

# PLANNING COMMITTEE

## AGENDA



**Wednesday 6 March 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 6 February 2019

#### 4. **ITEMS REQUIRING DECISION**

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

- |    |             |  |
|----|-------------|--|
| 1. | H/2017/0028 | Glebe Farm, Palace Row, Hart (page 1)                                      |
| 2. | H/2018/0408 | Crookfoot Reservoir Boat House, Amerston Hill, Coal Lane, Elwick (page 37) |
| 3. | H/2018/0511 | 15 St David's Walk (page 47)   |

#### 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)
- 8.2 Enforcement Action – *Assistant Director (Economic Growth and Regeneration)* (para's 5 and 6)
- 8.3 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 3 April 2019.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **6<sup>th</sup> February 2019**

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes and Mike Young

In accordance with Council Procedure Rule 4.2 Councillor Kevin Cranney was in attendance as substitute for Councillor Stephen Akers-Belcher

Also Present: Councillors James Brewer, Tom Cassidy and John Tennant

Officers: Jim Ferguson, Planning and Development Manager  
Kieran Bostock, Transport and Infrastructure Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Peter Frost, Highways, Traffic and Transport Team Leader  
Matthew King, Planning Policy Team Leader  
Laura Chambers, Senior Planning Officer  
Leigh Dalby, Planning Officer  
Andy Maughan, Solicitor  
Jo Stubbs, Democratic Services Officer

## **102. Apologies for Absence**

Apologies were submitted by Councillors Stephen Akers-Belcher, Allan Barclay, Sandra Belcher and George Morris.

## **103. Declarations of interest by members**

Councillor Kevin Cranney declared a personal interest in planning application H/2018/0268 (HBC Salt Store Depot) due to his position as Chair of Regeneration Services Committee.

Councillor Brenda Loynes advised that she had been lobbied previously on planning application H/2018/0096 (1 Serpentine Gardens) but was happy that she retained an open mind on this matter.

## **104. Confirmation of the minutes of the meeting held on**

**16<sup>th</sup> January 2019.**

Minutes confirmed.

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

**Number:** H/2017/0028

**Applicant:** KANE ARCHITECTURAL SERVICES CASTLE EDEN  
HARTLEPOOL

**Agent:** KANE ARCHITECTURAL SERVICES THE OLD  
BREWERY BUSINESS CENTRE CASTLE EDEN  
HARTLEPOOL

**Date received:** 20/02/2017

**Development:** Outline application (all matters reserved) for residential  
development consisting of up to 13 no. dwellinghouses  
(demolition of existing buildings including bungalow)

**Location:** GLEBE FARM PALACE ROW HART HARTLEPOOL

**Decision:** **Withdrawn from the Agenda**

**Number:** H/2018/0086

**Applicant:** MR H WOOD SERPENTINE GARDENS  
HARTLEPOOL

**Agent:** ALEXANDER BUILDING DESIGN MR PAUL  
ALEXANDER 137 HART LANE HARTLEPOOL

**Date received:** 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 (partial retrospective)

**Location:** 1 SERPENTINE GARDENS HARTLEPOOL

Members had taken part in a site visit prior to the start of the meeting.

The Planning Officer introduced the item and advised that two additional conditions were proposed relating to drainage and obscure glazing to the first floor central extension on eastern elevation.

The Agent urged members to support this application which was the result of a number of discussions between the applicant and planning officers and subsequently agreed amendments to the proposal. He agreed that the property was 'individual' but so were many other properties in Serpentine Gardens. The proposed amendments would improve disabled access into the property.

An objector spoke against the proposal, noting that a similar application for this property had been previously rejected by Committee due to its height, design and concerns that it would detract from the area given its prominent position. An Inspector had also rejected the proposal on appeal. The proposed walls would in his opinion detract from the current open plan feel of Serpentine Gardens. He also felt that the proposed wall would restrict the view of drivers using the Road.

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; Proposed Site - Visibility Splays (J021 - SP01-004), Proposed Ground Floor Plan (J021-SP02-003), Proposed First Floor Plan (J021-SP02-004), Proposed Elevations (J021-SP03-001), Elevations of proposed planter to West (J021-SP06-001) received 5th September 2018 by the Local Planning Authority, Site Location Plan (J021-SLP) received 8th March 2018 by the Local Planning Authority, and amended plans Proposed Site Plan (J021-SP01-002 Rev. C), Proposed Site Elevations (J021-SP01-003 Rev. C) and Proposed Site Sections (J021-SP01-005 Rev. C) received 23rd January 2019 by the Local Planning Authority.  
For the avoidance of doubt.
3. Within 3 months from the date of the decision notice the retaining wall structures/ raised platform/terrace shall be completed and altered in accordance with the approved plans including the agreed levels and shall be rendered in a colour to match the main dwelling. Thereafter the retaining wall/structures/platform shall be retained and maintained in accordance with the approved plans for the lifetime of the development.  
In the interests of visual amenity and to ensure a satisfactory form of development.

4. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) to be provided (as a minimum) within the 'raised planting area' of the raised platform/terrace and along the southern boundary adjacent to 'Cameron Lodge' and 15 Greenbank Court as shown on plan J021-SP01-002 Rev. C (received on the 23rd January 2019) shall be first submitted to the Local Planning Authority within 1 month from the date of decision notice. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of the identified areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter and following the written agreement of the Local Planning Authority, all planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season (November 2019 - March 2020) following completion of the works to the retaining walls/terrace as required by condition 3. 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.

5. Notwithstanding the submitted details, within 1 month of the date of the decision notice, details of the boundary treatments to the raised platform/terrace, retaining wall and southern boundary as shown on plan J021-SP01-002 Rev. C (received by the Local Planning Authority on the 23rd January 2019) shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, within 3 months from the date of the written approval of the Local Planning Authority the development shall be carried out in accordance with the approved details approval and retained for the lifetime of the development.

In the interests of visual amenity.

6. Details of all external finishing materials (including colour and texture of render and hanging tiles) for the extensions and alterations to the main dwelling shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

7. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) to the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the perimeter wall and railings hereby approved. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details shall be

carried out in the first planting season following completion of the perimeter boundary walls and railings hereby approved. 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.

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

In the interests of visual amenity.

9. There shall be no discharge of groundwater or any surface waters, whether direct or indirect from the site (as shown outlined in red on approved plan J021-SLP) on to the public highway.

To ensure the site is developed in a satisfactory manner.

10. Prior to the construction of the first floor dormer window to the front (Eastern elevation) hereby approved, a scheme detailing a means of obscure glazing the first floor windows within the dormer shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the glazing shall be installed as agreed and retained for the lifetime of the dwelling.

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

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2018/0148
<b>Applicant:</b>	LEEBELL DEVELOPMENTS LTD
<b>Agent:</b>	PERSIMMON HOMES TEESIDE MR BEN STEPHENSON RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES
<b>Date received:</b>	02/05/2018
<b>Development:</b>	Reserved matters application (appearance, landscaping, layout and scale) for the erection of 500 dwellings with associated infrastructure.
<b>Location:</b>	LAND TO THE SOUTH OF A179 AND WEST OF MIDDLE WARREN (KNOWN AS UPPER WARREN) HARTLEPOOL



The Planning & Development Manager advised a change to the recommendation namely that it should be approved by committee subject to satisfactory receipt of landscaping details, the conditions outlined in the report (with appropriate amendments to relevant plan conditions to account for the landscaping details) with the final decision delegated to the Planning & Development Manager. The Planning & Development Manager explained that whilst landscaping details had been submitted these were required to be amended following discussions and in particular amendments to the layout.

Prior to consideration of this item the Solicitor advised members that they were only being asked to consider reserved matters and could not consider the principle of the development as this had previously been decided and approved by Committee in May 2015; many of the points raised in the report had been dealt with then and were not before committee and therefore should not be discussed at this meeting, such discussion could show that members were addressing their minds to immaterial considerations – the submission of reserved matters was limited to the consideration of the submitted drawings .

A member referred to the recommendation that the approval of the final detail of the landscaping scheme (which required very minor amendment approaching on 'de-minimis') be delegated to the Planning and Development Manager and requested that the final detail be brought back to Committee for full approval to allow for these decisions to be the subject of further consultation with the public.. The Solicitor felt that a deferral of this nature was not justified as the reserved matters submitted had been the subject of a full recent 'extra' public consultation and there had been no material objections. Also, given that the member was unable to identify any specific issue with the submitted reserved matters, such a deferral was inadvisable and could potentially risk the delivery of the development which was already approved in principle. . Following confirmation that there was no legal bar on having a deferment if members so wished,, the Member requested that a vote be taken on this matter however there was no seconder therefore the vote did not take place and the original recommendation regards delegation remained in place.

The Applicant urged members to support the proposal which would address the town's housing needs while offering first time buyers to take their first steps on the property ladder. A detailed landscaping plan had previously been submitted and considered acceptable. It was in line with Council policy and there had been no objections from the relevant consultees.

A representative of the local residents group spoke against the application. He noted firstly that during first discussions of reserved matters on this development back in 2016 the developers had pledged to present the plans and proposals to residents for their consideration. However that had not happened. He raised a number of concerns and queries around the lack of detail within the proposals, requested further information on how the 106 monies were intended to be spent, asked what mitigating measures had been



taken to limit the impact of the construction traffic on the residents during the construction phase, queried how the additional traffic which would be generated by the development would be dealt with and asked whether consideration had been given to a crossing on the A179. The Solicitor noted that many of these matters were not relevant as they had either been dealt with previously as part of the Outline Permission and dealt with either by condition or were the subject of a signed S106 Agreement prior to the grant, as such they were incapable of being revisited now, some of the points did relate to the reserved matters submission and were dealt with by the submitted plans.

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

**Decision:** Minded to **APPROVE** subject to satisfactory receipt of landscaping details, the conditions outlined in the report (with appropriate amendments to relevant plan conditions to account for the landscaping details) with the final decision delegated to the Planning & Development Manager.

### CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s)
  - SGD-02 Rev B (Triple Garage Plans & Elevations)
  - SGD-05 Rev C (Single/Double Garage Plans & Elevations (side to side
  - SGD-10 (Double Garage Plans & Elevations (opposite ended))
  - A/plcGa/00/001 Rev B (Portfolio Garages)
  - GTC-E-SS-0011\_R1-8\_1\_of\_1 (Substation General Arrangement)
 received by the Local Planning Authority on the 27th April 2018, and
  - A/1057/tc/00/01 (Peony (3b Det) Planning Layouts)
  - A/1057/tc/00/02 (Peony (3b Det) Planning Elevations)
  - A/1550/tc/00/01 (Acacia (4b Det) Planning Layouts)
  - A/1550/tc/00/02 (Acacia (4b Det) Planning Elevations)
  - BL-2B-2S-P1 (The Blacksmith Floor Plans)
  - BL-2B-2S-TC-E (The Blacksmith Elevations)
  - CO-2B-2S-P1 (The Cooper Floor Plans)
  - CO-2B-2S-TC-E (The Cooper Elevations)
  - CU-4B-2S-P2 (The Cutler Floor Plans)
  - CU-4B-2S-TC-E (The Cutler Elevations)
  - GL-3B-2S-P1 (The Glazier Floor Plans)
  - GL-3B-2S-TC-E (The Glazier Elevations)
  - MI-4B-2S-P1 (The Milliner Floor Plans)
  - MI-4B-2S-TC-E (The Milliner Elevations)
  - QU-3B-2S-P1 (The Quilter Floor Plans)

QU-3B-2S-TC-E (The Quilter Elevations)  
 SC-4B-2S-P3 (The Scrivener Floor Plans)  
 SC-4B-2S-TC-E (The Scrivener Elevations)  
 TA-3B-2S-P2 (The Tailor Floor Plans)  
 TA-3B-2S-TC-E (The Tailor Elevations)  
 TU-3B-2S-P2 (The Turner Floor Plans)  
 TU-3B-2S-TC-E (The Turner Elevations)  
 received by the Local Planning Authority on the 21 November 2018, and  
 5606-91-001 (Site Location Plan) received by the Local Planning Authority on the 2nd May 2018, and  
 AN-WD06 Rev L (Alnwick Plans & Elevations - Village)  
 CT-WD06 Rev F (Chatsworth Plans & Elevations Village)  
 CA-WD06 Rev G (Clayton Plans & Elevations - Village)  
 CCA-WD06 Rev L (Clayton Corner Plans & Elevations - Village)  
 CD-WD06 Rev T (Chedworth Plans & Elevations - Village)  
 CF-WD06 Rev J (Corfe Plans & Elevations - Village)  
 HB-WD06 Rev W (Hanbury Plans & Elevations - Village)  
 HD-WD06 Rev H (Hadleigh Plans & Elevations - Village)  
 HT-WD06 Rev U (Hatfield Plans & Elevations - Village)  
 LY-WD06 Rev S (Lumley Plans & Elevations - Village)  
 MR-WD06 Rev P (Morden Plans & Elevations - Village)  
 RS-WD06 Rev U (Roseberry Plans & Elevations - Village)  
 SU-WD06 Rev Z (Souter Plans & Elevations - Village)  
 WS-WD06 Rev W (Winster Plans & Elevations - Village)  
 received by the Local Planning Authority on the 14th January 2019, and  
 UPW-CSL-002 Rev D (Combined Boundary Treatment)  
 UPW-CSL-001 Rev D (Combined Site Layout)  
 UPW-CSL-005 Rev A (Indicative Persimmon Materials Layout)  
 UPW-CSL-004 (Combined Phasing Plan)  
 UPW-CSL-003 Rev A (Combined Affordable Layout)  
 received by the Local Planning Authority on the 18th January 2019.

For the avoidance of doubt

2. Notwithstanding the submitted information details of all external finishing materials of the houses, garages, paths, roads, drives and hardstandings shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
 In the interests of visual amenity.
3. Notwithstanding the submitted information, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any 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 and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

4. Notwithstanding the submitted plans, details of existing and proposed levels of the site including finished floor levels of the buildings to be erected, sections through the site and adjacent land/buildings and any proposed earth retention measures shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.

5. Notwithstanding the submitted details, a detailed scheme of landscaping and tree and shrub planting including measures to enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, including a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall include details of landscaping for all areas within the red line boundary and the area of land outside the red line boundary (that is within the blue line boundary) as defined by plan 5606-91-001 (Site Location Plan) date received by the Local Planning Authority 2nd May 2018.

In the interests of visual amenity.

6. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

In the interests of visual amenity.

7. A minimum of 30 no. swift bricks or equivalent shall be provided within the development to provide long term roost site for the local bird population in accordance with details and a timetable for implementation to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timetable.

In the interests of the ecology of the area.

8. 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 or altered in any way and no detached 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 property.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2018/0183
<b>Applicant:</b>	THIRTEEN HOUSING MR WESLEY MCGEENEY HUDSON QUAY WINDWARD WAY MIDDLESBROUGH
<b>Agent:</b>	MR WESLEY MCGEENEY THIRTEEN HOUSING 2 HUDSON QUAY WINDWARD WAY MIDDLESBROUGH
<b>Date received:</b>	30/07/2018
<b>Development:</b>	Installation of air source heat pumps
<b>Location:</b>	1-84 OVAL GRANGE HARTLEPOOL

A Member made reference to the potential installation of solar panels and queried whether such savings would benefit the housing company or the tenants. The Solicitor advised that this was irrelevant as the application did not include the installation of solar panels.

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, received by the Local Planning Authority 21st May 2018 (1:1250); Air Source Heat Pump Locations (1 of 3), Ref. Flats 1-42, received by the Local Planning Authority 14th November 2018 (1:500); Air Source Heat Pump Locations (2 of 3), Ref. Flats 43-54, received by the Local Planning Authority 14th November 2018 (1:500); Air Source Heat

Pump Locations (3 of 3), Ref. Flats 55-84, received by the Local Planning Authority 14th November 2018 (1:500); Proposed Elevations, Ref. Typical Elevations with Air Source Units, Drawing No. OGAS001, Rev. A, received by the Local Planning Authority 6th November 2018 (1:75); Daikin Altherma, Heating Technical Data, ref. EEDEN15-725, Spec No.s EDLQ-CV3, EK2CB-CV3, EKMBUHC3V3 & EKMBUHC9W1, received by the Local Planning Authority 21st May 2018; and the 'Apex Acoustics' Noise Impact Assessment (Ref 7152.1 Rev A), received by the Local Planning Authority 11th January 2018.

For the avoidance of doubt.

3. Prior to the commencement of development, the final design of the 'brickwork' covering for the Air Source Heat Pumps shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented as agreed and the coverings shall remain in place for the lifetime of the development.

In the interests of visual amenity.

4. Notwithstanding the submitted information, the Air Source Heat Pumps hereby approved shall be operated at all times in the 'Silent 2' programmable/operation mode (80%) as identified with the submitted 'Apex Acoustics' Noise Impact Assessment (Ref 7152.1 Rev A), received by the Local Planning Authority on 11th January 2018).

For the avoidance of doubt and in the interest of the residential amenity of the neighbouring occupiers

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<b>Number:</b>	H/2015/0354
<b>Applicant:</b>	Mr Brett Wilkinson 25a Parkview West Industrial Estate HARTLEPOOL
<b>Agent:</b>	David Stovell & Millwater 5 Brentnall Centre Brentnall Street MIDDLESBROUGH
<b>Date received:</b>	21/12/2015
<b>Development:</b>	Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.
<b>Location:</b>	Land at Hart Reservoir Hart Lane HARTLEPOOL

Members approved the application by a majority.

**Decision:** Mind to **APPROVE** subject to the completion of a legal agreement securing contributions and obligations towards primary education (£153,780) and secondary education (£51,119), built sports

provision (£13,000), the provision of renewable energy infrastructure (up to a value of £18,000, to be secured by a planning condition), requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs, provision of SANGS); securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve/footpaths, car park, public open space, landscaping, waterbodies, play facilities, reservoir structures and permissive footpaths.

### CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with amended plan Dwg No(s) HL/13/001/001/D (Location Plan) and HL/13/001/002/D (Existing Site Plan) both plans date received 10th December 2015 by the Local Planning Authority and amended plan Dwg No(s) 15.04/P100\_PO (Rev PO)(Proposed Site Plan) and Boho One Proposed Site Plan at scale of 1:1000@A1 both plans date received 7th September 2016 by the Local Planning Authority.  
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 52 no. dwellinghouses (C3 use class). This shall include a minimum of 5 plots with single storey dwellings i.e. bungalows.  
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with drawing ref. 15.04/P100\_PO (Rev PO)(Proposed Site Plan) date received by the Local Planning Authority 7th September 2016 including the retention of the upper and lower reservoir water bodies.  
To ensure a satisfactory form of development and in the interests of protecting/enhancing biodiversity and bat habitat.



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

14. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
    - i) all previous uses
    - ii) potential contaminants associated with those uses
    - iii) a conceptual model of the site indicating sources, pathways and receptors
    - iv) potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
- To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.
15. Prior to the occupation of the dwellings hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.
16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in

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

To ensure any site contamination is satisfactorily addressed.

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

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

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

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

19. No development shall take place until a detailed scheme and timetable for ecological measures (in respect of the works to convert the upper reservoir to a nature reserve) has been submitted to and approved in writing by the local planning authority. The scheme shall take into account the ecological recommendations set out within Appendix 1 of the submitted Planning, Design and Access Statement Revision B, reference HL/13/001 (date received by the Local Planning Authority 18th December 2015) including biodiversity enhancement through

habitat creation and enhancement, and to prevent harm to protected species including bats. No dwelling shall be occupied until the ecological measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority or unless an alternative timescale for implementation is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

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

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

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

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

22. Prior to the commencement of development, a detailed scheme of soft landscaping, hedge, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall make provision for

the use of native species and demonstrate habitat creation. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

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

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

26. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing



by the Local Planning Authority. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 of the Hartlepool Local Plan 2018 and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

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

To ensure a satisfactory form of development.

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

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

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

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

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

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

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

1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.  
The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.  
The site is of archaeological interest.
32. Prior to the commencement of development, details of proposed interpretation panels/boards (providing information on the retained features of the reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.  
In the interests of visual amenity and heritage assets.
33. Prior to the commencement of development 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 (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwellings 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 and in accordance with the provisions of Local Plan Policy QP7 and CC1.
34. Prior to the commencement of the development hereby approved, details of solar panels (or alternative on-site renewable energy infrastructure/equipment) to be installed to a minimum of 6no. dwellings shall be first submitted to and approved in writing by the Local Planning Authority. Following the written approval of the Local Planning Authority, the development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the identified dwellinghouses (minimum of 6no. dwellings) to which the solar panels (or other agreed infrastructure) is to be installed.  
In the interests of promoting sustainable development in



accordance with the provisions of Local Plan Policy CC1 and to which the permission is based, in line with Policy QP1.

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

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

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

In the interests of visual amenity.

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

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

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

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

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

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

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**Number:** H/2018/0268

**Applicant:** Mr Stuart Ormiston Seymour House Harbour Walk  
HARTLEPOOL

**Agent:** SEYMOUR CEC LTD MR STUART ORMISTON  
SEYMOUR HOUSE HARBOUR WALK  
HARTLEPOOL

**Date received:** 20/08/2018

**Development:** Development of civil engineering training academy including erection of 2no. 2 storey training buildings, WC facilities, ancillary storage containers and porta-cabin and provision of external training area, new access arrangements, car and bike parking, bin store and associated works.

**Location:** HBC SALT STORE DEPOT BRENDA ROAD  
HARTLEPOOL

A member referred to the proposed restricted usage times of 8am-5pm and the report assertion that there was very little risk of noise carriage. She queried why given this the timings were so restrictive and suggested an increase in hours would have benefits in terms of income generation. She suggested that the hours be set at 8am-8pm Monday-Friday and 8am-5pm on Saturdays. Members were in general agreement with this proposal. The Environmental Health Manager advised that the proposed hours had been agreed with the applicant while the Planning and Development Manager noted that there was a possibility of a residential development being brought forward on a neighbouring site in the future on the Seecah Village site to the north. However Members felt that as this was not yet built it should not be a factor in their decision-making. Furthermore anyone purchasing one of these houses would be aware of the surroundings and would make their decision to purchase accordingly. The proposed increase in hours was voted on and approved by the Committee.

Members approved the application by a majority. **Councillor Kevin Cranney abstained from the vote due to his position as Chair of Regeneration Services Committee.**

**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 plans: drawing number 9346808 (Proposed

Elevations) received by the Local Planning Authority 10/08/18, drawing number 16WC-TYPE-H-7035.dwg (Proposed Floor Plan), drawing number 9346808-001.dwg (Proposed Floor Plan) received by the Local Planning Authority 20/08/18, Location Plan at scale of 1:5000 received by the Local Planning Authority 25/10/18, drawing number SEY-02, revision F (Proposed Classroom Area), received by the Local Planning Authority 25/11/18, drawing number SEY-01, revision L (Proposed Plan Layout) received by the Local Planning Authority 24/01/19.

For the avoidance of doubt.

3. The development hereby approved shall be carried out in accordance with the requirements of the Conservation Management Plan, including timetable for works to the existing ponds and provision of new ponds within the site, received by the Local Planning Authority 24/01/19.
4. The operation of the site shall at all times follow the Documented Procedure for the discovery of human remains (document number DOC-H&S-TT-GEN001, revision A), received by the Local Planning Authority 10/10/18.

In order to protect any archaeological features present on the site.

5. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) 'H76687 FRA Rev A' dated 9 October 2018 and the following mitigation measures detailed within the FRA:

1. The perimeter fence within flood zone 3 shall be of open chain linked design,
2. On a monthly basis, or after a high flood event, the full perimeter of the site will be inspected and any debris build-up removed and disposed from the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding elsewhere by allowing floodwaters to pass through, and to reduce the risk of flooding from blockages.

6. A scheme detailing the provision of a noise barrier/bund to the Northern boundary of the site, as shown on drawing number SEY-01, revision L (Proposed Plan Layout) received by the Local Planning Authority 24/01/19 shall be submitted to and agreed in writing with the Local Planning Authority within 6 months of the date of the permission. The proposed barrier must be located outside of Flood Zone 3 located to the north west of the site. The agreed scheme shall be completed within 2 years of the date the written approval of the Local Planning Authority and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the amenities of future occupiers to the north of the site and to prevent the increased risk of flooding in accordance with the NPPF.

7. Development of the noise barrier/bund required by condition 6 above, 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 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.

8. Notwithstanding the submitted details prior to the erection of any buildings on site, 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 (including the required noise barrier/bund) 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/neighbouring land users.

9. Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority to agree measures to effectively control dust emissions from the site, to address and control dust from site surfaces and roadways, earth moving activities, control and treatment of stock piles and offsite dust monitoring. Thereafter, the agreed measures shall be implemented prior to the site becoming operational and shall be implemented and thereafter maintained for the lifetime of the development.

In the interests of a satisfactory form of development.

10. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the site. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme/timetable of works.

In the interests of visual amenity.

11. 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.

12. Within twelve months of the date of this approval a detailed scheme for the compensatory enhancement measures indicatively shown on the 'Contribution Requirements Plan' received by the Local Planning Authority 15/01/19 shall be submitted to and approved in writing by the Local Planning Authority. A programme for implementation of works shall also be submitted and agreed and thereafter the approved works shall be implemented in accordance with that programme to the satisfaction of the Local Planning Authority.

In accordance with the requirements of Local Plan Policy NE2.

13. 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.

14. Occupation of the development shall not commence until a scheme for waste storage arrangements has been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed details shall be implemented in accordance with such details prior to occupation.

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

15. Prior to first use of the development hereby approved details of all fences, gates, walls or other means of enclosure to be erected within the development site 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.

16. 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.

17. No outdoor training activities shall take place on the site outside the following times 08:00 to 20:00 Monday to Friday, 08:00 to 17:00 Saturdays and at no time on Sundays or Bank Holidays.

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

18. Should common toads, frogs or newts be uncovered during site works in the compound, they should be carefully lifted into a container with gloved hands and released in a pond or area of debris.

To avoid harm to the ecological interests of the site.

19. The clearance of any vegetation, including trees, hedgerows and arable land, 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.

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**106. Update on current complaints** (*Assistant Director (Economic Growth and Regeneration)*)

Members were given updates on 6 ongoing complaint investigations and 8 completed complaint investigations.

**Decision**

That the report be noted.

The meeting concluded at 11.20am.

CHAIR



**No:** 1.  
**Number:** H/2017/0028  
**Applicant:** MR BRETT WILKINSON Park View Road West Park View  
Industrial Estate Hartlepool TS25 1PE  
**Agent:**  
**Date valid:** 20/02/2017  
**Development:** Outline application (all matters reserved) for residential  
development consisting of up to 13 no. dwellinghouses  
(demolition of existing buildings including bungalow)  
**Location:** GLEBE FARM PALACE ROW HART HARTLEPOOL

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## 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/RELEVANT PLANNING HISTORY

1.2 This application (H/2017/0028) was considered by the planning committee on 12<sup>th</sup> July 2017 when Members were minded to approve the application subject to the completion of a legal agreement (s106) securing contributions towards primary education (£38,376.45) and secondary education (£25,101.56), built sports provision (£3,250), play facilities (£15,467), playing pitches (£3,042.77), tennis courts (£741.26), bowling greens (£64.61), highway mitigation works (£53,651) and green infrastructure/footpath links (£3,250), an obligation requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs); securing a local labour agreement; a scheme for the provision, maintenance and long term management of highways, landscaping, play facilities and permissive footpaths.

1.3 The s106 was not signed following the 12<sup>th</sup> July 2017 planning committee meeting. Instead, the applicant subsequently submitted a number of economic viability assessments to seek to demonstrate that the proposals were no longer viable with the above planning contributions. The Council considered the submitted information and the viability of the scheme and concluded that the required contributions could still feasibly be delivered, and that without these the scheme would be unsustainable and therefore unacceptable in planning terms. The application was therefore subsequently listed to be recommended for refusal at the 6<sup>th</sup> February 2019 planning committee meeting. However, prior to the meeting taking place the applicant changed their position and advised that, having sought further advice, they were now again willing to pay the required (and previously agreed) developer contributions in full. This matter is discussed in further detail.

1.4 There have also been a number of events since the planning committee's previous decision that are also relevant to this application's consideration. These



include the revision to the National Planning Policy Framework (NPPF, in July 2018) and associated Planning Practice Guidance; the adoption of the Hartlepool Local Plan (May 2018); the adoption of the Hartlepool Rural Neighbourhood Plan (December 2018); a change in approach on ecology matters (following a recent decision in European case law) and a proposed extension of the Special Protection Area (SPA); and the formation of a new planning committee, all of which need to be taken into account and therefore this report is required to bring matters up to date.

1.5 The following planning history is also considered to be relevant to the application site;

1.6 H/2009/0137 – Alterations and extension to bungalow to form a dwelling and erection of triple garage, approved 14.05.2009 (never implemented).

1.7 H/2010/0593 – Lawful Development Certificate in respect of use of premises for residential use unconnected with agriculture or forestry, approved 13.12.2009.

1.8 H/2010/0701 – Erection of a first floor extension to provide two storey dwelling, approved 08.02.2011 (never implemented).

1.9 H/2015/0013 – Conversion of barn to single dwelling, allowed on appeal 10.02.2016 (appeal ref APP/H0724/W/15/3133288).

## **PROPOSAL**

1.10 This outline application seeks planning permission for residential development consisting of up to 13 dwelling houses with all matters reserved at Glebe Farm, Hart, Hartlepool. The application will require the demolition of the buildings on site including the existing bungalow.

1.11 The proposed dwellings would utilise an amended existing access which would provide a cul de sac layout with dwellings indicatively shown as being positioned around the perimeter of the site with one of the plots fronting onto Palace Row. A number of the dwellings are indicatively shown as being served by detached double garages.

1.12 Although the application has been submitted in outline only, the application is accompanied by an indicative plan (for illustrative purposes) which shows a two storey dwelling with a maximum ridge height of 9.5m and eaves height of 5.8m. During the course of the application, amended plans have been submitted to amend the layout to achieve the requisite separation distances between the indicatively shown dwellings in addition to providing indicative landscaping details.

1.13 The application was originally referred to planning committee as objections were received from a statutory consultee(s). The application has been reported back to committee owing to the length of time and changes in legislation, policy and guidance since the previous planning committee's decision, and as there have been changes in the applicant's position with respect to the required planning obligations since this time. However, ultimately the applicant has now agreed to all of the

planning obligations that were previously agreed to be secured through a s106 legal agreement.

## **SITE CONTEXT**

1.14 The application site relates to Glebe Farm located along Palace Row, to the west of Hart village. The application site is included within the development limits of the adopted Hartlepool Local Plan 2018 (as defined by Policies LS1 and RUR2) although it is classed as 'white land' and for no designated use.

1.15 The site consists of an occupied bungalow with a number of detached out buildings, farm buildings and stable blocks, and enclosed paddock areas/fields to the south of the buildings. Beyond the southern boundary of the site is the A179. A parcel of land is located beyond the eastern boundary of the site, between the site and Hart village, which is a site that has been allocated for residential development within the Local Plan (site HSG8b). A planning application is currently pending consideration for this site for 29 dwellings (reference H/2017/0301).

1.16 Beyond the highway to the north is an enclosed parcel of land known as 9 Acres (HBC owned), which has also been allocated for residential development within the Local Plan (site HSG8a).

## **PUBLICITY**

1.17 The application was advertised by way of letters to neighbours and local ward councillors, 2 sites notices and a press notice.

1.18 To date, two objections have been received (in addition to those from Hart Parish Council and the Hartlepool Rural Neighbourhood Plan Group, set out in full below). The objections and concerns can be summarised as follows;

- the proposal is contrary to the Hartlepool Local Plan and the Hartlepool Rural Neighbourhood Plan
- there is no need for additional housing
- The village is not big enough for more housing in terms of the impact on the school and increase in traffic
- The development is unnecessary and would 'stick out' in the countryside

1.19 Copy Letters **A**

1.20 The period for publicity has expired.

## **CONSULTATIONS**

1.21 The following consultation replies have been received:

**HBC Traffic and Transport;** The proposed layout is acceptable and should be constructed in accordance with the HBC Design Guide and Specification under a section 38 / advanced payment code with a view to the road being adopted. The final carriageway surface would need to be approved by the Council.

A pro rata contribution should be sought from the developer to allow safety works to be carried out at the A179 Western Village Access. There are concerns that the cumulative effect with the other potential housing developments in the area would constitute a severe road safety impact on this uncontrolled junction.

#### Further comments

The plan layout of the development indicates a footway around the junction. It doesn't go into the detail of showing a dropped crossing point for pedestrians to gain access to the footway on the north side of Palace Row. I am happy for the dropped crossing details to be conditioned and the details provided later. I can also confirm that I have no requirements for the footway to be extended on the southern side of Palace Row beyond the dropped crossing or for a more formal crossing to be provided.

#### Updated comments received January 2019 in respect of highways contributions

I would consider it necessary to object on road safety grounds if this development did not contribute in full towards the junction improvements at Palace Row / A179 junction. On its own it would be difficult to attribute this development as a risk to road safety due to an increased use in the junction. It is the cumulative affect with the other 2 developments which creates the road safety concerns.

**HBC Engineering Consultancy;** I have reviewed the proposals for this application and would like to comment as follows;

Contaminated Land- Insufficient detail on the portal with regards to insitu testing of the site. Can I therefore request a full contaminated land condition. Reason- To ensure that the presence of contaminated land is identified and effectively remediated to ensure users of the site are not subjected to the potential effects of land contamination.

Surface Water- At this stage I would need to request a surface water condition. I have reviewed the drainage strategy which assumes connection to the Northumbrian Water sewer and Northumbrian Water have indicated a discharge of 5/l/s could be accepted however given the amount of detailed design required to facilitate this discharge rate I would request a full surface water condition. Reason- To ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

**HBC Public Protection;** No objections.

**HBC Heritage and Countryside Manager;** The proposal is an outline application for residential development consisting of up to 13 dwellings, including the demolition of existing buildings, at Glebe Farm, Palace Row.

There are no listed buildings, conservation areas or locally listed buildings in close proximity to this site therefore it is considered that the proposal will not impact on any heritage assets.

**HBC Countryside Access Officer;** There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way

running through, abutting to or being affected by the proposed development of this site.

However I would like to see a new footway to a new road crossing, from the development to the existing footway into Hart village as well as improvements to the existing footway itself - surface and width.

This would provide safer and improved links to services, schools and recreational access within the village and from there to the town.

**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 Northumbrian Water have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy". In this document it states that foul water will discharge to the agreed manhole 7801 and surface water will discharge to manhole 7802 at a restricted rate of 5 Litres per second if it is proven that there is no other option for the disposal of surface water.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

**CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7801 and ensure that surface water discharges to the surface water sewer at manhole 7802. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

**HBC Ecologist;** Thank you for the photographs of the Glebe Farm buildings, following a query from a member of the public, suggesting that bats may use the farm buildings. The photograph shows the style and age of the most suitable building on site. I agree that the building itself has some bat potential, however, I assess that the surrounding countryside is of low quality for bats and that the overall risk is low. I do not require a bat survey. I recommend that should planning be approved, the HBC Bat Informative is issued.

#### Habitat Regulations Assessment (summarised)

Hartlepool Borough Council, as the competent planning authority, has undertaken a Habitat Regulations Assessment for a housing development 'project' at Glebe Farm in Hart Village.

Mitigation is based on the small totals for new residents and new dog-owning families.

The provision of Suitable Alternative Natural Green Space (SANGS), particularly for daily walks/ dog exercising, is not justified.

A financial contribution to managing recreation on the coast is not justified.

The developer has agreed to provide each new household with an information pack. This will provide education on the importance of the coast for European protected birds and illustrate alternative destinations for recreational activities. For example, the open access, Tees Forest Community Woodland is situated 2km to the west (with car parking) along the A179 (at NZ 447-342).

The provision of householder packs has been agreed with the developer and will be a condition in the case officer's recommendation to planning committee.

#### Conclusion

The project triggers indirect LSE through increased recreational disturbance to two European Sites. Due to the low numbers involved, this is assessed as being low and mitigation has been agreed in the form of householder information packs. In the view of Hartlepool BC, this mitigates the LSE. The Glebe Farm housing development will have no overall detrimental effect on European Sites.

#### Additional comments in response to Natural England comments:

I note the Annex A, Additional Advice on Environmental Enhancement, provided by Natural England in their response dated 28/04/2017.

I am satisfied that the scheme offers sufficient enhancement, based on the submitted plan – 'Landscape Layout - Draft 3 – Indicative', plan N<sup>o</sup> 16-002-102. This includes details of tree planting and both internal and boundary hedges (one with a native species mix and one a beech hedge).

#### Update/comments received December 2018

I remain satisfied with the agreed ecology position, including the approved Habitats Regulations Assessment, which is still 'fit for purpose'.

**Natural England;** Summary of Natural England's Advice - No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites - Northumbria Coast Special Protection Area and Ramsar Site and Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Northumbria Coast Special Protection Area and Ramsar Site

and Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The HRA screening report (dated 11 April 2017) states that the applicant has agreed to provide householder information packs. The assessment therefore concludes that the proposal is unlikely to have significant effects on European protected sites.

Natural England concurs with this conclusion.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Annex A – Additional advice

Natural England offers the following additional advice (summarised):

Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Further information is contained in Natural England's Technical Information Note 049. Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website.

Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice.

### Priority habitats and species

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006.

### Ancient woodland and veteran trees-link to standing advice

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF.

### Environmental enhancement

Development provides opportunities to contribute to and enhance biodiversity and the local environment, as outlined in paragraph 109 and 118 of the NPPF.

### Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered.

### Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the important of public rights of way and access.

### Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

**Tees Archaeology;** The trial trenching report has demonstrated that although there is an archaeological feature on the site, this is not of sufficient significance to require any further work. The applicant has therefore fulfilled the requirements of the NPPF with regard to archaeology and no further archaeological work is required.

**Cleveland Police Architectural Liaison Officer;** I would always encourage developers to adopt crime prevention measures in relation to the layout of a development along with the physical security of homes. I have no concerns in relation to the proposed layout and would recommend that street lighting and footpaths including shared drives and non -adopted highways comply with requirements of BS5489:2013. Any rear boundary fencing that's backs onto to open ground should have the horizontal support rail placed to the private sided of the fence to avoid providing climbing aids to help provided greater security to rear of premises.

In relation to physical security of new dwellings I would recommend that this complies with Police preferred specification as outlined in Secured by Design homes 2016 if any further information required please contact me direct. Direct Line 01642 303359.

**HBC Arboricultural Officer;** The site is partially screened by tree cover along Palace Row and the Hart By-Pass, consisting of semi mature Sycamore trees and



hawthorn hedging although these are within the adjacent highway verge. The application site is relatively devoid of tree cover itself other than around the perimeter and this is mentioned in the applicants Design and Access Statement together with mention being made of additional proposed soft landscaping. There are no TPO or Conservation Area constraints on this site.

Subject to suitable landscaping details being submitted together with a schedule of works, I have no objections or representations to make with this application.

Additional comments received in response to amended plans:

The landscape proposals are ok with me and address the points I raised earlier. Species selection will help define boundaries and add character to the proposed development.

**Highways England;** Highways England has no objections to this application.

**Cleveland Fire Brigade;** Cleveland fire Brigade offers no representations regarding the development as proposed.

However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

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

**Hart Parish Council;** Hart Parish Council is strongly opposed to this planning application. The land is outwith both the Rural Plan and Local Plan designated housing development sites.

The village has suffered for many years from flooding due to surface water run-off, in particular water flooding down Main Street, coming down the road which runs past this site. We note from the planning application that surface water attenuation is to be used to manage the surface water, a proposal which, bearing in mind the long term problems of flooding in the village, is surprising, as:

1. This type of house design with attenuation and run off will add to the village flooding problems.
2. It is well known that the village has poor storm water filtration and that runoff should only go to *managed* systems.
3. We question the adequacy of the proposed attenuation to deal with the volume of water likely to be incurred from the number of dwellings, and therefore concreted area, in a climate of increasing nationwide rainfall and climate change.
4. A recommendation in the report states that if flooding of the attenuation tank occurred the runoff would be directed away from the development and captured by

the Highway drainage in Palace Row. This would require the water to be pumped *uphill*, would increase ongoing flooding problems and is NOT acceptable. Maintenance of the filter drain and checking if the orifice plate is clear, will need to be undertaken regularly - who will undertake this? The Borough Council is already overstretched!

5. It is unlikely that water butts would contribute much to the overall problem.

We are also aware that a local farmer has an 18foot-wide right of access over the land - large, heavy agricultural vehicles use the route.

**Hartlepool Rural Neighbourhood Plan Group;** On behalf of the Hartlepool Rural Neighbourhood Plan Group I have been asked to submit an objection to application H/2017/0028, Glebe Farm, Hart. This housing site proposed by this application would be contrary to the policies of both Hartlepool Local Plan and Hartlepool Rural Neighbourhood Plan. Both these emerging plans are well advanced being at publication stage.

Housing development over the past 20 years or so has been carefully managed through the Local Plan, with the definition of village envelopes and strategic gaps between Hart and Greatham, and the main urban area of Hartlepool. Just over 200 new households have been added to the rural area during the last 20 years mainly through small developments and conversions of existing property. The figure of 170 additional homes at identified sites contained in the Rural Neighbourhood Plan is in line with recent housebuilding trends. It is considered to be sufficient to meet the housing needs of the plan area in the light of the results of the Housing Needs Survey undertaken during the consultation on the Rural Neighbourhood Plan. Any requirements for significant areas of growth in the Borough's housing requirements are expected to be accommodated either in the urban area or adjacent to the urban area of Hartlepool in order to support the sustainable development and regeneration of the town.

From the following tables it is clear that Hart has more existing permissions for housing than any of the other villages. The Rural Plan proposes a site at Nine Acres which supports the provision of an informal recreational space identified as lacking in Hart which has no village green. The proposal for additional housing at Glebe Farm would put Hart out of sync with the other villages in terms of new development despite the fact that Hart has fewer facilities – in particular no village shop that can offer day to day essentials. There is no provision or space in the proposed site at Glebe Farm for any open space that might provide for the needs of existing or new residents.

#### Rural housing sites with existing permissions

Village	Site Name	No with planning permission
Dalton Piercy	Priory Farm Stackyard	2
Elwick	North Farm	14
Greatham	Station Road (behind school)	29
Hart	Rear of Raby Arms Millbank Close	23 15

## Rural housing sites proposed in the Neighbourhood Plan

Village	Site Name/ windfall	Max Number allocated	Planning permission
Dalton Piercy	Infill only	10	n/a
Elwick	North of North Farm/ Potters Farm (43 and 44)	25	25 additional dwellings considered over the 14 already approved.
Greatham	Between Hill View and Saltaire Terrace (106)	12	
Greatham	Mellanby Lane	5	
Greatham	Garden rear of 15 High Street	6	
Greatham	Grove House Nursery	6	
Hart	Eastern part of Nine Acres (eastern part 3)	23	
Newton Bewley	Infill only	NA	
TOTAL		87	

Both the Local Plan and Neighbourhood Plan strategy for housing appear to agree on seeking small scale incremental development commensurate with the size of the villages and services available, taking account of environmental constraints. While a further 13 houses may seem very minor to a town the size of Hartlepool, it is a significant increase for a village the size of Hart when added to the existing and proposed housing sites at Hart. That most valued of village features, it's sense of community can too easily be lost, becoming a detached dormitory estate, which this proposal is clearly aimed at.

Paragraph 50 of the NPPF seeks “inclusive and mixed communities”; proposals in Hart village for large detached executive housing cannot meet this. The application does not meet the development needs of the rural area. Contrary to paragraph 55 of the NPPF there is no evidence that this development will enhance or maintain the vitality of Hart – it is clearly a dormitory development of large executive homes which will be very reliant on the nearby facilities of Hartlepool. It offers no suggestion that 13 new homes will help bring a village shop back to Hart, nor could it be said that so small a development would boost significantly the supply of housing for Hartlepool (para 47 NPPF). It does not offer the provision of any affordable homes which might serve the rural population (para. 54 NPPF). It seems almost all developers are seeking to provide larger detached houses in villages rather than look at the immediate needs of the village or rural population. The Rural Neighbourhood Plan specifically seeks affordable provision from smaller developments than the Local Plan because of the tendency for applications in villages to be for smaller sites. The SHMA for Hartlepool Borough is based on Borough Wards not villages. Both Wards that include the rural area include substantial urban areas. The Neighbourhood Plan seeks to base housing sites on need within rural area balanced with past history of housing development.

The Glebe Farm site is close to the busy A179 and therefore the new housing will be more likely to be impacted by traffic. The Neighbourhood Plan seeks improvement of the A179, including dualling of the Hart bypass, which could adversely affect any

sites at Glebe Farm. The proposals in this application provides for no form of buffer planting for the proposed housing from the A179.

The site which is the subject of this application would be detached from the village of Hart and stand alone in the countryside. There are no indications of landscaping or planting which would help any new properties sit into the countryside.

As the application is for outline permission the design suggestions are somewhat irrelevant. If a full application follows this could take a very different line from the images included in this application.

**HBC Waste Management;** No comments received.

**Northern Powergrid;** No comments received.

**Northern Gas Networks;** No comments received.

**The Ramblers Association;** No comments received.

**Hartlepool Water;** No comments received.

## PLANNING POLICY

1.22 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

1.23 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. 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.

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

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

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development (3 overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
020	Strategic Policies
022	Strategic Policies should look ahead over 15 years to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
034	Developer Contributions
038	Decision making
047	Determining applications
054	Planning conditions and obligations
055	Planning conditions and obligations
056	Planning conditions and obligations
057	Plan led viability – weight given to viability is a matter for the decision maker
059	Significantly boosting the supply of homes
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
076	Conditions to ensure timely start of development
091	Promoting healthy and safe communities
092	Community Facilities
094	Sufficient School Places
096	Access to high quality open space
098	Protect and enhance public rights of way
102	Promoting sustainable transport
108	Access and impacts of development on the wider highway network and highway safety
109	Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
111	Transport Statements
122	well-designed attractive places
124	Achieving well-designed places
127	Achieving well-designed places
150	Reducing vulnerability to flooding and reducing greenhouse gas emissions
153	Planning for climate change
163	Ensuring flood risk is not increased
165	Use of sustainable drainage systems

170	Conserving and enhancing the natural environment
175	Habitats and biodiversity

### Adopted Tees Valley Minerals And Waste DPD

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

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

Policy	Subject
MWP1	Waste Audits

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

### Hartlepool Local Plan (Adopted May 2018) And Hartlepool Rural Neighbourhood Plan (Adopted December 2018)

1.29 The application was originally received as the Local Plan was developing, however was not a site that was selected as an allocation at Preferred Options Stage. It should also be noted that this site was not put forward for consideration as a housing site as part of the SHLAA. At the time of the previous Local Plan and when the call for sites occurred this site was located outside of the village envelope for Hart Village.

1.30 When the application was submitted the Local Plan was in production and in the early Preferred Options and the site was outside of the village envelope – however as the application progressed, and given that the applicant had agreed to pay the required contributions and the scheme was minded to approve by planning committee, the development limits to the village were amended in the Publication version of the Local Plan to include the site within the development limits of Hart Village, however without an allocation as the application had been minded to approve subject to the completion of the legal agreement. This is the status of the site within the adopted Hartlepool Local Plan and the principle of the housing development on this site is therefore considered acceptable.

1.31 The following policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
CC3	Renewable and Low Carbon Energy Generation
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool

QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
Rur2	New Dwellings Outside of the Development Limits
NE1	Natural Environment
NE2	Green Infrastructure

1.32 The application site lies within the boundary of the Rural Neighbourhood Plan designation. As such it is also necessary to consider relevant policies from the Neighbourhood Plan which form part of the Development Plan for Hartlepool, following its adoption in December 2018. The following policies are relevant:

<b>Policy</b>	<b>Subject</b>
GEN1	Development limits
GEN2	Design Principles
H2	Affordable Housing
T1	Improvements to the Highway Network
T2	Improvement and Extension of the public and permissive rights of way network
C1	Safeguarding and Improvement of Community Facilities
PO1	Planning Obligations

## PLANNING CONSIDERATIONS

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

## PLANNING POLICY

1.34 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the policies within the adopted Hartlepool Local Plan (2018), the Hartlepool Rural Neighbourhood Plan (2018) and the Tees Valley Minerals and Waste DPDs.



*Adopted Hartlepool Local Plan 2018*

1.35 The application site is within the limits to development for Hart village as illustrated on the adopted Proposals Map for the Local Plan. Two sites are proposed to be allocated for residential development within Hart; a parcel of land that lies beyond the eastern boundary of the current application site and to the west of the village of Hart, known as site HSG8b (allocated for approximately 20 dwellings). The second site relates to a parcel of land to the north of the site, known as Nine Acres (allocated for approximately 30 dwellings). The application site is not within either of the proposed allocations and instead sits as unallocated 'white land', but it is considered to be well related to both allocations.

*Hartlepool Rural Neighbourhood Plan 2018*

1.36 The Hartlepool Rural Neighbourhood Plan sets out development limits around the villages on the associated Policies Map which reflect, for the villages, the development limits within the Local Plan. As this proposal sits within the limits to development for Hart it is considered to be in accordance with Policy Gen1 of the Rural Plan.

*Sustainable Development*

1.37 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

1.38 Considerable weight should be given to the fact that the authority can now demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

1.39 Critically, the NPPF states (paragraph 11) that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

1.40 In this instance, subject to the proposal securing the planning contributions and obligations as required by policy QP1 of the Local Plan 2018, policy PO1 of the Rural Neighbourhood Plan 2018 and the Council's Planning Obligations SPD (discussed in further detail below), then the application would be considered to be in general

accordance with the development plan for the Borough. The development will deliver a number of material benefits that it is considered will outweigh any adverse impacts of the development, subject to the completion of the requisite Section 106 legal agreement.

1.41 It is therefore considered that the proposal constitutes sustainable development and is acceptable in principle subject to the completion of a Section 106 Legal Agreement securing the required planning contributions and obligations (as set out below).

### *Planning Obligations*

1.42 Local Plan policy QP1 and Rural Neighbourhood Plan policy PO1 relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. Off-site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

1.43 It is noted that the Rural Plan has a lower threshold for requiring Affordable Housing than the Local Plan with the threshold set at 6. However, given this application has been under consideration for some time and various discussions around viability have taken place without the requirement of affordable housing, it is not considered appropriate to require it at this late stage. If any future applications are received on this site then affordable housing would be required if the scheme was 6 or more dwellings. Policy T1 sets out where in the rural area highway improvements are needed and identifies the A179 village approach road and junction as an improvement which is needed and notes that financial contributions towards the works will be sought.

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

1.45 The following planning obligations are required with respect to this application, in line with the adopted Planning Obligations SPD, in order to mitigate against the adverse impacts of the development and achieve a sustainable form of development;

- £3,250.00 for built sport facilities at Hart Primary School
- £15,467.00 for play facilities adjacent to Hart Primary School playing field (pro-rata contribution)
- £3,042.77 for maintenance of the playing pitch at Hart Primary School
- £741.26 for tennis courts at Town Moor, Headland
- £64.61 for bowling greens (off site)
- £3,250.00 for green infrastructure improvements to new and existing footpaths to the south of the A179
- £38,376.45 for primary school provision
- £25,101.56 for secondary school provision
- £53,651.00 Pro-rata contribution towards highway mitigation works

- An obligation relating to the provision and implementation of ecological mitigation measures;
- An obligation relating to securing a training and employment charter/local labour agreement;
- The provision and maintenance of highways and landscaping to an adoptable standard;

1.46 (The proposal falls below the 15 dwelling threshold, set out within the Planning Obligations SPD, to seek an affordable housing contribution).

1.47 In accordance with paragraphs 150 and 153 of the NPPF and Local Plan policies CC1 and QP7, the application should also make provision for i) energy efficiency and ii) renewable energy provisions. These matters were previously agreed and are again to be secured by separate planning conditions.

1.48 The applicant at the time of reporting the application to committee in July 2017 was willing to enter into a Section 106 Agreement to provide the abovementioned contributions and obligations, in line with the Council's adopted Planning Obligations SPD. Following a lengthy period of discussion with the applicant after this with respect to the viability of the scheme in which the applicant initially reneged on this agreement, the applicant has again now advised that they are willing to enter into a Section 106 legal agreement to provide the requisite contributions and obligations.

#### *Sustainability (and Principle of Development) conclusion*

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

1.50 Notwithstanding this, consideration is given to the site's location, which has now been included within the development limits of the adopted Local Plan. The application site is also located immediately adjacent (east) to an allocated site for residential development within the Local Plan and to the south of a second allocated site for residential development in the Local Plan. In this context, the site is not considered to result in an obtrusive extension to the linear pattern of residential development within Hart village (for the reasons set out below). Consideration is given to the required highway works to improve the site connection and the proposed footpath connections to existing footpath networks to Hart village with its associated services and amenities, and to improving connections to footpaths to the south of the A179 (as set out in the report below).

1.51 Taking into account the considerations set out in the report, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability and would deliver sustainable development within the overall meaning set out in the NPPF.

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

#### IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

1.53 As detailed above, the application site would, if approved, form one of three residential developments that are anticipated to come forward within the immediate area (which could provide circa 63 dwellings based on the current application and the two allocated sites within the Local Plan). In response, the Council's Traffic and Transport section has commented that such developments have the potential to result in a road safety impact at the junction of the A179 western village access (to the west of the current application site along Palace Row).

1.54 The Council's Traffic and Transport section has therefore commissioned a study into improving this junction and this has indicated that the works are likely to take the form of a signal controlled junction (an indicative overall cost for the works has also been provided). The Council's Traffic and Transport section has therefore requested that the current application site makes a pro-rata contribution towards the proposed junction improvement works, to which the applicant has confirmed in writing that they are agreeable to making the pro-rata contribution (£53,651.00) towards these works. This can be secured through a Section 106 legal agreement. The Traffic and Transport section has confirmed in writing that the highway works are not a 'pre-commencement' or 'prior to occupation' requirement of the current application for 13 dwellings.

1.55 The Council's Traffic and Transport section has requested that a dropped crossing point for pedestrians to gain access to the footway on the north side of Palace Row is also provided. Notwithstanding the comments of the Council's Countryside Access Officer, the Traffic and Transport section has confirmed that there is no requirement for the footway to be extended on the southern side of Palace Row where there currently is not a footpath or for a more formal crossing to be provided. Final details of the dropped crossing can be secured by way of a planning condition, which is recommended accordingly.

1.56 With respect to the proposed internal layout (indicative), the Council's Traffic and Transport section have confirmed that this is acceptable, subject to the scheme being designed in accordance with the Council's design guidance including road and footpath widths. Appropriate planning conditions can ensure that the development accords with the required standards and that such details are provided and agreed in writing with the local planning authority (the applicant would also need to enter into a separate highways legal agreement for the construction and maintenance of the footpath crossing). The final design and layout however will be considered in further detail as part of the requisite reserved matters application.

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

1.58 Highways England have raised no objection to the proposal.

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

#### DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

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

1.61 The National Planning Policy Framework 2018 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

1.62 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 advises that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area and should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties. All new development should be designed to take into account a density that is reflective of the surrounding area.

1.63 Concerns/objections have been raised regarding the location of the proposed development in respect of it being an 'isolated' settlement from the main village of Hart.

1.64 With any village there is a balance to be reached between i) having the flexibility to allow a scale of development that represents the gradual incremental growth of the village to support the viability of existing services and to attract new services, and ii) preventing growth that is of a scale that harms the character and identity of the village.

1.65 It is considered that the proposed density of the site is acceptable, taking into account the surrounding area (also taking into account the indicated density of the allocated sites for residential development within the Local Plan). Whilst the proposal is in outline form, the separation distances proposed between dwellings within the indicative layout are likely to accord with and in many instances exceed those recommended in policy QP4 of the Local Plan.

1.66 It is further considered that the proposed application site, which has been included within the development limits of the Local Plan would form a logical extension to the village in a linear pattern, when read in accordance with the

allocated sites for residential development within the Local Plan to both the east of the site and to the north of the site on the opposite side of the highway where residential development would be anticipated to come forward.

1.67 Notwithstanding this, should no development come forward on these adjacent, allocated sites, it is considered that the current scheme, subject to appropriate landscaping and design, would not result in a significant incongruous or isolated form of development in the area as to warrant a reason for the refusal of the application.

1.68 The scale of the development proposal is for up to 13 dwellings. Whilst it is recognised that this is additional to the approximately 50 dwellings that are allocated for Hart village in the Local Plan, it is considered that the cumulative impact of this scale of development represents a proportionate growth of the village that maintains a positive balance between the factors listed above.

1.69 Overall, it is considered that a development can be brought forward that would not have a significant detrimental impact on the rural character and appearance of the area, and therefore the vitality of the rural community. It is further considered that the proposal would not result in an over development of the site. However it is noted that this application is in outline to establish the principle of development and full details regarding design and layout will be required to be submitted at a later date with a reserved matters application where they will be fully assessed. In view of the setting of the site, it is considered necessary to control through a number of planning conditions; i) a height restriction on the proposed dwellings ii) details of ground and finished floor levels and iii) landscaping enhancement, a view supported by the Council's Arboricultural Officer, and these can be secured by virtue of appropriate planning conditions, which are recommended accordingly.

1.70 Subject to these conditions, it is considered that the proposed development would not result in an adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area or introduce an isolated form of development within the open countryside. The proposal is therefore considered to be in accordance with the provisions of the NPPF and the relevant Local Plan policies with respect to matters of design and the impact on the character and appearance of the area

## LANDSCAPING & OPEN SPACE

1.71 A general indication of the landscaping of the development has been provided. The submitted amended plans indicatively show additional soft landscaping around the site perimeter including along the southern (rear) and western boundaries where views from wider areas to the development would be most prevalent. The Council's Arboricultural Officer has viewed the submitted details and considers these to be acceptable in principle.

1.72 Concerns have been raised by the Rural Neighbourhood Group in respect of the site not providing any on site open space. However as detailed above, the proposal would make a number of financial contributions towards improving built sports, play facilities, playing pitches and green infrastructure within close proximity of the site (primarily at Hart Primary School).

1.73 In view of the above considerations, the development is considered to be acceptable in this respect.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.74 The indicative layout has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties nearest to the site and overlooking it from surrounding existing properties as the requisite minimum separation distances could be achieved.

1.75 Beyond the site boundaries, the closest existing neighbouring properties are to the east and north west of the application site. The proposed dwellings would achieve the minimum requisite separation distances from the nearest elevations of the existing neighbouring properties with the presence of the proposed landscaping in between (it is anticipated that residential development would come forward on the site adjacent to the application site as per the allocated site within the Local Plan).

1.76 Furthermore, given the relatively modest scale and density of the development shown on the indicative layout plan, it is anticipated that a scheme could be brought forward that would achieve both satisfactory relationships and the required separation distances set out in Policy QP4 of the Local Plan. As such, it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties. Notwithstanding this, the applicant will have to demonstrate at the reserved matters stage that such anticipated satisfactory relationships could be achieved.

1.77 It is not considered that the additional disturbance arising from existing traffic or that associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents, a view that is supported by the Council's Public Protection team who have raised no objections to the application. Planning conditions relating to a construction management plan and a condition limiting hours of construction/deliveries are recommended accordingly.

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

#### ECOLOGY AND NATURE CONSERVATION

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

1.80 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore undertaken a stage 1 Screening Assessment (Habitat Regulations Assessment).



1.81 The Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to the provision of householder information packs with the intended aim of reducing disturbance to birds at the Teesmouth and Cleveland Coast SPA/ Ramsar.

1.82 Whilst a notable amount of time has passed since the application was considered at Planning Committee in July 2017, the Council's Ecologist has confirmed that they remain satisfied with the formerly agreed ecology position, including the approved Habitats Regulations Assessment, which is still 'fit for purpose'.

1.83 These measures can be secured by a planning obligation within the requisite Section 106 legal agreement.

1.84 With regard to any impact on protected species, the Council's Ecologist does not consider it necessary for a bat survey to be provided but has recommended an informative on the decision notice with respect to advice on bats as a protected species.

1.85 In line with the NPPF, the LPA should require development to enhance biodiversity where possible. Following the submission of amended plans, the proposal includes indicative tree and hedge planting, which the Council's Ecologist considers to be sufficient ecological enhancement and would therefore satisfy Natural England's standing advice.

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

## HERITAGE AND ARCHAEOLOGY

1.87 The Council's Heritage and Countryside Manager has confirmed that the proposal will not affect any heritage assets. Tees Archaeology has also considered the submitted information and is satisfied that the proposal would not affect any archaeological assets. The proposal is therefore considered to be acceptable in this respect.

## FLOODING AND DRAINAGE

1.88 Concerns/objections were raised by Hart Parish Council with respect to flooding and drainage matters and the implications for the wider area, as set out in full within their comments above.

1.89 The application site is located within Flood Zone 1 (indicated as having a low probability to flooding) and as the site area exceeds 1ha, the proposal falls below the threshold for requiring a Flood Risk Assessment. The application is however accompanied by a drainage strategy which has been considered in detail by both the Council's Principal Engineer, and Northumbrian Water (as set out in full within the consultation comments).

1.90 The Council's Principal Engineer has provided initial comments on matters of surface water (and discharge rates) and concludes that detailed designs will be required to satisfy his comments and therefore recommends planning conditions relating to details of surface water drainage to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

1.91 Northumbrian Water has also requested that details of both surface water and foul sewerage be secured by appropriate planning conditions and have provided advice on run off rates, which can be provided to the applicant by way of an informative.

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

## OTHER PLANNING MATTERS

### *Waste*

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

### *Contaminated land*

1.94 The Council's Principal Engineer has requested that further site investigation works into contaminated land are secured by an appropriate planning condition.

### *Education*

1.95 As indicated above, the development would secure through a planning obligation, a contribution towards both primary and secondary education in the main urban area of Hartlepool. The scheme is therefore considered to be acceptable in this respect.

*Agricultural land*

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

*Public Right of way*

1.97 The Council's Countryside Access Officer has requested a new footway to a new road crossing linking the development to the existing footway into Hart village. As per the Traffic and Transport sections comments above, a footway around the site entrance and a new dropped crossing will need to be implemented however it is not considered necessary in highway and pedestrian safety terms to provide a new footway on the southern side of Palace Row.

1.98 As detailed above a planning obligation is required to secure contributions towards Green Infrastructure to improve the site connectivity and to ensure a sustainable form of development. This will take the form of new and relevant access to the south of the A179. This new access would link two important existing public footpaths and provide safe and enjoyable linking access for walkers to use. The contribution can be secured by a planning obligation within the requisite Section 106 legal agreement.

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

**RESIDUAL MATTERS**

1.100 With respect to the concerns regarding maintaining an existing field access to the west of the application site, whilst this is a civil matter and not a material planning consideration, it is noted from the submitted plans that this would be maintained.

**PLANNING BALANCE AND OVERALL CONCLUSION**

1.101 The development is an unallocated site located within the established development limits of the adopted Local Plan. Although the site is not allocated for residential development, such development is not considered to result in an incongruous form of development for the reasons detailed within the main report.

1.102 Notwithstanding this, applications also need to be considered in the context of the presumption in favour of sustainable development and the rest of the policies set out within the NPPF, the Hartlepool Local Plan 2018, the Hartlepool Rural Neighbourhood Plan 2018 and the Planning Obligations SPD 2015.

1.103 It is considered that the proposals are not in compliance with the affordable housing policy of the Hartlepool Rural Neighbourhood Plan 2018, as discussed

above, however the proposals are considered to be in compliance with the policies and guidance set out within the Hartlepool Local Plan 2018 and the Planning Obligations SPD 2015. There are considered to be material benefits arising from the proposed development and, subject to the proposal providing the requisite planning obligations in full in order to mitigate against the adverse impacts of the development, there are no adverse impacts that would significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

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

1.105 The application is therefore considered to constitute sustainable development and is considered to be in general accordance with the principles set out within the NPPF (2018) and the relevant policies of the adopted Hartlepool Local Plan (2018) and the provisions of the adopted Planning Obligations SPD (2015). The application is therefore recommended for approval, subject to the planning conditions set out below.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.106 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

1.107 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.

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

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE** subject to the completion of a legal agreement securing contributions towards primary education (£38,376.45) and secondary education (£25,101.56), built sports provision (£3,250), play facilities (£15,467), playing pitches (£3,042.77), tennis courts (£741.26), bowling greens (£64.61), highway mitigation works (£53,651) and green infrastructure/footpath links (£3,250), and an obligation requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs); securing a local labour agreement; a scheme for the provision, maintenance and long term management of landscaping, and subject to the following conditions;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of

this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

To clarify the period for which the permission is valid.

2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with plan No 16\_002\_001 Rev A (Planning Existing OS Plan) and 16\_002\_002 (Planning Existing Site Plan) date received by the Local Planning Authority 1st February 2017 and amended plan(s) No 16\_002\_101 Rev E (Planning Layout - Draft 3 - Indicative) date received by the Local Planning Authority 28th March 2017.  
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 13 no. dwellinghouses (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 plan No 16\_002\_101 Rev E (Planning Layout - Draft 3 - Indicative) date received by the Local Planning Authority 28th March 2017.  
To ensure a satisfactory form of development.
6. Notwithstanding the submitted information and the measures outlined within the RAB Consultants Drainage Strategy Version 3.0, dated 20th December 2016 (date received by the Local Planning Authority 23rd January 2017), no development shall take place until a scheme for a surface water management system including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to 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 the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.  
To ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

7. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
8. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. 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. archeological 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 the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

9. Prior to the commencement of development, a detailed scheme of soft landscaping, hedge, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of



works. The scheme shall be in general conformity with plan 16\_002\_102 Rev D (Landscape Layout - Draft 3 - Indicative), date received by the Local Planning Authority 28th March 2017 and shall make provision for the use of native species. 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.

10. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.  
To enable the Local Planning Authority to control details of the proposed development, in the interests of the visual amenity of the area and highway safety.
11. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.  
To take into account the position of the buildings and impact on adjacent properties and their associated gardens 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.
12. Notwithstanding the submitted information, details of all walls, fences and other means of boundary enclosure shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter and prior to the occupation of any individual dwelling, the development shall be carried out in accordance with the approved details.

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

13. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.  
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
14. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.  
To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
15. Prior to the commencement of development 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 (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, 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 and in accordance with the provisions of Local Plan Policy QP7 and CC1.
16. Prior to the commencement of the development hereby approved, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply. The development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the dwellinghouse.  
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
17. No development shall take place until a Construction Management Plan has been submitted to and approved in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address

earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan.

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

18. The external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
To enable the Local Planning Authority to control details of the proposed development and in the interests of visual amenity.
19. Notwithstanding the submitted plans, no development shall take place until a detailed scheme for the provision of a footway at the site entrance and a dropped crossing point for pedestrians to gain access from the application site to the footway on the north side of Palace Row has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.  
To enable the Local Planning Authority to control details and in the interests of highway safety.
20. The proposed roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.  
In order to ensure the roads are constructed and maintained to an acceptable standard.
21. No development shall take place until a detailed design scheme for the provision of the proposed internal highway network including roads, footpaths, verges and associated street furniture and infrastructure has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the internal highway network has been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.  
To enable the Local Planning Authority to control details and in the interests of highway safety.

22. 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.
23. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.  
To ensure a satisfactory form of development.
24. The dwellings hereby approved shall not exceed two and a half storeys in height with a maximum height to eaves of 6 metres and ridge of 10 metres.  
In the interests of visual amenity.
25. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of visual amenity and the amenities of the occupants of adjacent residential properties.
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 12, 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 visual amenity.
27. No construction/building works or deliveries shall be carried out except between the hours of 08.00 am and 6.00 pm on Mondays to Fridays and between 09.00 am and 1.00 pm on Saturdays. There shall be no deliveries or construction activity including demolition on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.

## BACKGROUND PAPERS

1.110 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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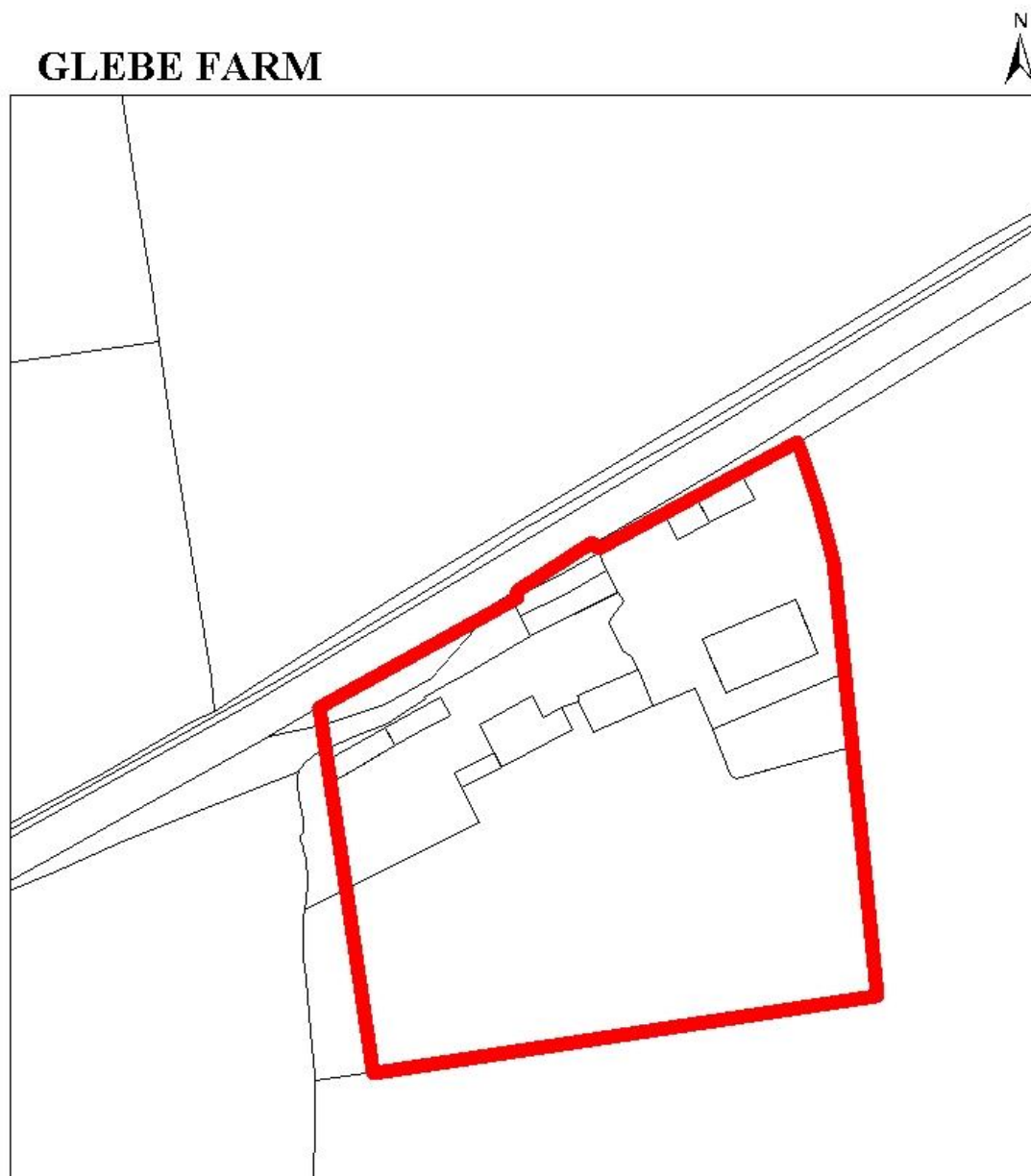
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>23/01/19</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0028</b>	REV





**No:** 2  
**Number:** H/2018/0408  
**Applicant:** MR A COOK Elwick HARTLEPOOL TS27 3EZ  
**Agent:** MR A COOK Amerston Hill Elwick HARTLEPOOL TS27 3EZ  
**Date valid:** 04/10/2018  
**Development:** Retention of existing boathouse building  
**Location:** CROOKFOOT RESERVOIR BOAT HOUSE AMERSTON HILL COAL LANE ELWICK

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## 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 It would be prudent to bring to Members attention that an Enforcement Notice was authorised by Planning Committee on the 12 April 2017 for the removal of an unauthorised building at Crookfoot Reservoir that the current planning application relates to. The Notice was issued on the 4 May 2017 to come into force on 12 June 2017. A retrospective planning application (H/2017/0340) was subsequently submitted on the 20 June 2017 but was withdrawn. Discussions have taken place between the applicant and officers to try to discuss alterations (which have not come forward in the form of a revised proposal). As such a further retrospective application was submitted on the 4 October 2018 which is under consideration of this Committee. The Enforcement Notice has been held in abeyance and no further action has been taken at the time of writing to allow for the consideration and determination of the current planning application.

## PROPOSAL

2.3 Retrospective planning permission is sought for the retention of a boathouse at Crookfoot Reservoir. The boathouse comprises a rectangular shipping container (approx. 22.8 sqm in size) clad in timber with a red tiled roof. There is a glass panelled door and window which looks out across the reservoir.

2.4 The boathouse sits to the south of the reservoir and features timber decking to the north and eastern sides. There is a gate which gives access down a steep grassed area to a floating pontoon. To the rear of the boathouse there is a gravel area which is used for car parking.

2.5 The submitted application states that the boathouse is for recreational purposes only for private use by the applicant.

## SITE CONTEXT

2.6 The site is located to the southern side of Crookfoot Reservoir. The site is accessed via a private road directly off Coal Lane to the north of the site. Crookfoot Reservoir is approximately 17 hectares in size and was built in 1901. The site was previously within the ownership by Hartlepool Water and historically there was a building in approximately the same position as the current building. The reservoir is now within private ownership and is not accessible to the public.

2.7 To the south west of the boathouse on the reservoir, is a small pier and castellated tower. The wider area is characterised by open fields, woodland and dispersed residential dwellings/farms.

2.8 The site is located within a designated Local Wildlife Site and a Special Landscape Area.

## PUBLICITY

2.9 The application has been advertised by way of a site notice and neighbour letters (10). To date, there has been 1 letter of no objection received from a neighbouring property.

2.10 Copy Letters **B**

2.11 The period for publicity has expired.

## CONSULTATIONS

2.12 The following consultation replies have been received:

**HBC Engineering Consultancy** - No objection

**HBC Public Protection** - No objection

**HBC Traffic & Transport** - There are no highway or traffic concerns

**HBC Ecologist** - I have no ecology concerns or requirements. The unit is currently used by nesting house martins and possibly swallows, which is a positive, and artificial nest boxes should be retained if permission is given.

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

**HBC Landscape Architect** - The boathouse and associated structures are visible from the private road between Stotfold Moor and Crookfoot View. The boathouse is viewed as structure perched on the break of slope on the reservoir bank. The white window frames and door units are particularly prominent with a domestic appearance. The route at this point is designated as an aspirational route in

Hartlepool Green Infrastructure document (2014). The site is also in an area designated as Special landscape Area. While Views of the boathouse are intrusive and negatively impact on the landscape from the road between Stotfold Moor and Crookfoot View, this route is not currently designated as a public right of way. The nearest public right of way runs from Coal Lane to the north of the site, to Amerston Hall which is located to the south of the site. The boathouse is 370m from the footpath at its nearest point (Amerston Hill). Views of the site are screened from this public right of way by topography. Views of the site from the footpath network to the north are generally well screened by existing planting. The scale of the Boathouse is similar to the existing Hartlepool water buildings on the northern boundary of the reservoir and has a similar red clay tile roofing material. The building has been present on the site since prior to June 2017. The appearance of the materials of the structure has been subject to some weathering since construction.

The site is located within the undulating farmland landscape type as identified in the Hartlepool Landscape Character Assessment (2000), and is identified as low value with this type. The surrounding landscape context of the site is however blocks of high value Undulating Farmland. The current character of the landscape is one of scattered farms and associated structure and buildings, agricultural fields and woodland blocks. There are some retained elements of infrastructure associated with the reservoir use. The boathouse is currently the only recreational structure associated with the reservoir. The planning statement states that boathouse is only used for recreational purposes on approximately 10 days per year. It considered that any intensification of use could potentially negatively impact on landscape character through an increase of traffic where the public right of way is coincident with the current access track.

**HBC Arborist** - No objections.

**Elwick Parish Council** - No objections.

**Hartlepool Rural Working Group** – The group have no comments to make.

## **PLANNING POLICY**

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

### National Planning Policy Framework (NPPF)

2.14 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an

up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA048: Determining Applications

PARA 054: Planning conditions and obligations

PARA 055: Planning conditions and obligations

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA170: Conserving and enhancing the natural environment

### Hartlepool Local Policy

2.15 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 – Location Strategy

QP3 – Location, Accessibility, Highway Safety and Parking

QP4 – Layout and Design of Development

QP5 – Safety and Security

NE1 – Natural Environment

RUR1 – Development in the Rural Area

### Hartlepool Rural Neighbourhood Plan

2.16 The following policies are considered to be relevant;

GEN1: Development Limits

GEN2: Design Principles

NE1: Natural Environment

### **HBC Planning Policy Comments**

2.17 Planning Policy object to the development.

2.18 The development is located in one of the few areas of special landscape character in the Borough, designated as a Special Landscape Area by virtue of policy NE1 (Natural Environment) of the recently adopted Local Plan (2018). Policy NE1 protects locally designated sites from development which would adversely affect them and states that any development within the Special Landscape Areas must not have an adverse impact on the area's landscape character. Similarly, policy RUR1 (Development in the Rural Area) of the Local Plan specifies that the rural area is to be protected and enhanced and that any development must not have a detrimental impact on landscape character. Policy QP4 (Layout and Design of Development) states that development should reflect and enhance the distinctive features, character and history of the local area and blend seamlessly with its surroundings.

2.19 The Council seeks to retain the status of the Special Landscape Area by prohibiting inappropriate development. The site is largely open and as such, the cabin is clearly visible across the reservoir and wider area. Planning Policy therefore agree with the view of the Council's Landscape Architect that views of the boathouse are intrusive and negatively impact on the landscape from the road between Stotfold Moor and Crookfoot View. This is exacerbated by the cabin's domestic appearance, prominent red colour tiled roof and the hard standing/gravel adjacent which could encourage vehicles and other associated paraphernalia to be sited adjacent. Whilst it is acknowledged there is currently no public access to this route, part of the route has been identified as an aspirational leisure route in the Council's Green Infrastructure SPD Action Plan. It is acknowledged that although the development is fairly small, the development is not in keeping with the local landscape character.

2.20 The need to protect and enhance valued landscapes is reinforced in paragraph 170 of the NPPF, and this in combination with the Local Plan policies leads planning policy to come to the view that the building constitutes inappropriate development and it is therefore contrary to policies NE1, RUR1 and QP4.

## **PLANNING CONSIDERATIONS**

2.21 The main issues for consideration when assessing this application are the principle of development (and whether the development is compliant with the guidance within the National Planning Policy Framework (NPPF) and policies the Hartlepool Local Plan) and the impact on the character and appearance of the surrounding area, potential impact upon the amenity of neighbouring land users, ecology and highway safety.

### **PRINCIPLE OF DEVELOPMENT (AND IMPACT ON CHARACTER OF THE AREA)**

2.22 Paragraph 8 of the NPPF sets out the three components of sustainable development and states that sustainable development should contribute to protecting and enhancing the natural environment.

2.23 Policies RUR1 and NE1 of the Hartlepool Local Plan requires any development in this location enhances the quality, character and distinctiveness of the immediate area and landscapes and does not have a detrimental impact on the landscape character or setting.

2.24 With respect to the Crookfoot Reservoir Local Wildlife Site, Policy NE1(c) states that development likely to have a significant adverse effect on a site of nature conservation importance will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature conservation value of the site.

2.25 The structure is located within one of the few areas of prestigious landscape character in the Borough and it is the intention of planning policy to seek to retain the most prestigious areas in a bid to maintain their status. The site is largely unscreened and as such the structure is clearly visible across the reservoir and wider rural area. It is considered that this location is not suitable for this type of structure and that the development is not in keeping with the local rural character, particularly given that the structure as built is not a functional boathouse clearly related to the reservoir. Furthermore, should vehicular traffic have access to the structure, this is likely to generate/encourage further visual intrusion into the rural landscape through parking of cars/boats adjacent to the reservoir.

2.26 The building sits on a rise and is prominent in a relatively open landscape. Further consideration of the landscape impact is set out in the above comments from the Council's Landscape Architect. It is considered on balance, that the proposal would represent an unacceptable visual intrusion into the open countryside which would have an adverse impact on the surrounding landscape.

2.27 Given the design and location of the structure, it is considered that the development is visually intrusive within its setting and has a detrimental impact on the landscape character of the Special Landscape Area, contrary to policies RUR1 and NE1 of the Hartlepool Local Plan.

2.28 Whilst each application should be considered on its own merits, proposals for similar structures in the vicinity have been refused planning permission for reasons including the unacceptable visual intrusion into the open countryside and the consideration of the current application is consistent in this approach.

#### AMENITY OF NEIGHBOURING PROPERTIES

2.29 The closest residential property is along the access lane consisting of Crookfoot House. The separation between the dwelling and the application site more than exceeds the requirements of guidance within the Local Plan. No objections have been received from HBC Public Protection. Therefore it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking, loss of light or appearing overbearing, or result in an adverse increase in noise disturbance.

#### ECOLOGY

2.30 No objections have been received from the Council's Ecologist. The building is currently used by nesting house martins and possibly swallows, which is a positive aspect of the development and artificial nest boxes would need to be retained. This

could have been conditioned had the proposal been considered acceptable in all respects.

## **HIGHWAY & PEDESTRIAN SAFETY**

2.31 The Council's Traffic and Transport section and Countryside Access Officer have both been consulted on the development and have raised no objections. Therefore it is not considered that the proposal would result in an adverse impact upon highway and pedestrian safety.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.32 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

2.34 There are no Section 17 implications.

## **REASON FOR DECISION**

2.35 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 development represents an unacceptable visual intrusion into the open countryside that results in an adverse impact on the surrounding area which consists of a designated Special Landscape Area, contrary to policies NE1, RUR1 and QP4 of the Hartlepool Local Plan (2018) and paragraph 170 of the National Planning Policy Framework 2018. It is not considered that any benefits arising from the development would outweigh the detrimental visual impact arising from the development.

## **BACKGROUND PAPERS**

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



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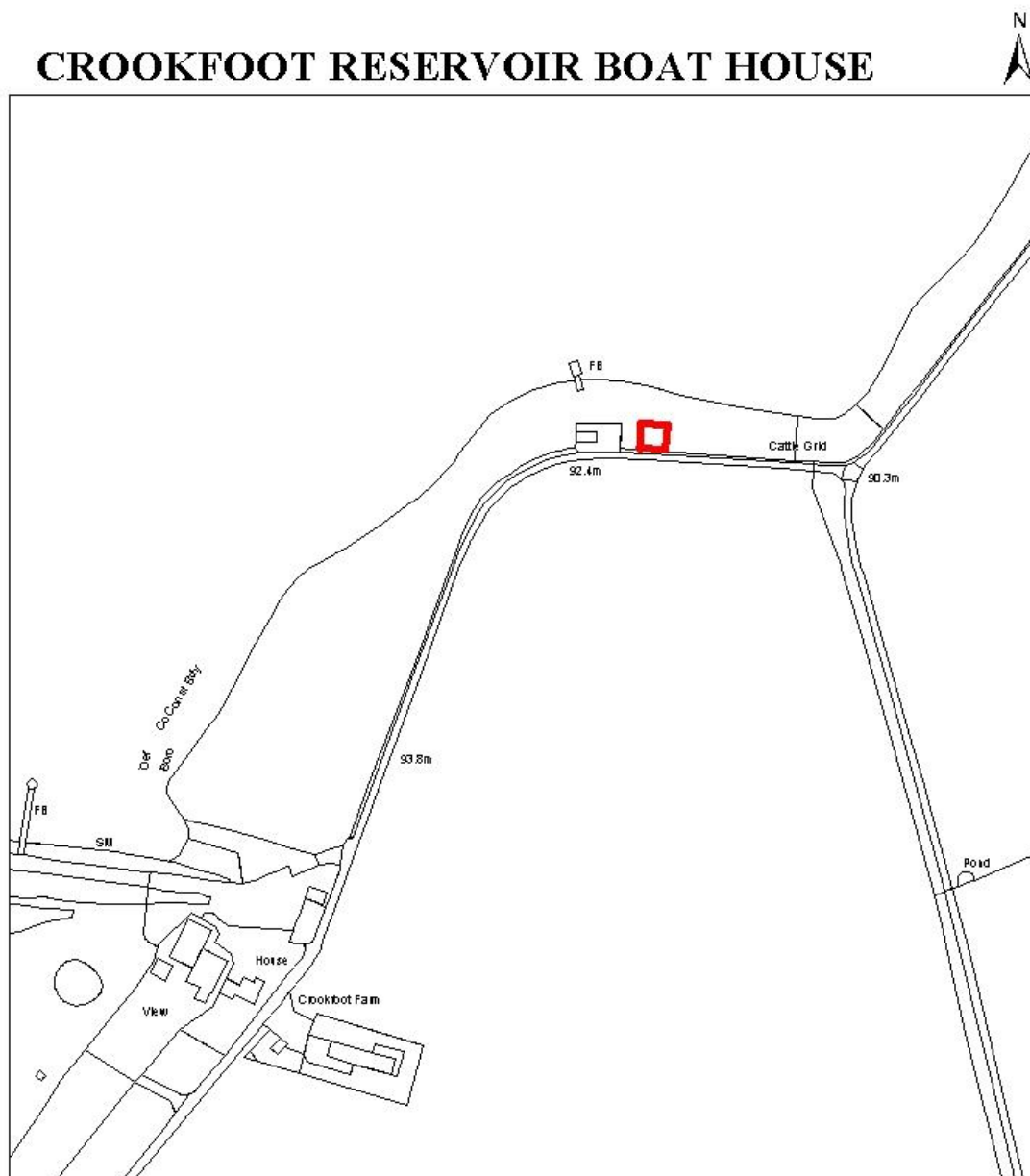
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## CROOKFOOT RESERVOIR BOAT HOUSE



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<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>GS</b>	DATE <b>23/01/19</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0408</b>	REV



**No:** 3  
**Number:** H/2018/0511  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL  
**Agent:**  
**Date valid:** 20/12/2018  
**Development:** Change of use from a C3 dwellinghouse (C3 Use) to residential children's home (C2 Use)  
**Location:** 15 ST DAVIDS WALK HARTLEPOOL HARTLEPOOL

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## 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.

## PROPOSAL

3.2 The application seeks a change of use from a dwellinghouse to a residential children's home. The children's home will be registered with Ofsted to accommodate up to two young people at any one time, with two members of staff. No external alterations are proposed.

## SITE CONTEXT

3.3 The application site is a mid-terrace two storey property on St Davids Walk in the Throston Grange area of the town. The property has a kitchen and living room on the ground floor and 3 bedrooms and bathroom at first floor. The property has a front garden which is enclosed by a 1m high (approx) wall with pedestrian gate, and a rear yard area which is enclosed by a 2m high closed boarded fence and access gate. The area is predominately residential in character, with a local centre within walking distance and access to a local bus service. There are schools within the area.

## PUBLICITY

3.4 The application has been advertised by way of neighbour letters (5) and site notice. To date, there have been 4 letters of objection.

3.5 The concerns raised in the objections relate to:

- Lack of car parking
- Antisocial behaviour
- Noise and disturbance

3.6 Copy Letters **C**

3.7 The period for publicity has expired.

## CONSULTATIONS

3.8 The following consultation replies have been received:

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

**HBC Public Protection** – No objections.

**HBC Community Safety and Engagement Team** –In terms of anti-social behaviour (ASB) and crime analysis it is not considered the development area, or the bordering estate to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town.

**Cleveland Police** – Comments awaited.

## PLANNING POLICY

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

### National Planning Policy Framework (NPPF)

3.10 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.

3.11 The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA124: Achieving well-designed places  
PARA 130: Achieving well-designed places

### Hartlepool Local Plan

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

CC1: Minimising and adapting to climate change  
HSG11: Extensions and alterations to existing dwellings  
LS1: Locational Strategy  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
SUS1: The Presumption in Favour of Sustainable Development

**HBC Planning Policy** – No objections to the proposal.

### **PLANNING CONSIDERATIONS**

3.13 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the area, the amenity of neighbouring properties and the impact on highway safety and parking. These and any other matters are considered as follows;

#### **PRINCIPLE OF DEVELOPMENT**

3.14 The application site is located in a predominantly residential area, therefore the principle change of use to a C2, which is a residential use, is acceptable in planning policy terms. As detailed above the Council's Planning Policy section have raised no objections to the proposed development. As such the proposal is considered to be acceptable in principle subject to consideration of material planning considerations as detailed below;

#### **IMPACT ON EXISTING DWELLING CHARACTER OF SURROUNDING AREA**

3.15 In terms of design and appearance, the proposed change of use does not propose any external alterations to the property and therefore considered to be in keeping with the character of the existing dwelling and the street scene.

3.16 The proposed use is not considered to generate any significant additional traffic or visitation to the property over and above its current use (a single household), and therefore it is not considered that the proposed use would lead to a detrimental impact on the residential character of the area.

3.17 The proposed use is considered to accord with the provisions of Policies HSG11 and QP3, 4, 5 and 6 of the Hartlepool Local Plan 2018 and paragraph 127 of the NPPF as the proposed development is considered to be of a nature that respects

the character and appearance of the existing dwelling and application site as a whole. Furthermore there are no external alterations proposed.

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

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.19 It is not considered that the amenity and privacy of the neighbouring properties would be adversely impacted by the proposed development, given that there are no proposed alterations to the fenestration of the existing property, nor will there be a significant increase in the total number of occupants. The use of the property will be for the accommodation of up to 2 children (at anyone time) within the age range of 5yrs – 18yrs and 2 members of staff. It is considered that the overall use of the premises will not be significantly different in terms of a single household. It is considered that in practice the day to day activity and operation of the premises would not be detrimental to the neighbouring land users.

3.20 The Council's Public Protection team have been consulted and raised no objection to the proposed change of use. Overall, it is considered that the proposal would not result in an adverse loss of amenity and privacy or noise disturbance for neighbouring properties.

#### HIGHWAY SAFETY AND PARKING

3.21 Objections have been received regarding insufficient parking being provided. There is permit parking area in close proximity to the property. The access to the property remains as existing. HBC Traffic and Transport team have been consulted and raise no objection to the proposal.

3.22 The proposal is considered acceptable in terms of highway and pedestrian safety.

#### OTHER PLANNING MATTERS

##### *Anti Social Behaviour*

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

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

3.25 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that the proposed scheme will lead to an increase in anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed use, any potential problems arising from this behaviour would need

to be dealt with by the appropriate authorities such as the Police Service or the Community Safety and Engagement team and such concerns would not be of sufficient weight to warrant refusal of the application (comments are awaited from Cleveland Police' and Members will be updated at the meeting of any comments received).

3.26 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above and subject to no objections from Cleveland Police, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to saved Policy QP5 and would accord with the guidance in the NPPF, in this respect.

## RESIDUAL MATTERS

3.27 A number of non material planning objections have been raised e.g bungalows should be for elderly, other premises are empty, grass not being cut. Section 70 of the Town and Country Planning Act 1990 states that Local Planning Authorities must have regard to any material planning considerations in the determination of planning applications.

3.28 However, the points raised within this objection are immaterial in the planning consideration of this proposal, and primarily relate to the management of the premises which would be controlled by bodies external to the planning process. Therefore, these matters have not been taken into consideration.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.29 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.31 There are no Section 17 implications.

## REASON FOR DECISION

3.32 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 satisfactory comments being received from Cleveland Police and subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.



To clarify the period for which the permission is valid.

2. The development hereby permitted shall be carried out in accordance with the plans Existing Plans 'Rev O' and Proposed Plans 'Rev O', location plan (at 1:1250) and details received by the Local Planning Authority on 19 December 2018.  
For the avoidance of doubt.

## **BACKGROUND PAPERS**

3.33 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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>21/02/19</b>
	SCALE <b>1:1,000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0511</b>	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

6 March 2019



**Report of:** Assistant Director (Economic Growth and Regeneration)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 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. Non-compliance with a landscaping condition at a commercial development site on Brenda Road.
2. The erection of a timber clad rear extension at a residential property in Salcombe Drive.
3. The installation of pole mounted CCTV cameras at a residential park homes site on Easington Road.
4. Non-compliance with conditions relating to surface water disposal, glazed panels within the roof slope, and alterations to the openings in the building at a commercial development site in Windermere Road.
5. Non-compliance with conditions relating to protection of a boundary wall, protection of trees and hedges, a scheme for dust suppression, wheel washing facilities, storage for brick and rubble, and permitted working hours at a household development site on Front Street, Hart Village.
6. Earth tremors at a property adjoining a residential development site at land off Coniscliffe Road.
7. The change of use to a hot food takeaway of a former shop on Raby Road.
8. Non-compliance with a condition relating to the playing of amplified sound at a licensed premises at Navigation Point.
9. A re-roof at a residential property in Grange Road.

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

1. The location and height of a spoil heap at a school redevelopment site in Elwick Road. It was found that the spoil heap is located in accordance with the approved details. The height of the spoil heap is not restricted under planning legislation.
2. The erection of a high fence on the side boundary to the front of a residential property in South Parade. Permitted development rights apply in this case.
3. Non-compliance with a landscaping condition at a residential development site on Elwick Road. It was found that the landscaping has been implemented in accordance with the approved details.
4. The proposed removal of trees and shrubs at a school site on Owton Manor Lane. There is no planning related restriction on the removal of trees and shrubs in this case.
5. The location of boundary fences and creation of an area of untidy land between two residential development sites on Brierton Lane. It was found that no breach of planning control had occurred.
6. Alterations to an office shop front, including the removal of bay windows to the side and the installation of roller shutters. Permitted development rights apply in this case.
7. Non-compliance with a condition relating to wheel wash facilities at a quarry site on Hart Lane. It was found that the site is operating in accordance with the relevant condition. The complaint was redirected to the Council's Traffic and Transport section for action as appropriate.
8. Non-compliance with a condition relating to wheel wash facilities at a school redevelopment site in Elwick Road. It was found that the site is operating in accordance with the relevant condition.
9. The display of advertisements at residential development sites at Wynyard Village. A retrospective application seeking to regularise the display of the advertisements has since been approved.
10. The erection of an outbuilding in the rear garden of a residential property in Armadale Grove. Permitted development rights apply in this case.
11. A detached garage not built in accordance with the approved plans at a residential property in Elwick Road. A retrospective planning application seeking to regularise the development has since been approved.
12. The erection of a single storey extension to the rear of a residential property in Catcote Road. A retrospective planning application seeking to regularise the development has since been approved.
13. Non-compliance with a landscaping condition at a fast food outlet on Burn Road. The landscaping condition has since been complied with.

14. Non-compliance with a condition relating to the installation of composite door and external roller shutter at a commercial premises in Tower Street. The unauthorised composite door has now been replaced with a timber door, and the unauthorised external roller shutter has now been removed.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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