

PLANNING COMMITTEE

AGENDA



Wednesday 16 January 2019

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 19 December 2018 (*to follow*)

4. **ITEMS REQUIRING DECISION**

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

- | | | | |
|----|-------------|---|-----------|
| 1. | H/2018/0265 | Lidl Store, Jesmond Gardens, Hartlepool | (page 1) |
| 2. | H/2018/0415 | 30 North Lane, Elwick | (page 19) |
| 3. | H/2018/0086 | 1 Serpentine Gardens, Hartlepool | (page 27) |

4.2 Appeal at Land to the Front of Dean Garth and North View, Dalton Piercy, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*

4.3 Appeal at Morrisons, Clarence Road, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*

5. **ITEMS FOR INFORMATION**

5.1 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 – *Assistant Director (Economic Growth and Regeneration)* (para's 5 and 6)

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

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 6 February 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19th December 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, Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes and Mike Young

Officers: Andrew Carter, Assistant Director (Economic Growth and Regeneration)
Jim Ferguson, Planning and Development Manager
Dan James, Planning Team Leader (DC)
Laura Chambers, Senior Planning Officer
Kieran Bostock, Transport and Infrastructure Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Leigh Dalby, Planning Officer
Andy Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

85. Apologies for Absence

Apologies were submitted by Councillor George Morris

86. Declarations of interest by members

None

87. Confirmation of the minutes of the meeting held on 28th November 2018

Confirmed

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

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

Consideration of this application had been deferred at the previous meeting to allow members to undertake a site visit.

The applicant's agent addressed the committee referring to the Officer report..

Members referred to a potential 'blind bend' for vehicles leaving the dwelling and queried whether the Council's engineers had taken this into account. The Transport and Infrastructure Manager confirmed that it had been considered and a number of options to remedy the problem were being considered.

Members approved the application by a majority.

Decision: **Outline Approval**

CONDITIONS AND REASONS

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.

Number: H/2014/0428

Applicant: Tunstall Homes Ltd c/o Agent

Agent: Prism Planning Ltd Mr Rod Hepplewhite Prism Planning 1st Floor 11 High Row Darlington

Date received: 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

The Locum Solicitor advised Members that the committee had previously (in January 2018) been minded to approve 2 applications for this site subject to the detail contained in the 106 agreement. However since then much had changed and this was therefore to be considered as a completely fresh application.

The Agent for the Applicant addressed the meeting and advised of the positive aspects of the application. These included a large number and range of new houses, additional shops, new schools and funding for a new A19 bypass and significant road improvements. He highlighted that the site had been considered by the planning inspector during the Local Plan examination hearings and that a Masterplan for the site had been endorsed by the Regeneration Services Committee at their meeting earlier in the week. He also noted that the 106 agreement was the single largest contribution of this kind to Hartlepool in its history.

Councillor Marjorie James advised those present that herself and the Planning Team Leader (DC) were not related.

A Representative from Walker Morris spoke on behalf of Mr Yuill. Despite supporting the development in principle he raised concerns around the level of public scrutiny which the viability assessment had been subjected to, particularly the failure to publish the full viability assessment. He felt it was clear that the developer was not meeting all the contribution requirements including education and affordable housing. He noted that the report promised that any impacts on the local highway network resulting from this development would be funded by the 106 agreement in future but there was no guarantee of this. He asked that members defer consideration of the application to allow for the viability assessment to be published and properly scrutinised.

Members were minded to approve the application by a majority. **Councillor Marjorie James asked that her vote against the application be recorded.**

Decision: Minded to Approve subject to the completion of the S106 Legal Agreement

CONDITIONS AND REASONS

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.

The Committee considered representations in relation to this matter.

Number:	H/2018/0415
Applicant:	MR P TIPLADY NORTH LANE ELWICK HARTLEPOOL
Agent:	PMT DESIGN SERVICES LTD MR P TAYLOR 8 HALL DRIVE ACKLAM MIDDLESBROUGH
Date received:	12/10/2018
Development:	Erection of a single storey extension at the rear (AMENDED PLANS)
Location:	30 NORTH LANE ELWICK HARTLEPOOL

The Chair highlighted that he was not related to the objector. The Applicant gave details of previous works that had been carried out at the property. He noted that prior to submitting the planning application he and his wife had met with the objector who had raised no concerns around the work proposed however her daughter had subsequently approached the applicant with concerns around the height of the extension. The applicant disputed that the proposal would result in a lack of privacy for any of the objectors. An objector disputed the applicant's assertions saying the extension would overlook her property and rear garden and overshadow both. She regretted having to make this objection as she had always had a good relationship with the applicant but felt she had no alternative. She also queried why a previous application for a much smaller garden room on her property had been refused while this application was recommended for approval. She suggested that the extension be moved to the southern boundary which would impact on nobody.

Members felt a site visit was required in order that they be given a fuller picture of the issues surrounding this application in terms of potential loss of privacy, loss of daylight and the visual impact. They also requested that

further information regards the garden room application referred to by the objector be provided

Members voted to hold a site visit by a majority. The Chair advised the applicant and objector that they would be unable to speak when members considered this application.

Decision: **Deferred for a site visit**

The Committee considered representations in relation to this matter.

Number:	H/2018/0387
Applicant:	MRS SANTOS BANSAL ATLAS WYND YARM STOCKTON TON TEES
Agent:	MARK TAYLOR 24 SEDGEWICK CLOSE HARTLEPOOL
Date received:	20/09/2018
Development:	Erection of fence (AMENDED ELEVATION PLAN, RECEIVED 23/11/2018)
Location:	LAND AT 203 - 209 YORK ROAD HARTLEPOOL

Members approved the application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby 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 olive green colour (RAL 6003).
In the interests of visual amenity.
-

Number: H/2018/0370

Applicant: MR R WESTMORELAND 16 ROYSTON GROVE
HARTLEPOOL

Agent: MR R WESTMORELAND 16 ROYSTON GROVE
HARTLEPOOL

Date received: 02/10/2018

Development: Retrospective application for the installation of play equipment and associated boundary fence

Location: GREATHAM SPORTS FIELD STATION ROAD
GREATHAM HARTLEPOOL

This was a part retrospective application. Members approved the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

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.
-

Number: H/2018/0265

Applicant: LIDL UK GMBH

Agent: RAPLEYS LLP MR MARCIN KOSZYCZAREK 55
SPRING GARDENS MANCHESTER

Date received: 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 and Bank Holidays

Location: LIDL STORE JESMOND GARDENS
HARTLEPOOL

The Agent was in attendance. Members highlighted concerns that the proposed new entrance might be too close to the roundabout and requested a site visit to enable them to view the proposed location. Councillor Stephen Akers-Belcher abstained on this vote and indicated he would probably declare an interest when the item came back to committee due to a relative working on the site in question.

Members voted to hold a site visit by a majority. The Chair advised the agent that he would still be able to speak when this item was considered by members.

Decision: **Deferred for a site visit**

Number: H/2018/0246

Applicant: Mr Steve Dodds Tanners Bank Design Studio
Aislaby Road EAGLESCLIFFE

Agent: Mr Steve Dodds SJD Architects Limited Tanners
Bank Design Studio Aislaby Road EAGLESCLIFFE

Date received: 03/09/2018

Development: Outline application with all matters reserved for the erection of 4no. detached dwellings

Location: CLOSE FARM CLOSE FARM COTTAGE
HARTLEPOOL ROAD WYNYARD BILLINGHAM

Members voted by a majority to refuse this application.

Decision: **Outline Refusal**

REASONS FOR REFUSAL

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.

Number: H/2018/0377

Applicant: HOSPITAL OF GOD ESTATE OFFICE
GREATHAM

Agent: HOSPITAL OF GOD MR KENNETH POOL
ESTATE OFFICE GREATHAM

Date received: 28/09/2018

Development: Change of use from shop to residential (A1 to C3)

Location: 22 HIGH STREET GREATHAM HARTLEPOOL

Members approved the application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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

89. Annexe at Sunrise Cottage, Benknowle Lane, Elwick, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that a planning appeal in respect of a planning application for the change of use of an existing annexe to a 2-bedroom residential dwelling had been dismissed. A copy of the decision letter was appended to the report.

Decision

That the outcome of the appeal be noted.

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

Members were updated with respect to 8 ongoing complaint investigations and 9 completed complaint investigations.

Decision

That the report be noted

91. 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 92 – (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)

92. 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)

Members were asked whether they wished to issue an Enforcement Notice. Further details are contained in the closed minutes.

Decision

Details contained in the closed minutes.

The meeting concluded at 11.15am

CHAIR

No: 1
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 and Bank Holidays
Location: LIDL STORE JESMOND GARDENS 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 19th December to allow a site visit to be carried out. The following planning applications associated with the site are considered relevant to the current application:

1.3 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.

1.4 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.

1.5 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.

1.6 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

1.7 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.

1.8 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.

1.9 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.

1.10 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

1.11 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.

1.12 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

1.13 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.

1.14 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.

6115 The period for publicity has expired.

1.16 Copy Letters **A**

CONSULTATIONS

1.17 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/ID) 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)

1.18 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.

1.19 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

1.20 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)

1.21 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.

1.22 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.

1.23 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

1.24 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

1.25 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.

1.26 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.

1.27 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.

1.28 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.

1.29 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.

1.30 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

1.31 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.

1.32 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.

1.33 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.

1.34 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

1.35 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.

1.36 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.

1.37 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

1.39 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.

1.40 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.

1.41 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.

1.42 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.

1.43 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.

1.44 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 AND PARKING

1.45 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.

1.46 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.

1.47 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.

1.48 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.

1.49 Overall, the proposal is considered to be acceptable in respect of highway and pedestrian safety, access and car parking provision.

OTHER PLANNING MATTERS

1.50 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.

1.51 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.

1.52 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

1.53 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.

1.54 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

1.55 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.56 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.

1.57 There are no Section 17 implications.

REASON FOR DECISION

1.58 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

1.59 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.

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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: 2
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

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

2.2 This application was deferred at the meeting of 19th December to allow a site visit to be carried out.

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

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

PROPOSAL

2.4 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.

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

SITE CONTEXT

2.6 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.

2.7 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

2.8 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

2.9 The period for publicity has expired.

2.10 Copy Letters **B**

CONSULTATIONS

2.11 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

Elwick Parish Council- The householders were unable to meet the request for a site visit. Having looked at the plans, Councillors believe they have no grounds for an objection, however, they are deeply concerned that the height and depth of the proposed extension will unduly impact on the immediate neighbour at No 32. The size of the, very large, proposed extension will result in a disproportionate loss of

natural light to the neighbour's living room, patio and much of her very small garden. Whist recognising that no-one has a right to light, Councillors would ask officers to consider at least limiting the height of the extension to the same level as that of the neighbour.

PLANNING POLICY

2.12 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

2.13 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

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

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

2.15 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

2.16 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.

2.17 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)

2.18 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.

2.19 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.

2.20 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)

2.21 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.

2.22 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)

2.23 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)

2.24 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

2.25 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

2.26 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

2.27 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

2.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.29 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.

2.30 There are no Section 17 implications.

REASON FOR DECISION

2.31 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

2.32 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

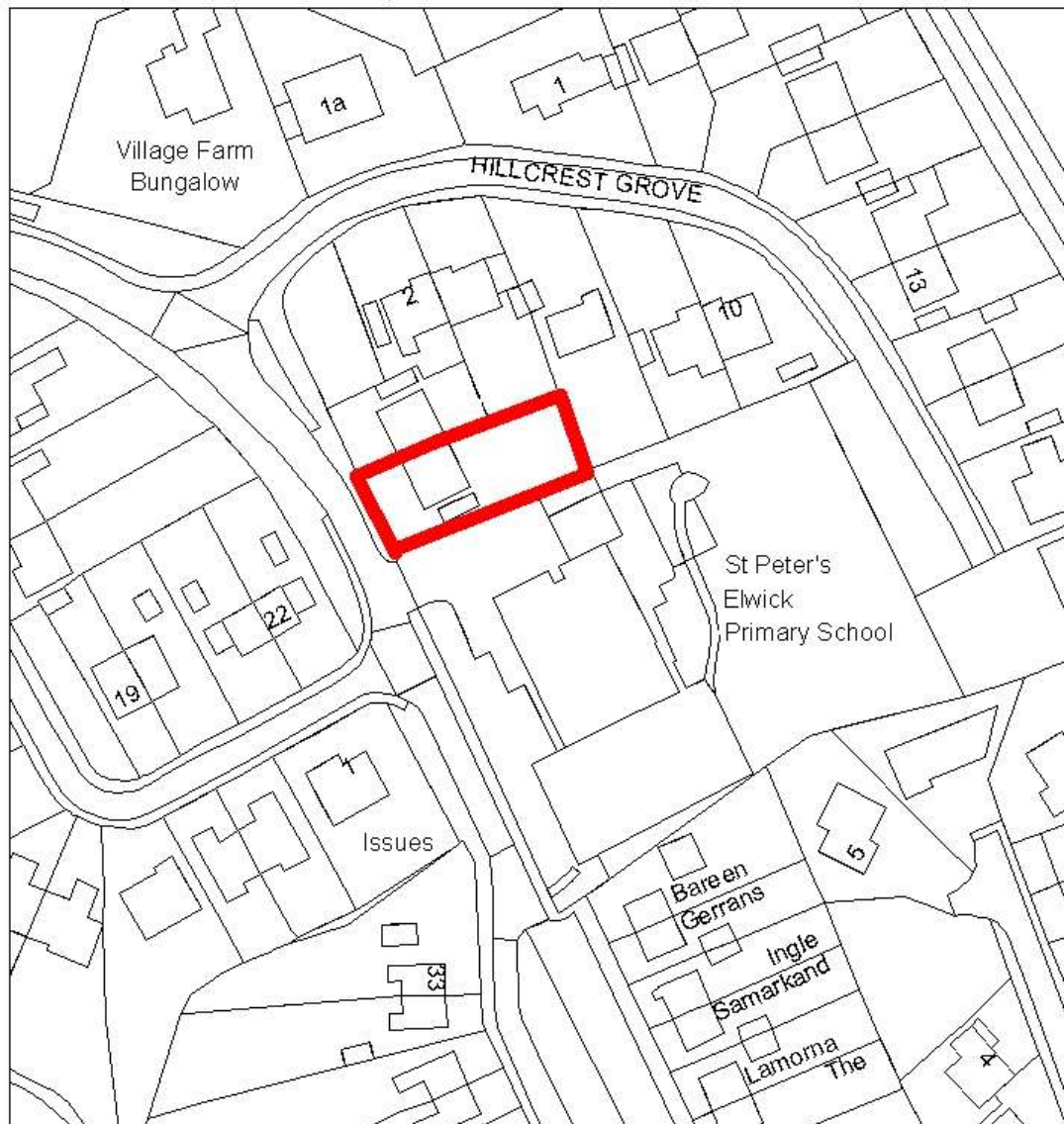
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30 NORTH LANE, ELWICK

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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: 3
Number: H/2018/0086
Applicant: MR H WOOD SERPENTINE GARDENS HARTLEPOOL TS26 0HQ
Agent: ALEXANDER BUILDING DESIGN MR PAUL ALEXANDER 137 HART LANE HARTLEPOOL TS26 8NW
Date valid: 05/09/2018
Development: Installation of dormer window, alterations to fenestration and provision of decking terrace with ballustrade to front, recessed first floor balcony and alterations to fenestration to side, conversion of garage to bathroom and provision of patio door to rear, painted render to all elevations, erection of boundary wall and railings to front and side and associated works (part retrospective)
Location: 1 SERPENTINE GARDENS 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 This property has been the subject of the following refusal is considered relevant to the consideration of this application:

H/2017/0239 - Installation of dormer window and patio at the front, balcony to side, boundary wall/fence and gate along frontage and alterations to window and door arrangements. Refused 18.08.2017 for the following reason *"In the opinion of the Local Planning Authority it is considered that the proposed boundary treatment, because of its design, height and prominent position, would unduly detract from the open plan character and appearance of the immediate surrounding area. The proposal is therefore considered to be contrary to the provisions of saved policies GEP1 and Hsg10 of the Hartlepool Local Plan, policy HSG11 of the emerging Hartlepool Local Plan, and paragraph 17 of the National Planning Policy Framework which states that all new developments should be of high quality design."* The appeal was dismissed on 16/01/2018 (appeal reference APP/H0724/D/17/3188177).

PROPOSAL

3.3 Planning permission is sought for the installation of dormer window, alterations to fenestration and provision of raised terrace with ballustrade to front (eastern elevation), recessed first floor balcony and alterations to fenestration to side (Northern elevation), conversion of garage to bathroom (including removal of garage door) and provision of patio door to rear, painted render to all elevations, erection of

1.5m high boundary wall and railings to front and side and associated engineering works.

3.4 It is noted that elements of the works have started on site, namely the construction of retaining walls and some engineering operations, however, these have ceased at the time of writing. As such the application is considered to be part retrospective.

3.5 The application has been brought to committee in line with the agreed scheme of delegation in relation to the number of objections to the proposal, the retrospective nature and the officer recommendation.

SITE CONTEXT

3.6 The application site is a detached dormer bungalow constructed of a mixture of brown brick, artificial stone and white render, for the external walls, with a brown concrete tile roof.

3.7 The property is located within a prominent location on an elevated plot on the junction of Serpentine Gardens and Serpentine Road (Serpentine Road being part of an important North-South road network for the Western portion of the town) within an established residential area.

3.8 The property has gardens to all elevation of the property, with the primary amenity space located to the front of the property on to Serpentine Road.

PUBLICITY

3.9 The application has been advertised by way of neighbour letters (8 in total), along with site notice. To date, there have been 6 representations of objection, and 3 representations of support.

3.10 A summary of the material planning concerns and objections raised are:

- Height of the boundary wall is excessive, and could have detrimental effect on road safety.
- Height of the retaining wall to front
- Boundary treatment out of character with this open plan estate
- Loss of privacy created by the full length windows to front to the adjacent property and private garden space

3.11 A summary of the letters of support are:

- It will enhance the appearance of the entry to Serpentine Gardens
- The wall would not cause any obstruction of view
- Majority of the wall will be on Wooler Road and would not impact open plan element of Serpentine Gardens.

Copy Letters C

The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Traffic and Transportation - The required visibility splay when existing Serpentine Road onto Wooler Road would still be available following the construction of the boundary. I have no highway or traffic concerns.

HBC Arboriculture Officer – No objection.

PLANNING POLICY

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

Local Policy

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

QP4 : Layout and Design of Development

HSG11: Extensions and alterations to Existing Dwellings

National Policy

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 Government's 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007 : Purpose of the Planning System

PARA 011 : Presumption in favour of sustainable development

PARA 038 : Decision making

PARA 047 : Determining applications in accordance with the development plan

PARA 054 : Can unacceptable development be made acceptable

PARA 055 : Planning conditions

PARA 056 : Planning obligations

PARA 124 : High quality buildings and places

PARA 127 : Design principles

PARA 150 : Reduce greenhouse gas emissions

3.16 Planning Policy comments - There are no planning policy objections in principle, subject to consideration of the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area and the amenity of neighbouring land users, taking into account the provisions of policy QP4 (Layout and Design of Development) and HSG11 (Extensions to Existing Dwellings) of the adopted Hartlepool Local Plan 2018.

PLANNING CONSIDERATIONS

3.17 As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

3.18 The crux of this application will be whether the impact on the character and visual amenity of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users and the impact on highway safety are sufficiently detrimental to warrant refusal in line with the 'presumption in favour of sustainable developments' as advocated within paragraph 11 of the NPPF.

IMPACT ON EXISTING DWELLING CHARACTER OF SURROUNDING AREA

3.19 The application can be essentially divided into 3 key separate components for consideration, these being the alteration to the dwelling house, alteration and engineering operations to the front amenity garden space, and the erection of boundary treatments to the perimeter of the site, which are considered as follows;

Alterations to the host dwelling

3.20 The proposed dormer to the front of the property will occupy a very prominent position in the streetscene fully visible from both Serpentine Road and Serpentine Gardens, and provide a new dominant contemporary design feature to the front elevation of the property, that is not evident elsewhere within the area.

3.21 However, it is considered, on balance, that the dormer to front is acceptable in both design and scale terms. Whilst it is to be built directly off the eaves, it will not be unduly large; it will be reasonably well positioned and related to the property being located fairly centrally on the roof approx. 0.8m below the ridge line; it will incorporate a pitched roof; and it could be conditioned to be tile hung using matching concrete tiles to the dormer cheeks.

3.22 The new balcony will also be visible from Serpentine Gardens and Serpentine Road. However, it is to be recessed into the gable wall which will help both to reduce

its prominence and to ensure that it relates in a satisfactory manner to the host building. Additionally it is to be constructed of contemporary materials. This element of the proposal is therefore also considered to be acceptable in design and scale terms.

3.23 The new windows (including those forming the new balcony) and the new doors will collectively have a more vertical emphasis than the existing fenestration. However they are considered to be reasonably well positioned on, and related to, the property and as such it is considered that they will not unduly detract from the character of the dwelling either.

3.24 In addition the proposal includes altering the external appearance of the dwelling with the application of render to the external walls of the dwelling. This is considered to be acceptable in principle given similar rendered properties in the vicinity. However, the final details of the colour and texture of the render could be controlled by condition if the application were to be considered acceptable.

3.25 In light of the above, it is considered that the above elements are acceptable in terms of the character and appearance of the host dwelling and surrounding area.

Engineering operations and alteration to front garden

3.26 The proposed works to the front garden involve the creation of a raised platform/patio area approx. 1.5m above the natural ground level at the highest point and projecting approx. 6.5m from the front elevation of the property with a width of approx. 15.5m. This is to be retained by a structural wall, and intended to provide the primary amenity space for the dwelling. These works have been partially undertaken and therefore considered retrospectively.

3.27 Given the location and elevated position of the platform, the extent of the area covered by the proposed platform (approx. 100m²), and the prominent location of the dwelling, it is considered that the proposed platform and subsequent engineering operations to retain the structure will create an incongruous feature within the streetscene that is detrimental to appearance and character of the streetscene, contrary to the provisions of the NPPF and Local Plan Policies QP4 and HSG11.

3.28 The applicant was requested to reduce the size of the platform, to reduce the impacts detailed above, and the applicant submitted amended proposals showing the balustrade in a different position on the platform and with a 2m high fence to the side. However, it is not considered that these amendments are sufficient to address or remove the concerns above. As such it is considered that this element would warrant a reason for the refusal of the application.

Boundary enclosures

3.29 The proposed boundary wall/fence will occupy a prominent position fully visible from Serpentine Gardens and Serpentine Road. It will consist of a 0.9m high wall with 1.5m high piers with metal loop top railing between the piers. The wall will be constructed in such a manner to include a planting trench within the wall to permit suitable hedging or landscaping planting.

3.30 The design is considered to be acceptable in this location with the wall element being of a primarily low level with open railings providing a level of openness, similar to the boundary fencing on the adjacent Serpentine Gardens park to the North.

3.31 Whilst the front gardens area of the properties on Serpentine Gardens appear to have remained unfettered by built structures giving an impression of an 'open plan' estate, the area is not a 'true' open plan estate in planning terms controlled by planning conditions. Therefore, in planning terms any property within Serpentine Gardens including the application property could erect a boundary treatment in accordance with their permitted development rights without the need for planning approval.

3.32 In view of the above whilst it is acknowledged that the character and appearance of the streetscene and estate would be altered by the erection of the boundary treatment, this 'open' character could be altered at any point without the control of the Local Planning Authority, therefore in the determination of the application minimum weight can be apportioned to the current character and appearance of the estate. Furthermore paragraph 127 of the NPPF states that decision should ensure that developments are sympathetic to the local character and history, whilst not preventing or discouraging innovation or change.

3.33 It is noted that the application site was the subject of a previous planning application for a similar scheme and a dismissed planning appeal (as detailed above), this previous scheme differed in the design of the boundary fence being approx. 2.4m in height and of a solid appearance of close-boarded fence panels, with brick piers to that detailed above. It is considered that the proposed design is sufficiently altered to overcome the Inspectors conclusion that the previous scheme created a 'prominent and incongruous feature', and is therefore acceptable in accordance with the provisions of Policies HSG11 and QP4 of the Hartlepool Local Plan 2018 and paragraph 127 of the NPPF as the proposed development is considered to be of a design and scale that respects the character and appearance of the existing dwelling and application site as a whole.

3.34 The proposal is therefore considered to be acceptable in this respect.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.35 The host property is situated on a corner plot, which is adjoined by 2 Serpentine Road to the West, 15 Greenbank Court and Cameron Lodge to the South, a pocket park and 18 Serpentine Gardens to the North, and 15 Serpentine Road to the East.

Impact on 2 Serpentine Road (West)

3.36 It is not considered that the proposed works will have a detrimental impact on the amenity and privacy of the above property, as the majority of the works are situated to the North and East elevations of the dwelling and therefore does not result in the loss of any privacy, amenity or overshadowing as there is no direct overlooking from the balcony to the North. The installation of the rear patio door within the Western elevation in the location of the current rear door is the only

element with a direct aspect toward this neighbouring property. However, it is not considered that patio door will permit any greater surveillance, loss of privacy or amenity than at present. The boundary treatment will not create any overshadowing, loss of light or loss of aspect to a sufficient level to warrant refusal, given the orientation and satisfactory remaining distances/relationship.

Impact on properties to the South (Cameron Lodge and 15 Greenbank Court)

3.37 It is not considered that the proposal will have a detrimental impact on the properties to the South as the majority of the works are situated to the North and East elevations of the dwelling and therefore would not result in the loss of any privacy, amenity or overshadowing. The proposal does not include any additional upper floor windows within the Southern elevation, whilst the proposed 2.0m high boundary fence along the raised patio area would prevent any adverse loss of privacy or amenity to the rear garden space and rear windows of Cameron Lodge and 15 Greenbank Court .

Impact on 15 Serpentine Road and the properties to the East

3.38 The application proposes to alter the internal configuration and arrangements of the dwelling placing the primary living accommodation on the first floor with a large centre floor to ceiling windows within the proposed dormer. Concerns have been raised by the occupiers of the property to the East (15 Serpentine Road) in relation to loss of privacy and amenity of their dwelling and private garden space created by the new dormer.

3.39 It is acknowledged that this neighbouring property is situated approx. 45.0m, from the application site and separated by substantial tree screening. These concerns were raised with the applicant and agent for the application, who agreed to glaze this element with an appropriate material to reduce any impact, and requested this be submitted by condition.

3.40 Whilst there is a significant separation between the sites, given the elevated position and the primary living accommodation being situated on the upper floor it is considered that should the application have been considered acceptable in all respects a condition be applied to agree a suitable scheme to reduce any perceived or actual overlooking or loss of amenity from this element of the proposal.

3.41 It is not considered that the other elements of the proposal would have any detrimental impact on the privacy, amenity or overshadowing on these neighbouring properties due to the separation distance, orientation and nature of the works.

Impact on the land users to the North

3.42 The new balcony to the Northern elevation will directly face onto Serpentine Gardens itself and thereafter the small park beyond. It is not considered that the balcony would have a detrimental impact neither on the users of this land nor on the other properties due to the orientation and separation distance. In addition, the balcony will have an aspect towards 18 Serpentine Gardens, however, this will be at

an oblique angle and at a distance of approx 30 metres, therefore it is not considered to detrimentally impact the privacy and amenity of this property.

3.43 For the reasons outlined above, it is considered that the proposal would not create any significant loss of privacy, amenity or have an overshadowing or overbearing effect to neighbouring properties.

PARKING AND HIGHWAY SAFETY

3.44 The applicant proposes the conversion of the existing garage to residential amenity space. However, whilst this will result in the loss of a parking space the proposal provide alternative incutillage parking provision.

3.45 Therefore, as the existing access is to remain unaltered, it is not envisaged that the proposals will give rise to any undue highway safety concerns, a view supported by the Council's Traffic and Transport Service.

3.46 Concern have been expressed by objectors that a means of enclosure would adversely affect the visibility of vehicles entering or exiting Serpentine Gardens. However, the applicant has provided plans detailing the visibility splays for cars leaving the junction, that highlights that the visibility of oncoming traffic will remain unaltered and provide a minimum of 50.0m unobstructed views, these have been considered by the Traffic and Transport Service and deemed to be acceptable.

CONCLUSION

3.47 The proposed raised platform to the front is considered to be unacceptable for the visual amenity reasons given above. The proposals are considered to be acceptable in all other respects, or could be rendered so through the imposition of suitable conditions. However the concerns outlined above are considered to outweigh all other considerations in this instance. Consequently refusal of this application is recommended.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.49 There are no Section 17 implications.

REASON FOR DECISION

3.50 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 reason;

1. In the opinion of the Local Planning Authority the raised platform and associated engineering operations due to their collective design and prominent location, unduly detract from the predominant character and appearance of the immediate area and visual amenity of the streetscene. The development is therefore considered to be contrary to Policy QP4 and HSG11 of the Hartlepool Local Plan, and paragraph 127 of the National Planning Policy Framework.

BACKGROUND PAPERS

3.51 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.

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1 SERPENTINE GARDENS



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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/2018/0086	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

16th January 2019



Report of: Assistant Director Economic Growth and Regeneration

Subject: APPEAL AT LAND TO THE FRONT OF DEAN GARTH AND NORTH VIEW, DALTON PIERCY, HARTLEPOOL TS27 3HT
APPEAL REF: APP/H0724/W/18/3217727
Retrospective application for the provision of parking bays in front of North View and extension to existing parking bay opposite Dean Garth (H/2017/0131).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the provision of parking bays in front of North View and extension to existing parking bay opposite Dean Garth, Dalton Piercy, Hartlepool.
- 1.2 The application was determined by Planning Committee on 3th October 2018. The application was refused on the grounds that, in the opinion of the Local Planning Authority the proposed development, would result in the loss of amenity open space in the form of the Dalton Piercy Village Green, which would be detrimental to the visual amenity of the area and the recreational amenity of residents, contrary to Hartlepool Local Plan policies LS1 and NE2 (2i), as well as the objectives of the Hartlepool Rural Neighbourhood Plan and the provisions of the NPPF (Report **Attached – Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

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Appendix 1

No: 1
Number: H/2017/0131
Applicant: MISS S CHAPMAN DALTON PIERCY HARTLEPOOL
TS27 3HS
Agent: MISS S CHAPMAN CLERK on behalf of DPPC
BOGGLEBECK DALTON PIERCY HARTLEPOOL TS27
3HS
Date valid: 11/04/2017
Development: Provision of parking bays in front of North View and
extension to existing parking bay opposite Dean Garth
(retrospective)
Location: LAND TO THE FRONT OF DEAN GARTH AND NORTH
VIEW DALTON PIERCY 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.

SITE CONTEXT

1.2 The application site relates to two areas of land (and village green), known as Dean Garth and North View within Dalton Piercy Village. The village has a mix of traditional and modern properties. The properties on Dean Garth are set back from the public highway and are separated by designated village green. Pedestrian access to the front of the properties is taken from steps which extend from the highway to the front of the properties. The properties sit on an elevated position in relation to the public highway, with the village green sloping towards the highway. North View is opposite Dean Garth and is separated by the village road, which runs the length of the village. The properties on North View are set back from the village green and separated by an access road.

1.3 The application has been referred to Planning Committee owing to the number of objections received and the nature of the development.

HBC LEGAL COMMENT

1.4 As Commons Registration Authority the Council has the statutory duty to keep a Register of Towns and Village Greens under the Commons Registration Act 1965. According to Section 10 of that Act, entry on the Register is 'Conclusive Evidence' of

status as a Town or Village Green. As Interim Chief Solicitor I am also, at the current time, the 'Proper Officer' for the purposes of the Commons Registration Act 1965 and therefore responsible for the keeping of the Register.

1.5 I can confirm that part of the land contained inside the 'red line' boundary of the current application (H/2017/ 0131) contains the area of land registered as Dalton Piercy Village Green (VG75), a copy of the Register Plan is appended to this report at Appendix 1. The application for registration was made on the 30th May 1968 as of the date of this report the Council, as Registration Authority, has not received any notification from the Secretary of State that any application has been made to amend or challenge the contents of the Register; I can therefore confirm that VG75 as defined on the Register Plan is a village Green.

1.6 The Register of Towns and Village Greens is available for public viewing by arrangement with the Landcharges Section in the Civic Centre.

PUBLICITY

1.7 The application has been advertised by way of site notice and neighbour letters (10). To date, there have been 4 letters of objection. The objections received can be summarised as follows:

- Parking area is illegally on village green
- No consultation was given in the village
- Increase danger to pedestrians
- Hazardous for horse riders through village, new layout makes a blind spot
- Vehicles have to reverse onto road
- Vehicles parked overhang onto the main highway
- Highway safety compromised

1.8 Copy Letters **A**

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

HBC Traffic and Transport - The northern parking area requires vehicles to reverse back onto the carriageway, the speed limit on this stretch of road is 20mph and there are no concerns regarding the visibility of the parking bay or visibility for the driver exiting the bay.

I have no concerns with the southern parking bay.

HBC Public Protection – No objection

HBC Engineering Consultancy – No objection

HBC Heritage & Countryside - The sites lies in close proximity to Learmount identified as a Locally Listed Building and therefore recognised as a non-designated heritage asset). HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (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, NPPF).

Local Plan Policy HE12 recognises the importance of non designated heritage assets and seeks to protect them where possible.

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.

It is considered that the proposal is sufficient distance from the heritage asset that it will not impact on its significance. No objections.

HBC Countryside Access Officer - There is no information to imply that there is any data of 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.

Tees Archaeology - I have checked the HER and can confirm that the development should not have had a significant impact on any known heritage assets.

PLANNING POLICY

1.11 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)

1.12 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.

1.13 The following paragraphs are relevant to this application:

Paragraph 2: Permission determined in accordance with development plan

Paragraph 7: Achieving sustainable development

Paragraph 8: 3 dimensions of sustainable development

Paragraph 11: the presumption in favour of sustainable development

Paragraph 38: Positive approach to decision making

Paragraph 47: Determine applications in accordance with development plan

Hartlepool Local Plan

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

LS1: Locational Strategy

NE2: Green Infrastructure

QP3: Location, Accessibility, Highway Safety and Parking

SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

1.15 The HRNP is at the stage of 'Final Draft Version Amended' to reflect the Planning Inspector's modifications. A Referendum relating to the adoption of the Hartlepool Rural Neighbourhood Plan will be held on 4 October 2018. In respect of the current application the following policies are considered to be applicable;

Gen1: Development Limits

C1: Safe Guarding and Improvement of Community Facilities

HBC Planning Policy Comments

1.16 The development falls on an area which is safeguarded as amenity open space through policy NE2 of the Adopted Hartlepool Local Plan and this policy states that the loss of allocated green infrastructure will generally be resisted and the space will be safeguarded from inappropriate development. It is considered important to protect, manage and enhance the green infrastructure network throughout the Borough as it is considered to provide a wide range of environmental and quality of life benefits, therefore it is considered that the development is contrary to policy. The Council's Green Infrastructure SPD provides further information on the importance and benefits of these spaces in the borough.

1.17 Due to the location of the development within the village of Dalton Piercy, consideration must be given to the emerging Rural Plan. Two particular policies of note are GEN1 which specify that development within the rural areas will only be permitted if in accordance with site allocations and policies within the local plan, and as established, it is considered that this development is contrary to policy. Also,

policy C1 requires the safeguarding of open spaces unless there is considered to be a surplus. In this instance, it is considered that the allocated space in Dalton Piercy is crucial to add to the visual amenity and character of the area, and development on it should be restricted.

1.18 The proposed development will result in the loss of this valued incidental open space therefore Planning Policy objects to this development.

PLANNING CONSIDERATIONS

1.19 The main material planning considerations when considering this application are the principle of development, the impact on the amenity of neighbouring land users, the impact on the character and appearance of the area (including designated heritage assets), and the impact on highway safety and parking. These and any other matters are considered as follows.

PRINCIPLE OF DEVELOPMENT AND CHARACTER AND APPEARANCE OF AREA

1.20 The application site is within Dalton Piercy Village Green, which as amenity open space is protected under Local Plan Policy NE2, in this instance the proposal is considered contrary to policy.

1.21 This area of open space makes a valuable contribution to the appearance of the village as an amenity area. The use of the land for car parking use could not only result in members of the public being unable to make use of the land, but also has the potential to result in a change in the character and appearance of the land through the introduction of hard standing on the village green/open space. The parking on the northern side adjacent to Dene Garth retains a knee high kick railing which demarcates the parking area from the village green. This has been repositioned to accommodate the increase in parking area. Overall the works are considered to be an inappropriate use of the land and potentially detrimental to the character and appearance of the village.

1.22 Policy NE2 of the Hartlepool Local Plan states that the loss of allocated green infrastructure will generally be resisted and the space will be safeguarded from inappropriate development. In this instance the space is a designated Village Green (VG75). Dalton Piercy is a small village with public open spaces being limited to the highway verge and the Village Green. Accordingly, the amenity provided by the application site is valuable and significant due to a lack of open spaces and greenery elsewhere. The proposal cannot therefore be said to accord with the exemption test of Policy NE2 of the Hartlepool Local Plan or the objectives of the Hartlepool Rural Neighbourhood Plan.

1.23 Furthermore the Hartlepool Rural Neighbourhood Plan identifies that development should demonstrate “how the design helps to reinforce the existing streetscape or green public spaces by facing onto them”. The proposed parking areas on Dean Garth and North View are to the front of the Village Green, and it is considered that the incorporation of this additional land into increased parking areas

would not reinforce the existing streetscape or green public spaces, as identified above.

1.24 Overall, it is considered that the scheme would be detrimental to the character and appearance of the area by virtue of the alterations that have already been carried out. In view of the above, the principle of development cannot be supported and would therefore warrant a reason for refusal of the application.

IMPACT ON HERITAGE ASSETS

1.25 The sites lie in close proximity to 'Learmount' identified as a Locally Listed Building and therefore recognised as a non-designated heritage asset. HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

1.26 In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (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, NPPF). Local Plan Policy HE12 recognises the importance of non designated heritage assets and seeks to protect them where possible. 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.

1.27 It is considered that the proposal is sufficient distance from the heritage asset that it will not impact on its significance, as reflected in the comments received from the Heritage and Countryside Manager. The proposal is therefore acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

1.28 Notwithstanding the above concerns in respect to the loss of the amenity space, the change of use of part of the village green to parking areas is considered unlikely to have a significant impact in terms of poor outlook, dominance issues or loss of privacy to neighbouring land users. The Council's Public Protection team have been consulted and raised no objection or concerns. The application is considered to be acceptable in this respect.

HIGHWAY SAFETY & PARKING

1.29 Objections have been raised from local residents with regard to the reversing out of parking bays onto the highway and vehicles overhanging the main highway and creating blind spots.

1.30 The Council's Traffic and Transport team have been consulted and acknowledge that the northern parking area requires vehicles to reverse back onto the carriageway, however the speed limit on this stretch of road is 20mph and there are no concerns regarding the visibility of the parking bay or visibility for the driver exiting the bay. There are no concerns raised with regard to the southern parking

bay. It is therefore considered that the proposal is acceptable in terms of highway safety.

OTHER PLANNING MATTERS

1.31 There have been no objections raised by technical consultees with respect to drainage, public rights of way and archaeology, as such the proposals are considered acceptable in those terms.

RESIDUAL MATTERS

1.32 While there are parallel objectives in preserving Village Green for its amenity value in planning terms, the enforcement of Village Green legislation is a separate legal process that is not governed by Planning legislation.

CONCLUSION

1.33 The proposed development would see the change of use of two areas of public open space designated as Village Green to car parking areas. This would result in the loss of recreational amenity space and would be detrimental to the visual amenities of the village as a whole, contrary to Local Plan policy NE2 (2i).

1.34 The application is considered to be unacceptable with respect to the above mentioned relevant material planning considerations and is considered not to be in accordance with the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF and the Hartlepool Rural Neighbourhood Plan. The development is recommended for refusal for the reason set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.36 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.

There are no Section 17 implications.

REASON FOR DECISION

1.37 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 reason;

1. The development results in the loss of amenity open space in the form of the Dalton Piercy Village Green, which would be detrimental to the visual amenity of the area and the recreational amenity of residents, contrary to Hartlepool

Local Plan policies LS1 and NE2 (2i), as well as the objectives of the Hartlepool Rural Neighbourhood Plan, and the provisions of the NPPF.

BACKGROUND PAPERS

1.38 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.

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PLANNING COMMITTEE

16th January 2019



Report of: Assistant Director Economic Growth and Regeneration

Subject: APPEAL AT MORRISONS, CLARENCE ROAD,
HARTLEPOOL, TS24 8BT
APPEAL REF: APP/H0724/W/18/3217998
ERECTION OF DETACHED RETAIL UNIT
(H/2018/0138)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of a single storey detached ancillary retail unit within the car park area of Morrisons, Clarence Road, Hartlepool.
- 1.2 The application was determined by officer delegation with the agreement of the Chair of Planning Committee on 2nd July 2018. The application was refused on the grounds that, in the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that would, by virtue of its visual appearance, location and relationship to the host unit result in a poor form of development that would have a detrimental impact on the general character, amenity and function of the area, contrary to paragraphs 17, 35 56 and 64 of the NPPF, and emerging policies QP4 and RC2 of the adopted Hartlepool Local Plan (2018). (Report **Attached – APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

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4. AUTHOR

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DELEGATED REPORT

Application No H/2018/0138

Proposal Erection of detached retail unit

Location MORRISONS CLARENCE ROAD HARTLEPOOL

PS Code: 16

DELEGATION ISSUES	Neighbour letters:	N/A
1) Publicity Expiry	Site notice:	22/05/2018
	Advert:	None
	Weekly list:	20/05/2018
	Expiry date:	18/06/2018
	Extended date:	02/07/2018
2) Publicity/Consultations		
PUBLICITY		
Due to the relatively isolated nature of the site, the application has been publicised by site notice. Following the expiry of the consultation period no objections or representations were received.		
CONSULTATIONS		
HBC Traffic and Transport - No objections		
HBC Public Protection - No objections		
HBC Engineering Consultancy - No objections		
HBC Economic Regeneration – No objections		
Cleveland Police Architectural Liaison - Crime Prevention and Community Safety should always be taken into consideration in relation to all planning applications where appropriate as outlined in National Planning Guidance.		
In relation to this application I would recommend that doors and accessible windows deter unauthorised access those if certified to PAS 24:2012 this will help achieve this. Access to roof area should be restricted with no climbing aids present the roof should be constructed to deter criminal intrusion and criminal damage. The premises are recommended to have an intruder alarm which is capable of receiving a Police response. Although the type of premises is not normally considered a high risk in relation to shoplifting CCTV should be considered and layout of premises should enable staff to have a clear view of entrance and any display area.		

Northumbrian Water - Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

3) Neighbour letters needed N

4) Parish letter needed N

5) Policy

Planning Policy

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

PARA 002 : Primacy of Development Plan
 PARA 006: Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 008 : Sustainable development
 PARA 009 : Sustainable development
 PARA 010 : Local sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 021 : Investment in Business
 PARA 032 : Transport Statement
 PARA 034 : Developments generating significant movements
 PARA 035 : Practical location of development
 PARA 056 : Design of built environment

PARA 064 :Refusal for development of poor design
 PARA 069: Social interaction and creating healthy, inclusive communities
 PARA 096 : New development
 PARA 111 : Brownfield Land
 PARA 186: Decision taking in a positive way
 PARA 187 : Solutions not problems
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development
 PARA 216: Emerging Plans

Local Plan – May 2018

The Council's Local Plan has now been adopted and as such the following conditions are relevant in the decision making process;

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
 RC2: The Town Centre
 SUS1: :The Presumption in Favour of Sustainable Development

Comments: Whilst the principle of a small retail unit adjacent to the supermarket is acceptable in Policy terms, planning policy are concerned with the proposed location of this unit as a standalone unit in the middle of the car park. The unit would be more appropriately located adjacent to the main supermarket building. It is trusted that the case officer will ensure that the development will be designed to minimise energy consumption.

6) Planning Consideration

PLANNING HISTORY

HFUL/1992/0014, Proposed vehicle washing and valet centre. **Approved**, 08/04/92.

HOUT/2001/0579, Outline application for the erection of a food supermarket, petrol filling station and car wash and associated parking, landscaping and highway improvements. **Approved**, 28/08/02.

HADV/2003/0442, Display of a temporary site signboard. **Approved**, 22/07/03.

H/2008/0082, Display of replacement illuminated signage including two free standing price clocks. **Approved** 02/04/08.

H/2008/0083, Display of replacement illuminated signage including replacement price clock. **Approved** 02/04/08.

H/2016/0159, Display of 1 no. illuminated fascia sign on kiosk, 3 no. illuminated and 3 no. non-illuminated signs on canopy, 2 no. illuminated and 2 no. non-illuminated signs on car wash and 1 no. illuminated totem sign to replace existing. **Approved**, 22/06/16.

H/2016/0279, Display of 4 no. illuminated fascia signs on supermarket, 1 no. illuminated fascia sign on filling station kiosk, 3 no. illuminated and 5 no. non-illuminated signs on filling station canopy, 2 no. illuminated and 2 no. non-illuminated signs on car wash and 2 no. illuminated totem signs, to replace existing (retrospective application). **Approved**, 19/09/16.

SITE

The application site is a self-contained unit situated within the existing Morrison's supermarket site approximately 25.0m to the East of the main entrance, within an area currently designated for disabled parking area adjacent to the Eastern pedestrian boulevard linking Clarence Road with the main store entrance. The site is relatively isolated with the only other uses on site being the host supermarket, and petrol filling station.

PROPOSAL

The proposal seeks consent for a single storey detached building approx. 25.0m to the East of the host supermarket, within the existing car park providing 18sq. Metres (approx.) of A1 retail use. The unit will have dimensions of approximately 2.70m x 6.70m with a height of approximately 2.50m with a flat roof design, glazed front elevation and timber cladding to the remaining elevations.

The proposal will be positioned within an area currently designated for disabled car parking, as such the application includes the relocation of 2no. disabled spaces to the East of the site to ensure and minimum required provision for disabled car parking spaces are maintained.

The unit contains a number of advertisement signs; however, these would be subject to a separate planning approval.

MATERIAL CONSIDERATIONS

As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework (NPPF) provides the Governments planning policies, and how they are expected to be applied. In this regard the following paragraphs are considered pertinent in the determination of this application.

Paragraph 21 of the National Planning Policy Framework states that investment in business should not be over-burdened by the combined requirements of planning policy expectations and that Local Authorities are encouraged to support existing business sectors, taking account of whether they are expanding or contracting.

Paragraph 32 indicates that, when assessing developments, decisions should take account of whether “safe and suitable access to the site can be achieved for all people.”

Paragraph 35 states that developments should be located and designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The site is allocated as being within the ‘Town Centre’ within the adopted Local Plan (2018), as such Policy RC2 provides specific policy consideration for developments within the allocated ‘Town Centre’ area.

Policy RC2 states that the defined ‘Town Centre’ should continue to be the primary retail and commercial centre within the borough, and that the LPA will seek to support and protect the uses identified within the policy as being appropriate within the ‘town centre’ provided that the uses did not adversely affect the character, appearance, function and amenity of the area.

It is noted that an appeal was recently allowed for a similar Timpsons unit within a Sainsbury’s car park (adjacent to but outside of the town centre) for Spalding (a small market town in a rural location in South Holland District) (Appeal Ref: APP/A2525/W/17/3171261). Whilst the appeal relates to the same proposal in a different part of the country, there are number of similarities between them.

South Holland District Council refused the application subject to the appeal, due to the effect that the proposal would have on the town centre.

In allowing the appeal, the inspector’s comments in respect of the proposed Timpson unit are highly relevant to the current application. They state ‘I have seen no substantive evidence to indicate that the proposal would have an adverse impact on the viability and vitality of the town centre or any businesses within it. Furthermore, given the small size and scale of the proposal, I find it unlikely to have any significant adverse economic impact on the area. Notwithstanding this, whilst I appreciate that these matters are of great importance to those involved, it is clear that planning is unable to impact on market forces through the prevention of competition. As such, such matters are therefore not a planning consideration to which I attach significant weight.’

This appeal decision clearly indicates that a development of this scale and type is not considered by the Planning Inspectorate to be harmful to the vitality, viability or function of the town centre.

It is therefore considered that the principle of development is acceptable in this location being a small scale development situated within the defined town centre and within the envelope of an existing retail building that will provide a supplementary use to the primary approved host use, that would not (in light of previous inspectors comments) detrimentally impact the function of the existing town centre in line with the policy consideration of Policy RC2.

Therefore, the crux of the application will be whether the impacts of the proposal on the visual amenity and character of the area, neighbour amenity, and highway safety are sufficiently detrimental to warrant refusal in line with the 'presumption in favour of sustainable developments' as advocated within paragraph 14 of the NPPF.

IMPACT ON EXISTING CHARACTER OF SURROUNDING AREA

The character of the immediate area to the application site is typified by a single large retail unit in the form of the host Morrison's supermarket store with associated surface car park, with community leisure uses (Hartlepool Football Club and Art Gallery to the North and South respectfully) and residential uses to the West and railway lines to the East.

The proposal is located within the car park for the existing Morrison's store, situated approximately 25.0m from the existing entrance to the host store, and separated by a circulation road within the car park from the main store. Therefore, given the separation distance and the 'isolated' position, careful consideration is required to ensure that the development is of an acceptable high standard of design that meets the requirements of the NPPF.

In this regard section 7 of the NPPF (paragraphs 56 to 68) set out the Government's core policy principles to ensure 'good design'. Paragraph 56 "attaches great importance to the design of the built environment", and that "[good] design is a key aspect of sustainable development, and indivisible from good planning, and should contribute positively to making places better for people". Paragraph 64 expands on the earlier paragraphs within this section of the NPPF stating that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

In addition to the above, National Planning Policy Guidance on "Design" expands on the policies within the NPPF stating in Paragraph 001 that "[good] quality design is an integral part of sustainable development", that the NPPF "recognises that design quality matters and that planning should drive up standards across all forms of development", and that "[as] a core planning principle, plan-makers and decision takers should always seek to secure high quality design".

Paragraph 007 states that "Planning should promote local character" and that "[the] successful integration of all forms of new development with their surrounding context is an important design objective ..."

Paragraph 024 states "New development should look to respond appropriately to

the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another.”

Paragraph 025 states “Some [development] forms pose specific design challenges, for example...Stand alone buildings can create ill defined spaces around them....”.

At a local policy level Policy QP4 of the adopted Local Plan (2018) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting, and that developments “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.” and that “Most development should blend seamlessly with its surroundings...”.

In consideration of the above, it is considered by the Local Planning Authority that the development does not constitute ‘Good design’ as defined within the NPPF, NPPG and Local Policy considerations (as outline above) owing to the proposal failing to make best use of the opportunities to enhance the appearance and function of the wider site.

The proposed location of the unit is to be situated approximately 25.0m from the main entrance to the host store, providing an impression of an isolated standalone retail unit situated within the centre of the car park as opposed to an well integrated ancillary function to the host unit, in addition, the design of the proposed unit is considered to offer an incongruous appearance (being a solid timber clad structure) within this location, which is characterised by a functional open space largely unfettered by built structures, and whilst it is noted that throughout the car park there are a number of sporadic shopping trolley parking bays, these are considered by their diaphanous nature not to impact on the unfettered and open appearance of the area.

The applicant has stated in correspondence that the proposed location has been chosen as the proposed location provides good access to all of its existing customers whether, disabled, elderly, parents with children, pedestrian, cyclist, those arriving by taxi, individual or visiting the site as a family. There is a safe pedestrian crossing throughout the site that would ensure those arriving via the other crossing could also access the site in a safe way providing good access and connectivity to all.

However, it is noted that the proposed unit has been located on a central walk way that serves 24 parking spaces, which leads from the store to the main vehicle access road situated next to a railway line and a petrol filling station, and due to the nature of the areas to the East is unlikely generate significant pedestrian footfall. As is human and animal nature, and observed during the officer site visit users of the car park arriving by car will follow a desire line from their vehicles to the store avoiding the detour required to access the central walk way, and the vast majority of pedestrian and cycle users to the site enter the site via the south-eastern access point that leads to the town centre, taxi ranks, primary (town centre) bus stops and residential properties.

It is therefore considered by the Local Planning Authority that the design of the proposed location is not of high quality or good design as it encourages users of the

site to make multiple trips (albeit using a pedestrian crossing) across a busy section of the car park increasing the pedestrian and vehicle interaction risk level if using the services of the existing supermarket and the proposed supplementary use contrary to NPPF paragraph 35 that seeks to minimise conflict between pedestrians, cyclists and vehicles.

Additionally, the development fails to make the best use of the site, the proposed development has been sited with its only active frontage facing internally within the site, and offering only non-active elevations to the primary vehicle and pedestrian entrances to the site further adding to its incongruous appearance.

Therefore, it is considered that the proposal is of a sufficiently poor design to warrant refusal in line with paragraph 64 of the NPPF, and does not positively enhance the location or setting of the area in line with policy QP4.

No details have been provided in relation to the public realm works required to the application site, should the application be deemed acceptable a condition could be applied to secure these details.

A separate application (detailed above) will deal with the advertisements and their appropriateness in this location.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

In terms of the amenity and privacy of the proposal it is considered that due to the isolated location within the site, with the nearest building (Morrison's) being located approximately 25.0m, it is not considered that the proposed use would have any detrimental impact on the neighbouring use.

Within the wider area there are neighbouring uses, including a museum and art gallery to the South (approx. 55.0m) and residential and commercial properties to the West (approx. 105.0m). The proposed development is not considered to have a detrimental impact on these neighbouring uses due to the separation distances between the sites. Furthermore, no objections have been received from HBC Public Protection.

The application is therefore considered appropriate in terms of the protection of the amenity and privacy of the adjoining land uses.

HIGHWAY SAFETY ISSUES

As detailed above, the Council's Traffic and Transportation service have not offered an objections to the proposal. However, as detailed above, concern are raised as it is considered by that the proposed location will encourage users of the site to make multiple trips (albeit using a pedestrian crossing) across a busy section of the car park increasing the pedestrian and vehicle interaction risk level contrary to paragraph 35 of the NPPF. These concerns further highlight the LPA's view that the proposal is an unsatisfactory form of development.

SECURITY AND CRIME PREVENTION

The proposal has been assessed by the Cleveland Police Architectural Liaison Officer who has recommended a number of security measures to deter potential criminal activity. Whilst these measures are only recommendations it is an area of concern for the applicant, and if the application were deemed acceptable could be added as an informative.

OTHER PLANNING MATTERS

Any signage relating to the proposed unit would be subject to a separate form of planning control, the Town and Country Planning (Control of Advertisements) England Regulations 2007 as amended, should such signage not benefit from the deemed advertisement consent provisions and require such consent.

CONCLUSION

It is considered that, in view of the above material planning considerations, the application constitutes an unacceptable form of development that would, by virtue of its visual appearance, location and relationship to the host unit result in a poor form of development that would have a detrimental impact on the general character, amenity and function of the area, contrary to paragraphs 17, 35, 56 and 64 of the NPPF, and policies QP4 and RC2 of the adopted Hartlepool Local Plan (2018).

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered - No

10) Any Declared Register of Interest - No

11) Chair's Consent Necessary - Yes

12) Recommendation – REFUSE for the following reason;

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that would, by virtue of its visual appearance, location and relationship to the host unit result in a poor form of development that would have a detrimental impact on the general character, amenity and function of the area, contrary to paragraphs 17, 35 56 and 64 of the NPPF, and emerging policies QP4 and RC2 of the adopted Hartlepool Local Plan (2018).

INFORMATIVE

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the

proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, given the inappropriate siting, massing and design of the proposed development and the resultant impact on the amenity of the neighbouring property, it is not possible to address this key constraint in this instance.

Author of Report: Leigh Dalby

Signed:

Dated:

Signed:

Dated:

Planning Team Leader DC
Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate in this case

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

16 January 2019



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 fencing on top of a side boundary wall to the rear of a listed residential property at The Green, Seaton Carew.
2. Non-compliance with a condition requiring the provision of a footpath at a residential development site at Elwick Road.
3. The removal of a chimney at a listed commercial premises in Scarborough Street.
4. The untidy condition of a building and land at the site of a former care home on Cleveland Road.

1.2 Investigations have been completed as a result of the following complaints:

1. The operation of a clothing retail business from a residential property in Lady Mantle Close. It was found that the activity is mainly online based, is domestic in scale, and does not lead to a material change of use of the property as a residential dwellinghouse.
2. Non-compliance with a condition requiring the provision of an acoustic fence at a residential development site in Hart Village. It was found that the development has been completed in accordance with the relevant condition.
3. A change of use to retail for the sale of vintage and retro goods and an external architectural salvage yard at a commercial premises in Osborne Road. A retrospective planning application seeking to regularise the development has since been approved.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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