3m in projection by 1.5m (approx.) from the boundary. This wall will project out by 1.5m (approx), making the total projection from the original rear elevation approximately 4.5m.

4.19 It is considered that an extension projecting up to 3m with a 4m height (3m eaves) could hypothetically be constructed under permitted development rights, and any likely resultant impact on habitable room windows and the immediate garden area of no 32 represents a 'fall back' position which is a material consideration. Considering the amended plans for proposed extension which now features a 'step', the modest scale of the extension with a flat roof height (max 2.9m approx.), it is considered the proposal would not, on balance, result in significant, adverse loss of amenity in terms of overshadowing, overbearing and loss of light on habitable room windows and the immediate garden area of No.32 North Lane as to warrant a refusal of the application.

4.20 There are no windows in the side (north) elevation nearest the boundary or in the stepped in side (north) elevation. There are windows and doors in the proposed rear elevations, however owing to the presence of a 1.8m (approx.) boundary fence, it is considered the proposal would not result in any direct views or adverse loss of privacy for this neighbour in terms of overlooking.

Impact on St Peter's Elwick Primary School (South)

4.21 The proposed rear elevation will be set away from the boundary (to the south) by approximately 6m and is set away from the nearest side elevation of St Peter's Primary School by approximately 12m. Owing to this distance, the modest scale of the extension and a flat roof, it is considered that the proposal will not result in a loss of amenity for St Peter's Primary school in terms of overshadowing, overbearing and loss of light.

4.22 There is a window in the side elevation (south) that overlooks into the school grounds and there are a number of windows and doors in the rear elevation that potentially overlook the St Peter's Elwick Primary School however, owing to the distance the proposed extension is set away from the boundary and the boundary hedge obscuring these views, it is considered the proposal would not result in a loss of privacy for this neighbouring land user.

Impact on No.4 Hillcrest Grove (North)

4.23 No.4 Hillcrest Grove abounds the rear garden of the application site to the north. There is an oblique separation distance of approximately 27m between the proposed rear extension and the rear elevation of No. 4 Hillcrest Grove. As this distance accords with the separation distances set out in the QP4 policy of the Hartlepool Local Plan, it is considered that this distance along with the modest projection of the proposed extension and a flat roof and the presence of a boundary fence would, not on balance, result in any adverse impact on the amenity and privacy of this property.

Impact on No.6 Hillcrest Grove to the Rear (East)

4.24 There is an oblique separation distance of approximately 23m between the proposed rear extension and the rear elevation of No.6 Hillcrest Grove. As this distance accords with the separation distances set out in the QP4 policy of the Hartlepool Local Plan, it is considered that this distance along with the modest projection of the proposed extension, a flat roof, open boarded boundary fence and boundary hedge and would, not on balance, result in any adverse impact on the amenity and privacy of this neighbour.

IMPACT ON HIGHWAY SAFETY AND CAR PARKING

4.25 The Council's Highways, Traffic and Transport section has been consulted on the application as an additional bedroom is proposed and they have raised no issues. Therefore it is considered that the proposal will not have any adverse highway impacts.

OTHER PLANNING MATTERS

4.26 Concerns have been raised by a neighbouring occupier in relation to the main drain running along their garden and the applicants' garden, however Hartlepool Borough Council's Building Control department have been consulted and have raised no objections in this respect and such matters would need to be considered through building regulations. Furthermore the application site is not located in an area deemed to be at risk of flooding (ie it is outside of flood zones 2 and 3).

CONCLUSION

4.27 It is considered that the proposal will satisfy the requirements of the Hartlepool Local Plan policies HSG 11 and QP4 and the requirements of sections 7 and 11 of the National Planning Policy Framework. It is considered that the extension will

appear in scale and keeping with the host bungalow, and that the property as extended will safeguard the appearance of the surrounding area and the amenities of neighbouring properties as well as highway safety.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.29 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.

4.30 There are no Section 17 implications.

REASON FOR DECISION

4.31 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 approved shall be carried out in full accordance with the details shown on the Location Plan (at a scale of 1:1250), Project No. 18/36/01 (Existing Plans) received by the Local Planning Authority on the 9th October 2018 and amended plan Project No. 18/36/02A (Proposed Plans) received by the Local Planning Authority on the 13th November 2018.
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

BACKGROUND PAPERS

4.32 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

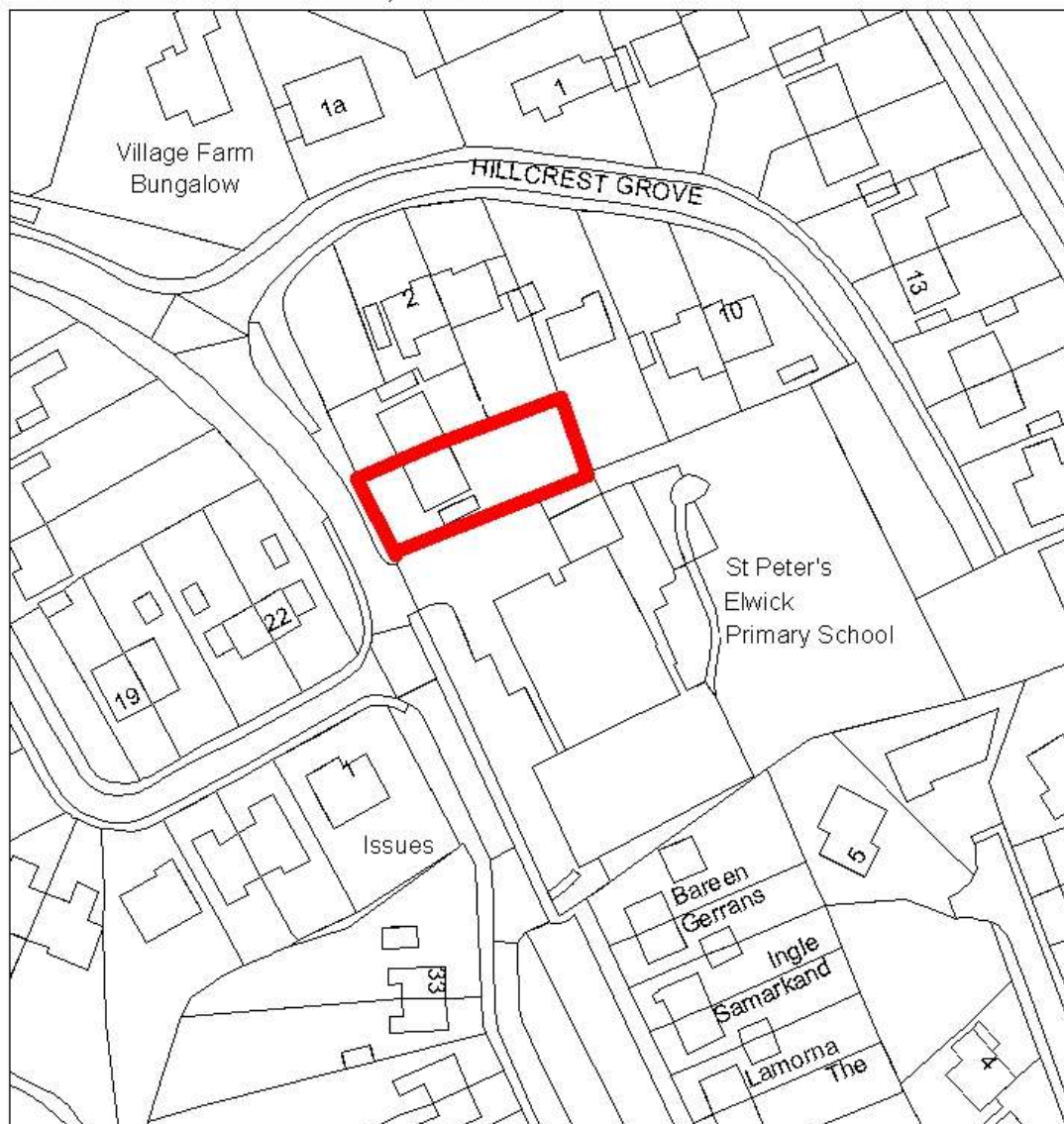
4.33 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

4.34 Beth Graham
Graduate Planning Assistant
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523253
E-mail: beth.graham@hartlepool.gov.uk

30 NORTH LANE, ELWICK

Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0415	REV

No: 5
Number: H/2018/0370
Applicant: MR R WESTMORELAND 16 ROYSTON GROVE
HARTLEPOOL TS25 2JW
Agent: MR R WESTMORELAND 16 ROYSTON GROVE
HARTLEPOOL TS25 2JW
Date valid: 02/10/2018
Development: Retrospective application for the installation of play
equipment and associated boundary fence
Location: GREATHAM SPORTS FIELD STATION ROAD
GREATHAM HARTLEPOOL

PURPOSE OF REPORT

5.1 An 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

5.2 The following planning application is associated with the site and relevant to the current proposals:

H/2008/0481 – Provision of fenced tennis court, approved 21/10/08.

PROPOSAL

5.3 The application seeks part retrospective permission for the installation of play equipment, including a slide, swing and climbing frames. The proposals also include the provision of a timber fence enclosing the area the equipment is proposed to be installed on, which is approximately 1.2m in height. To date, works on the fence and ground works have begun but ceased pending the outcome of a planning application. No play equipment has been installed.

5.4 The application has been brought to the planning committee in line with the Council's scheme of delegation in relation to the number of objections received.

SITE CONTEXT

5.5 The application site is an area of playing fields to the north east of Station Road at the south eastern edge of the village of Greatham. There are allotments to the north of the site and open countryside to the east and south of the playing fields. Land to the west of the site and Station Road is green open space. The site is beyond the development limits of the Village as identified in the Hartlepool Local Plan but is allocated as Green Infrastructure for outdoor sport.

5.6 The site is used informally for play and recreation but also has football pitches marked out and a formal tennis court, for which planning permission was granted in 2008. The wider site is predominantly grassed and bounded by a mature hedge on all sides, with the exception of the access point to the north western corner.

5.7 The area in which it is proposed to install the play equipment is to the north west corner of the sports field site, close to the access point. This location does not result in the loss of any of the existing football pitches or tennis court.

PUBLICITY

5.8 The application has been advertised by way of seven neighbour letters, site notice and a press notice. To date, four objections have been received from neighbouring land users and Greatham Parish Council. These can be summarised as follows:

- A bin enclosure should be provided as the existing bin gets knocked over,
- CCTV should be provided as the site is not overlooked and may result in vandalism,
- Proposals may result in anti-social behaviour,
- Proposals are not necessary as there is an existing play area close by,
- Insufficient parking,
- Adjacent road is a safety issue due to speed limits being ignored,
- Proposed play area is too close to neighbouring properties,
- Proposed equipment is too close together.

5.9 Four letters of support have also been received from neighbouring land users. These can be summarised as follows:

- There are no facilities of this category in Greatham (i.e. for the use of those with disabilities),
- Positive addition to existing facilities,
- Would not be at the cost of the Council,
- Proposed fencing provides security.

5.10 The period for publicity expired 13/11/18.

5.11 Copy Letters **E**

CONSULTATIONS

5.12 The following consultation responses have been received:

HBC Heritage & Countryside (Conservation) – The proposal is not in a conservation area and will not impact on any listed or locally listed buildings, no objections.

HBC Building Consultancy – No landscape objections to the above application.

HBC Ecology – I have no ecology concerns or requirements.

HBC Traffic & Transport – There are no highway or traffic concerns.

HBC Public Protection – Not Object. Suitable shade provision should be given to any outdoor spaces where activities take place on a regular basis, particularly if this is during the times of high Ultra Violet Radiation. Consideration must be given to the type, size and positioning of shade provision.

HBC Engineering Consultancy – I have no objection to this application.

HBC Arboricultural Officer – Not object.

Tees Archaeology – I have checked the HER and the playground is located outside the known extent of the medieval village of Greatham (HER 602). In addition, archaeological evaluation of the field to the south west in 2007 (Tees Archaeology Events 478 and 479) did not identify any archaeological features. There are no known buried heritage assets within, or in the immediate vicinity of, the development area. I can therefore confirm that the development area has low archaeological potential. If the development area had contained any archaeological features, these would now have been largely destroyed, as groundworks for the playground have already taken place.

Sport England – It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

www.sportengland.org/playingfieldspolicy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England does not wish to raise an objection to this application.

Cleveland Police – Police have no objections in relation to the provision of a play area facility for the village however in relation to crime prevention and community safety I would have preferred the facility to have been located in area which provided clear surveillance from nearby occupied dwellings and active roads and footpaths to deter miss use of play area and help to provide a safer environment for children to play.

In relation to the boundary fencing used I would have preferred a metal fence which offer more protection against criminal damage.

The play area requires to well managed and maintained.

Rural Plan Working Group – No comments.

PLANNING POLICY

5.13 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 (NPPF)

5.14 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

5.15 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
124	Well-designed places
130	Refusal of poor design
185	Positive strategy for the historic environment
196	Less than substantial harm

Hartlepool Local Plan 2018

5.16 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas

Rural Plan 2018

5.17 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles

Planning Policy Comments

5.18 Planning policy have no objections to the development. It is considered that the benefits of the new recreation facilities outweigh the loss of the small amount of open space upon which they have been built. The proposal is not considered to be contrary to any policies in the Rural Plan, with particular reference to policies GEN1 and GEN2.

PLANNING CONSIDERATIONS

5.19 The main material planning considerations when considering this application are the principle of development, impact on the character and appearance of the surrounding area and the impact on the amenity of neighbouring land users.

PRINCIPLE OF DEVELOPMENT

5.20 The application site is beyond the limits to development of the village of Greatham, as identified in the Hartlepool Local Plan 2018; however the proposed development relates to the provision of play equipment on an existing site for recreation and is not therefore considered to constitute inappropriate development beyond the village envelope.

5.21 In addition, the site is allocated for outdoor sport under policy NE2 of the Local Plan, which seeks to safeguard such assets from inappropriate development and improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities. The proposed play equipment is considered to enhance the range of recreation facilities available on the site and is therefore in accordance with this policy requirement.

5.22 Following consultation with Sport England it has been confirmed that as the proposals will not result in the loss of playing pitches, prevent the use or ongoing maintenance of playing pitches or result in the loss of any ancillary facilities associated with playing pitches, there are no objections to the principle of this development.

IMPACT ON CHARACTER & APPEARANCE OF THE AREA

5.23 The proposed pieces of play equipment are of timber construction, they would vary in height being between 1.5m and a maximum of 2.4m. The proposed boundary fence would also be of timber construction. The equipment would be located in the north western corner of the wider site, which is bounded by existing hedging that would soften the appearance of the equipment.

5.24 Glimpses of the site are visible from the road and has the appearance of green space used for recreation with the backdrop of open countryside beyond. The proposed play equipment would do little to alter this impression of the site or the character of the wider village. As such, the proposed equipment is considered in keeping with the nature of the area and of a scale and appearance that would be appropriate in this context.

AMENITY OF NEIGHBOURING OCCUPIERS

5.25 The area in which it is proposed to install play equipment is located approximately 52m from the neighbouring residential property to the north west on Station Road. Such a substantial separation is considered sufficient to prevent an appreciable impact on the amenity of occupiers on the basis of loss of light, loss of privacy or the creation of an overbearing appearance.

5.26 Although the proposals would increase the likelihood of outdoor play in the area, in the context of the existing use of the wider site it is not considered the proposals would significantly alter the level of noise or disturbance the site would produce and would not therefore be detrimental to the amenity of neighbouring occupiers in this respect. This is reflected in the comments received from the Council's Public Protection team who do not object to the application.

PARKING AND HIGHWAY SAFETY

5.27 The sports fields have dedicated car parking albeit of a relatively small scale, while there is also parking available in the vicinity of the site. Notwithstanding that, the facility serves the needs of residents within the village who in the main would be able to access the site on foot. It is considered unlikely that the proposed play equipment would attract significant visitor numbers from elsewhere in the wider locality who would be more reliant on travel by car. The Council's Traffic and Transport team have raised no concerns in relation to the proposals and therefore it is difficult to attribute weight to the concerns raised by objectors in relation to parking or the safety of Station Road. As such, the application is considered acceptable with respect to parking and highway safety.

OTHER PLANNING MATTERS

5.28 Concerns have been raised in relation to the security of the site and the potential for anti-social behaviour. Although the site is not directly overlooked by neighbouring dwellings as identified by Cleveland Police, the site is not considered to be in an isolated location such that anti-social behaviour or vandalism would be encouraged. It is noted that the site will need to be well maintained, however this will be for the operators of the site and land owners to ensure. The proposed development seeks to expand the provision of facilities at an existing recreation site and therefore an alternative location would not be feasible. The concerns of objectors in this respect are noted, however it is also apparent that Cleveland Police have not objected to the application despite noting preferred alternatives. The Local Planning Authority can only assess the merit of the application submitted, it is not considered that the proposals are so detrimental in terms of security and crime when balanced against the benefits of improving an existing outdoor sports facility (in accordance with policy) to warrant refusal of the application.

5.29 While noting the works were commenced prior to an application being submitted, this in itself cannot influence the merits of the application and would not warrant its refusal.

5.30 The Council's Public Protection team have recommended that suitable shade provision is made for outside play spaces, however as this is not a material planning consideration and not required to make the proposals acceptable in planning terms, it is recommended that an informative is applied should the application be approved.

CONCLUSION

5.31 The proposed would see the introduction of play equipment in an existing site allocated for outdoor recreation, this is considered to enhance the range of facilities available in the locality and is therefore in accordance with the relevant Green Infrastructure policies of the Hartlepool Local Plan. The proposals are not deemed to be detrimental to the character and appearance of the area, the amenity of neighbouring occupiers or highway safety and therefore accord with other relevant policy tests and no other material planning considerations indicate the application should be refused. As such, officer recommendation is to approve subject to relevant planning conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.33 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.

5.34 There are no Section 17 implications.

REASON FOR DECISION

5.35 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 -

1. The development hereby approved shall be carried out in accordance with the following plans: proposed site layout and elevation details received by the Local Planning Authority 04/09/18, drawing number 1804/01 (Location Plan) and drawing number 1804/03 (Block Plan - Proposed), received by the Local planning Authority 02/10/18.
For the avoidance of doubt.

BACKGROUND PAPERS

5.36 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

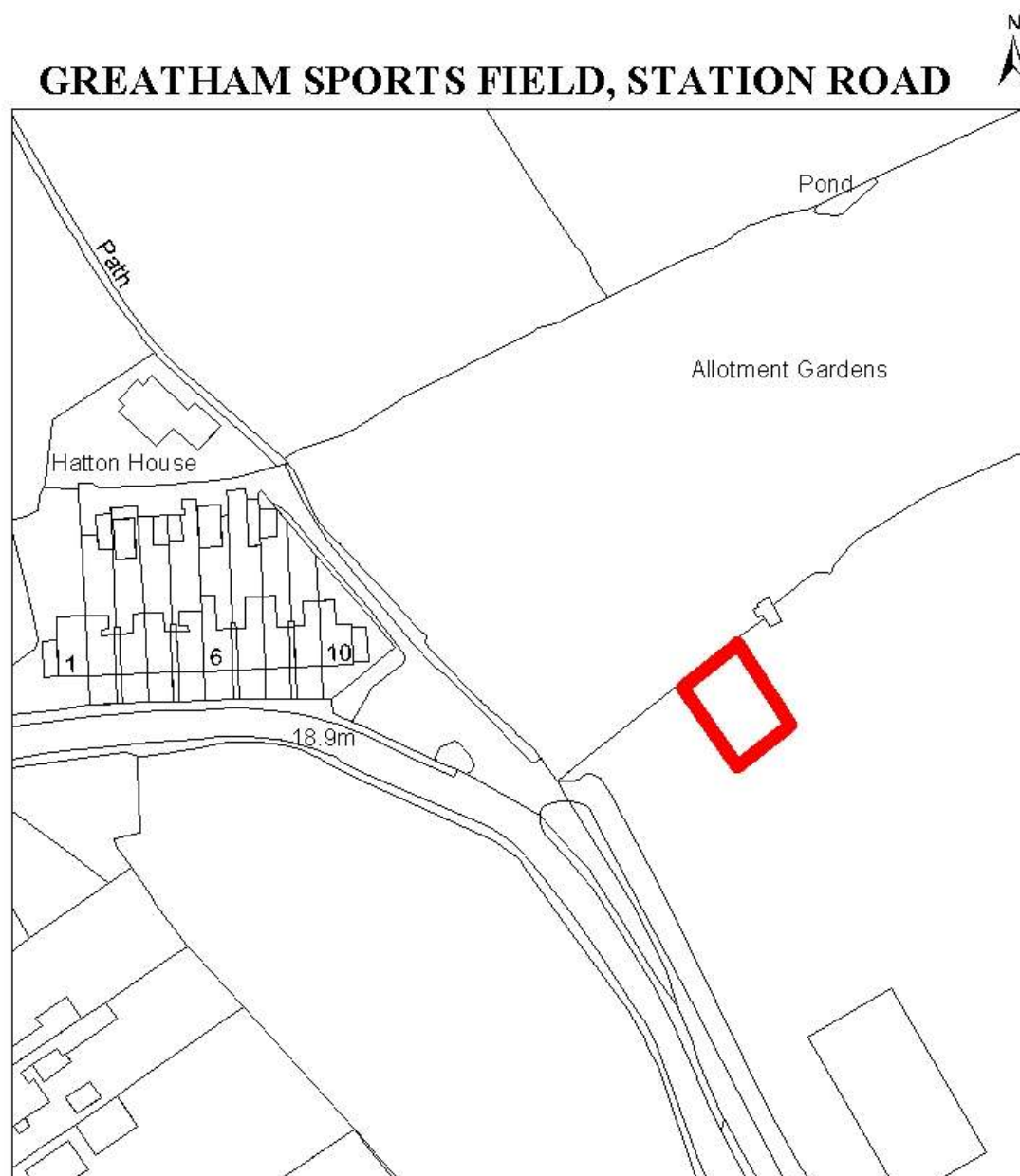
5.37 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

5.38 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523273
E-mail: laura.chambers@hartlepool.gov.uk



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0370	REV

No: 6
Number: H/2018/0265
Applicant: LIDL UK GMBH
Agent: RAPPLEYS LLP MR MARCIN KOSZYCZAREK 55
 SPRING GARDENS MANCHESTER M2 2BY
Date valid: 30/07/2018
Development: Erection of extension to the existing store, extension to the car park, creation of new access and associated works, and variation of opening hours to 07:00 - 23:00 Mon-Sat and 10:00 - 16:00 Sun
Location: LIDL STORE JESMOND GARDENS HARTLEPOOL

PURPOSE OF REPORT

6.1 An 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

6.2 The following planning applications associated with the site are considered relevant to the current application:

6.3 H/2008/0361 – Erection of a food store and associated car park and outline application for the erection of residential units, approved 06/11/08.

6.4 H/2010/0523 – Application for the extension of time for planning permission H/2008/0361 for the erection of a foodstore and associated car park and outline application for the erection of residential units, approved 01/11/11.

6.5 H/2014/0297 – Removal of condition 8 which restricts delivery times of planning permission H/2008/0361 to allow for unrestricted delivery times to the premises, refused 14/08/14.

6.6 H/2016/0418 – Demolition of existing supermarket, two bungalows Sandness and Sayada, and erection of replacement store and associated works, approved 18/04/17.

PROPOSAL

6.7 Planning permission is sought for the erection of an extension to the existing store, extension to the car park, creation of a new additional access and associated works and the variation of opening hours. This application seeks to alter the existing store rather than implement the previous approval for its demolition and the erection of a new store, which also included the additional access point.

6.8 The proposed extension to the building and car park would be located to the south of the existing store on land owned by the applicant but currently laid to grass outside of the existing store site. A further area of grassed land would remain to the south of the site. A new additional access to the site is proposed to the north west, taken from Throston Grange Lane, along with further additional car parking. There would be a total of 48 additional parking spaces across the site.

6.9 In addition to the construction works proposed, permission is also sought to alter the previously approved opening hours and hours of delivery to the store. It is proposed to allow the store to be open and deliveries to be made between 07:00 and 23:00 Monday to Saturday and 10:00 and 16:00 Sunday and Bank Holidays.

6.10 The application has been referred to Planning Committee due to the number of objections received in accordance with the Council's scheme of delegation.

SITE CONTEXT

6.11 The application site consists of an existing food store with associated car park accessed from Jesmond Gardens to the east of the site. The site is located to the south of the roundabout junction between the A179, Throston Grange Lane and Holdforth Road. To the north of this junction is the University Hospital of Hartlepool.

6.12 There are residential properties to the east and south of the site on Jesmond Gardens and Heather Grove as well as a residential nursing home on Heather Grove. To the west of the site are the playing fields associated with West Hartlepool Rugby Club.

PUBLICITY

6.13 The application has been advertised by way of neighbour letters (41no), site notice and a press notice. To date, three objections have been received from neighbouring land users.

6.14 The objections received can be summarised as follows:

- Location of the proposed loading bay will cause noise nuisance,
- Proximity of proposed access to the roundabout would increase the potential for accidents,
- Proposed access and car park could be used as a short cut to avoid adjacent roundabout,
- There isn't a need for a second entrance,
- Lights and noise causing disturbance to neighbouring occupiers,
- Extended opening hours are not necessary.

6.15 The period for publicity has expired.

6.16 Copy Letters **F**

CONSULTATIONS

6.17 The following consultation replies have been received:

HBC Traffic and Transport – The secondary access is located 29 metres from the roundabout, this is below the recommended guidance of 40 metres, and the secondary access will also attract traffic to cut through the car park in order to avoid queues at the roundabout. The secondary access will have benefits to the general traffic flow since traffic wishing to access Lidl from Throston Grange Lane will no longer have to use the roundabout and carry out a U turn on the A179. Overall I would consider the secondary access acceptable.

The proposed extension of the store and creation of the secondary access are likely to generate extra pedestrian trips. In order to encourage pedestrian to visit the shop and make the journey safer, a zebra crossing should be provided at the developers expense (approximate cost £25,000) on Throston Grange Lane, sited approximately 20 metres north of the proposed access.

Within the store car park a pedestrian route should be provided between the new access and the shop entrance. The existing pedestrian footway along the frontage of the shop should be widened from 800mm to a minimum 2000mm, to encourage the safe movement of pedestrians within the car park area. Given the wide carriageways within the car park (all in excess of the required min of 6000mm) this could be achieved relatively easily.

The car park provision and layout and service arrangements are acceptable for the size of the proposed development.

Updated Comments – I can confirm that widening the service strip may compromise the turning manoeuvres of service vehicles, I am therefore happy with the proposed car park layout.

HBC Public Protection – I would have no objections to this application subject to a condition restricting the opening hours to 07:00hrs - 23:00hrs Monday to Saturday and 10:00hrs - 16:00hrs on a Sunday, and a condition restricting deliveries to the site to 07:00hrs - 23:00hrs daily.

HBC Landscape Architect – The proposal seeks to extend the existing Lidl store and car park. The site has existing landscape planting that was implemented when the store was constructed and screen planting to the western boundary with the rugby club. An arboricultural assessment and scheme of tree protection has been provided which is acceptable.

The proposal indicates that existing planting is to be replaced with a new scheme. While the proposals are acceptable it should be ensured that the existing boundary wall is retained and that all trees adjacent to the adopted highway are planted with an appropriate tree root barrier to minimise potential conflict with existing services.

HBC Engineering Consultancy – Can I please request a surface water condition on this application. I am satisfied with the site investigation data supplied so do not need a condition on this.

HBC Ecologist – An Arboricultural Method Statement (AMS), dated 16/06/2018 and an Arboricultural Impact Assessment (AIA) dated 26/06/2018 (prepared by All About trees Ltd) have been submitted. A Landscape Details plan (R/1821/1D) has been submitted.

The AMS provides some ecology detail:

3.2.5 No visual signs were found to indicate the presence of bats in the surveyed trees.

3.2.9 No nesting birds were present at the time of inspection though signs of past nesting activity were evident and as such caution must be exercised.

The proposal will remove six young mature/ mature trees, two tree groups (1 and 2) and a privet hedge.

Having studied the documents including AMS Appendix 1 (Tree survey details) and Drawing AIA TPP Rev B (AIA Tree Protection Plan), I am satisfied that:

- The condition of all of the trees indicates very low bat roost suitability.
- The trees, groups and hedges to be removed have low wildlife value.
- The landscape scheme adequately mitigates for the loss of any trees.

The Landscape scheme should be conditioned.

A nesting bird condition should be issued:

The clearance of any vegetation, including grass, trees, shrubs and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In order to avoid harm to birds.

HBC Arboricultural Officer – A detailed landscaping scheme and planting schedule has been provided (Drawing ref. R/1821/1D) together with a comprehensive arboricultural report which highlights the existing trees and temporary protective tree root barrier. There will be a loss of some middle aged trees shown as T6C Beech, T7C Sycamore and T8B Ash but these are of low value and will be offset with additional planting around the perimeter with more ornamental shrubs and trees.

Providing that the temporary protective barrier is installed to protect the remaining trees as shown on the plan referred to and also the landscaping implemented on completion of the building works, I have no further comments to make on this application.

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 surface water from the development for Northumbrian Water 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 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 and the Lead Local Flood Authority. 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.

PLANNING POLICY

National Planning Policy Framework (NPPF)

6.18 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

6.19 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development

009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
054	Planning conditions and obligations
055	Planning conditions and obligations
086	Ensuring the vitality of town centres
087	Ensuring the vitality of town centres
089	Ensuring the vitality of town centres
091	Promoting healthy and safe communities
124	Achieving well-designed places
127	Achieving well-designed places
153	Planning for climate change

Hartlepool Local Plan 2018

6.20 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
INF2	Improving Connectivity in Hartlepool
RC1	Retail and Commercial Centre Hierarchy
CC1	Minimising and Adapting to Climate Change
NE6	Protection of Incidental Open Space
NE7	Landscaping Along Main Transport Corridors

HBC Planning Policy Comments (Summarised)

6.21 It is considered that, as the proposal is for an extension to an existing store, the proposed site is the most appropriate for the development given that the principle of the existing store in this area has been established. It is not considered that the extension will have a significant adverse impact on the vitality and viability of the Town Centre or other designated centres. The principle of the development is therefore considered to be acceptable.

6.22 I am satisfied that the proposed improvements to the incidental open space to the south within the applicant's ownership are sufficient to meet the requirements of policy NE6 (subject to an appropriate condition), which requires that where an area of incidental open space is lost to development, the Borough Council will seek to impose planning conditions to secure enhancement of nearby open space.

6.23 With respect to electric vehicle charging points and renewable energy provision, whilst it is disappointing that the applicant is not willing to provide these, given that the application is not for major development as it is for less than 1,000sqm and taking into account the applicant's proposed sustainability measures, there are no planning policy objections, subject to a planning condition to ensure these measures are put in place.

PLANNING CONSIDERATIONS

6.24 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area, landscaping, the impact on the amenity of neighbouring land users, and the impact on highway safety and parking, and other relevant planning matters.

PRINCIPLE OF DEVELOPMENT

6.25 The application site is outside of the town centre and is not a designated local centre; however it is within the limits to development and functions as an existing retail food store.

6.26 The proposal is a town centre use and as such policy RC1 (Retail and Commercial Centre Hierarchy) of the adopted Hartlepool Local Plan 2018 is relevant. Policy RC1 stipulates that proposals for main town centre uses, not located within a designated centre will be required to provide a robust sequential test. Furthermore, proposals for retail development with a floor area of 200m² or above, not located in the Town Centre or a local centre, will be required to provide a robust impact assessment.

6.27 The submitted Planning and Retail Statement considers the abovementioned policy requirements as well as the relevant paragraphs of the NPPF with respect to sequential tests and retail impact assessments, concluding that a sequential test is not required as the proposal is for an extension to an existing foodstore and therefore the proposed development is inextricably linked to the existing store and cannot be disaggregated from the established retail operation on the site. In this instance, HBC Planning Policy would agree that, whilst there are sequentially preferable sites for this use class across the Borough, as the proposal is for an extension to an existing store, the proposed site is the most appropriate for the development given that the principle of the existing store in this area has been established.

6.28 Furthermore, it is noted that the current use was considered acceptable in this location due to the merits of the housing element of the original scheme, particularly the contribution to affordable housing need in terms of sustainable development. Whilst onsite affordable housing has not been delivered, an offsite contribution towards affordable housing provision was secured via the original application for a food store at the site (H/2008/0361). In addition, the resultant retail floor space created would be comparable with the replacement store which was previously approved for the site.

6.29 The submitted Planning and Retail Statement has also considered the impact of the proposal upon existing, committed and planned public and private investment in designated centres in the catchment area of the proposal, as well as the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area, up to five years from the time of the application being made. The assessment concludes that the existing Lidl store no longer fulfils Lidl's operational requirements and the proposal would result in an estimated 4.76% uplift in market share. It is considered this is a relatively modest increase and, as the extended store will continue to maintain the same role and function as the existing store, it is not considered that the extension will have a significant adverse impact on the vitality and viability of the Town Centre or other designated centres. A planning condition has been applied to limit the overall retail sales area on this basis. The principle of development is therefore acceptable in this instance.

6.30 Policies CC1 (Minimising and Adapting to Climate Change) and QP7 (Energy Efficiency) of the adopted Hartlepool Local Plan 2018 stipulate that the Borough Council will work with developers to help minimise and adapt to climate change. A number of the requirements in Policy CC1 relate to major developments, which this proposal is not, however the applicant has provided substantial detail of the sustainable construction methods proposed and policies the company will implement within the store to ensure the development reduces energy consumption. In this context it is considered the development satisfies the requirements of Policy CC1 and QP7.

CHARACTER AND APPEARANCE OF AREA

6.31 The existing store site is characterised by the single storey retail store constructed of grey cladding with white render panels located to the west of the site, car parking to the east and north and landscaping to the site perimeter. Land to the south of the site is currently primarily grassed; however remnants of hard standing and disused street lighting remain on the site.

6.32 Part of the land to the south of the existing store would be incorporated into the site, allowing for the proposed extension to the building and an increased area of car parking. The most southerly area of land is within the ownership of the applicant but does not form part of the application site.

6.33 The proposed extension would be of a matching construction to the existing store and would therefore be in keeping in terms of the appearance of materials. The extension would be substantial, spanning approximately 25m in width; the existing store spans approximately 34m in width and therefore the building would appear substantially larger than existing when viewed from Jesmond Gardens. Notwithstanding this the site overall is considered large enough to accommodate a building of this size with associated landscaping to soften the site's appearance.

6.34 In addition, the building itself is located towards the western boundary of the site, set well back from the road frontage on Jesmond Gardens and there would remain a buffer between the building and neighbouring residential properties, which are of a smaller scale. It is not therefore considered the proposed extension would

appear so dominant within the street scene that it would be detrimental to the character of the area.

LANDSCAPING

6.35 The additional access proposed to the north of the site would effectively see development in what is currently an area of incidental open space. It is acknowledged that this area of land was previously host to two dwellings that have since been demolished; however the area has since been grassed and offers some amenity in terms of the appearance of the street scene despite not offering any substantial leisure or recreation benefits.

6.36 Policy NE6 of the Hartlepool Local Plan seeks to protect incidental open space and seeks compensatory provision if it is lost. While it is considered this area of land is a positive feature in the area, it is not deemed to be so significant to visual or recreation amenity to resist development, in line with the policy. The applicant has, however confirmed they are willing to make improvements to the area of land within their ownership to the south of the site by way of compensation.

6.37 It is considered compensatory measures should be commensurate to the value of what is lost, as such it is appropriate that measures to improve the visual amenity of the area are appropriate rather than the need to provide recreational amenity. The removal of hard standing and redundant lighting on the land to the south would improve the appearance of the site and can be secured by condition.

6.38 The Council's Landscape Architect and Arboricultural Officer have confirmed they are satisfied with the landscaping scheme for the main part of the site submitted subject to relevant conditions to ensure tree protection measures identified are secured and the existing boundary wall is retained. Such conditions are duly recommended and therefore the proposals are considered acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

6.39 Concerns have been raised by neighbouring occupiers regarding the potential impact of the proposals in relation to their amenity. In part due to the proposed location of the loading bay and due to the proposed extension to opening and delivery hours resulting in activity and lighting on the site later in the evening.

6.40 The existing loading bay is located to the south of the site, approximately 54m from the closest neighbouring properties on Heather Grove to the south. As the proposed extension to the store is to the south, this would result in the loading bay being located closer to neighbouring properties; however there would remain a separation of approximately 35m. Given the separation it is not considered there would be an undue impact in terms of loss of light or overbearing appearance. Additionally, as there are no windows proposed in the south elevation of the extension, there would be no adverse impact on privacy.

6.41 The neighbouring properties on Jesmond Gardens to the east of the site would be approximately 42m from the proposed extension due to the intervening highway

and car park. Given this separation it is not considered there would be an adverse impact on light, privacy or an overbearing appearance to occupiers of those properties.

6.42 The site bounds fields associated with the Rugby Club to the west, as such the closest neighbouring properties on Wiltshire Way are approximately 200m away. The amenity of these neighbouring occupiers will not therefore be affected in terms of loss of light, privacy or overbearing appearance.

6.43 There are no neighbouring properties directly to the north of the site is the site bounds the roundabout junction of the A179, Throston Grange Lane and Holdforth Road. As such, it is not considered there are properties to the north of the site whose amenity would be affected by the development.

6.44 It is acknowledged that the proposed extension to opening hours would result in activity on the site up to 11pm (Monday to Saturday including bank holidays) rather than the existing permission which allows for opening until 8pm. Notwithstanding this, the application is supported by a noise assessment that concludes that the level of noise generated by delivery vehicles, external plant associated with the extension and use of the car park are at a level where noise would not be intrusive and no further mitigation is required to reduce noise to protect neighbour amenity. The Council's Public Protection team has confirmed they have no objections to the proposals as a result. The application is therefore considered to be acceptable in this respect.

HIGHWAY SAFETY & PARKING

6.45 The proposals include the creation of a second vehicle access point to the site from Throston Grange Lane to the north west. This mirrors the previously approved proposals for a new store on the site, which also included an additional access in this location. The Council's Traffic and Transport team have confirmed they have no objections to this element of the scheme, subject to a zebra crossing being introduced in this location at the developer's expense to make pedestrian access safer. The applicant has confirmed their acceptance of this requirement, and this is secured by a planning condition.

6.46 The increased level of car parking proposed as part of the application and its layout are considered acceptable in relation to the increased size of the store and therefore there are no objections in this respect from HBC Traffic and Transport.

6.47 It was suggested by HBC Traffic and Transport that some changes to the internal layout of the car park may be beneficial to pedestrian movements across the site, however the applicant has indicated this could be detrimental to the space available for large delivery vehicles to safely turn within the site. As such, no changes are proposed to the internal layout or footpath links and HBC Traffic and Transport have confirmed this is acceptable.

6.48 The concerns raised by objectors that the additional access point is not necessary cannot be given weight in the decision making process, as the application has to be considered on its merit rather than whether there is a perceived need. In

any event, the proposed access point would improve access to the site for those travelling on Throston Grange Lane, who at present have to cross the roundabout then make a u-turn on Easington Road (A179) in order to reach the current access on Jesmond Gardens. While the new access may encourage some to use the car park as a short cut to avoid the roundabout, this is not considered to pose a significant highway safety impact that would warrant refusal of the application.

6.49 Overall, the proposal is considered to be acceptable in respect of highway and pedestrian safety, access and car parking provision.

OTHER PLANNING MATTERS

6.50 The Council's Ecologist has confirmed there are no objections to the application in principle, subject to the landscaping and tree protection scheme proposed being secured by condition and a condition being imposed to restrict construction during bird nesting season to prevent harm to birds. Such conditions are duly recommended and therefore the proposals are considered acceptable in this respect.

6.51 In terms of surface water drainage, both the Council's Engineering Consultancy and Northumbrian Water have requested details of a suitable scheme are submitted for approval via condition. Such a condition is duly recommended and therefore the proposals are considered acceptable in this respect.

6.52 It has been confirmed by the Council's Engineering Consultancy that there is not a need for conditions regarding contaminated land in this instance.

CONCLUSION

6.53 The proposed development would see the extension of an existing retail store within development limits. Despite not being in an allocated retail centre, as the proposed extension is inextricably linked to the existing site a sequential test is not deemed necessary in this instance. Notwithstanding that, an impact assessment has been provided and it is not considered that the proposed increase in retail floor space in this location would be detrimental to the viability of the town centre or designated retail centres within the town.

6.54 The design of the proposed extension is in keeping with the existing building and can be accommodated within the site without detriment to the character of the area or the amenity of neighbouring land users. The proposed new access and car parking arrangements are considered suitable both in terms of serving the needs of the extended store and the overall safety and function of the highway network. Given the above assessment, the proposed development is considered to meet all relevant policy requirements and therefore officer recommendation is to approve subject to appropriate planning conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.55 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.56 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.

6.57 There are no Section 17 implications.

REASON FOR DECISION

6.58 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 planning 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 approved shall be carried out in accordance with the following plans: drawing number 06979-SPACE-01-XX-DR-A-90-0001-S3-P17 (Proposed Site Layout), drawing number 06979-SPACE-01-GF-DR-A-02-0001-S3-P3 (General Arrangement Elevations – Proposed), drawing number 06979-SPACE-01-GF-DR-A-00-0001-S3-P9 (General Arrangement Plan – Proposed Ground Floor), drawing number 06979-SPACE-01-RF-DR-A-00-0001-S3-P1 (Proposed Roof Plan), drawing number DWG 01 (Proposed Lighting Layout), Philips Lighting Technical Specification, drawing number AMSTPP, revision B (Tree Protection Plan), drawing number AIATPP revision B (Tree Protection Plan), all received by the Local Planning Authority 04/07/18, drawing number 06979-SPACE-01-XX-DR-A-90-0002-S3-P2 (Site Location Plan) received by the Local Planning Authority 18/07/18 and drawing number R/1821/1H (Landscape Details) received by the Local Planning Authority 04/12/18.
For the avoidance of doubt.
3. Prior to the commencement of development a schedule of works and details of a pedestrian crossing on Throston Grange Lane within the vicinity of the access hereby approved shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed details shall be implemented to the satisfaction of the Local Planning Authority prior to the store extension hereby approved being brought into use and shall be retained for the lifetime of the development.
To provide safe pedestrian access to the site from Throston Grange Lane.
4. The development hereby approved shall be carried out in accordance with the sustainability and energy efficiency measures submitted to the Local Planning Authority via email 09/10/18 and 05/11/18.
In the interests of sustainable development and for the avoidance of doubt.
5. Development shall not commence until a detailed scheme for the disposal of 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 and the Lead Local Flood 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.

6. Notwithstanding the submitted details 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 car parking levels, 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.
To take into account the position and levels of the buildings and car parks and the impact on adjacent residential properties.
7. Prior to the commencement of development the tree protection measures identified on pages 2-9 of the Arboricultural Method Statement produced by All About Trees, drawing number AMSTPP revision B (Arboricultural Method Statement Tree Protection Plan) and drawing number AIATPP revision B (Tree Protection Plan) received by the Local Planning Authority 04/07/18 shall be implemented and retained on site in accordance with the specified recommendations therein.
In the interests of tree protection.
8. The landscaping scheme hereby approved detailed in drawing number R/1821/1H (date received by the Local Planning Authority 04/12/18) shall be implemented within the first planting season following first use of the development hereby approved or the completion of the development (whichever is sooner) unless an alternative timetable is agreed in writing with the Local Planning Authority.
In the interests of a satisfactory form of development.
9. Prior to first use of the development hereby approved the scheme of compensatory enhancement works to the area of incidental open space outlined in blue on drawing number R/1821/1H (date received by the Local Planning Authority 04/12/18) shall be implemented to the satisfaction of the Local Planning Authority.
In accordance with the requirements of Policy NE6 of the Hartlepool Local Plan (2018) to protect Incidental Open Space.
10. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of visual amenity.
11. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction 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.
12. Notwithstanding the proposals detailed in the submitted plans and prior to their implementation on site, 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 development 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.

13. Occupation of the development shall not commence until a scheme for waste storage arrangements submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with such details prior to occupation.
In the interests of the amenities of the occupants of neighbouring properties.
14. Prior to first use of the development hereby approved details of all fences, gates, walls or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. Such a scheme shall include retention of the existing boundary wall and railings to the north and east of the site.
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area.
15. Prior to first use of the development hereby approved a scheme for cycle storage shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details and retained for the lifetime of the development.
In the interests of sustainable development.
16. No part of the development hereby approved shall be occupied until the agreed vehicular and pedestrian access connecting the proposed development to the public highway and car parking 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 amenities of the surrounding area.
17. The clearance of any vegetation, including grass, trees, shrubs and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In order to avoid harm to birds.
18. The premises shall not be open to the public outside the following times 07:00 to 23:00 Monday to Saturday including Bank Holidays and 10:00 to 16:00 Sundays.
In the interests of the amenities of the occupants of neighbouring properties.
19. No deliveries to, or from, the food store shall take place between the hours of 23:00 and 07:00 on any days.

- In the interests of the amenities of the occupants of neighbouring properties.
20. The development hereby approved shall be laid out and operate in general conformity with drawing number 06979-SPACE-01-GF-DR-A-00-0001-S3-P9 (General Arrangement Plan – Proposed Ground Floor), received by the Local Planning Authority 04/07/18 and there shall be no increase in the total sales area shown therein (1283m²).
To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.
 21. 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 development hereby approved shall not be extended in any way (including through the provision of mezzanine floor space) without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of highway safety and parking provision.
 22. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a Shop Use within the A1 Use Class and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).
To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.
 23. For the avoidance of doubt this approval does not include the new pylon sign indicated on drawing number 0679-SPACE-01-XX-DR-A-90-0001-S3-P17 (Proposed Site Layout received 04/07/2018) for which separate advertisement consent is required.
For the avoidance of doubt.

BACKGROUND PAPERS

6.59 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

6.60 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

6.61 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523273
E-mail: laura.chambers@hartlepool.gov.uk



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0265	REV

No: 7
Number: H/2018/0246
Applicant: Mr Steve Dodds Tanners Bank Design Studio Aislaby Road EAGLESCLIFFE Stockton on Tees TS16 0JJ
Agent: Mr Steve Dodds SJD Architects Limited Tanners Bank Design Studio Aislaby Road EAGLESCLIFFE TS16 0JJ
Date valid: 03/09/2018
Development: Outline application with some matters reserved for the erection of 4no. detached dwellings
Location: CLOSE FARM CLOSE FARM COTTAGE HARTLEPOOL ROAD WYNYARD BILLINGHAM

PURPOSE OF REPORT

7.1 An 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

7.2 The following applications related to sites to the west of the site:

H/2012/0454 - Conversion of existing outbuildings into three dwellings with associated landscaping, car parking and stable block for residents' use. **Approved 26.10.2012**

H/2007/0124 – Retrospective application to demolish existing unstable structures and rebuild in accordance with planning approval H/FUL/0918/04 to create new dwellinghouse. **Approved 13.04.2017**

HFUL/2004/0918 – Erection of a sitting room with bedroom above, study with bathroom above, utility and porch extensions and alterations to roof. **Approved 21.12.2004.**

H/FUL/0917/04 - Alterations and conversion of outbuilding to single dwelling house. **Approved 23.12.2004**

PROPOSAL

7.3 Outline planning permission is sought for the erection of 4no. detached dwellings with all matters reserved. However, the applicant has provided indicative access and layout arrangements.

7.4 The application has been brought to committee at the agreement of the Chairman of the Planning Committee due to the objections received.

SITE CONTEXT

7.5 The application site is located immediately to the East of the existing farm buildings at Close farm, within an area of Greenfield land stated as providing amenity garden space for the main dwelling (Close Farm); situated approximately 2.5km to the North of the A689 and accessed via a winding private access track from the adjacent emerging Wynyard Park residential development sites approx 1.7km to the South.

7.6 The agent for the applicant has confirmed that the site cannot be accessed directly via the A19, or any other means than that detailed above.

PUBLICITY

7.7 Due to the location of the site the application has been advertised by way of neighbour letters (2 in total), site notice, and press advert. To date, there have been one letter of response to the proposal as detailed below:

12 Summer Lane - As a resident of Wynyard Park and a keen walker I would very much like to support the proposals of the Countryside Access Officer regarding this development. Creating a footpath link from Wynyard to the paths north of Close Farm would be very beneficial to the health of our community and the future residents to enable us to take long walks and enjoy the countryside.

7.8 Copy Letters **G**

7.9 The period for publicity has expired.

CONSULTATIONS

7.10 The following consultation replies have been received:

HBC Traffic and Transport - There are already 5 properties accessed of the private drive, the Hartlepool Borough Council Design Guide and Specification requires that no more than 5 properties should be accessed from a private drive.

The length of the private drive also gives an area of concern, the length of the access road and its sub standard width would give concerns for road safety and emergency access. It is also unclear where these properties will access the A689, presumably it will be via the Meadows development at Wynyard Park.

I would therefore object to the proposed scheme at the present time.

If approved these properties would be required to be counted as part of the A689 Wynyard VISSIM modelling.

HBC Countryside Access Officer - Close to the proposed development site is Public Footpath No.22, Elwick Parish. The proposal of new houses does not visually or physically impact on the public right of way network; however there is an

opportunity to enhance and improve this network of countryside footpaths by creating a vital and sympathetic link to the new and developing Wynyard housing to the south of this site.

There has been an aspiration to create a permanent footpath link between the above named public footpath, at Close Farm, and the new public footpaths being created within the Wynyard development to the south.

Such a link would enable the future residents of this proposed development to access the new and existing rights of way to the south and also allow the new residents to the south to access the paths around and to the north of Close Farm.

This will enable a positive encouragement for people to explore and enjoy the countryside around them and reduce the occurrence of trespass within the countryside.

With the lack of strategic public rights of way at Wynyard and between Wynyard and the public footpath close to Close Farm; there is the temptation for new residents to explore around their new houses but in a haphazard way and thus trespass occurs on land held by private individuals who do not wish this trespass to occur.

The landowner of this proposed development at Close Farm is one such private individual. A legal and dedicated public footpath would enable people to enjoy the countryside and at the same time so reduce the illegal access in the surrounding and sometimes sensitive areas.

I would like to speak to the agent or the landowner to discuss such a proposal, as it would be an added benefit to the proposed development and give greater value to the application.

HBC Landscape Architect - Following review of the associated documents please note the following comments.

The outline application is for 4 no dwellings adjacent to Close House Farm.

The site is not visible from either the A19 or A689. The site will however be locally visible from the network of public footpaths that are in the vicinity of, and run through, Close House Farm.

The proposed development will cause a change in the character of the landscape from open countryside adjacent to the existing farm buildings to a group of residential properties and associated garages, gardens and roadways.

Should the principle of loss of open space be accepted, it should be ensured that the layout and building form should be in keeping with the agricultural setting using high quality materials and detailing. The current layout is linear in form and has a sub urban feel. A courtyard layout would be more appropriate, and any garden areas should be enclosed to ensure to maintain the rural character of the views from the public footpath network. The planning statement states that an appropriate landscape scheme planting would integrate the scheme into the surrounding

landscape. Should any development progress, a high quality landscape scheme would be required to ensure successful integration of the scheme into the setting of the site.

HBC Ecology – No objection subject to conditions

Ecology

The site is currently garden/ improved grassland and I do not require an ecology survey and I am satisfied that no protected species will be affected.

Biodiversity enhancement

NPPF (2018) paragraph 170 d) includes the bullet point: *Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.* Net gain should be appropriate to the scale of the development and should be conditioned.

The site is close to an area of connected woodland (designated as Local Wildlife Sites) that supports bats (conservation priority species), which would benefit from the availability of man-made roost holes. The rural, farmland nature of the location is also important for some farmland birds (conservation priority species), which would benefit from the availability of man-made nest holes.

I recommend the following is conditioned:

A single integral bat brick to be built into each new house or garage. This can be built into the wall as a brick (rendered if required), into the roof as a bespoke tile or into stonework. Bat boxes should be east or south facing (to receive some sunshine).

A single integral starling or sparrow nesting brick to be built into each new house or garage. Bird boxes should be east facing.

HBC Arboricultural Officer - Referring to the Planning Statement in this application from England Lyle and Good, section 5.10 refers to new planting that will be incorporated within the development. This is to mitigate against any intrusion on the visual amenities of the landscape and enhance the biodiversity of the area. Should the scheme be approved, details of this need to be submitted and I will comment on this in more detail then.

Highways England – No objection subject to condition

Tees Archaeology - Close Farm is the site of a medieval farmstead known from documentary evidence (HER 638), however physical evidence of this is likely to have been destroyed by the development of the 19th century farmstead (HER 8156) and further development in the 20th and 21st centuries. The proposed development site is to the east of the historic core of the farmstead and is relatively small scale (less than 0.5ha), therefore I can confirm that the proposed development should not have a significant impact on any known heritage assets, and no archaeological assessment is required.

Northumbrian Water - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water 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 and the Lead Local Flood Authority. 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.

Northern Gas Networks – No objections.

The Coal Authority – Awaiting response

Cleveland Police - Although the proposed development is located in area that has lower than average crime rates the location is quite isolated and could prove to be vulnerable to criminal activity if premises are left unoccupied for any length of time.

I would therefore recommend that consideration is given to installation of monitored intruder alarms. I would always recommend that rear of properties should be kept secure from easy access with boundary fences to a minimum height of 1.8m with spikey plants to boundaries that back onto open ground for additional security. The rear garden should be protected by a lockable gate to same height as boundary fencing. Security of doors and windows should deter access doors and accessible windows which are certified to PAS 24 2016 would provide a good level of security.

Elwick Parish Council - whilst recognising this is a good opportunity to link with footpaths into Wynyard, and support the Access Officer's view, Councillors believe that as this proposed development is outside the current village footprint, this is probably not acceptable (Rural and Local Plans). Councillors also have concerns about access onto A689 as described in planning documents, as this road was closed some years ago. We need a clear resolution of how vehicular access will work.

Hartlepool Civic Society - The Society has studied the plans and implications of this application.

These 4 dwellings would be outside the Permitted Development Limits in a rural location contrary to both the Hartlepool Local Plan and the Rural Neighbourhood Plan.

Hartlepool Civic Society objects to this application.

Hartlepool Rural Plan Working Group - The application is considered contrary to policies contained in the Hartlepool Rural Neighbourhood Plan.

Policy Gen.1 The proposal at Close Farm is a speculative (open market) build that is not appropriate to a site in open countryside which is outside development limits and is not supportive of any of the aims identified in policy Gen.1. The proposed housing would constitute a significant change to the visual amenity and increasing pressures on the only access along a farm track.

An aim of policy GEN.1 is to direct development to the existing villages to support their sustainability and a number of sites very suited to small developments have been identified. Large detached houses of the sort proposed in this application are not however necessarily the types of property most in need in the rural area.

The proposed housing is outside development limits/village envelopes. There is no indication that the occupation of the properties will accord with any of the exceptional circumstances identified in policy H4.

There is more than ample land identified within the development area of Wynyard to accommodate new housing. Development directed to the existing Wynyard area would be far more capable of meeting the economic, social and environmental aims of the NPPF. Directing new housing into the existing identified area at Wynyard would support the economic and social sustainability of that emerging community. It is doubtful that the introduction of further housing into the countryside is going to be of significant benefit to the environment, rather the contrary and requires further greenfield land with agricultural potential being used up.

PLANNING POLICY

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

ADOPTED HARTLEPOOL LOCAL PLAN (2018)

7.12 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and Adapting to Climate Change
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
RUR1	Development in the Rural Area
RUR2	New Dwellings Outside of Development Limits
NE1	Natural Environment

THE NEW DWELLINGS OUTSIDE DEVELOPMENT LIMITS SUPPLEMENTARY PLANNING DOCUMENT (2015)

7.13 The New Dwellings outside Development Limits SPD was endorsed in 2015. Policy RUR2 of the 2018 Local Plan requires that proposals for new dwellings outside of development limits must have regard to the provisions of this SPD.

7.14 The SPD seeks to provide further guidance on the circumstances in which residential development in the countryside may be justified; the circumstances are as follows;

1. Rural Enterprise (Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work)
2. Heritage (The development would represent the best viable use or secure the future of a heritage asset)
3. Redundant or Disused Buildings (The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting)
4. Outstanding Design (The development is of truly outstanding design, architecture, sustainable construction methods etc)
5. Relevant Policies and Material Considerations (the proposal meets the requirements of all other relevant planning policies in the Local Plan and the NPPF)

RURAL NEIGHBOURHOOD PLAN (ACCEPTED VIA REFERENDUM OCTOBER 2018)

7.15 The relevant policies within the emerging Rural Neighbourhood Plan are:

Policy	Subject
GEN1	Village Envelopes
GEN 2	Design Principles
H4	Housing in the Countryside
NE1	Natural Environment

TEES VALLEY MINERALS AND WASTE DPD (2011)

7.16 The relevant policies within the Tees Valley Minerals and Waste DPD are:

Policy	Subject
MWP1	Waste Audits
MCW1	Minerals Strategy
MWC4	Safeguarding of Minerals Resources from Sterilisation

NATIONAL PLANNING POLICY FRAMEWORK (2018)

7.17 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
048	Weight given to emerging policies
054	Planning conditions and obligations
055	Planning conditions and obligations
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
077	Rural housing
078	Rural housing
079	Rural housing
091	Promoting healthy and safe communities
102	Promoting sustainable transport
124	Achieving well-designed places
127	Achieving well-designed places
153	Planning for climate change
170	Conserving and enhancing the natural environment
212	NPPF is a material consideration

Planning Policy Conclusion

7.18 It is considered that the proposal does not meet any of the tests set out within the NDODL SPD or within paragraph 79 of the NPPF, policy RUR2 of the Hartlepool Local Plan 2018 or policy H4 of the emerging Hartlepool Rural Neighbourhood Plan. It is therefore considered that the proposals would comprise unjustified new dwellings outside of development limits, which would be detrimental to the character and function of the rural area. It is also considered that the proposal is contrary to paragraphs 77, 78, 91, 102 and 127 of the NPPF, policies LS1 and QP3 of the adopted Hartlepool Local Plan 2018, and policy GEN1 of the emerging Hartlepool Rural Neighbourhood Plan.

7.19 In view of the above and taking into account all relevant national and local planning policy and guidance, the principle of development is not considered to be acceptable in this instance.

PLANNING CONSIDERATIONS

7.20 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 impact upon character of the surrounding area, neighbouring residents, highway safety, flooding and drainage, ecology and landscaping and archaeology.

Principle of Development

7.21 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

7.22 The development plan for Hartlepool includes the adopted Hartlepool Local Plan 2018 and the adopted Tees Valley Minerals and Waste DPD.

7.23 Paragraphs 2 and 212 of the National Planning Policy Framework (NPPF) sets out that the NPPF and the policies within it are a material consideration in planning decisions.

7.24 Paragraph 48 of the NPPF stipulates that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of those policies with the NPPF. As above, the Council are giving weight to the policies within the emerging Hartlepool Rural Neighbourhood Plan due to its advanced stage in the plan making process, the lack of unresolved objections with regard to the relevant policies and its consistency with the Framework.

7.25 Each of these documents shall therefore be considered in turn below, where relevant;

National Planning Policy Framework (NPPF) 2018

7.26 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. 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.

7.27 Paragraph 12 of the NPPF stipulates that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts

with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

7.28 Paragraph 73 of the NPPF stipulates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

7.29 Paragraph 74 of the NPPF states that a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan.

7.30 The Council's recently adopted Local Plan (May 2018) sets out the housing requirement over the plan period and identifies sufficient sites to provide a minimum of five years' worth of housing. The Council can therefore demonstrate a five year supply of deliverable housing sites, with the appropriate buffer, in accordance with paragraph 73 and 74 of the NPPF.

7.31 Paragraph 77 of the NPPF requires that planning decisions in rural areas should be responsive to local circumstances and support housing developments that reflect local needs.

7.32 This proposal is for 4 large detached open market dwellings within a rural area. Whilst it is appreciated the proposal is only outline at present, in view of the indicative plans, the size of the site and proposed density, it is considered likely that these will be 4-bedroom executive homes. The Council's Strategic Housing Land Availability Assessment (SHLAA) 2015 document identifies a significant surplus in the number of detached 4 or more bedroom properties in the Rural West ward of Hartlepool in which this site is located, and as such it is not considered that the proposal is responsive to local circumstances, contrary to paragraph 77.

7.33 Paragraph 78 of the NPPF stipulates that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.

7.34 The location of the site is by road, approximately. 3.2km from the nearest existing services/amenities at Wynyard Village (south of the A689), approx. 6.5km from Wolviston Village and approx. 8km from Newton Bewley, 12km from Dalton Piercy and 13km from Elwick, with limited, or no access to these settlements through public transport or walking/cycle routes. With respect to Wynyard, there are already a substantial number of existing dwellings, dwellings under construction and approved/proposed to support services in this area (and therefore the proposal is not required to support services here). In addition, the significant distance and relationship between the site to other formal rural settlements in the Borough and Stockton-on-Tees (which are separated by two main roads- A19 and A689), makes it unlikely that the dwellings would contribute to services in these villages. In view of the isolated location of the site, limited alternative (non-private car) transport options and in the context of the scale of existing development at Wynyard to the south, it is considered the contribution of the proposal to enhancing or maintaining the vitality of rural communities in the wider area is negligible and not sufficient to outweigh any policy conflict.

7.35 Paragraph 79 of the NPPF sets out circumstances in which new dwellings in the countryside may be permitted, stating that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of these circumstances apply.

7.36 In this instance the applicant has not provided any information to demonstrate essential need for a rural worker in this location; the development does not constitute enabling development or represent the optimal viable use of a heritage asset; the development does not re-use redundant or disused buildings; and the development does not involve the subdivision of an existing residential dwelling. Given that the application is in outline, the applicant has also not demonstrated that the design is of exceptional quality. In view of this, the proposal is considered contrary to paragraph 79.

7.37 Paragraphs 91 and 127 of the NPPF require that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and that enable and support healthy lifestyles. As detailed above it is considered that the proposal is isolated from existing services, facilities and rural communities, does not allow for easy pedestrian and cycle connections within and between neighbourhoods or to local shops and it is therefore considered would not achieve the objectives of paragraphs 91 or 127.

7.38 Paragraph 102 of the NPPF stipulates that opportunities to promote walking, cycling and public transport use should be identified and pursued. Whilst it is acknowledge there are public footpaths (i.e. Public Footpath No.22) in the vicinity which will promote walking or cycling, this is likely to be for recreational purposes only given the significant distance to the nearest services and amenities, and would not promote these as sustainable transport modes.

Adopted Hartlepool Local Plan 2018

7.39 The preamble to policy LS1 of the adopted Local Plan (2018) stipulates that in order to control development and to protect the countryside, it is necessary to define precisely limits to development around the main urban area of Hartlepool, Wynyard and the villages. The Policies Map (2018) which accompanies the Hartlepool Local Plan 2018, sets out the Development Limits (policy LS1). Policy LS1 sets out a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up area and adjacent to areas of strong economic growth.

7.40 Policy QP3 (Location, Accessibility, Highway Safety and Parking) of the Local Plan stipulates that the Borough Council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

7.41 As previously detailed the site is considered to be isolated from existing communities and services and is therefore not considered to be in a sustainable location. Furthermore, there are limited opportunities for sustainable travel. It is therefore considered contrary to Policy QP3.

7.42 The application site is located outside the limits to development of Hartlepool, Wynyard and all of the villages, and is adjacent to a Special Landscape Area, which encompasses the woodland in the Wynyard area, together with other woodland pockets and farmland running north from Wynyard along the western fringe of the Borough. The proposed site has not been allocated within the Hartlepool Local Plan as a future housing site. The Local Plan allocates sufficient land within development limits to accommodate the Borough's anticipated housing need over the next 15 years, and as such the proposed site is not considered to be required in order to meet the housing need of the Borough.

7.43 As indicated in the adopted New Dwellings Outside Development Limits (NDODL) Supplementary Planning Document (SPD) and paragraph 12.22 of the Hartlepool Local Plan 2018, most of the land in the Borough which falls outside of development limits can be characterised as being "countryside". Therefore most dwellings proposed outside of the development limits will be, by definition: development in the countryside.

7.44 In line with paragraph 79 of the NPPF (as detailed above), policy RUR2 (New Dwellings Outside of Development Limits) seeks to protect the countryside by only permitting new dwellings outside of development limits if there is clear justification, based on a number of criteria. The applicant has not provided any information to demonstrate essential or functional need for a rural worker in this location; the development does not represent the best viable use or secure the future of a heritage asset and, given that the application is in outline, the applicant has also not demonstrated that the design is of exceptional quality. In view of this, the proposal is considered contrary to policy RUR2.

7.45 Notwithstanding the above, for new dwellings in the rural area, this policy requires that the development must have regard to the provisions of the New Dwellings Outside of Development Limits SPD.

New Dwellings Outside of Development Limits (NDODL) SPD 2015

7.46 In accordance with paragraph 79 of the NPPF, policy RUR2 of the Hartlepool Local Plan 2018, the NDODL SPD seeks to provide further guidance on the circumstances in which residential development in the countryside may be justified, as set out in detail above.

7.47 NDODL SPD paragraph 2.1 draws reference to the term isolated (which is a word used within NPPF paragraph 79). Paragraph 2.1 of the SPD considers that isolated dwellings/homes are stand-alone settlements with one or two buildings or families. Whilst the description mentions that isolated can mean a settlement of one or two buildings. The paragraph further states that isolated dwellings usually have negligible services, if any.

7.48 The paragraph should be read as a whole, and in this instance given the severe lack of services in and around the site location, The site is considered isolated by this definition and any dwellings located here would be therefore isolated.

7.49 NDODL SPD paragraph 2.2 states that proposals for dwellings outside development limits will only be accepted under exceptional circumstances. Given that the proposed dwellings are deemed to be isolated, outside development limits, it would be necessary for there to be identifiable special circumstances for the development to be justifiable. The SPD outlines the justification test assessment criteria.

7.50 However, the application has not sought to justify the development on the basis of the test criteria and the proposal does not meet the requirements of all other relevant planning policies in the Local Plan and the NPPF. It is therefore considered that the proposal does not meet any of the tests set out within the SPD.

Emerging Hartlepool Rural Neighbourhood Plan

7.51 Following a recent referendum the constituents of the Rural areas of Hartlepool voted in favour of adopting the Rural Neighbourhood Plan, as such whilst this has not yet been formally adopted by the Council (expected December 2018), the plan has followed all necessary legal protocol, and as such is considered to be given great weight.

7.52 As such the following policies within this document are a material consideration in the determination of any applications within the Rural Plan area. Policy H4 (Housing in the Countryside) and Policy GEN1 (Development Limits) stipulate that outside village envelopes, new housing will only be supported in exceptional circumstances.

7.53 As previously detailed in the sections above, and with respect to policy H4 specifically, there is no demonstrated essential need for a rural worker in this location; the development does not re-use existing buildings; the development is not for replacement dwelling(s) and, given that the application is in outline, the applicant has not demonstrated that the design is of exceptional quality. In view of this, the proposal is considered contrary to policies H4 and GEN1 of the emerging Hartlepool Rural Neighbourhood Plan.

Tees Valley Minerals and Waste DPD (2011)

7.54 Appendix A of the Minerals and Waste DPD Core Strategy shows that the application site sits within a deep coal resources safeguarding area.

7.55 Policies MWC1 (Minerals Strategy) and MWC4 (Safeguarding of Minerals Resources from Sterilisation) seek to protect minerals resources from unnecessary sterilisation by built development. MWC4 states that within the minerals safeguarding areas, non-minerals development will only be permitted in the following circumstances:

- a) the development would not sterilise or prejudice the future extraction of the mineral resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way or there is evidence that the resource has been sufficiently depleted by previous extraction; or

- b) the mineral will be extracted prior to development and this will not significantly adversely affect the timing and viability of the non-minerals development; or
- c) the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource.

7.56 The pre-amble to policy MWC4 states that non-minerals development could potentially sterilise the minerals resource where it takes place over *shallow* deposits or where the nature of the non-minerals use is classed as a sensitive receptor when in close proximity to extraction activities.

7.57 In regards to the above, it is noted that the coal resource in this location occurs at depth (and is in abundance across the northern 2/3rds of the Borough), the application site sits at the edge of the resource area and there are already two dwellings in this location, with three further dwellings under construction. Furthermore, the proposed dwellings themselves are outside of The Coal Authority reporting area. Therefore it is not considered that the proposal is acceptable in principle in relation to policy MWC1 and MWC4.

7.58 In addition, whilst MWP1 (Waste Audits) of the Minerals and Waste Policies and Sites DPD applies to major development only, it is expected that the proposals should have regard to adequate waste management provision, in line with the principle of this policy..

Principle of Development Conclusion

7.59 It is considered that the proposal does not meet any of the tests set out within the NDODL SPD or within paragraph 79 of the NPPF, policy RUR2 of the Hartlepool Local Plan 2018 or policy H4 of the emerging Hartlepool Rural Neighbourhood Plan. It is therefore considered that the proposals would comprise unjustified new dwellings outside of development limits, which would be detrimental to the character and function of the rural area. It is also considered that the proposal is contrary to paragraphs 77, 78, 91, 102 and 127 of the NPPF, policies LS1 and QP3 of the adopted Hartlepool Local Plan 2018, and policy GEN1 of the emerging Hartlepool Rural Neighbourhood Plan.

7.60 In view of the above and taking into account all relevant national and local planning policy and guidance, the principle of development is not considered to be acceptable in this instance.

CHARACTER AND APPEARANCE OF AREA

7.61 Whilst the application site is not readily visible from nearby public roads (A19 or A689); the site will however be visible from public footpaths in the vicinity of the site. Furthermore, it is noted that Close Farm bounds a Special Landscape Area, protected by virtue of policy NE1 of the adopted Local Plan.

7.62 Policy NE1 requires that all development proposals, through the careful, sensitive management and design of development must ensure that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced and that any development which will have a visual impact on

the Special Landscape Areas will be required to demonstrate that they are in keeping with the area and will not have an adverse impact on the area's landscape character.

7.63 Policy QP4 (Layout and Design of Development) requires that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area.

7.64 Paragraph 127 of the NPPF requires that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding landscape setting, and maintain a strong sense of place.

7.65 Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

7.66 Whilst it is appreciated that the application is outline with all matters reserved at this stage, based on the indicative site layout, and landscape impact montage it is reasonable to conclude that the proposal will feature large two storey detached executive type homes within substantial plots.

7.67 The Council's Landscape Architect has provided comments (as detailed above) on the application, and is of the opinion that the proposal will change the character of the landscape here from open countryside adjacent to existing farm buildings to a group of residential properties and associated garages, gardens and roadways, and is of the opinion that the indicative proposal appears to be suburban in layout, design and scale, and not characteristic of the Special Landscape Area or the wider rural setting, and therefore it is likely that a proposal of this nature would have a detrimental impact on the character and appearance of the countryside.

7.68 However, notwithstanding the above, the specific details of scale and appearance are reserved matters and would therefore be considered at reserved matters stage if outline approval were granted. However, it is considered that any future proposals at a reserved matters stage should ensure that the layout and building form are in keeping with the agricultural / rural setting using high quality materials and detailing with a high quality landscape scheme to ensure integration of the scheme into the setting of the site.

AMENITY OF NEIGHBOURING LAND USERS

7.69 Policy QP4 of the Local Plan seeks to ensure the privacy and amenity of nearby residents is not significantly negatively impacted by new housing developments through ensuring adequate space between dwellings.

7.70 In this regard the northern and southern boundaries of the site are in excess of the usual minimum separation distances that would be required between principal habitable rooms, as such it can be concluded that a dwelling could be accommodated within the application site that would not significantly negatively

affect the amenity of any future neighbouring occupiers to the north and south in terms of privacy, loss of light or an overbearing appearance.

7.71 The neighbouring dwelling to the west of the site is situated approx. 29.0m from the nearest dwelling on the indicative site layout, therefore whilst the specific details of the proposal would be considered at reserved matters stage (if deemed acceptable), the indicative details would indicate that the site can accommodate the development without significant impact on the property to the west.

7.72 The proposal would therefore be acceptable in terms of impact on the amenity of neighbouring land users.

HIGHWAY SAFETY & PARKING

7.73 The Council's Traffic and Transportation team have assessed the proposal, and have objected to the proposal due to the access arrangements to the proposal site.

7.74 The main areas of concern are that the site is accessed by a sub-standard (in highway terms) private drive that already serves 2 existing dwellings, with a further three dwellings under construction (5 dwellings in total). The Council's Highway Design Guide and Specification document requires that no more than 5 properties should be accessed from a private drive. This proposal would propose 9 dwellings.

7.75 In addition, the private drive is approximately 1.7km from the nearest proposed adopted highway, and is of a sub-standard width to allow vehicles to safely pass, or permitted emergency vehicle access. The Council's Highway Design Guide and Specification document requires that a single private access must not be longer than 25m and must be a minimum of 3.7m, in this regard the private access would not meet this requirement being significantly longer than the maximum permitted length and only approx. 2.5m in width according to the permitted documentation.

7.76 Notwithstanding the above, should the application be considered acceptable by Committee, the proposal would be required to contribute towards highway improvements on the A689 as identified by the VISSIM modelling undertaken for the allocated housing sites within Wynyard.

7.77 In addition, Highways England have confirmed no objection to the proposal subject to a condition preventing construction or future occupants having direct access to the A19 to the East. The applicant has confirmed that no access is possible to the A19, however, should the application have been deemed acceptable it would be necessary to impose such a condition for the avoidance of doubt, and in the interest of highway safety.

FIRE AND RESCUE SAFETY

7.78 Further to the comments from the Council's Traffic and Transportation team, in relation to emergency vehicle access, it is noted that Table 20 of the Approved Document B of the Building Regulations sets out the specification for fire and rescue vehicles access. This specifies that the minimum width of any access road should

be 3.7m. Therefore, it is considered that the current access arrangements being approx. 2.5m in width are insufficient to allow fire and rescue vehicles to access the site.

WASTE MANAGEMENT

7.79 Policy MWP1 of the Tees Valley Joint Minerals and Waste DPD (2011) states that major residential developments should provide *“Sufficient storage space should be provided, both internally and externally, for household waste disposal, recycling and composting bins, ensuring that appropriate access is provided to move these bins from their storage positions to their collection points. Adequate access and turning facilities must be provided for refuse collection vehicles.”*

7.80 Whilst it is acknowledged that this is not a major development, the principles of this policy are applicable to all residential developments in the management of waste and recycling.

7.81 Policy QP3 states that the design of developments should have regard to servicing arrangement including the disposal of waste.

7.82 The Council’s Waste Management team were consulted on the proposal, although no comments were received.

7.83 However, concern is raised as to the practicality of an additional 4 dwellings disposing of their waste at a suitable location. At present the host dwelling (Close Farm) has an informal bin store situated approx. 1.7km to the south of the dwelling adjacent to the housing developments within the Wynyard expansion (known as the Beaumont and Lyndhurst). It is considered by the Local Planning Authority impracticable and unacceptable for the potential occupants of the proposed dwellings to travel 1.7km to the current collection point to present domestic waste and recycling as per the present arrangement, in addition such a large accumulation of waste bins close to the proposed housing on the allocated site could have a detrimental impact on the amenity and enjoyment of their properties due to smells and pests particularly during summer months. Therefore, it is considered that due to the isolated location of the proposed dwellings and distance to the nearest appropriate collection point that the proposal is contrary to policy QP3, and the aspirations and principles of MWP1.

ARCHAEOLOGY

7.84 Following consultation with Tees Archaeology it is considered that whilst a medieval farmstead was present on the site, it is likely that little will have survived following the 19th century re-development of the site. Therefore, no objections have been raised to the principle of development.

DRAINAGE AND FLOODING

7.85 As this application reserves all matters, no specific details have been provided as to the means of foul or surface water drainage, such matters are necessary for

consideration at a reserved matters stage should the application be considered acceptable.

OTHER PLANNING MATTERS

Legal considerations

7.86 The applicant within the submitted Planning Statement acknowledges that the proposed new dwellings fall outside of development limits, however considers that the proposal is not for isolated homes in the countryside, as the proposed dwellings are physically adjacent a cluster of buildings which form Close Farm, and therefore there is no need to justify the proposals in the context of the exceptional circumstances via the justification test as set out within the SPD, or the relevant provisions set out within the NPPF, adopted Local Plan or the emerging Neighbourhood Plan, with respect to new dwellings in the countryside (as detailed above).

7.87 The applicant refers to a recent Court of Appeal decision dated 28th March 2018 (Braintree D.C. v SSCLG) which considered the definition of ‘isolated’ in the expression “new isolated homes in the countryside”. The judgement concluded that the word “isolated” in this context simply connotes a dwelling that is physically separate or remote from a settlement. It was held that a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach, however it was conceded that whether, in a particular case, a group of dwellings constitutes a settlement, or a “village”, for the purposes of the policy will be a matter of fact and planning judgment for the decision-maker.

7.88 In this particular decision Lindblom LJ held that the development of a dwelling adjacent to other dwellings, where there were no services or facilities present, would contribute towards the social objective of sustainable development set out in the NPPF and would be in line with paragraph 78 of the NPPF, which acknowledges that “where there are groups of smaller settlements, development in one village may support services in a village nearby.”

7.89 However, whilst this judgement has been taken into consideration during the deliberation of this planning proposal, the Local Planning Authority strongly disagree that the above case is comparable to the current application. The above Court of Appeal case related to a proposal for two detached dwellings, located on a publicly accessible road, immediately adjacent to numerous existing dwellings to the north and south, and within the immediate vicinity (approx. 100m from development limits) of a substantial established village/hamlet at Blackmore End, Essex.

7.90 In contrast, the current application site is located on a former agricultural holding, significantly beyond the limits to development of the nearest urban area at Wynyard (approx 0.75km). Whilst there are two dwellings already located adjacent to the site, with a further three dwelling under construction (through the conversion of farm buildings) it is not considered that these dwellings constitute a rural community, settlement or “village” for the purposes of paragraph 78 of the NPPF. Furthermore,

access to the site is via an un-adopted private road with poor sustainable transport links. The proposal is therefore considered to be significantly more isolated both physically and functionally than the abovementioned Court of Appeal case, for this adjudication to outweigh the considerations set out above.

Landscaping, Rights of Way and Ecology

7.91 Details of landscaping do not form part of this application; however the Council's Arboricultural Officer has identified that a landscaping condition should be applied to any approval to ensure an appropriate scheme comes forward at a reserved matters stage should the application be deemed acceptable.

7.92 There have been no objections raised by the Council's Countryside Access Officer with respect to public rights of way; however, the development offers the possibility of enhancements to the nearby public footpath to reduce the potential of trespass across privately owned land. Therefore, should the application be deemed acceptable a obligation would be requested to ensure the enhancement of the public rights of way.

7.93 In accordance with the provisions of the NPFF, the Council's Ecologist has requested bio-diversity enhancements in the form of a bat brick and swift nesting brick which can be secured by a planning condition should the application be deemed acceptable.

RESIDUAL MATTERS

7.94 There are no other residual matters for consideration in the determination of this proposal

EQUALITY AND DIVERSITY CONSIDERATIONS

7.95 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.96 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.

7.97 There are no Section 17 implications.

REASON FOR DECISION

7.98 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority the applicant has not demonstrated sufficient justification for development outside the limits of development and the proposal would therefore result in unjustified isolated dwellings in the open countryside to the detriment of the character and appearance of the rural area. The proposal is therefore contrary to paragraphs 77, 78, 79, 91, 102 and 127 of the NPPF, policies LS1, QP3 and RUR2 of the Hartlepool Local Plan 2018, policies GEN1 and H4 of the emerging Hartlepool Rural Neighbourhood Plan and the New Dwellings Outside Development Limits SPD.
2. In the opinion of the Local Planning Authority the proposal would create a highway safety issue as the requirement for an access of no less than 3.7 metres in width is necessary to provide safe and convenient access to the proposed residential developments. An access width of less than 3.7 metres would not enable safe or convenient access for all, and in particular emergency vehicles, and would thereby be contrary to the provisions of policy QP3 of the Hartlepool Local Plan 2018, Tees Valley Highway Design Guide and Specifications document.

BACKGROUND PAPERS

7.99 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

7.100 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

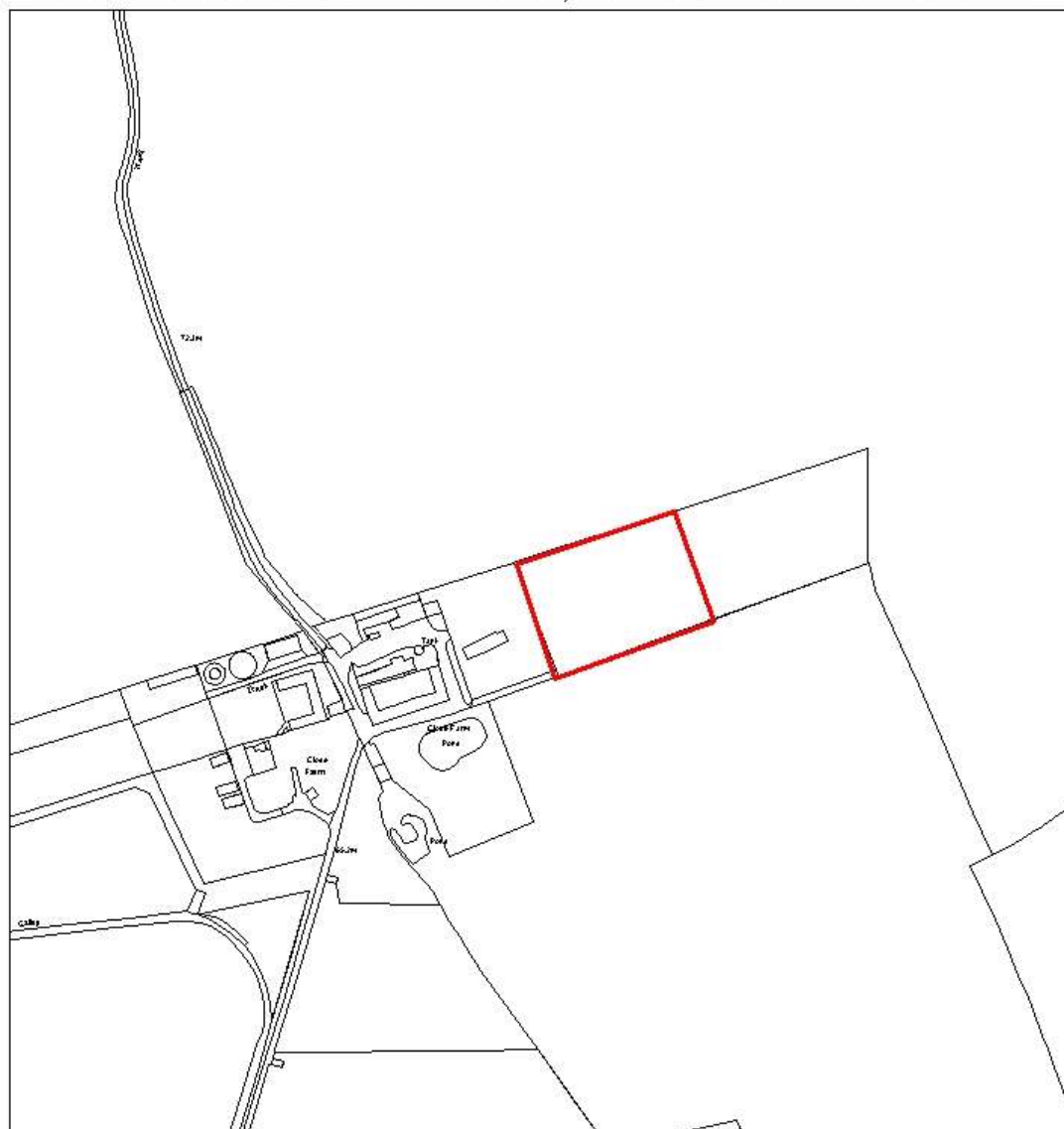
Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

7.101 Leigh Dalby
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523537

E-mail: leigh.dalby@hartlepool.gov.uk

CLOSE FARM COTTAGE, HARTLEPOOL ROAD

Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:3000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0246	REV

No: 8.
Number: H/2018/0377
Applicant: HOSPITAL OF GOD ESTATE OFFICE GREATHAM
HARTLEPOOL TS25 2HS
Agent: HOSPITAL OF GOD MR KENNETH POOL ESTATE
OFFICE GREATHAM TS25 2HS
Date valid: 28/09/2018
Development: Change of use from shop to residential (A1 to C3)
Location: 22 HIGH STREET GREATHAM HARTLEPOOL

PURPOSE OF REPORT

8.1 An 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.

PROPOSAL

8.2 Approval is sought for the change of use of the application site from a vacant ground floor shop into one single, two storey residential dwelling (C3 Use Class) by combining the ground and first floors. The proposal does not include any external alterations however some internal alterations to remove all shop fittings.

8.3 The application has been reported to Planning Committee as an objection has been received from Hartlepool Rural Group and concerns have been provided by Greatham Parish Council.

SITE CONTEXT

8.4 The application site is an existing shop, at ground floor level, with a residential property above, located at the end of a terrace along the High Street, Greatham, Hartlepool. Detached outbuildings and a yard area are present to the rear. There is an alley directly to the side of the property, beyond which there is a church. Access is taken from High Street which is directly adjacent to the front of the property. The property is located within Greatham conservation area and is a locally listed building. The surrounding area is predominantly residential.

PUBLICITY

8.5 The application was publicised by means of neighbour letter (17), site notice and press notice. No representations have been received.

8.6 The period for publicity has expired.

CONSULTATIONS

8.7 The following consultation replies have been received:

HBC Countryside Access: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site

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

HBC Public Protection: No objections

HBC Engineers: No objection

HBC Conservation: The application site is located in Greatham Conservation Area (designated heritage asset) and recognised as a locally listed building (heritage asset). Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas'.

The special character of the Greatham Conservation Area is predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

With regard to heritage assets the NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197).

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The property is a shop and the Statement of Significance in the local listing recognises it as having a, 'largely unaltered shopfront' and featuring other traditional detailing such as sash windows and a slate roof.

The proposal is the change of use of the property from retail to residential. There will be no works to the exterior of the property. In light of this it is considered that the proposal will not significantly impact on non-designated heritage asset or designated asset that is Greatham Conservation Area; no objections.

Northumbrian Water: No comments.

Greatham Parish Council: Hartlepool Local Plan-policy RUR6 and Hartlepool Rural Neighbourhood Plan EC2. Also NPPF paragraph 83 "supporting a prosperous rural economy" in particular promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. No evidence has been provided of 22 High St., being marketed as a business since the last tenant left. They had occupied the building from spring 2017. Prior to this there was a long term business, CS Services who occupied the premises for several years. In the interests of retaining a continued mix of employment uses in Greatham it would be desirable to see a determined effort to find a new business tenant before looking at a change of use. Greatham Village Design Statement also recommends "the range of shops and trades should be preserved and encouraged as much as possible." This adds to the diversity and interest of the older part of the village and the area covered by the conservation area. If use as a traditional shop is not forthcoming alternative uses that would retain the building in commercial use and better utilise the shop front should be explored. Class A2, A3, A5, B1 and D1 uses may be acceptable subject to their suitability for the character and predominant residential nature of the village.

Investing in the property for commercial use, for example proper parking provision being made at the area behind the building, could help make the commercial use more attractive. Separating the business and residential parts of the buildings to provide a lock-up unit on the ground floor and flat above similar to that at 7 Front St. Greatham (another Hospital property) may also make the property more commercially viable and attractive. The intention to retain the original shop front if changed to residential use is welcome from the point of view of retaining a feature of the conservation area and a locally listed building. From a practical point of view however a living room behind a shop front of this size, especially one directly on to the pavement, is liable to be problematic and rarely proves satisfactory. A continued commercial use would be far more preferable.

Hartlepool Rural Plan Working Group: On behalf of the Hartlepool Rural Neighbourhood Plan Group I have been asked to submit the following comment regarding the above application. The application is considered contrary to a policy contained in the Hartlepool Rural Neighbourhood Plan.

Comments are based on the following policy contained in the Hartlepool Rural Neighbourhood Plan – which has recently been approved by referendum and should be considered part of the development plans for the area. The policy is also reflected in Hartlepool Local Plan – policy RUR6.

POLICY EC2 - RETENTION OF SHOPS, PUBLIC HOUSES AND COMMUNITY FACILITIES

The change of use or redevelopment of a village shop, public house or community building will be supported only where:

- 1. at least one other similar facility exists within the village; and*
- 2. it can be demonstrated by the applicant that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a business or community facility, and that it is not economically viable; and*
- 3. there is no evidence of realistic intent from the community for the retention of the business or community facility.*

Preference will be given to the premises remaining in some form of community or employment use, as long as there are no significant impacts on the rural road network, residential amenity, environment, heritage assets, including conservation areas and their settings.

In respect of bullet point 2, there is no evidence of this property being marketed as a business since the unfortunate loss of the last tenant who first occupied the building in the Spring of 2017. Prior to this there was a long term business tenant utilising the shop, CS Services, initially as a TV aerial/satellite installation and repair business. In the interests of retaining a continued mix of employment uses in Greatham and the rural area it would be desirable to see a concerted effort to find a new business tenant prior to change of use.

If retail does not attract potential users, other commercial uses might be considered, e.g. office use for the building. Investing in the property for commercial use, for example proper parking provision to the ample rear area might assist in making the property more attractive to a business user. Separating the business and residential parts of the buildings to provide a lock-up unit may be another consideration.

Further comments received in respect of additional information (summarised):

It appears the Hospital of God are making no effort to find a commercial tenant at this time. Therefore the Rural Plan comments stand unchanged.

Hartlepool Civic Society; No comments received.

PLANNING POLICY

8.8 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

8.9 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to climate change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RUR1: Development in the Rural Area
 RUR6: Rural Services
 HE5: Locally Listed Buildings
 HE3: Conservation Areas
 SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (emerging)

8.10 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency with the Framework.

8.11 The Hartlepool Rural Neighbourhood Plan sets out the vision for the plan area over the next 15 years and has been prepared by the Hartlepool Rural Plan Working Group. The Rural Neighbourhood Plan has been subject to examination and the examiner's report was submitted to the Council on 4 July 2017. The Rural Neighbourhood Plan examiner recommended a number of changes to the Plan to ensure that it delivers sustainable development and has proper regard to national policy and guidance. The examiner's overall conclusions are that the Plan, if amended in line with his recommendations, meets all the statutory requirements including the basic conditions test.

8.12 On 4th September 2017 the council accepted the examiner's recommendations and agreed that the Plan, as modified by the examiner's recommendations, can proceed to referendum. Residents of the rural neighbourhood plan area voted in favour of the Council adopting the Hartlepool Rural Neighbourhood Plan on 4th October 2018. The final step of the process is now for a report to be taken to Full Council to formally adopt the Plan so it becomes part of the Development Plan for the Borough. This is likely to happen in December this year.

8.13 In accordance with NPPF paragraph 48, the Council are giving weight to the policies within the rural plan due to its advanced stage in the plan making process, the lack of unresolved objections with regard to the relevant policies and its consistency with the Framework.

8.14 The relevant policies within the Rural Neighbourhood Plan are;

EC2: Retention of Shops, Public Houses and Community Facilities

National Policy

8.15 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007 : Achieving sustainable development

PARA 008 :Achieving sustainable development

PARA 009 :Achieving sustainable development

PARA 010 : Achieving sustainable development

PARA 011 :The presumption in favour of sustainable development

PARA 012 ::The presumption in favour of sustainable development

PARA038:Decision-Making

PARA047: Determining Applications

PARA083:Supporting a prosperous rural economy

PARA091 Promoting healthy and safe communities

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130 :Achieving well-designed places

PARA 150 : Planning for Climate Change

PARA153: Planning for Climate Change

HBC Planning Policy comments (summarised)

8.16 Planning policy accept that the applicant has provided enough evidence to support the change of use from retail to residential. This evidence therefore means that the proposal is in accordance with policy RUR6 of the Local Plan, which seeks to preserve the shops within Hartlepool's villages unless certain criteria can be met. It is also in accordance with policy EC2 of the Rural Plan. As a result of this, it is considered that the current retail unit is not economically viable and is not a key facility within Greatham, and it has been demonstrated that the owner has attempted to lease the property. Planning policy have no objections to the proposed change of use.

PLANNING CONSIDERATIONS

8.17 The main issues for consideration when assessing this change of use application are the principle of development in terms of national and local planning policy, character of the area, amenity of neighbouring properties and highway safety.

PRINCIPLE OF DEVELOPMENT

8.18 Policy RUR6 of the adopted Hartlepool Local Plan is relevant when considering this application. This policy seeks to preserve shops within Hartlepool's villages. The policy states that the change of use of a shop in the rural villages will only be supported where it is justified against a list of criteria. Also relevant to the application is policy RUR1 which requires developments to be in accordance with the emerging Rural Neighbourhood Plan, and therefore weight should be given to its policies. Policy EC2 of the Rural Plan also details circumstances whereby change of use of a village shop would be permitted;

- At least one other similar facility exists within the village
- It can be demonstrated that all reasonable efforts have been made to sell or let the property as a business or community facility, and that it is not economically viable
- No evidence of realistic intent from the community for the retention of the business

8.19 Initially HBC Planning Policy and the Hartlepool Rural Plan Working Group objected to the proposed change of use as no justification was submitted to satisfy the criteria outlined in policy RUR6 of the Local plan and EC2 of the Rural Plan.

8.20 The applicant has since submitted further supporting information detailing that the property was used until 2010 as a TV repair/Aerial installation shop then changed to a property shop. However in late 2014 the lessee moved out of the property and the building stood empty until January 2017 the shop was used as a bookshop and educational support facility with the rear store area being used to make outdoor equipment such as sleeping bags/hammocks etc. The shop closed in late 2017 and the tenant left the property in early 2018, since which time the property has remained vacant. The applicant asserts that this demonstrates that the uses in the building since 2010 have not been economically viable/successful.

8.21 The supporting documentation also provides details of the facilities available in the village which states that there are currently three retail shops and two public houses. The applicant is the landlord of all of the other 5 units. It has been confirmed that the facilities are actively supported by means of offering competitive lease charges for the properties. In regards to Community facilities the charity leases out a number of facilities directly to the village community these including community centre, Greatham sports field, various allotments within the village and on the periphery of the village. The applicant has confirmed that the community has shown no intent to retain the business.

8.22 In terms of actively marketing the unit In May 2015 the applicant tried to sell/let the property through Greig Cavey Commercial Ltd for either sale or to let. However over a period of 5 months, 4 enquiries were received none of which were interested in leasing the property which is the charity's preferred option (as it is part of the charity permanent endowment). One offer to purchase was made and declined by the charity, since this time no other interested has been expressed. The applicant has submitted the advertisement to support these claims.

8.23 Despite the submission of further details the Hartlepool Rural Plan Working Group maintain their objection on the grounds that the advertisement submitted

appears to be from the last time the property was available. Therefore the Hartlepool Rural Plan Working Group consider that this submission does not show that the applicant has made sufficient effort to secure a commercial tenant.

8.24 The applicant has confirmed that the Hartlepool Rural Plan Working Group are correct, the submitted advert was from late 2016 when the current tenant was secured. However the applicant has confirmed that this business, along with previous businesses, has failed and as such the applicant needs to consider a viable use for the future. The applicant maintains that this is the reasoning behind the proposed change of use to residential.

8.25 Following the submission and subsequent consideration of the supporting documentation, HBC Planning Policy accepts that the applicant has provided enough evidence to support the change of use from retail to residential. It is considered that the submission adequately satisfied the requirements of the local plan policy and the rural neighbourhood plan policy. Therefore the proposal is considered to be in accordance with policy RUR6 of the Local Plan, which seeks to preserve the shops within Hartlepool's villages as the requirements of the criteria are considered to be met by the submitted documentation. HBC Planning Policy also considered that the proposal is in accordance with policy EC2 of the Rural Plan for the same reason. As such following the submission of evidence, it is considered that the current retail unit is not economically viable and cannot be considered as a key facility within Greatham. Furthermore it is considered that it has been demonstrated that the owner has attempted to lease the property. Therefore HBC Planning Policy has no objections to the proposed change of use.

8.26 It is noted that Greatham Parish Council have not formally objected however have commented that it would be preferable for the commercial unit should be retained as the loss of the unit would be contrary to the aims of the local plan, rural neighbourhood plan and national planning policy which seek to support the rural economy by retaining commercial uses in villages. These concerns have been addressed in the above section of the report.

8.27 The Parish Council has also commented that the retained shop front, whilst favourable visually, may cause problems in the future as a result of the location of the shop front windows adjacent to the footpath. Whilst these comments are noted, taking into account that other properties in the immediate vicinity have windows directly adjacent to the footpath, it is not considered that this would warrant a refusal of the application.

8.28 Overall and despite the maintained objection from the Hartlepool Rural Plan Working Group, Officers consider that the proposal satisfied the relevant planning policies and that for the reasons stated above, it is considered that the proposal represents a sustainable form of development and that the principle of development is considered to be acceptable.

CHARACTER OF THE CONSERVATION AREA

8.29 The application site is located in Greatham Conservation Area (designated heritage asset) and recognised as a locally listed building (heritage asset). Policy

HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

8.30 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

8.31 Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas'.

8.32 The special character of the Greatham Conservation Area is predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

8.33 With regard to heritage assets the NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197).

8.34 Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

8.35 The property is a shop and the Statement of Significance in the local listing recognises it as having a, 'largely unaltered shopfront' and featuring other traditional detailing such as sash windows and a slate roof.

8.36 The proposal is the change of use of the property from retail to residential. There will be no alterations to the exterior of the property. In light of this it is considered that the proposal will not significantly impact on non-designated heritage asset or designated asset that is Greatham Conservation Area. As such the Council's Conservation and Heritage manager raises no objections.

8.37 The proposed use will be residential. Given the character of the surrounding area is predominantly residential in nature it is not considered that the proposed change of use would result in a detrimental impact upon the character of the surrounding area. Furthermore as there are no external alterations proposed it is not

considered that the development would result in an incongruous feature. Therefore it is not considered that the proposals would result in a detrimental impact upon the character or appearance of the surrounding area.

AMENITY OF NEIGHBOURING PROPERTIES

8.38 There is an existing residential property above the application site and attached to the south of the building. There are also residential properties directly opposite the application site. Given that the property has previously operated as a shop it is not considered that the proposed development would result in a detrimental impact upon the surrounding neighbouring properties in terms of noise and disturbance. Furthermore, no objections or requirement for planning conditions have been received from HBC Public Protection.

8.39 As the proposed development does not include any external alterations and would utilise existing openings, it is not considered that the proposal would result in a detrimental impact upon or significantly worsen the amenity and privacy of neighbouring properties in terms of overlooking and appearing overbearing.

HIGHWAY SAFETY

8.40 The Council's highways officer was consulted on the proposals and has raised no objections. As such it is not considered that the proposal would result in an adverse impact upon highway safety.

OTHER PLANNING MATTERS

8.41 No objections have been received from other technical consultees including on matters in respect of drainage and public rights of way.

CONCLUSION

8.42 Following the submission of supporting documentation it is considered that the proposed change of use satisfies the criteria of Local Plan Policy RUR6 and Rural Plan Policy EC2. As such, whilst the Hartlepool Rural Plan Working Group object to the proposal and Greatham Parish Council has raised concerns, it is considered that sufficient information has been submitted to satisfy the planning policy criteria and as such the principle of development is considered to be acceptable in this instance.

8.43 The proposal is also considered to be acceptable in terms of amenity of neighbouring properties, impact upon character and appearance of the locally listed building and the conservation area, highway safety and other planning matters.

8.44 As such the proposed change of use is considered to be acceptable and is recommended for approval, subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.46 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.

8.47 There are no Section 17 implications.

REASON FOR DECISION

8.48 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 Site Location Plan, Proposed internal layout plan and Existing internal layout plan received by the Local Planning Authority on 28th September 2018.
For the avoidance of doubt.
3. 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 hereby approved shall not be extended or altered in any way, and no garages or other detached outbuildings or structures 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 properties and the character of the conservation area.
4. This permission solely relates to the change of use to 1no. dwellinghouse (C3 use class) only and does not permit any external alterations or extensions to the dwellinghouse.
To ensure a satisfactory form of development and for the avoidance of doubt.

BACKGROUND PAPERS

8.49 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

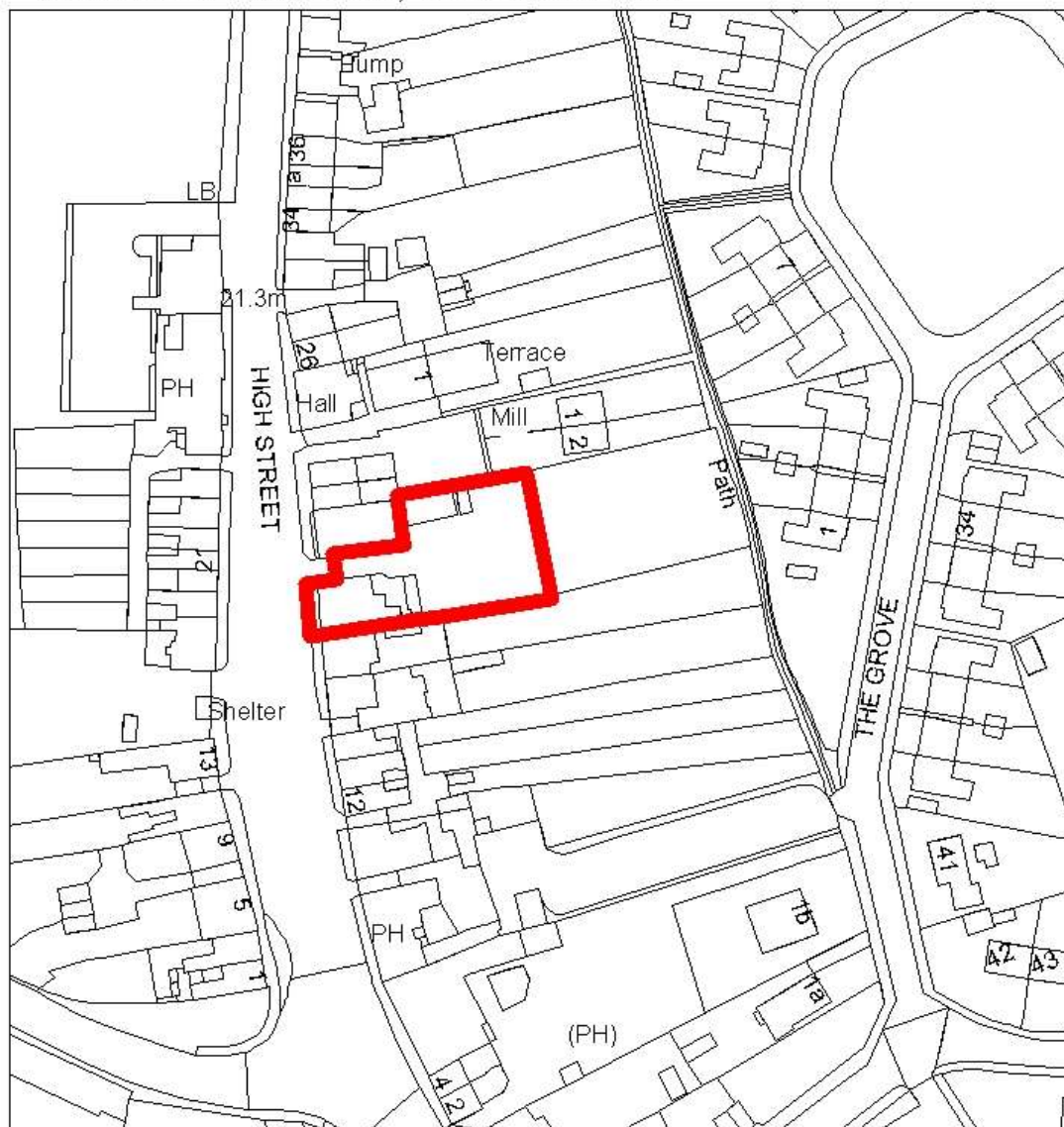
8.50 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

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

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

22 HIGH STREET, GREATHAM

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0377	REV

POLICY NOTE

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

[https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156 -
_final local plan for adoption - may 2018](https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156_-_final_local_plan_for_adoption_-_may_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
_and_waste_development_plan_documents_for_the_tees_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2018

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

PLANNING COMMITTEE

19th December 2018



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: ANNEXE AT SUNRISE COTTAGE, BENKNOWLE LANE, ELWICK, HARTLEPOOL TS27 3HF
APPEAL REF: APP/H0724/W/18/3207975
CHANGE OF USE FROM ANNEXE TO TWO BEDROOM RESIDENTIAL DWELLING (H/2017/0675).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning and enforcement appeal that has been determined in respect of a planning application for the change of use of an existing annexe to a two-bedroom residential dwelling.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

- 4.1 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523273
E-mail: laura.chambers@hartlepool.gov.uk



The Planning Inspectorate

Appeal Decision

Site visit made on 5 November 2018

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2018

Appeal Ref: APP/H0724/W/18/3207975

Annexe at Sunrise Cottage, Benknowle Lane, Elwick, Hartlepool TS27 3HF

- 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 John Heads against the decision of Hartlepool Borough Council.
 - The application Ref H/2017/0675, dated 12 December 2017, was refused by notice dated 4 May 2018.
 - The development proposed is change of use from an annexe to a two bedroom residential dwelling with secure garage facilities.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
4. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to determining the planning application, the Council adopted the Hartlepool Local Plan (LP) in May 2018 which superseded the previous Local Plan 2006. I have therefore considered the appeal against the relevant adopted policies of the LP and make no further reference to the previous development plan.

Main Issue

5. Whether the site would be a suitable location for a separate residential dwelling in respect of local and national planning policy.

Appeal Decision APP/H0724/W/18/3207975

Reasons

6. The appeal site is located outside of the development limits as defined in the LP and is therefore treated as being within the open countryside for planning purposes. Although there are other dwellings within the vicinity of the site, these have the characteristics of sporadic development in the countryside and do not represent a distinct settlement. Policies RUR1 and RUR2 of the LP seek to control the development of new dwellings outside of development limits, including the consideration of whether the dwelling would be in a sustainable location with access to shops and services as well as opportunities for sustainable travel.
7. The Council states that the development relates to separate buildings within the same curtilage. I saw that the appeal site was a separate plot of land from the main dwelling with its own access from the A19, and which was accessed from Sunrise Cottage via a gate. As well as the residential annexe, the appeal site contains other outbuildings. Based on what I have seen and read, the wider site consists of the dwelling of Sunrise Cottage with other uses and buildings that are incidental to the residential use of that dwelling. The use of the annexe is controlled by a condition placed on a previous permission¹ for the site, which limits occupation to a family/guest annexe used in conjunction with Sunrise Cottage. In effect, the appeal proposal would lead to the creation of a new separate residential dwelling.
8. Due to the isolated location of the site, residents of the dwelling would need to rely on the private car to access services and facilities. I acknowledge that the annexe is currently in residential use. However, the nature of occupancy is linked to the circumstances of the residents of the main dwelling, with greater likelihood of shared journeys and sharing of facilities. The use of the annexe as a separate dwelling would be likely to lead to a greater intensity of residential use, with a commensurate increase in the reliance on private vehicles to access services.
9. The appellant highlights that he has no need for the outbuildings within the appeal site and that they may therefore fall into disuse unless a more effective use of the land can be found. However, the occupancy of the annexe can continue under the existing planning permission for the site. Furthermore, there is no substantive evidence that the buildings would fall into disuse should the occupancy of the site change. This matter does not therefore weigh in favour of the proposal.
10. The appellant also emphasises that the proposal would not lead to a new building within the countryside. However, this does not mitigate the harm that would arise from the isolated location of the site and the change in the nature of occupation.
11. Reference has been made to paragraph 79(d) of the Framework, which states that the development of isolated homes in the countryside may be appropriate if it would involve the subdivision of an existing residential dwelling, amongst other things. However, the annexe is located some distance from the dwelling of Sunrise Cottage and is distinctly separate from it. Due to the particular circumstances of the site, the annexe does not represent a normal domestic adjunct to the dwelling. Whilst the occupation of the annexe may be incidental

¹ Application ref: H/FUL/0159/02

to the residential use of the wider site, as a matter of fact and degree I find that the annexe is not part of the dwelling. The proposal would therefore not represent the subdivision of a dwelling and it would not meet the exception identified in paragraph 79(d) of the Framework.

12. I have also had regard to the other elements of paragraph 79. Although the occupant of the annexe may be employed in relation to the care of the appellant and the maintenance of the site, there is no substantive evidence that this would be required on a permanent basis as part of a separate dwelling. The building is currently in use and the proposal would therefore not re-use a redundant or disused building. The proposal would also not relate to a heritage asset or be of an exceptional quality of design. The proposal would therefore not comply with any of the circumstances identified by paragraph 79 of the Framework.
13. I am mindful of the personal circumstances of the appellant, and his need for a carer to live in close proximity. However, this facility is available within the current authorised use of the site. I also note the concerns of the Council that this proposal may result in the loss of the carer's residence as a result of the severance of the appeal site from the dwelling. The residential occupancy of the annexe would also be able to continue should the circumstances of the appellant change, albeit in association with the use of Sunrise Cottage. I acknowledge the wish of the appellant for his carer to continue to live independently at the appeal site; however, this personal benefit would not outweigh the identified harm in relation to the isolated location of the proposal and the conflict with planning policy.
14. I conclude that the proposal would lead to an isolated dwelling in the countryside, and would conflict with Policies RUR1 and RUR2 of the LP and the advice of the SPD² which set out that such dwellings will only be permitted if there is clear justification and subject to a number of criteria, including sustainability of location. The proposal would also conflict with the Framework which seeks to avoid isolated homes in the countryside except in certain circumstances.

Other Matters

15. The appellant refers to the building being occupied for residential purposes for a number of years. However, the lawfulness of the development is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. The Council has referred to the potential for the appellant to apply for a lawful development certificate, and any such application would be unaffected by my determination of this appeal.
16. I note the frustrations expressed by the appellant in relation to the advice from the Council and the decision process leading up to this appeal as well as delays in providing documents. However, these are not matters for this appeal which I have determined on its planning merits.

² New Dwellings Outside of Development Limits Supplementary Planning Document (SPD) 2015

Appeal Decision APP/H0724/W/18/3207975

Conclusion

17. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

PLANNING COMMITTEE

19 December 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. The erection of a timber fence above the front boundary wall at a residential property in Grange Road.
2. The change of use from a cafe to a dog grooming parlour at a commercial premises at The Front, Seaton Carew.
3. The erection of a timber outbuilding in the rear garden of a residential property in Endeavour Close.
4. Non-compliance with a landscaping condition at a commercial redevelopment in Burn Road.
5. An area of untidy land at the rear of Guillemot Close.
6. The erection of an extension at the rear of a residential property in Lavender Lane.
7. The erection of a single storey extension at the side of a residential property in Chaucer Avenue.
8. Non-compliance with a condition relating to the provision of an acoustic fence at a residential development site in Hart.

1.2 Investigations have been completed as a result of the following complaints:

1. Non-compliance with the approved construction management plan at a commercial development site at Middle Warren Local Centre. It was found that the site is operating in accordance with the approved details.

2. The erection of a site compound adjacent to a residential development site off Tees Road. Permitted development rights apply in this case.
3. Non-compliance with a condition relating to working hours at a school redevelopment site in Elwick Road. The site is now operating in compliance with the condition.
4. The preparation of fried foods at a licensed premises in Church Street. The preparation of fried foods has since ceased.
5. The paving of a front garden at a residential property in Spalding Road. Permitted development rights apply in this case.
6. The installation of a uPVC front door at a listed residential property in Regent Street. A retrospective planning application seeking to regularise the development has since been approved.
7. The installation of a uPVC front door and uPVC windows to the rear of a listed residential property in Regent Street. A retrospective planning application seeking to regularise the development has since been approved.
8. The installation of permeable paving at a village green in Dalton Piercy. A retrospective planning application seeking to regularise the development has since been approved.
9. The change of use to a vehicle repair garage of a residential property in Falmouth Grove. No evidence of a material change of use could be established.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523596
E-mail andrew.carter@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