

# PLANNING COMMITTEE

## AGENDA



**Wednesday 3 April 2019**

**at 10.30am**

**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 March 2019

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

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

- |    |             |                                                                            |
|----|-------------|----------------------------------------------------------------------------|
| 1. | H/2018/0408 | Crookfoot Reservoir, Boat House, Amerston Hill, Coal Lane, Elwick (page 1) |
| 2. | H/2015/0281 | Seaview Park Homes, Easington Road (page 11)                               |
| 3. | H/2018/0488 | Land at Worset Lane (page 35)                                              |
| 4. | H/2018/0490 | Land at Newholm Court and Lealholm Road (page 61)                          |
| 5. | H/2019/0001 | Land adjacent to 11 Spenser Grove (page 83)                                |
| 6. | H/2019/0037 | Side Garden Area, Hillview, 55 Wooler Road (page 91)                       |
| 7. | H/2019/0057 | 89 Elwick Road and 1 Grasmere Street (page 109)                            |
| 8. | H/2018/0406 | 99 Intrepid Close, Seaton Carew (page 119)                                 |

#### 5. **ITEMS FOR INFORMATION**

- 5.1 Appeal at land to the front of Dene Garth and North View, Dalton Piercy - *Assistant Director (Economic Growth and Regeneration)*



- 5.2 Appeal at Morrisons, Clarence Road, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 5.3 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 Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.3 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.4 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.5 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.6 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.7 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.8 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*

**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 8 May 2019.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **6 March 2019**

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

**Present:**

Councillor: Rob Cook (In the Chair)

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

Officers: Jim Ferguson, Planning and Development Manager  
Ryan Cowley, Senior Planning Officer  
Jane Tindall, Senior Planning Officer  
Kieran Bostock, Transport and Infrastructure Manager  
Matthew King, Planning Policy Team Leader  
Sylvia Pinkney, Head of Public Protection  
Andy Maughan, Solicitor  
Denise Wimpenny, Principal Democratic Services Officer

### **107. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Allan Barclay and George Morris.

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

Councillor James advised that the applicant, who was in attendance to present the planning application H/2018/0511 (Change of use from a dwelling house to a residential children's home at 15 St David's Walk, Hartlepool), was a Hartlepool Borough Council member of staff and known to Members.

Councillor Young declared a personal interest in relation to planning application H/2018/0408 (Retention of existing boat house building).

### **109. Confirmation of the minutes of the meeting held on 6<sup>th</sup> February 2019**

Confirmed.

## 110. Planning Applications *(Director of Regeneration and Neighbourhoods)*

---

**Number:** H/2018/0408

**Applicant:** MR A COOK, ELWICK, HARTLEPOOL, TS27 3EZ  
MR A COOK, AMERSTON HILL, ELWICK,

**Agent:** HARTLEPOOL, TS27 3EZ

**Date received:** 04/10/18

**Development:** Retention of existing boathouse building

**Location:** CROOKFOOT RESERVOIR BOAT HOUSE,  
AMERSTON HILL, COAL LANE, ELWICK

It was agreed that a site visit be held to enable Members to establish the exact location of the boat house prior to a decision being taken.

**Decision:** **Deferred for a site visit**

---

**Number:** H/2017/0028

**Applicant:** MR BRETT WILKINSON, PARK VIEW ROAD, WEST  
PARK VIEW INDUSTRIAL ESTATE, HARTLEPOOL  
TS25 1PE

**Agent:**

**Date received:** 20/2/2017

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

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

The Planning Officer introduced the report and highlighted a minor amendment to condition 3 to remove an erroneous reference to the indicative planning layout drawing.

Members approved the application by a majority.

**Decision:** Minded to **APPROVE OUTLINE PLANNING PERMISSION** 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.

### 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) the means of access there to 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.  
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.

---

**Number:** H/2018/0511

**Applicant:** HARTLEPOOL BOROUGH COUNCIL 15 ST DAVID'S WALK, HARTLEPOOL

**Agent:** HARTLEPOOL BOROUGH COUNCIL, MRS SYLVIA LOWE, 15 ST DAVID'S WALK, HARTLEPOOL

**Date received:** 20/12/2018

**Development:** Change of use from a dwelling house (C3 Use) to residential children's home (C2 Use)

**Location:** 15 ST DAVID'S WALK, HARTELPPOOL

The Planning Officer introduced the report and outlined the background to the proposals.

A Member expressed disappointment that the report had not considered the provision of sprinklers given that this was a building of multiple occupation.

The Planning and Development Manager advised that this had been discussed in the past and the issue was not a planning matter. Children's Homes were not included in the categories of development to which the policy was to be applied. Discussion ensued in relation to the type of buildings in which the sprinkler policy should apply as well of the benefits of properties of this type being fitted with sprinklers. A Member commented that given such properties involved the accommodation of vulnerable people that the sprinkler policy should apply.

In response, Members were provided with background information in relation to the debate which had taken place leading to the decision taken in this regard. The Solicitor reminded Members that this was a building regulation matter and the issue as to whether sprinklers were fitted or not was not a material planning

consideration or legal factor for Members consideration at Committee today. A Member, who was also an appointed representative of the Cleveland Fire Authority, expressed disappointment that the provision of sprinklers had not been suggested by the Fire Authority and proposed that the application be amended to include the need for fire suppression. Following a number of views expressed in favour of the inclusion of sprinklers, the benefits of which were outlined, it was suggested that this policy be further considered by the appropriate Committee. The applicant advised that they were happy to consider the installation of sprinklers and provided assurances that the appropriate inspection checks had been carried out at the property, details of which were provided and it was highlighted that the children would be fully supervised by adult staff at all times.

The applicant, who was in attendance spoke in support of the application. The applicant reassured Members that the intention was for the children's home to be a small family home accommodating a maximum of two young people at any one time who would be fully supervised by two members of staff. In relation to the objections that had been received, reference was made to the proven track record and experience of the registered manager who had not experienced any significant problems in neighbourhoods in terms of anti-social behaviour or noise disturbance. The concerns relating to a lack of car parking had been considered and there was a commitment from the applicant to respect the neighbours' access needs.

In the debate that followed, the Committee discussed the proposals including the representations made and expressed disappointment regarding the negative perceptions around the links between looked after children and anti-social behaviour. Whilst Members were in support of the application, they were keen to see the issue around sprinklers further explored.

Members approved the application by a majority and requested that the sprinkler policy be further considered by the appropriate Committee.

**Decision:** **Planning Permission Approved subject to satisfactory comments being received from Cleveland Police**

### **CONDITIONS AND REASONS**

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

The Committee considered representations in relation to this matter.

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

Members were informed of 9 ongoing issues currently being investigated and 14 completed investigations.

## **Decision**

That the report be noted.

# **112. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 113 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 114 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 115 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be

maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

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

Members considered a request to issue an enforcement notice. Further details were provided in the closed minutes.

#### **Decision**

Details were provided in the closed section of the minutes.

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

Members considered a request to issue an enforcement notice. Further details were provided in the closed minutes.

#### **Decision**

Details were provided in the closed section of the minutes.

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



direction under any enactment.

Members considered a request to issue an enforcement notice. Further details were provided in the closed minutes.

### **Decision**

Details were provided in the closed section of the minutes.

The meeting concluded at 10.48 am

CHAIR

**No:** 1  
**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

---

## PURPOSE OF REPORT

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

## BACKGROUND

1.2 This application was deferred at the meeting of 6 March 2019 to allow for a site visit to be carried out.

1.3 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

1.4 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.

1.5 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.

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

## SITE CONTEXT

1.7 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.

1.8 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.

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

## PUBLICITY

1.10 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.

1.11 Copy Letters **A**

1.12 The period for publicity has expired.

## CONSULTATIONS

1.13 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**

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

### National Planning Policy Framework (NPPF)

1.15 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. 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

1.16 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

1.17 The following policies are considered to be relevant;

GEN1: Development Limits

GEN2: Design Principles

NE1: Natural Environment

### **HBC Planning Policy Comments**

1.18 Planning Policy object to the development.

1.19 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.

1.20 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.

1.21 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**

1.22 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)**

1.23 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.

1.24 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.

1.25 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.

1.26 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.

1.27 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.

1.28 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.

1.29 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

1.30 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

1.31 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**

1.32 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**

1.33 There is no evidence of equality or diversity implications.

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

1.34 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.

1.35 There are no Section 17 implications.

## **REASON FOR DECISION**

1.36 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 2019. It is not considered that any benefits arising from the development would outweigh the detrimental visual impact arising from the development.

## **BACKGROUND PAPERS**

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

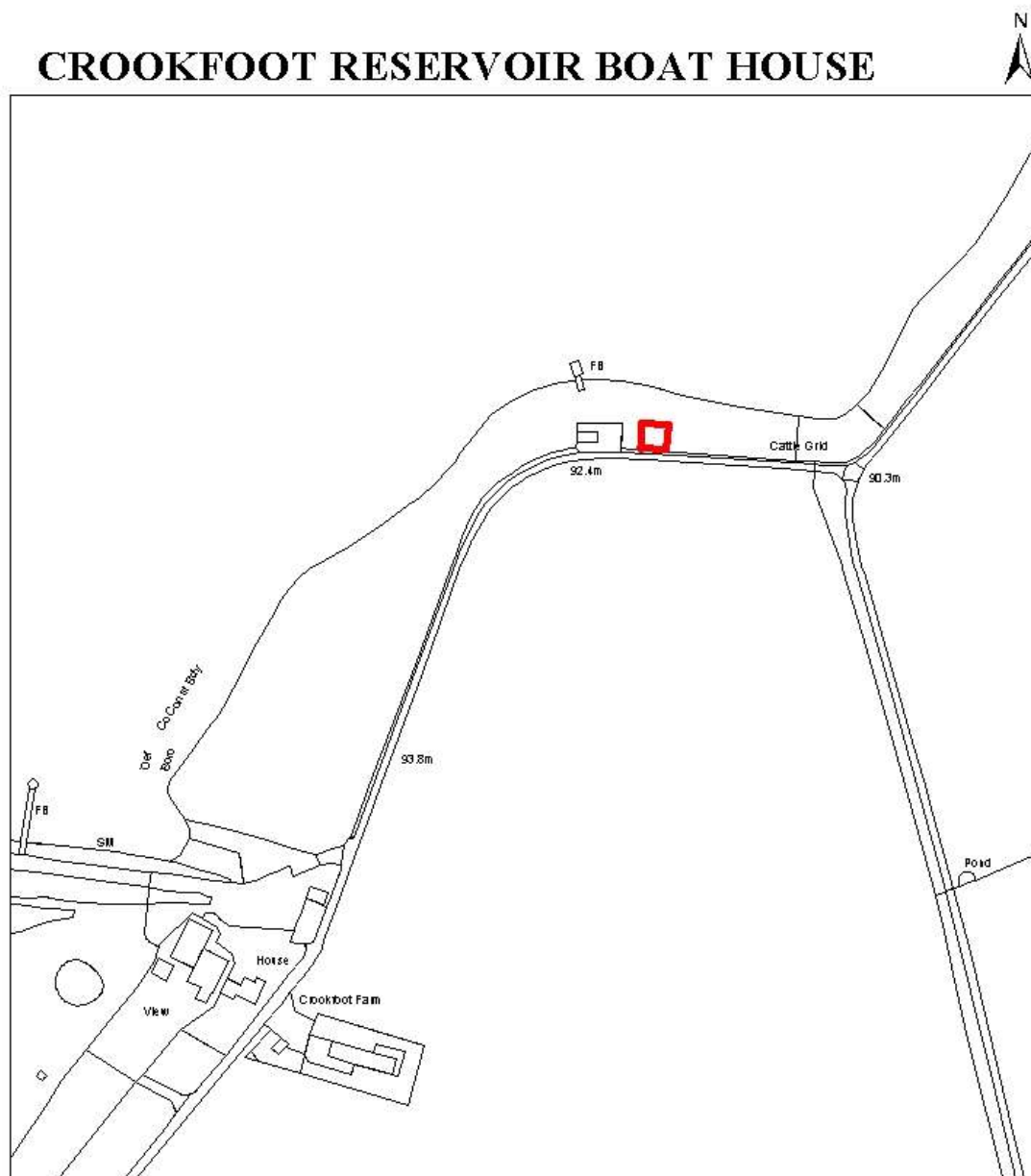


## **CONTACT OFFICER**

- 1.38 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY
- Tel: (01429) 523596  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

## **AUTHOR**

- 1.39 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY
- Tel: 01429 523284  
E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	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:** 2  
**Number:** H/2015/0281  
**Applicant:** Hill Enterprises Ltd MORECAMBE Lancashire LA4 9BB  
**Agent:** Leith Planning 14 South Clifton Street Lytham FY8 5HN  
**Date valid:** 14/07/2015  
**Development:** Outline application with some matters reserved for the erection of up to 195 dwellings  
**Location:** SEAVIEW PARK HOMES EASINGTON ROAD  
HARTLEPOOL HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The application was withdrawn from the January 10<sup>th</sup> 2018 committee agenda, following the request of the applicant to withdraw matters of 'scale' from this application, including the submitted indicative layout and section plans. The application seeks to secure the principle of development and access only. The proposal is set out in full below.

2.3 The following planning applications are considered to be relevant to the current application site;

2.4 HFUL/1989/0290 – Use of land to site 50 additional caravans, removal of condition 1 on permission 2809 requiring removal of holiday caravans in winter, siting of warden's residential caravan. Allowed at appeal.

2.5 H/RES/1995/0612 – Approval of siting, design and external appearance of mobile homes, means of access and landscaping of site as reserved under application H/FUL/1989/0290. Approved.

2.6 At the time of writing it has not been established whether the approvals above were implemented and remain extant, the appropriate route for the applicant to do so would be via an application for a Lawful Development Certificate.

## PROPOSAL

2.7 This application seeks outline planning permission (with some matters reserved) for residential development for up to 195 dwellings. The applicant is seeking consent at this stage for the principle of the development and the means of access to the site; matters of scale, appearance, layout and landscaping of the site (the reserved matters) are reserved for future approval.

2.8 Following the initial assessment of the application and receipt of consultation responses, a number of issues were raised in respect of the scheme, primarily relating to the principle of development, highways matters, ecology, design, scale, layout and concerns over the housing density. A number of revisions to the proposed plans and additional information have been submitted in order to seek to address these issues, however references to scale have been withdrawn rather than those concerns addressed. These matters will be considered in further detail within the main body of the report.

2.9 Access is proposed to be taken from Easington Road to the west of the site, located to the southern side of the existing park homes. It is proposed to introduce highway improvements to accommodate the proposed access, including a right turn only lane southbound on Easington Road, relocation of the existing bus stop on the southbound side of the road and a new pedestrian refuge point to the north of the proposed access to allow pedestrians to cross.

2.10 The submitted Planning Statement indicates that permission is sought for up to 195 dwellings including a mixture of house types and sizes, notwithstanding that the applicant has since decided not to include matters of scale in the consideration of this application and therefore references to the nature and size of house types cannot be secured as part of this application. The application is also accompanied by a Transport Assessment and Travel Plan, Flood Risk Assessment, Ecology Statement, Phase 1 Habitat Survey and Arboricultural Report.

2.11 The application has been referred to the Committee as more than 3 objections have been received and the proposals are a departure from the Local Plan, in accordance with the Council's scheme of delegation.

## **SITE CONTEXT**

2.12 The application relates to land at Seaview Park Homes, located west of Easington Road, Hartlepool. The total application site area is approximately 7.2ha. Land to the northeast of the site is also in the ownership of the applicant (approximately 1.4ha) and is developed with park homes. The site has been in use as a caravan park for a number of decades, with various permissions being granted for some parts of the site to be developed with residential park homes, some of which appear to have no restrictions on the nature of the occupancy of caravans. It is not clear, however whether those permissions were implemented and would therefore allow future development of the site. Should the applicant wish to determine whether such an extant permission(s) exists, they would be required to provide sufficient evidence as part of an application for a Lawful Development Certificate.

2.13 The eastern boundary of the site is delineated by Easington Road (A1086), to the south is a public right of way, beyond which is existing residential development extending westward for approximately half of the extent of the application site. A small area of land to the south of the public right of way and within development limits, is subject to an ongoing outline planning application for 50 dwellings on land at Nelson Farm that the Council is minded to approve subject to a section 106 agreement (application reference H/2015/0283).

2.14 Beyond the neighbouring site for which development is proposed, there are open fields to the south, west and north of the application site. The southern boundary of the site follows the limit to development identified within the Hartlepool Local Plan 2018 and is allocated as Strategic Gap. As such, the application site reflects the transition from the urban area of the town to the rural area beyond.

2.15 There are notable changes in levels across the site, principally either side of the watercourse that runs through the centre of the site (east to west).

2.16 Since submission of the application a number of trees and vegetation have been removed from the site, however these were not formally protected and therefore did not require permission prior to the works being carried out.

## **PUBLICITY**

2.17 The application was advertised by way of neighbour letters, site notices and a press notice. Following the submission of amended plans and the removal of scale (which means 'the height, width and length of each building proposed') as a matter for consideration, additional neighbour consultations have been undertaken.

2.18 To date, 52no letters of objection have been received, including multiple objections from the same individuals following separate rounds of consultation and a 38 signatory petition. These objections and concerns can be summarised as follows:

- Noise and disruption during construction,
- Loss of privacy/overlooking,
- Works have commenced on site prior to permission being granted,
- Loss of wildlife habitat,
- Increase in traffic, associated noise and air pollution in the area,
- Proposed access would create a highway safety issue,
- Loss of amenity with families living in an area intended to be retirement properties (park homes),
- Increased flood risk,
- Existing park homes site is poorly maintained,
- Loss of trees,
- Loss of view,
- Lack of green space within the development,
- Change in character of a rural area,

- Potential structural damage to park homes due to their construction (no foundations),
- A lack of a 5 year housing supply should not result in otherwise unsustainable developments being approved,
- Dog fouling on Nelson Farm Lane could be made worse,
- Existing hedges should be protected and enhanced.

## 2.19 Copy Letters B

2.20 The period for publicity has expired.

## CONSULTATIONS

2.21 The following consultation replies have been received:

**HBC Traffic and Transport:** I refer to my previous comments from the 14<sup>th</sup> November 2017, the developer has made a number of amendments to the junction design including the relocation of the junction northwards by a few metres and the relocation of a pedestrian refuge. This now allows refuse vehicles and other large vehicles to travel between the proposed access and Hartville Road in a safe manner. The proposed access is shown on plan NTP-17025 -003 rev A is now acceptable and can accommodate a development of 195 Properties.

In capacity terms the size of the development would not constitute a severe impact on the surrounding highway network, there would therefore be no requirements for further mitigation on local junctions.

The developer should provide staggered junction warning signs from both approaches to the development.

**HBC Engineering Consultancy:** (confirmed verbally) Phase 1 survey submitted regarding contamination is acceptable and phase 2 can be conditioned. Standard pre-commencement conditions regarding drainage would be required.

## **HBC Ecologist:**

The applicant has committed to a financial contribution, to off-set habitat loss, of £150/house 'for habitat improvements on Hartlepool BC owned land, specifically improving neglected Local Wildlife Sites through management'. This remains satisfactory and the sum should be secured via a planning agreement.

## Habitat Regulations Appropriate Assessment carried out 28.11.2018 (summary)

That HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

- Teesmouth and Cleveland Coast SPA and Ramsar and pSPA.
- Northumbria Coast SPA and Ramsar.

- Durham Coast SAC.

That HRA stage 1 screening screened in the following LSE:

- Recreational disturbance.
- Atmospheric pollution.
- Nutrient enrichment.
- Trampling of SAC vegetation communities.

This HRA Appropriate Assessment (AA) assesses these effects. Mitigation measures to remove potential Adverse Effects On Integrity (AEOI) caused by the LSE are assessed and evidence provided to support the case for these measures removing adverse impacts.

Secured mitigation measure:

A financial contribution to the Hartlepool HRA Mitigation Strategy and Delivery Plan of £250/dwelling = £48,750.

**HBC Arboricultural Officer:** I have reviewed the arboricultural impact assessment that has been submitted in support of the application and have conducted a site visit to verify the findings of the assessment.

The arboricultural impact assessment provides details of the tree cover at the site which mainly consists of areas of tall scrub with occasional groups and individual trees. The majority of the scrub areas and trees are located within a wooded gully with a small watercourse that runs west to east through the site. The hedgerows to the boundaries of the site are also included.

The assessment has categorized the majority of the scrub areas and trees as of low value in arboricultural terms. A small number of individual trees and tree groups have been identified as being more prominent and providing good visual amenity for the surrounding area and therefore have been categorized as of moderate value.

The assessment advocates the clearance of the majority of the trees and scrub in order to facilitate the development. A number of the moderate value trees are shown to be retained, along with the hedge that runs along the site's southern boundary; however as these form only a small proportion of the total tree/scrub cover, the overall effect of the proposal will lead to a considerable change in the character of the site.

Given the low value of the majority of the trees and scrub areas in terms of public visual amenity it is not considered appropriate to insist on their retention and legal protection by means of a tree preservation order. Therefore, somewhat regrettably, it is considered that the proposal is acceptable in terms of its impact upon tree cover at the site.

The retained trees at the site will require protection by temporary barriers during the development phase. To that end, the submission of an arboricultural method statement should form part of a reserved matters application or be required by condition.



A general indication of landscaping for the proposed development has been submitted which includes extensive new tree planting throughout the site and an amenity green space along the realigned watercourse. The outline landscape proposal appears generally acceptable, and in the long term should make a positive contribution to public visual amenity, however there is insufficient information to enable a full assessment of the proposal therefore it is recommended that full landscaping details form part of a reserved matters application or be required by condition.

**HBC Public Protection:** No objections to this proposal subject to the following conditions:

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

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

**HBC Countryside Access Officer:** I have some comments to make along with some questions relating to the pedestrian route located within the proposed development and parallel to the existing public bridleway. These questions would be best discussed between the developer and me so that clarity can be reached between all parties.

Following direct consultation the applicant has confirmed that they would be able to take account of the requests made as part of a reserved matters application, as a result HBC Countryside Access Officer has confirmed they have no objections.

**HBC Housing & Regeneration:** My comments would be that we include affordable housing provision as part of this application, in particular three bedroom house accommodation and two bedroom house accommodation.

**HBC Economic Development:** No comments received.

**Environment Agency:** This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

**Northumbrian Water:** In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows

arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

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

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

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

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

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

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact our pre-development enquiry team on 0191 419 6646 or email [developmentenquiries@nwl.co.uk](mailto:developmentenquiries@nwl.co.uk) to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

**Natural England:** Internationally and nationally designated sites

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

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

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your draft assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

\*Natural England's view is provided on the basis that the proposed financial contribution towards wardening of the SPA is secured by means of A S106 or similar legal agreement. In the event that an appropriate financial contribution is not secured, the draft HRA should be updated accordingly and Natural England re-consulted.

SSSIs - No objection – with conditions

This application is in close proximity to the Tees and Hartlepool Foreshore and Wetlands and Durham Coast Sites of Special Scientific Interest (SSSIs). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

- The Council should ensure that an appropriate contribution to the SPA wardening scheme is secured by means of a S106 or similar legal agreement and that an appropriate mechanism is in place to ensure delivery of the wardening scheme on the ground.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Tees and Hartlepool Foreshore and Wetlands and Durham Coast SSSIs are notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28(1) (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

Updated comments of 10/11/17

The advice provided in our previous response applies equally to this amendment and additional information although we made no objection to the original proposal. Natural England's view was provided on the basis that the proposed financial contribution towards wardening of the SPA is secured by means of a S106 or similar legal agreement. In the event that an appropriate financial contribution is not secured, the draft Habitats Regulations Assessment should be updated accordingly and Natural England reconsulted.

The proposed amendments to and additional information for the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

*Update – Natural England were further consulted following an updated Habitat Regulations Appropriate Assessment being carried out but have not commented further.*

**Tees Archaeology:** The developer has submitted an archaeological desk based assessment in line with the advice given in the NPPF (para 128).

The document concludes that although there are no known archaeological sites within the development area, there is sufficient evidence about the surrounding landscape to suggest that there is some archaeological potential, particularly for prehistoric material. I agree with this conclusion.

The desk based assessment report is very empirical and does not make any particular recommendations. I have therefore had a detailed look at the site, making reference to the desk based assessment and aerial photographs. It would seem that the majority of the site has been subject to considerable ground disturbance associated with its use as a caravan/static park. Certainly the western and eastern thirds of the site have had access roads, caravan/static bases, services, septic tanks etc excavated in the last 50 years. The pitches appear to have been remodelled several times, particularly in the last 15 years. The middle third of the development area seems less disturbed but its northern edge has two access roads driven through and there is considerable disturbance from a building and caravan storage. The southern part of the site contains a watercourse and woodland belt and this appears to remain as open space on the indicative plans and would not be disturbed.

The type of archaeological remains expected, i.e. prehistoric remains, are unlikely to survive this level of disturbance. Although there may be discrete areas that have not been disturbed there is insufficient evidence to make a case for further archaeological work.

I therefore have no objection to the proposal and have no further comments to make.

**Ramblers Association:** No comments received.

**Teesmouth Bird Club:** The bird club is in agreement with the ecologist's appraisal of the bird assembly using or breeding on the site. The mitigation and biodiversity

suggestions should be made a planning consent requirement - especially so with the water course and hedge replantings and retentions.

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

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

- We do not anticipate any diversion work
- Differences due to pressure degrees will be dependent on finished levels of the development, extensive off-site works may have to be carried out to achieve adequate pressure to supply this development.
- We have no objection to this development.

**Cleveland Police:** No comments received.

**Durham County Council:** Durham County Council objects to the proposal as it is considered that the development may impact on European Protected Sites within County Durham and should the necessary Habitats Directive and Habitat Regulations Assessment (HRA) determine that there will be impacts on these sites then appropriate mitigation and compensation will be required. It also makes statements about likely recreational use of the site and frequency but there are no references to support these statements and it does not appear that any visitor surveys were undertaken to assess whether these statements were in fact correct. In addition no in-combination assessment appears to have been undertaken, both with reference to existing approved applications (which have not yet been built out) or even those which may have a combined impact from within County Durham. At this stage it is considered that the assessment is not sound and further work and details are required. Detailed comments are appended to this letter. I would be grateful if you would reconsult this Council if the necessary information is submitted.

It is not for Durham County Council as an adjoining authority to offer judgment on the suitability of this location for housing, when considered against other alternative locations for large scale urban growth within the Hartlepool area. It is noted that the Hartlepool emerging Local Plan has been through an Examination in Public (EiP) and the inspectors interim findings have been received with the current timescale for adoption of the emerging Local Plan being spring 2018. It is therefore for Hartlepool as decision maker to determine the level of weight to be applied to the relevant policies in the emerging plan when applying paragraph 216 of the NPPF. It is understood that the limits to development (as shown on the 2006 Local Plan policies map) have been reviewed through the emerging Local Plan (Policy LS1), in order to achieve the housing requirement for the Borough. It is noted that the application site has not been allocated within the emerging Hartlepool Local Plan as a future housing site, and Hartlepool's future housing need is expected to be delivered on sites allocated through the plan and the inspectors interim findings have supported the Council's proposed allocation locations. It is also noted that through a

main modification to the emerging Plan, Policy LS1 identifies the application site as being within the strategic gap. It is noted that the Inspector's interim view does not state that the area should be excluded from the strategic gap therefore it is noted that the Council's Policy Team is recommending that full weight be given to Policy LS1 and they consider that the land is allocated as strategic gap.

In terms of highways, the County Council as Highways Authority advises that the proposal would not have a significant impact on the Durham County Council Highway network. Whilst a robust estimate in the region of 45-50 am peak two way trips could travel to/from the north on the A1086 coast road these could be accommodated without severe impacts or requirement for mitigation.

*Update – Durham County Council were further consulted following an updated Habitat Regulations Appropriate Assessment being carried out but have not commented further.*

**RSPB:** The RSPB previously commented on the proposal in our letters dated 12th August 2015, 12th February 2016 and 26th April 2016.

We considered that the key issue requiring assessment was the potential for indirect effects through an increase in recreational disturbance on the nearby designated sites and the resultant effects on their interest features, the breeding little tern colony and over wintering species/assemblages. We considered that there had been an inadequate assessment of the potential impacts and insufficient information submitted about the proposed mitigation. Consequently the RSPB objected.

The applicant has now agreed to a financial contribution of £250 per house to mitigate for the potential impacts upon the Teesmouth and Cleveland Coast SPA (as described above). We understand that these monies will be spent according to Hartlepool Borough Council's developing Local Plan Mitigation Strategy (Strategy). However, we seek clarification that the appropriate per house tariff has been applied in this case, given the proximity of the proposed development to the Teesmouth and Cleveland Coast SPA.

We understand that the draft Strategy gives priority to ensuring continued wardening of the little tern breeding colony but that it will also guarantee implementation of year-round access management measures – including wardening provision. Therefore, although the strategy is not yet finalised, the RSPB agrees that this is the most appropriate framework available to the applicant. For the reasons outlined above, the RSPB would be in a position to withdraw our objection to the proposed development subject to confirmation that the appropriate developer contribution tariff has been applied in this case and that the financial contribution is secured through Section 106 or other appropriate legal agreement. For the avoidance of doubt, should the final Strategy adopt a different tariff, or a different approach to wardening and access management, we would expect any future planning application within the Borough to accord with the final version of the Strategy.

**Tees Valley Wildlife Trust:** No comments received.

**Highways England:** Offer no objection.

## PLANNING POLICY

2.22 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 (NPPF)

2.23 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2018 NPPF version. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits.

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

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
034	Developer contributions
038	Decision making
047	Determining applications
048	Weight given to emerging policies
054	Planning conditions and obligations
055	Planning conditions and obligations
056	Planning conditions and obligations
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
077	Rural housing
078	Rural housing
079	Rural housing
091	Promoting healthy and safe communities
102	Promoting sustainable transport

124	Achieving well-designed places
127	Achieving well-designed places
153	Planning for climate change
170	Conserving and enhancing the natural environment
212	NPPF is a material consideration

2.25 The Tees Valley Minerals and Waste 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. The following policies in the TVMW are relevant to this application:

<b>Policy</b>	<b>Subject</b>
MWC4	Safeguarding Minerals from Sterilisation
MWP1	Waste Audits
MWP10(a)	Construction and Demolition Waste Recycling

#### Adopted Hartlepool Local Plan 2018

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

<b>Policy</b>	<b>Subject</b>
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and Adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG9	Affordable Housing
RUR1	Development in the Rural Area
RUR2	New Dwellings Outside of Development Limits
NE1	Natural Environment
NE2	Green Infrastructure

#### HBC Planning Policy comments:

2.27 It is considered that the principle of the development is not acceptable as the proposal is considered to be contrary to policies LS1 and RUR2 of the Hartlepool Local Plan 2018, and as such would result in unjustified new dwellings outside of development limits. Planning Policy therefore object to this application.



2.28 Planning Policy also have concerns with respect to the potential visual impact of the proposal on the character and appearance of the countryside, when considered in the context of policies NE1, RUR1 and QP4 of the adopted Hartlepool Local Plan 2018 and paragraphs 127 and 170 of the NPPF, as well as the impact of the proposal on mineral resources, in line with policy MWC4 of the Tees Valley Joint Minerals and Waste Core Strategy DPD.

2.29 Notwithstanding the above concerns, given the scale of development, the proposal would be required to provide the following planning obligations in order to address the impacts arising from the development and to improve its sustainability:

- 35 affordable housing units on site
- £576,747.15 towards primary education provision
- £29,250.00 towards ecology mitigation measures
- £48,750 towards HRA ecology mitigation measures
- £48,750 towards built sport facilities
- Green infrastructure on site (or £48,750 towards offsite green infrastructure)
- Play facilities onsite (or £48,750 towards offsite play facilities)
- £45,491.55 towards playing pitches
- £11,118.90 towards tennis courts
- £969.15 towards bowling greens,
- Energy efficiency measures, renewable energy provisions and the training and employment charter should also be secured.

## PLANNING CONSIDERATIONS

2.30 The main material planning considerations in determining this application are the principle of development, the impact on the character and appearance of the surrounding area, ecology, the impact on highway and pedestrian safety, the impact on the amenity of neighbouring land users, flood risk and drainage, and contaminated land. These and all other planning and residual matters are considered in full below.

### PRINCIPLE OF DEVELOPMENT

2.31 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. In applying the presumption and in viewing the Government agenda to build more homes, due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

2.32 Paragraph 12 of the NPPF stipulates that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

2.33 Paragraph 73 of the NPPF stipulates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. Paragraph 74 of the NPPF states that a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan.

2.34 The Council's recently adopted Local Plan (May 2018) sets out the housing requirement over the plan period and identifies sufficient sites to provide a minimum of five years' worth of housing. The Council can therefore demonstrate a five year supply of deliverable housing sites, with the appropriate buffer, in accordance with the NPPF.

2.35 The site is beyond the limits to development and within the strategic gap, as defined by policy LS1 and the proposed site has not been allocated within the Hartlepool Local Plan as a future housing site. The Local Plan allocates sufficient land within development limits to accommodate the Borough's anticipated housing need over the next 15 years, and as such the proposed site is not required in order to meet the housing need.

2.36 It is accepted that a form of development is already established within the caravan park adjacent to the red line boundary of the application site, albeit in the form of low level, low density park homes/caravans and it remains unclear whether a valid permission exists to implement further park homes across the application site. It appears that permanent residential living takes place on the existing caravan site; however, if so this is a residential form that may be considered appropriate to a rural location, the design, layout and scale being considered of a nature that is materially different than traditional housing. Without the ability to assess scale, layout or design as part of this application it is considered that the applicant has failed to demonstrate that the number of dwellings proposed can be suitably accommodated on this site.

2.37 The nature and scale of the proposed dwellings and the engineering operations that would be required to facilitate them cannot be fully established due to the lack of detail provided as part of the application, however it is considered by the Local Planning Authority that the proposed residential development is likely to be substantially different than could be realistically achieved by any fallback position, should one exist, of expanding the number of park homes on the site. As noted above, following submission, the applicant withdrew the matter of scale and indicative layout plans, when these formed part of the application they included three storey blocks of flats, which is evidently substantially different than the current character of the site. Further assessment of the potential impact on the wider landscape character of the area is considered later in this report.

2.38 The submitted site plan does not demonstrate the quantum of development proposed could be acceptable, and whether the development proposed could be reasonably accommodated on the site while still complying with the Council's supplementary guidance note in relation to separation distances for new housing development. The amenity of future occupiers could therefore be compromised, in conflict with local policy.

2.39 The existing accommodation in the form of caravans/park homes is small in scale; the caravans/park homes are more in keeping with the setting and are not considered intrusive to the countryside, conversely, a more intensive, urbanising development as may be proposed in this application would have the potential to be intrusive and therefore detrimental but any impact cannot be fully assessed due to the lack of detail in relation to the size and type of residential development proposed, the intended layout or finished ground levels.

2.40 The application site is beyond development limits and identified as strategic gap within the adopted Local Plan. It is not a site allocated for housing development nor is it necessary for it to be developed in order to contribute towards an appropriate supply of housing for the Borough. The development proposed is therefore contrary to policy and insufficient information has been submitted to conclude that there are material considerations that would justify a departure from the development plan. Even if a fallback position were to exist, this would only go so far to address the principle of some form of development on this site in terms of its allocation as within the Strategic Gap but it would not address the concerns regarding the nature and scale of an alternative form of development and its impact on the character and appearance of the site and wider area. As such, these identified impacts would warrant a refusal of the application.

2.41 In terms of developer contributions, which are set out in the Planning Policy comments above, had the development been considered acceptable, these would need to have been agreed with the applicant, however negotiations have not been able to progress as the applicant has not satisfactorily addressed a number of issues with the proposals, although they have indicated they are not adverse to making the contributions identified. Notwithstanding that, the proposal remains unacceptable and cannot be supported.

#### IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

2.42 The appearance of the existing site reflects its location at the urban / rural fringe whereby the density of the built up area of the town lessens before opening out into the countryside. The site is softened by the undulating levels and landscaping to the boundaries, while the park homes present on the site reflect the transition to a more rural location.

2.43 Due to the variation in land levels both across the site and between it and adjacent land, the existing park homes on the site are positioned at a lower level than nearby traditional dwellings at Redwood Close. This denotes a perception of the scale of development decreasing and entering a more rural setting when travelling out of the town northbound on Easington Road.

2.44 Development of the site would require engineering operations to alter the existing site levels in order to accommodate the proposed access point and create a developable area sufficient to accommodate the quantum of development proposed. Following the applicant's removal of scale from consideration, indicative details in relation to levels have also been withdrawn leaving the LPA unable to assess the impact.

2.45 The LPA previously expressed concerns about the scale of development in relation to the need to increase site levels and therefore increase the adverse effect of the new residential units on the site and the character of the surrounding area. As well as the fact that the number of units proposed would be likely to result in a density of development more akin to an urban or suburban location than a rural location, it is likely the proposed development would introduce traditional dwellings and would necessitate substantial changes in ground levels to facilitate construction. The scale of the proposals could significantly alter the appearance of the site, introducing a much denser and recognisably urban built form.

2.46 Now that the applicant does not wish to provide information in relation to this matter, it is not possible to properly assess the level of impact. As a result, the LPA is not satisfied the applicant has appropriately demonstrated residential development in the numbers suggested can be achieved without creating an unduly dominant and urbanising character to a sensitive area beyond the limits to development and designated as Strategic Gap. The applicant has indicated they would be willing to submit a Landscape and Visual Impact Assessment in support of the application to address this issue, however without defining the size, form and layout of the buildings it is proposed to build – i.e. the scale and layout of development – it is not considered a meaningful assessment of its impact on the character and visual appearance of the area can be made.

2.47 The character of the site is rural, partially open, with a limited amount of activity, the increase in density and nature of traditional residential development would have the potential to result in much greater levels of activity more akin to a suburban setting than a rural location. While acknowledging there would be no restriction on various age groups or family groups living in park homes, it is substantially less likely than in traditional dwellings. An increase in the level of activity in the area along with domestic paraphernalia such as domestic outbuildings etc, would further alter the character of the area in a way that detracts from the rural-fringe location. It is not possible to fully assess this potential impact on the character of the area due to the lack of detail provided by the application.

2.48 Overall, the application site is in a sensitive location at the urban/rural fringe to the north of Hartlepool. Its current use is reflective of the change in character from an urban to a rural setting and therefore any future development could potentially detract from its existing character. The application as currently submitted, with key details withdrawn, does not provide sufficient detail to demonstrate that the number of dwellings proposed could be accommodated on the site without detriment to the character of the area and this would therefore warrant a reason for the refusal of the application.

## ECOLOGY

2.49 The application site is in close proximity to the Teesmouth & Cleveland Coast and Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC) which are European sites; the sites are also designated as Ramsar sites and Sites of Special Scientific Interest (SSSI). Following a HRA Appropriate Assessment the Council's Ecologist does not consider

the development would have significant effects on the designated sites providing contributions of £250 per dwelling to satisfy mitigation for the Habitat Regulations and £150 per dwelling for habitat improvements are made (£48,750 and £29,250 in total). The applicant agreed to this approach and to entering into an appropriate legal agreement to secure such contributions, if the principle of development were found to be acceptable.

2.50 Given the time that has lapsed since the application was first considered, an updated Habitat Regulations Appropriate Assessment has been carried out by the Council's Ecologist, which reiterates the findings above. Natural England and Durham County Council have been re-consulted on this but provided no response to date. Notwithstanding that, Natural England previously advised they did not object to the proposals providing contributions towards wardening could be secured by legal agreement, there is nothing to suggest this position would have changed but if any additional comments are provided they will be reported to Members at the committee meeting.

2.51 Objectors have raised concerns about the potential loss of wildlife on the application site should permission be granted, the primary ecological concerns are in relation to the potential impact of residential development on protected sites in close proximity should occupants use the protected sites for recreation. The Council's Ecologist has not raised concerns in relation to protected species being affected on the application site itself. The proposal is therefore considered to be acceptable in respect of ecological matters.

## HIGHWAY AND PEDESTRIAN SAFETY

2.52 When the application was initially submitted concerns were raised by HBC Traffic and Transport regarding the proposed access arrangements. Guidance within the Hartlepool Borough Council Design Guide indicates a 60 metre junction spacing on a road such as Easington Road, though it is acknowledged that Government guidance reduces this standard to 50m (Design Manual for Roads and Bridges). Advice from HBC Traffic and Transport was initially that as the standard separation between junctions had not been met the proposals should be redesigned with highway improvements necessary in the interests of safety.

2.53 The applicant subsequently provided additional assessments of the proposed access arrangements to determine their suitability, particularly for use by large vehicles such as refuse wagons. The junction has been moved further to the north, a right turn only lane on the southbound carriageway proposed, the existing southbound bus stop relocated and a new pedestrian refuge point proposed.

2.54 Following the amendments made to the junction design it was determined that large vehicles would be able to travel between this and other existing access points in a safe manner and therefore the proposed access was considered acceptable by HBC Traffic and Transport. While the development would increase traffic movements on the existing road network, it was not considered the number of houses proposed would constitute a severe impact on the surrounding highway network. If this development were to proceed, replacement speed limit signs and additional warning signs were deemed necessary, at the developer's expense.

2.55 HBC Traffic and Transport raised some concerns with the internal layout of the scheme previously shown on the indicative layout that has since been withdrawn, however as the application is in outline and layout is a reserved matter this would be addressed at reserved matters stage should this application be approved.

2.56 A number of objections have been received in relation to the proposed access point, its potential impact on highway safety and the increase in traffic that would result from the proposed development. The applicant has demonstrated that a suitable access could be achieved and HBC Traffic and Transport have no objections to the principle of development, subject to the identified safety requirements being secured. It is difficult therefore to attribute significant weight to the objections received on that basis. While acknowledging that the guidance regarding the separation distances between junctions has not been met, this is only guidance and a suitable alternative has been proposed and therefore this reason alone would not warrant refusal of the application.

#### AMENITY OF NEIGHBOURING LAND USERS

2.57 An indicative layout of the proposed development has been withdrawn and therefore an assessment of whether the site could reasonably accommodate the quantum of development proposed while still achieving appropriate separation distances to protect the privacy of existing occupiers on Redwood Close and Applewood Close to the south and the existing park homes to the north cannot be made. It is not therefore possible to determine with any certainty whether the proposed dwellings would allow an unreasonable level of overlooking of existing homes.

2.58 It would be reasonable to defer an assessment of overshadowing or loss of outlook until a final layout were submitted as part of a reserved matters application and this issue would not warrant further consideration at this stage. It is prudent to note however, that without knowing the intended scale proposed, a judgment of the resultant density or type of development proposed (i.e. whether scale is likely to be single storey, two-storey or greater) cannot be made. Clearly, the greater the scale, the higher likelihood overshadowing may be an issue, however if outline permission were to be granted it would have to be assumed an acceptable scheme for 195 dwellings is achievable and this is not something that has been satisfactorily demonstrated in this instance.

2.59 Neighbouring occupiers have raised concerns about the potential noise and disruption that could be caused during construction, including that park homes by their nature are not built to the same construction methods as traditional houses and as such may be more susceptible to noise and vibration. While an understandable concern, some level of disruption associated with construction work is unavoidable, however no objections on these grounds have been raised by the Council's Public Protection service and it is not considered this concern would warrant refusal of the application.

2.60 Should noise during construction be beyond reasonable limits, the Council's Public Protection service would have powers to deal with this as a statutory

nuisance; however they have made no objections to the application subject to conditions to secure a construction management scheme and restrictions on hours of construction in order to protect amenity. If damage were to be caused to existing properties during construction it would be a civil matter to be resolved by the parties concerned.

2.61 The planning process would not seek to restrict the age of occupants of park homes on the site, as it is not a material planning consideration and therefore there would be nothing in planning terms to prevent families moving to the existing site. As such, the concern that existing occupiers may be disturbed by new occupants not being retirees cannot undermine any merit there may be in the proposed development. The fact that any change in occupant profile cannot be a determining factor in terms of the impact on amenity is a separate issue to the potential change in the character of the area that may result from a varied occupancy as outlined above in relation to the principle of development.

#### FLOOD RISK AND DRAINAGE

2.62 Although the site is within Flood Zone 1, it is at risk of surface water flooding, particularly at the proposed site entrance to the east and along the existing watercourse; as such a flood risk assessment has been submitted in support of the application. This finds that the proposals would increase impermeable surfaces and could therefore increase potential flood risk to the local area, if this were not mitigated.

2.63 It is proposed that a suitable separate drainage scheme to manage surface water is to be provided and the FRA concludes this would not increase the risk of flooding downstream of the site. The Council's Engineering Consultancy accept the principle of this approach but have advised they would need to see the specific details of the scheme proposed for this to be agreed. If the principle of development were found to be acceptable, these details could be secured via condition.

#### CONTAMINATED LAND

2.64 HBC Engineering Consultancy has advised that a Phase 2 intrusive investigation with contaminated land testing and gas monitoring would be required but that this could be dealt with via condition. There is nothing to suggest this matter would undermine the principle of development and therefore a suitably worded condition could be imposed.

#### MINERALS & WASTE

2.65 Part of the site is within a safeguarding area for shallow limestone reserves under Policy MWC4, as there is not considered to be a need to develop the site for housing, there is no justification to depart from the aims of the policy. Policy MWP1 of the Tees Valley Minerals and Waste Development Plan Document requires a waste audit for developments of this kind in order to consider the development's overall waste impact. A waste audit has not been submitted, therefore in order for the proposals to be in accordance with Policy MWP1 further information is required

from the developer, although this could have been secured via condition had the application been considered acceptable in all respects.

## RESIDUAL MATTERS

2.66 The Council's Arboricultural Officer has indicated that the existing vegetation on the site did not warrant protection or warrant refusal of the scheme, as such while the works to clear vegetation on the site are regrettable, they do not constitute the commencement of development without the benefit of planning approval and do not warrant refusal of the application.

2.67 The ongoing upkeep of the existing park homes site has been raised as a concern by objectors; this is a civil matter and cannot influence the outcome of this planning application.

2.68 The loss of a view over land in another person's ownership is not a material planning consideration and cannot be taken into account in determining the application.

2.69 While noting that the increase in numbers of residents could increase the number of dog owners in the area and therefore the potential for dog fouling in the area to be increased, this is not a material planning consideration relevant to this application.

## CONCLUSION

2.70 In the opinion of the Local Planning Authority, the application fails to demonstrate whether the proposed development is acceptable with respect to the abovementioned relevant material planning considerations and is considered not to be in accordance with the adopted Hartlepool Local Plan 2018, the Tees Valley Minerals and Waste Development Plan Document and the relevant paragraphs of the NPPF. The development is therefore recommended for refusal for the reasons set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.71 There is no evidence of equality or diversity implications.

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

2.72 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.

2.73 There are no Section 17 implications.

## REASON FOR DECISION

2.74 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable by virtue of its



location, and the lack of detail provided in relation to the nature of development, scale, density and design, as set out in the Officer's report.

**RECOMMENDATION – REFUSE** for the following reasons:

1. The proposed development is outside the limits to development and allocated as 'Strategic Gap' as defined by the Hartlepool Local Plan (2018). In the opinion of the Local Planning Authority, the proposed development by virtue of its location would result in urban sprawl, which would be detrimental to the character of the surrounding rural area and would undermine the purpose of the Strategic Gap identified in the Local Plan. As such, the proposals would be contrary to policies SUS1, LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018) and paragraphs 11 and 15 of the NPPF (2019).
2. In the opinion of the Local Planning Authority, it is considered that the applicant has failed to demonstrate that the development proposed can be accommodated on the site. The design, scale and form of the development proposed have not been provided and given the sensitivity of the site location and changes in site levels, it is not possible to determine whether a satisfactory form of development could be achieved that would not result in an over intensive urban development in a rural location. The proposals are therefore considered to be contrary to policies QP4, RUR1 and RUR2 of the Hartlepool Local Plan (2018) and paragraph 11, 15, 122 and 127 of the NPPF (2019).

**BACKGROUND PAPERS**

2.75 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

**CONTACT OFFICER**

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

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

**AUTHOR**

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

Tel: 01429 523273

E-mail: [laura.chambers@hartlepool.gov.uk](mailto:laura.chambers@hartlepool.gov.uk)

**SEAVIEW PARK HOMES**

Copyright Reserved Licence 100023390 (2018)

**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>23/01/19</b>
	SCALE <b>1:4000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2015/0281</b>	REV

**No:** 3  
**Number:** H/2018/0488  
**Applicant:** MR STEPHEN LITHERLAND 38A EGERTON ROAD  
HARTLEPOOL TS26 0BW  
**Agent:** ACLAND HOMES LTD AND LEEBELL DEVELOPMENTS  
LTD MR STEPHEN LITHERLAND GLENDOWER 38A  
EGERTON ROAD HARTLEPOOL TS26 0BW  
**Date valid:** 14/12/2018  
**Development:** Outline planning application with some matters reserved  
for the erection of up to 8 no self-build residential plots  
together with associated access and landscaping works  
**Location:** LAND AT WORSET LANE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The following planning application is associated with the site:

3.3 H/2014/0433 – Outline application with some matters reserved for the erection of 7 self build residential plots together with associated access and landscaping, allowed on appeal 21<sup>st</sup> August 2015 (appeal ref APP/H0724/W/15/3013845). The timescales for implementing this permission has now expired.

## PROPOSAL

3.4 Outline permission is sought for residential development with some matters reserved for the erection of 8 self-build plots together with associated access and landscaping. The proposal includes the widening of a section of Worset Lane and the provision of a public footpath.

3.5 Access to the development is to be taken from Worset Lane.

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

## SITE CONTEXT

3.7 The site extends to 1.4 hectares and is currently a vacant piece of un-kept land located between Worset Lane and Hart Lane. Hart Lane forms the north eastern boundary providing access to the A179 and the A19. The site is classed as 'white land' within the local plan.

3.8 The surrounding area is residential in character with local services within close proximity. Hedgerows run along the western site boundary up to the northern tip of the site, forming a legible divide between the site and existing dwellings along Worset Lane. The hedgerow sits on top of an old stone wall.

## **PUBLICITY**

3.9 The application has been advertised by way of press notice, site notice and neighbour letters (42). To date, there have been 3 letters of objection raising the following concerns:

- Loss of archaeological interest
- Highway implications
- Volume of traffic
- Disruption during construction

### **3.10 Copy Letters C**

3.11 The period for publicity has expired.

## **CONSULTATIONS**

3.12 The following consultation replies have been received:

**HBC Engineering Consultancy** – I note the drainage proposals provided but will require further information on the design before I can approve. I have no objection at this stage and can deal with the outstanding information through a relevant surface water condition and contamination condition is required.

**HBC Countryside Access Officer** – I would like to see an extension of the proposed southern external footway continuing to the south-west corner of the site and then continuing along the southern boundary towards and connecting with the pedestrian access to Hart Lane. The external pedestrian footway that is already proposed to extend towards the existing pedestrian footway to the roundabout - extend it by another 3 to 5 metres so that it actually connects with this existing footway rather than what is shown - a shortfall.

### Updated (21.3.19)

I am comfortable with removing my comment regarding the southern suggested footpath extension with regards to this planning application.

I am sure that the northern amendment to correctly link to the existing footpath that leads towards the roundabout will be sufficient an improvement to the pedestrian access.

**HBC Ecologist** - Ecology summary – no survey needed. Conditions required. Biodiversity enhancements required as per NPPF.

### Ecology

I visited the site on 07/08/2018. The Magnesian limestone wall which runs along the southern boundary of the site supports Wall butterfly, which is listed as a priority species under Section 41 of the NERC Act (2006) and is therefore a material planning consideration. I require the wall and some associated vegetation to be retained.

In the Planning, Design and Access Statement dated 25/11/2018, the applicant has accepted this and states that *'In accordance with the ecologist and landscape officers request it is the applicant's intention to retain the stone wall. The boundaries of plots 7 and 8 have been moved slightly north to allow this to happen'*. I am satisfied with this and it should be conditioned.

Otherwise the site is made up of rank, neutral grassland which is not a conservation priority and I do not require its loss to be mitigated.

The western boundary has a hedge and some trees. The hedge does not qualify under the Hedgerow Regs (1997). In my pre-application response (07/08/2018) I stated that: *'The trees are not suitable for bat roosts, though bats may use the hedge line for commuting and these should be retained where possible'*. The applicant has stated that these hedges will need to be lost in order to deliver the required widening of the road. I will therefore require this loss to be mitigated. The applicant has stated that an area adjacent to Hart Lane will be landscaped and I am satisfied that this will provide adequate mitigation. An appropriate landscaping scheme, using a proportion of native species, should be conditioned. The standard bird nesting condition should be issued, to protect breeding birds if the existing hedges are removed during the nesting season. I am pleased that plot 8 has been moved to retain a mature tree on the boundary.

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

The site is in an area that supports bats, which would benefit from the availability of man-made roost holes. I require that integral bat roost bricks are incorporated into the new build. With these measures secured I will be satisfied that NPPF 170 biodiversity enhancement, appropriate to the scale of the site will be delivered. The applicant has said that this measure is acceptable. The following should be conditioned: A single integral bat brick to be built into each new house or garage. This can be built into the wall as a brick (rendered if required), into the roof as a bespoke tile or into stonework. Bat boxes should be east or south facing (to receive some sunshine).

EU Habitats Regulations Assessment

As the development is fewer than ten houses, the need for a Habitats Regulations Assessment is not triggered.

**HBC Heritage and Countryside Manager** – No comments.

**HBC Landscape Architect** – The application is read in conjunction with the previous application for the site and subsequent appeal decision. The proposed development is for 8 no. self-build plots on a triangular plot of land between Hart Lane and Worset Lane. The site is located on a ridge (51m AOD) that projects southwards. The site is raised when viewed from the southern half of Hart Lane and the southern half of Worset Lane.

There are views across the site from the roundabout to the north of the site. Elsewhere views of the extent of site are limited due to topography. Site levels and building heights need to be carefully considered to avoid a development that is perched within the local landscape, especially when viewed from the north. Consideration of lowering plot levels and /or bunding to the landscape buffer strip may be required to provide adequate screening.

The site is located on a section of Hart lane (from Aldi to High Throston golf club) that has significant landscape structure planting along the carriageway edge. The proposed development includes a landscape buffer strip of approximately 12m the boundary with Hart Lane. This extends back to Worset Lane to the North of the site, and returns to the front on High Throston House in the south. This proposed structural landscaping should both contribute to the screening of the development from Hart Lane and continue the structure planting on Hart Lane. Planting should be composed of appropriate native species to provide a woodland edge structure. Any existing vegetation within the proposed landscape area should be retained and incorporated. Full details of the structural landscape of the site should be provided prior to any development consent.

The proposed development indicates the widening of Worset lane. This would lead to the loss of a proportion of roadside hedgerow and stone wall to the eastern side of Worset Lane. Where the widening of the Worset Lane is not required it should be ensured that the existing wall and hedge is retained and incorporated into the site layout, with wall repairs as required. Hedge planting should be reinstated to the roadside boundaries of plots 1,2 & 8. This would be in addition to any other proposed high quality boundary treatment. The provision of high quality hard and soft landscaping proposals in conjunction with building design is essential to the success of the scheme.

A Design Code should be developed to inform the build-out of the self-build plots and ensure the required quality of the overall development. This should address issues such as maximum building to garden ratio, maximum building height with regard to each plot, materials palette, lighting, enclosure, along with hard and soft landscaping.

**HBC Arborist** – The layout submitted will result in the removal of one small Sycamore tree to allow the entrance to the site and a section of Hawthorn hedge to

allow for site lines. It is regrettable that we have to lose established trees however this one is common to the area and could be offset with appropriate landscaping incorporated within the development scheme. No objection subject to appropriate landscaping scheme.

**HBC Public Protection** – I would have no objections to this application subject to conditions for working hours restriction, provision of an acoustic fence along the boundary as recommended in the noise assessment, updated noise assessment submitted in order to specify the glazing and ventilation requirements.

**HBC Traffic and Transport** – The proposed internal layout is acceptable. Appropriate dropped kerbs should be located within the footway to allow wheel chair access. These can be positioned during the section 38 process.

The proposed footway along Worset Lane should connect into the existing footway at the northern end of the site. Plan 001A shows the footway not connecting.

The narrow carriageway width on Worset Lane would require most Utility Work associated with the new development to be carried out under a full road closure, this may require residents living in Waterside Way to divert from their normal access onto Hart Lane via Worset Lane – Elwick Road – Dunston Road.

The design to widen Worset Lane to 4.8 metres along the developments boundary and provide a 1.8 metre footway is acceptable. This work should be carried out prior to the construction of the houses.

Street lighting should be provided along this section of Worset lane.

The proposed access onto Worset lane would require minimum sight lines of 2.4 x 43 metres.

The carriageway within the development should be constructed under a section 38 Agreement with a view to adoption. All carriageways and footways should be constructed in accordance with the HBC Design Guide and Specification.

A construction management plan should be provided prior to commencement which details the how mud on the highway is dealt with, construction traffic routes and construction workers parking.

**Historic England** – On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

**Highways Agency** – No objection.

**Northumbrian Water** – 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 Layout”. In this document it states that the foul flows shall discharge to the foul sewer at manhole



4701, whilst all the surface water flows shall discharge to the surface water sewer at manhole 4603 at a restricted rate of 5 l/sec.

**Tees Archaeology** - The application includes the results of an archaeological trial trench evaluation. This has demonstrated well preserved deposits relating to the medieval settlement of High Throston. The remains consist of trackways, pits, ditches and gullies but structural remains such as buildings were not noted. Although the archaeological deposits are of local to regional importance, the significance is not sufficient to warrant physical preservation. I would therefore recommend that the site is subject to further archaeological recording in advance of development. This would consist of a topsoil strip across the site followed by the excavation and recording of archaeological features and deposits. The results of the work should be made available as a public record and the site archive deposited with the local museum. This is in accordance with the NPPF (para 199).

I note that the proposed development consist of two stages, the first being site clearance, groundworks and landscaping. It is imperative that the archaeological excavation takes place prior to these works. The additional archaeological work can be secured by a planning condition.

**Northern Gas Works** - Northern Gas Networks has no objections to these proposals.

## PLANNING POLICY

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

### National Planning Policy Framework (NPPF)

3.14 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.

3.15 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  
PARA 054: Planning conditions and obligations  
PARA 055: Planning conditions and obligations  
PARA 056: Planning conditions and obligations  
PARA 057: Planning conditions and obligations  
PARA091: Promoting healthy and safe communities  
PARA124: Achieving well-designed places  
PARA127: Achieving well-designed places  
PARA 130: Achieving well-designed places  
PARA 150: Planning for Climate Change  
PARA153: Planning for Climate Change

### Hartlepool Local Plan

3.16 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  
INF2: Improving Connectivity in Hartlepool  
LS1: Locational Strategy  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
QP7: Energy Efficiency  
SUS1: The Presumption in Favour of Sustainable Development

### HBC Planning Policy Comments

3.17 Planning policy have no objections to the proposed development as the site is considered as an appropriate location for residential development.

3.18 We support the inclusion of a design code to ensure quality and consistent development between the self-build plots. We also acknowledge and support the inclusion of the landscape buffer, and would seek to ensure that this element is adhered to, to protect the amenity of the residents from the main road and enhance the design of the overall site.

## **PLANNING CONSIDERATIONS**

3.19 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, Planning Obligations), impact on highway and pedestrian safety, impact upon the character and appearance of the area, impact on

the privacy and amenity of neighbouring land users, ecology and nature conservation, archaeology, flooding and drainage and any other material planning considerations.

## PLANNING POLICY

3.20 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 for the area consists of the policies within the adopted Hartlepool Local Plan (2018).

3.21 The application site is within the limits to development as illustrated on the adopted Proposal Map for the Local Plan. The application site is identified as unallocated 'white land'. The site previously had permission for housing which has since expired, although this remains a material planning consideration.

### *Sustainable Development*

3.22 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.

3.23 Considerable weight should be given to the fact that the authority can demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF 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).

3.24 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.

3.25 The site is located with the development limits within walking distance to a number of services and connectivity to local centres.

3.26 In this instance, subject to the proposal securing the planning contributions and obligations as required by policy QP1 of the Local 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 are

considered to outweigh any adverse impacts of the development, subject to the completion of the requisite Section 106 legal agreement to secure the necessary obligations and contributions.

3.27 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*

3.28 Local Plan policy QP1 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.

3.29 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.

3.30 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;

- £2,000 for built sport facilities at Summerhill Multi User Route – East section
- £23,658 for primary education in the North West planning area
- £19,742 for secondary education at High Tunstall KS3
- £2,000 green infrastructure towards park maintenance at Ward Jackson Park
- £2,000 for play facilities at Ward Jackson Park
- £1,866.32 for maintenance of playing pitches at High Tunstall School
- £456.86 for provision of tennis courts at Grayfields
- £39.68 for bowling green 1 at Grayfields
- The provision, maintenance and management of landscaping including the landscape buffer

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

3.32 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. HBC Planning Policy are satisfied that the proposals meet the general requirements of these policies in terms of siting and orientation of the plots, subject to the provision of the landscape buffer to the east of the site which will act as green infrastructure on the site (which is secured by a planning condition and planning obligation) and will aid in ensuring energy efficiency. With respect to the securing renewable energy provision, the application does not relate to a 'major' application and it is considered that such provision would be difficult in this instance and therefore HBC Planning Policy have advised that improving the building fabric of the buildings to be 10% more efficient than the

requirements of building regulations will satisfy these requirements. This is to be secured by a planning condition.

3.33 The applicant has advised that they are willing to enter into a Section 106 legal agreement to provide the requisite contributions and obligations. The proposal is therefore considered to be acceptable in this respect.

*Sustainability (and Principle of Development) conclusion*

3.34 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.

3.35 Notwithstanding this, consideration is given to the site's location, which is within the development limits of the adopted Local Plan. The application site is also located adjacent to residential development and is within close proximity to local services, with Throston Grange Local Centre to the east of the site. Consideration is given to the required highway works to improve the site connection and the proposed footpath connections to existing footpath networks.

3.36 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.

3.37 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 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.

**DESIGN/IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA**

3.38 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.

3.39 The National Planning Policy Framework 2019 (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.

3.40 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.

3.41 It is considered that the proposed density of the site is acceptable, taking into account the surrounding residential areas. 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.

3.42 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/infill to the existing residential developments in this area.

3.43 It is acknowledged that the site is raised when viewed from the southern half of Hart Lane and the southern half of Worset Lane. There are views across the site from the roundabout to the north of the site. Elsewhere views of the site are limited due to topography. However to ensure an appropriate form of development a design code condition can be imposed, including a restriction on dwelling heights.

3.44 The eastern boundary which abuts Hart Lane has significant landscape structure planting along the carriageway edge. This area of land is to have a mix of planting including native species which will provide a woodland edge structure, this will also provide a buffer and screening from the carriageway. These landscape works are to be secured by appropriate condition (and planning obligation) and such works are supported by the HBC Landscape Architect and would offset the loss of the hedge to western boundary (discussed further below).

3.45 The scale of the development proposal is for up to 8 dwellings. Overall, it is considered that a development can be brought forward that would not have a significant detrimental impact on the character and appearance of the area. 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 Landscape Architect, and these can be secured by virtue of appropriate planning conditions, which are recommended accordingly.

3.46 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. 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

## ECOLOGY & LANDSCAPING

3.47 The application has been considered by the Council's Ecologist. The site falls below the threshold for a Habitats Regulations Assessment.

3.48 The HBC Ecologist has advised that the stone wall around the southern perimeter of the site supports 'wall butterfly' and it has been conditioned to ensure that the section along the boundary to plots 7 and 8 is both protected and retained.

3.49 With regard to any impact on protected species, the Council's Ecologist has advised that the site is within an area that supports bats, which would benefit from the availability of manmade roost holes. The provision of bat roost bricks incorporated into the construction can be secured by condition. It is considered that these measures would satisfy the provision of the NPPF biodiversity enhancement appropriate to the scale of the site will be delivered.

3.50 There is an existing hedge along the western boundary of the site which is to be removed to accommodate the widening of the road in this location. This hedge does not qualify as being 'important' under the Hedgerow Regs (1997). Whilst the loss of this hedge is regrettable, the scheme will provide a landscaped buffer on the eastern side of the development (adjacent to Hart Lane) this is considered to provide adequate mitigation, as confirmed by the HBC Ecologist and HBC Arboricultural Officer. The requirement for this can be secured by a planning condition and obligation within the s106 to secure long term management and maintenance of the landscape buffer.

3.51 Subject to the above referenced biodiversity enhancement measures and landscaping 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 and is considered to be acceptable in ecological and landscaping terms in this instance and therefore accords with the relevant provisions of the NPPF and policies within the Hartlepool Local Plan.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.52 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.

3.53 Beyond the site boundaries, the closest existing neighbouring properties are to the south and west of the application site. The proposed dwellings would achieve the minimum requisite separation distances from the nearest elevations of the existing neighbouring properties.

3.54 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.

3.55 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 and the provision of acoustic fencing along the eastern boundary (to safeguard the amenity of future occupiers) are recommended accordingly.

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

#### HIGHWAY AND PEDESTRIAN SAFETY

3.57 The Council's Traffic and Transportation section have been consulted on the application and has raised no objection subject to a number of matters being secured by planning conditions.

3.58 The proposed access onto to Worset Lane would require minimum sight lines of 2.4 x 43metres and have a minimum Kerb Radii of 6 metres, whilst the plans submitted do not show this, it is considered that this can be achieved and is therefore secured by planning condition with works to be undertaken prior to commencement of the actual dwellings.

3.59 In terms of increased traffic generation the Traffic and Transportation section do not consider that the traffic movements associated with an additional 8 plots will compromise the efficiency or the safety of the transport network for the area.

3.60 Subject to the appropriate planning conditions including footpath connection to the existing footpath at the north west corner of the site as requested by both Traffic and Transport and the HBC Countryside Access Officer, the latter has confirmed that the north western footpath connection will be satisfactory in respect of pedestrian and footpath connections.

3.61 HBC Traffic and Transport have confirmed that the layout is acceptable. The applicant has confirmed that the roads are to be adopted, which along with street lighting will be covered by the separate highway process of a S278 Agreement. An informative is secured to be this effect.

3.62 Highways England have also raised no objection to the proposal.



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

#### FLOODING AND DRAINAGE, AND CONTAMINATION

3.64 The latest government flood map illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

3.65 Information provided indicates that it is proposed to discharge the surface water and foul water flows from the development into the existing public systems within Waterside Way to the west of the site.

3.66 The Council's Engineers have been consulted and note the drainage proposal provided but require further information on the design, this can be controlled by appropriate condition. It would also be prudent to request a land contamination condition.

3.67 Northumbrian Water have been consulted and raised no objection subject to appropriate conditions relating to foul water drainage which are secured accordingly.

#### HERITAGE AND ARCHAEOLOGY

3.68 An objection has been received with regard to the loss of archaeological features. An archaeological trial trench evaluation report has been submitted. This has demonstrated well preserved deposits relating to the medieval settlement of High Throston. Whilst the archaeological deposits are of local or perhaps regional importance, the significance is not sufficient to warrant physical preservation. However, it is considered that the site be subject to further archaeological recording in advance of development this would be in accordance the paragraph 189 of the NPPF.

3.69 The recommended condition is multi-part and based on a model prepared by the Association of Local Government Archaeology Officers for the Planning Inspectorate to ensure recording of a heritage asset through a programme of archaeological works to accord with the requirements of paragraph 189 of the NPPF.

#### RESIDUAL MATTERS

3.70 A number of non material planning objections have been raised e.g costs involved in developing the site, water supply and electricity supply, timing of traffic lightsweight restriction for HGVs ignored and not enforced. Section 70 of the Town and Country Planning Act 1990 states the Local Planning Authorities must have regard to any material planning considerations in the determination of planning applications.

3.71 However, the points raised within the objection are immaterial in the planning consideration of this proposal, and primarily relate to development in other areas of the town which are not related to this site. Therefore, these matters have not been taken into consideration.

## PLANNING BALANCE AND OVERALL CONCLUSION

3.72 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.

3.73 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, and the Planning Obligations SPD 2015.

3.74 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.

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

3.76 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 (2019) 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

3.77 There is no evidence of equality or diversity implications.

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

3.78 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.

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

## REASON FOR DECISION

3.80 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 (£23,658) and secondary education (£19,742), built sport provision (£2,000), play facilities (£2,000), playing pitches (£1,866.32), tennis courts (£456.86), bowling greens (£39.68) and green infrastructure (£2,000), a scheme for the provision, maintenance and long term management of landscaping and the landscaping buffer, 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 general conformity with the site layout plan Dwg No: TPS001A/Worset, date received by the Local Planning Authority on the 14<sup>th</sup> December 2018.

For the avoidance of doubt.

4. The total quantum of development hereby approved shall not exceed 8 no. dwellinghouses (C3 use class).

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

5. Prior to the submission of any Reserved Matters application(s), a Detailed Design Code shall be submitted to and agreed in writing with the Local Planning Authority. All applications for Reserved Matters approval shall thereafter be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Detailed Design Code.

To ensure a satisfactory form of development.

6. 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 on a plot by plot basis. The materials shall accord with the agreed Detailed Design Code (as required by condition 05). 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.

7. Prior to the commencement of development, a scheme for tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the

site. 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 hedges and other planting that are worthy of protection.

In the interests of adequately protecting the hedges and other planting that are worthy of protection.

8. Prior to the commencement of development, a scheme for the protection and retention of the stone wall and associated vegetation on the southern boundary (to the rear of plots 7 and 8 as indicated on Dwg No: TPS001A/Worset, date received by the Local Planning Authority on the 14th December 2018) shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify the section of the stone wall to be retained and shall identify which of the adjacent trees, hedges and planting are to be removed and retained, and for the protection during construction works of the identified section of the stone wall, all identified trees, hedges and any other planting to be retained on and adjacent to the site. 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 section of the stone wall which is seriously damaged as a result of site works shall be replaced with a stone wall of such size as may be specified in writing by the Local Planning Authority within an agreed timetable. Thereafter the stone wall and vegetation shall be retained for the lifetime of development.

In the interest of biodiversity and visual amenity.

9. A detailed scheme of soft landscaping, hedge, tree and shrub planting (including proportion of native species) within the site and up to the boundary of the individual plots and details of the requisite landscape buffer (on the eastern side of the development including the area as annotated as 'Landscape Area' on Dwg No: TPS001A/Worset, date received by the Local Planning Authority on 14th December 2018) shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall make provision for the use of native species. Thereafter any

landscaping details required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. 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. 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. Thereafter the finished floor levels required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots. 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 Policy QP4 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

11. Details of all walls, fences, gates and other means of boundary enclosure to be constructed up to the individual plots shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter prior to any individual plots being developed details of boundary enclosures shall be provided on a plot by plot basis. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity and the amenity of the occupiers of the site.

12. No development on any individual plot shall commence until the boundaries of all the individual plots have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. This shall be in general conformity with the curtilages of the plots as shown on plan Dwg No: TPS001A/Worset (date received by the Local Planning Authority on 14th December 2018). The scheme identifying and demarcating the plots shall thereafter be maintained as approved during the construction phase unless some variation is otherwise agreed in writing by the Local Planning Authority. In the interest of the proper planning of the area to ensure plots can be clearly identified when reserved matters applications are submitted.

13. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all 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 including individual plots shall accord with the requirements of the agreed Construction Management Plan. To avoid excessive noise and disturbance to the occupants of nearby properties and in the interests of highway safety.

14. 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.

15. No development shall commence until a scheme for the provision of visibility splays of 2.4 metres x 43 metres at the entrance of the site from Worset Lane has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the requisite sight lines have been implemented in accordance with the approved scheme. The agreed scheme shall be retained for the lifetime of the development hereby approved. In the interest of highway safety.

16. Prior to the commencement of development details of the road widening works to a minimum width of 4.8m and footpath provision to a minimum width of 1.8m to Worset Lane and details of the site connection via a footpath link to the existing footpath at the north west corner of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with details so approved and to the satisfaction of the Local Planning Authority prior to commencement of any of the dwellings as approved by any reserved matters application. In the interest of highway and pedestrian safety.

17. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. No development shall commence until details of a 2m high acoustic fence to the eastern boundary and timetable for implementation and schedule of works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity to the Noise Assessment dated October 2018.

Thereafter the approved scheme shall be implemented in accordance with the timetable and retained for the lifetime of the development.

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

19. No 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 and in accordance with paragraphs 189.

20. Notwithstanding the submitted information prior to the commencement of development (plots 1-7 as shown on plan TPS001A/Worset, date received by the Local Planning Authority 14<sup>th</sup> December 2018), an updated noise assessment shall be first submitted to and agreed in writing with the Local Planning Authority. The assessment shall include a scheme of noise insulation and ventilation measures to properties with habitable rooms and garden areas closest to the local road network (to meet the internal noise levels in accordance with Table 4 of BS 8233:2014) has been submitted to and approved in writing by the Local Planning Authority. The



scheme shall be implemented as approved and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified for the measures in the approved scheme.

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

21. Development shall not commence until a detailed scheme for the disposal of foul water, 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.

22. Notwithstanding the submitted information, no development shall take place until a scheme for surface water management within the site including the detailed drainage/SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of 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.

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

In the interests of promoting sustainable development.

24. Reserved matters applications submitted for the individual plots hereby approved shall include details of a single integral bat brick to be built into each dwelling or associated garage on the east or south facing elevation of each dwelling along with a timetable for implementation. Thereafter the bat bricks shall be installed prior to the occupation of dwellings and retained for the lifetime of development.

To enhance biodiversity.

25. Details of all external finishing materials associated with the roads and service infrastructure of the development shall be submitted to and approved by the Local Planning Authority before development commences. 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.

Thereafter prior to any individual plots being occupied, details of all external finishing materials including car parking areas, footpaths and any other areas of hard standing to be created shall be provided as part of the reserved matters.

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.

26. 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.

27. 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.

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

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

29. The clearance of any vegetation including trees and hedgerows shall take place outside of the bird breeding season. The 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.

30. The dwellings hereby approved shall not exceed two and a half storeys in height with a maximum height to eaves of 6.3 metres and ridge of 10 metres. In the interests of visual amenity.

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

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

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

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

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

## **AUTHOR**

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

Tel: 01429 523284  
E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)

## LAND AT WORSET LANE



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/03/19</b>
	SCALE <b>1:5,000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0488</b>	REV



**No:** 4  
**Number:** H/2018/0490  
**Applicant:** ENGIE MERCHANT COURT MONKTON BUSINESS  
 PARK HEBBURN NE31 2EX  
**Agent:** BLAKE HOPKINSON ARCHITECTURE, MRS MADELINE  
 EVANS, OFFICE 1, 11 NEW QUAY, NORTH SHIELDS,  
 NE29 6LQ  
**Date valid:** 11/12/2018  
**Development:** Residential development comprising 31 No. two and three  
 bedroomed residential properties with associated internal  
 road layout and parking  
**Location:** LAND AT NEWHOLM COURT AND LEALHOLM ROAD  
 HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

4.3 H/2011/0651 – Erection of ten dwellings, associated access road, drives and car parking, including eight elderly persons bungalows and two wheelchair accessible bungalows, approved 03/04/12.

## PROPOSAL

4.4 Planning permission is sought for the erection of 31 two-storey dwellings, split over two parcels of land to the south east and south west of Newholm Court, directly east and west of Lealholm Road, which is split into two cul-de-sacs. All of the dwellings are proposed to be affordable, the intended developer being Thirteen Group.

4.5 The area of land to the west would include nine three bedroom and eleven two bedroom properties, arranged in five pairs and three short terraces. The area of land to the east would include six three bedroom and five two bedroom properties arranged in two pairs and two short terraces. Each of the properties would benefit from private amenity space to the rear with hard and soft landscaping, including parking spaces, to the front.

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

## SITE CONTEXT

4.7 The application site is located within an established residential area characterised by a mix of two-storey and single storey properties, in pairs and terraces. Brick and tile predominate, though there are examples of other materials present in the area. Although the majority of properties in the area have long been in place, there are a small number of new build properties on Newholm Court that sit in between and separate the two halves of the application site.

4.8 The land is currently grassed and there are number of trees to the periphery; however it is previously developed land rather than green space, having previously been developed for housing that has since been demolished. Both areas of land are currently secured to prevent access; as such the land does not offer an amenity function and prevents a link between the two sections of Lealholm Road.

## PUBLICITY

4.9 The application has been advertised by way of neighbour letters (95no), 2 site notices and a press notice. To date, three objections have been received from neighbouring land users.

4.10 The objections received can be summarised as follows:

- New houses would worsen existing anti-social behaviour problems in the area,
- Access between Jutland Road and Lealholm Road/Stockton Road should not be reintroduced,
- Existing wall between the site and Lealholm Road was removed without consultation with residents and has resulted in anti-social behaviour,
- Increased parking pressure in the area would cause highway safety issue,
- Proposals would cause difficulty entering/exiting existing junction on Stockton Road and risk accidents,
- Disruption from construction traffic,
- There are alternative sites that could be built on,
- Damage caused to telephone lines during survey work at the site, further disruption during construction could impact residents and those working from home,
- Previous assurances made that new houses would not be built on the land after former houses were demolished.

4.11 The period for publicity has expired.

4.12 Copy Letters **D**

## CONSULTATIONS

4.13 The following consultation replies have been received:

**HBC Traffic and Transport** – Plots 1 -20 The carriageway layout does not provide a turning head which conforms with the HBC Design Guide and Specification. A refuse

vehicle would have to reverse a distance greater than 40 metres before a turning manoeuvre could be carried out. This would be detrimental to road safety.

The extent of the adopted highway will be the carriageway / Footway, it will not include the parking bays or footway links to the properties.

Plots 1 -20 There's a sharp change in carriageway width between the old and new carriageway, the existing kerb line on the approach to the entrance should be amended to reduce the severity of the taper.

Plots 24 The driveway comes out onto kerb radius, driveways should come out onto straight sections of kerbing. This would ensure drivers do not have visibility compromised when leaving or entering the driveway.

Boundary details are acceptable

Construction management plan is acceptable.

Updated Comments 11/03/19 – I can confirm that I am now happy with the proposed highway layout.

I believe that the street lighting details will need modifying to suit the new plan.  
(*Revised plans subsequently provided to satisfy this*)

**HBC Public Protection** – Not Object.

**HBC Engineering Consultancy** – I will require a surface water and contamination condition on this application please.

**HBC Ecologist** – I have studied the E3Ecology Ltd Preliminary Ecology Survey (PEA). I have surveyed all of the ponds identified in Figure 7 on page 23 since 2016. Only ponds W1 and W3 are extant/ suitable for amphibians, and these do not have newts of any species. I, therefore, do not require an amphibian method statement.

I require the following compensation, mitigation and biodiversity enhancement measures:

- Each new building should incorporate an integral bat roost box or swift/bird nest box. The agent has confirmed that 'the pre-fab company have said they can actually use integral nesting boxes'.
- Landscaping to include native tree planting, native fruit and seed bearing shrubs and bat boxes, with associated benefits to garden birds.
- Habitat links for hedgehogs should be retained with 13x13 cm holes created between wall or fences separating gardens and areas outside the site.
- Standard bird nesting season condition.

#### European Sites and Habitat Regulations Assessment (HRA)

The ten dwellings threshold for triggering the need for a Habitats Regulations Assessment (HRA) stage 2 Appropriate Assessment is triggered by this proposal and a HRA will be required. HRA is covered by European legislation and is additional to planning requirements.



Analysis of the Tees Valley and Hartlepool housing and population data, provides figures for new housing. There will be an increase in residents of 2.3 people per house and 24% of households will be dog owners. Hartlepool BC uses these figures to guide HRA stage 1 screening. A total of 31 houses equates to 71 new people and at least seven households owning a dog. The shortest driving route from the proposed site to the nearest European Site is 2.2 km (Figure 1, from Magic Map). Adverse effects on the interest features (birds) of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site (and the proposed pSPA extension), through increased public access and disturbance, need mitigating.

The HRA Appropriate Assessment must establish that mitigation measures will be successful, by providing evidence. The AA must be approved by Natural England, the Government's national nature conservation agency.

Hartlepool BC has developed mitigation mechanisms including the provision of Suitable Alternative Natural Green Space and/or a financial contribution towards coastal management. For this scheme (with no SANGS offered) the financial contribution would be £250/house - £8,000.

I have HRA information that can be made available to the applicant.

Updated Comments 19/02/19 – I have studied the submitted Proposed Site Plan, Revision 13 (Figure 1) and I am satisfied with the details regarding bat boxes and bird boxes.

Updated Comments 20/03/19 – I have studied the submitted Landscape Proposals 'Preliminary' Rev P04. The proposals do not include any native trees or shrubs (as per my earlier recommendation), instead using silver birch and callery pear trees and a variety of ornamental shrubs.

However, I am satisfied that these will provide food and cover for a range of wildlife, and do not object to these proposals.

**HBC Landscape Architect** – There are no landscape and visual objections to the proposed development.

**HBC Arboricultural Officer** – This site currently has trees growing in it although none of these are of any great significance. There are also areas of self colonising species of woody shrubs that are present which are included within the tree report submitted by the applicant.

What is included within the updated Arboricultural Method Statement and the Arboricultural Impact Assessment (Document Ref.14497759) is the overall tree cover and those areas where development and existing landscaping clash. Those trees that are at risk can be seen as trees 1, 4 and 10 which will need to be removed as will groups 1-6, 8-12 and part of group 7.

The main tree species here are goat willow (*Salix caprea*), Sycamore (*Acer pseudoplatanus*) and Common Ash (*Fraxinus excelsior*) all of which readily seed

themselves and are common throughout Hartlepool together with Butterfly Bush (Buddleia), Wild Rose (Rosa), Elder (Sambucus), Pheasant Berry (Leycesteria) and Mock Orange (Philadelphus).

A comprehensive landscape scheme has been included to support this application and this is shown on document 14491795. There is also a tree root protection plan which can be seen by opening document 14497779 and details the protection measures necessary during the execution of the works. Overall most design elements have been covered in respect of the landscape details and I am satisfied that this is appropriate for this development.

**HBC Countryside Access Officer** – No comments received.

**Tees Archaeology** – Thank you for the consultation on this application. I have checked the HER and can confirm that the proposed development should not have a significant impact on any known heritage assets, and no archaeological assessment is required.

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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application.

In the enquiry response it states:

- Foul Water Discharge

The estimated foul flow of 0.75 l/sec from the eastern site can discharge into manhole 5601 and the estimated foul flow of 0.75 l/sec from the western site can discharge into manhole 4502.

- Surface Water Discharge

If the more sustainable options prove to be unfeasible, a restricted surface water flow of 3.5 l/sec from the eastern site can discharge into manhole 5601 and a restricted surface water flow of 3.5 l/sec from the western site can discharge into manhole 4502.

However, the current drainage strategy demonstrates the restrictions on the surface water flows for both sites to be 5 l/sec as well as additional surface water flows entering the surface water network after the hydrobrake and therefore exceeding the

agreed discharge rate. Because the applicant has not submitted a drainage scheme in line with the agreed discharge rates and locations, NWL request the following condition:

**CONDITION:** No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

Any drainage scheme submitted to the Local Planning Authority should be in line with the attached NWL comments.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

**Northern Gas Networks** – Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be full chargeable.

**Hartlepool Water** – No comments received.

**Cleveland Police** – The applicant has indicated that it is wished to achieve Secured by Design Silver award to achieve this the following is required:

Front and rear doors along with all accessible windows need to be certified to PAS 24:2016 or r standards that achieve certification under STS201/202 or LPS 1175 Security Rating 2.

Security lighting to rear and front door areas in the form of dusk/dawn lighting

In addition the these requirements I would recommend that rear access footpaths to plots 9,20,25,31 are all gated located as close to front building line as possible the gate should be operated by a key operated lock and be the same height as surrounding boundary fence i.e. min 1.8m and devoid of climbing aids.

If above gating is complied with and street lighting to all footpaths roads and parking areas complies to BS 5489 2013 then I see no reason why this development could achieve Secured by Design Gold standard.

**HBC Community Safety** – I have run a query covering the time period 21<sup>st</sup> March 2018-20<sup>th</sup> March 2019 inclusive which has identified that Newholm Court and the immediate vicinity are not classed as higher than average areas for crime or anti-

social behaviour. I looked at Newholm Court itself and the properties adjacent on Seaton Lane, Jutland Road, Ormesby Road and Stockton Road as shown on the attached map.

During the time period, there were 717 crimes recorded in Seaton ward as a whole, of which 20 (3%) were recorded within the Newholm Court area. Additionally, during the same time period there were 323 ASB incidents reported in Seaton Ward, of which 18 (6%) were within the Newholm Court area.

The majority of ASB incidents for both the ward and for the Newholm Court area were classed as nuisance incidents, which means that they did not have a specific individual victim but, rather, impacted on the wider community. The majority of both crimes and ASB incidents in the wider vicinity were reported on Jutland Road and the Groves off Seaton Lane

On this basis, I do not think that the construction of new properties in the vicinity of Newholm Court would have a particularly adverse impact on crime or ASB in the area.

## PLANNING POLICY

### National Planning Policy Framework (NPPF)

4.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2018 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.

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

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making

047	Determining applications
091	Promoting healthy and safe communities
124	Creation of well-designed places
127	Creation of well-designed places
130	Refusal of poor design
150	Planning for climate change
153	Planning for climate change

### Hartlepool Local Plan 2018

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

<b>Policy</b>	<b>Subject</b>
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and Adapting to Climate Change
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG9	Affordable Housing

### HBC Planning Policy Comments

4.17 Planning policy consider the proposal to be in accordance with policy QP4 as the dwellings meet the appropriate separation distances and the layout is suitable.

4.18 To seek to secure appropriate green infrastructure on-site, it would be requested that a condition is placed on any potential approval to secure high quality landscaping through the form of trees, planting etc.

4.19 As per policy CC1, the development must secure, where feasible and viable, a minimum of 10% of their energy from decentralised and renewable or low carbon sources and we would seek to impose a condition on the development to ensure this. Policy QP7 states that the Council would encourage an attempt to be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations.

4.20 Policy QP1 seeks planning obligations on developments over 5 dwellings. This is to ensure the development is considered appropriate, and to mitigate the pressure that the development will put in local infrastructure, services and the environment. In the case of this 32 dwelling development, the contributions that should be sought are:

- £7750 (£250 per dwelling) to be directed towards Rossmere Playing Fields.
- £7750 (£250 per dwelling) towards Rossmere Park.
- £7750 (£250 per dwelling) towards adult fitness equipment in the Golden Flatts Green Wedge.

- £7231.99 (£233.29 per dwelling) to contribute towards grass pitches at Rossmere Playing Fields.
- £1767.62 (£57.02 per dwelling) towards improvement of tennis courts at Seaton Lodge.
- £154.07 (£4.97 per dwelling) towards bowling greens at Owton Lodge.

4.21 In this instance, education contributions are not required from the development due to sufficient capacity in nearby schools. As all of the dwellings proposed would be affordable homes, there is not a requirement for contributions towards off-site affordable housing.

4.22 Policy MWP1 of the Tees Valley Minerals and Waste DPD requires major development to provide a waste audit, which should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy. As the development is for a residential scheme, the policy stipulates that within the development “sufficient space should be provided, both internally and externally, for household waste disposal, recycling and composting bins, ensuring that appropriate access is provided to move these bins from their storage positions to their collection points. Adequate access and turning facilities must be provided for refuse collection vehicles”.

## **PLANNING CONSIDERATIONS**

4.23 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring land users, the impact on highway safety and parking, and other relevant planning matters.

### **PRINCIPLE OF DEVELOPMENT**

4.24 The application site is not allocated for a particular purpose in the Local Plan, however it is within an existing residential area and has been previously developed for housing, as such the proposed residential development is considered acceptable in principle subject to an assessment of the relevant material considerations. Due to the size of the development, planning obligations are required in line with the Council’s Supplementary Planning Document, as outlined above. The applicant has agreed to enter into a legal agreement to secure the obligations requested in order to offset the impact of the development. As affordable housing is to be provided on site rather than off-site, an obligation within such a legal agreement would be required to ensure the retention of the properties as affordable.

### **CHARACTER AND APPEARANCE OF AREA**

4.25 The dwellings proposed are of a modular rather than traditional construction; however they will be finished in brick slips and slate style roof tiles and will therefore be in keeping with the vernacular of the wider area. Brickwork banding and soldier courses above and below doors and windows are proposed along with canopies over front doors. These elements add detail and reflect features of the existing

properties in the area, improving the appearance of the properties proposed and ensuring a design in keeping with the wider area.

4.26 The layout of the properties and their form are reflective of the nature of the wider area, along with the provision of private amenity space to the rear. Although the properties have limited dedicated space to the front, areas of soft landscaping soften the appearance of the properties and the associated hard landscaping.

4.27 Overall, the scheme is considered to be of an acceptable design, appropriate to the area, which would not detract from the visual amenities of the area. As such, the application is considered to be acceptable in this regard.

#### AMENITY OF NEIGHBOURING LAND USERS

4.28 The proposed development meets the relevant separation distances between primary habitable room windows in the houses proposed and the existing neighbouring properties, across both parts of the site. As such, the requirements of policy QP4 have been met and it is not considered the development would adversely affect the amenity of neighbours with regards to privacy.

4.29 Levels across the site vary and the eastern part of the site in particular has a notable difference in levels when compared with the existing properties on Newholm Court.

4.30 Given the existing properties are single storey and those proposed are two storey there is the potential that the proposed dwellings could have an impact on the neighbouring properties in terms of loss of light and an overbearing appearance. Notwithstanding that, the application includes details of existing and proposed site levels and section drawings. These broadly demonstrate a satisfactory relationship between the existing and proposed homes can be achieved, however full details should be secured by planning condition. Furthermore, no objections have been raised by the Council's Public Protection team with regards to any impact to the amenity of neighbours.

#### HIGHWAY SAFETY & PARKING

4.31 The development proposes to take access from the existing Lealholm Road to both the east and west, forming larger cul-de-sacs with turning head arrangement, though it would remain the case that the two sections of Lealholm Road would not be re-connected to form a through route. As above, this had been raised by objectors as a concern but as this would not be the case it is not afforded any weight in decision making.

4.32 Each of the properties would be served by two parking spaces and three visitor parking spaces are proposed in the eastern part of the site. This meets the requirement of the Design Guide for two and three bedroom dwellings and therefore there are no objections from HBC Traffic and Transport in this regard. While the concerns raised by neighbours regarding the potential for increased vehicle numbers being parked in the street is noted, it is not possible to attribute weight to such objections when adequate parking provision has been made.

4.33 Concerns were initially raised in respect of the western part of the site and turning arrangements for bin wagons. In order to minimise the need for bin wagons to reverse before being able to turn, a private drive has been introduced at the eastern extent of this part of the site. This overcomes the concerns regarding highway safety and appropriate collection arrangements for refuse.

4.34 Concern had also been raised in relation to one of the properties taking access from a kerb radius, however the alternative would be the loss of parking spaces and therefore it would be preferable to maintain the level of parking required.

4.35 Objectors have drawn attention to a junction on Stockton Road that is not within the application site but is adjacent to it and would be likely to be used by occupants of the properties proposed. HBC Traffic and Transport have not advised any severe impact on the surrounding highway network would result from the development and therefore this concern is noted, however would not warrant refusal of the application.

4.36 HBC Traffic and Transport have confirmed they have no objections to the application and are satisfied with the amendments made to the proposed layout.

## OTHER PLANNING MATTERS

### Ecology

4.37 The Council's Ecologist has confirmed there are no objections to the principle of development, providing biodiversity enhancement is secured in the form of bird and bat boxes to each dwelling and suitable landscaping. The applicant has confirmed each property will have a bat or bird box included and the submitted site plan reflects the intended position of these. Full specifications of the boxes to be used will need to be secured via condition; however in principle the development is acceptable in this regard. Conditions will also be required to ensure development is carried out outside of the bird breeding season and provision of habitat links for hedgehogs.

### Landscape

4.38 In terms of landscaping, the proposed development will require the removal of a number of trees on the site, however none of these are considered to be of significance by the Council's Arboricultural Officer. In addition, the application includes details of a proposed landscaping scheme and tree protection measures for those trees that are to be retained, both of which are considered satisfactory by both HBC Arboricultural Officer and Ecologist. As such, the proposed development is considered acceptable with regards to landscaping subject to appropriate conditions to secure the relevant details.



### Energy Efficiency

4.39 With regards to the requirements of policies CC1 and QP7 of the Local Plan, the development will comply with the requirement to provide opportunities for electric vehicle charging by including the relevant apparatus within plots to allow future occupiers to have charging points installed should they so wish in future. A sustainability statement has also been provided to demonstrate the construction methods employed provide energy efficiencies in excess of Building Regulations requirements and therefore the development is considered to be acceptable in terms of adapting to climate change and employing energy efficiency measures.

### Anti-Social Behaviour

4.40 Concerns have been raised by neighbouring occupiers regarding the potential for future occupiers to generate anti-social behaviour. There is nothing to suggest housing in this location would necessarily affect anti-social behaviour but in any event separate legislation would be called on to manage this issue if it were to occur. The Council's Community Safety team have confirmed the area does not suffer higher than average incidents of anti-social behaviour and advised the development proposed would be unlikely to adversely influence this. In addition, Cleveland Police have offered advice to the applicant on how to achieve the stated aim of Secured by Design Silver Award, which would assist in preventing crime at the site.

4.41 Objections have also been raised regarding the potential for Lealholm Road to be re-connected and whether this would result in anti-social behaviour. However, this is not proposed by the development, which would retain two distinct cul-de-sacs with the properties on Newholm Court between the two.

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

### Waste

4.43 The application is accompanied by a document outlining the developer's proposed on site waste management strategy for the construction phase and adequate measures for bin storage and collection have been made for occupation of the properties. The Council's Policy team have confirmed these are suitable to address the requirement of the Tees Valley Minerals and Waste DPD to provide a waste audit.

## RESIDUAL MATTERS

4.44 A number of matters have been raised by objectors that are not material planning considerations and cannot therefore be considered in determining the application. These include removal of the wall formerly enclosing the site prior to the application being submitted, which would not have required planning permission. Damage to telephone lines following survey works being carried out on the site is unfortunate but is a civil matter between the parties concerned and not a planning matter, should any damage be caused during construction this is something the developer would be responsible for rectifying.

4.45 Disruption during construction is an inevitable aspect of new development; however it is not a reason to refuse planning permission. Any approval would be subject to standard working hour's conditions to ensure the amenities of occupiers are not unreasonably disrupted and therefore the development would be acceptable in this respect.

4.46 It is unclear where the suggestion that houses would never be built on the site stems from, there are no planning restrictions that would restrict or prevent the development of the site for residential purposes and therefore this issue cannot influence the planning process.

## CONCLUSION

4.47 The proposed development would provide new dwellings in an existing residential area of the town, bringing a currently vacant area of land back into use. The location of the development is considered appropriate in principle and would provide a number of benefits, including affordable housing and the identified planning obligations detailed earlier in this report. All relevant material considerations are considered to have been addressed and subject to a section 106 agreement and suitable conditions, the application should be approved.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.48 There is no evidence of equality or diversity implications.

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

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

4.50 There are no Section 17 implications, as per report.

## REASON FOR DECISION

4.51 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 S106 legal agreement securing contributions towards built sports (£7,750), green infrastructure (£7,750), play facilities (£7,750), playing pitches (£7,231.99), tennis courts (£1,767.62) and bowling greens (£154.07), securing on-site affordable housing, long-term management of on-site landscaping and a local labour agreement, and subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
  
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 050-00, revision 2 (Site Location Plan), drawing number AMSTPP, revision A (Arboricultural Method Statement Tree Protection Plan) received by the Local Planning Authority 03/12/18, drawing number AIATPP, Revision A (Arboricultural Impact Assessment Tree Protection Plan), received by the Local Planning Authority 10/12/18, drawing number 300-10, revision 6 (Proposed Holt HT plans and elevations), drawing number 300-01, revision 7 (Proposed Dalby HT plans and elevations), drawing number 300-20, revision 3 (Proposed Typical Plot Layout), received by the Local Planning Authority 22/01/19, drawing number 200-40, revision 6 (Proposed Site Section), received by the Local Planning Authority 15/02/19, drawing number 126104/2001, revision D (Drainage Layout), drawing number 126104/2010, revision A (Proposed Manhole Schedules), drawing number 126104/2003, revision B (Proposed Surface Finishes and Kerb Types), drawing number 126104/2004, revision B (Proposed Construction Details Sheet 1), drawing number 126104/2005, revision B (Proposed Construction Details Sheet 2), drawing number 126104/2006, revision B (Proposed Construction Details Sheet 3), drawing number 126104/2007, revision B (Proposed Construction Details Sheet 4), drawing number 126104/2008, revision B (Proposed Construction Details Sheet 5), drawing number 126104/2001, revision D (Proposed Spot Levels and Contours), received by the Local Planning Authority 05/03/19, drawing number N755-ONE-ZZ-XX-DR-L-0201, revision P05 (Landscape Proposals), drawing number 050-50, revision 9 (Proposed Site Block Plan), drawing number 200-10, revision C2 (Proposed Site Plan with Surface Treatment), drawing number 200-20, revision C2 (Proposed Site Plan with boundary treatment), drawing number 200-01, revision C3 (Proposed Site Plan) received by the Local Planning Authority 15/03/19, drawing number ASD-SL-180122, revision R1 (Street Lighting), received by the Local Planning Authority 18/03/19.  
For the avoidance of doubt.
  
3. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, garden levels, car parking levels, and the areas adjoining the site boundary any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To take into account the position and levels of the buildings and car parking areas and the impact on adjacent residential properties.

4. Notwithstanding the submitted details, no development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.

5. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree protection measures identified in drawing number AIATPP, Revision A (Arboricultural Impact Assessment Tree Protection Plan), received by the Local Planning Authority 10/12/18 shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interest of tree protection.
7. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
8. All planting, seeding or turfing comprised in the approved details of landscaping shown in drawing number N755-ONE-ZZ-XX-DR-L-0201, revision P05, received by the Local Planning Authority 15/03/19 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.
9. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the dwellings. 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.
10. The development hereby approved shall be carried out in accordance with 'Briary Energy Consultants Regulations Compliance Report, Version 1.0.4.10',

date received by the Local Planning Authority 17<sup>th</sup> January 2019. Prior to the occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.

11. Prior to first occupation of the development hereby approved details of 14 bat boxes and 17 bird boxes identified on drawing number 200-01, Revision C3 (Proposed Site Plan) received by the Local Planning Authority 15/03/19, to be incorporated into the dwellings hereby approved along with a timetable for provision shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
12. No part of the residential development shall be occupied until details of the electric vehicle charging apparatus to serve the properties identified on drawing number 200-01, Revision C3 (Proposed Site Plan), received 18/03/2019 by the Local Planning Authority have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site.  
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
13. No part of the residential 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 amenities of the surrounding area.
14. Notwithstanding the agreed details and prior to the occupation of the dwellings hereby approved, details for the provision a 13cm<sup>2</sup> square Hedgehog access hole at ground level within dividing garden fences (and any other means of enclosure where necessary) to allow free passage of Hedgehogs through gardens and to areas outside of the site shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the ecology of area and to avoid harm to hedgehogs.
15. Notwithstanding the requirements of condition 14 and prior to occupation of the development hereby approved, the boundary means of enclosure shall be

implemented on site in accordance with drawing number 200-20, revision C2 (Proposed Site Plan with Boundary Treatment), received by the Local Planning Authority 18/03/19.

In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.

16. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
17. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if 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 the interests of breeding birds.
18. The development hereby approved shall be used as a C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no 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 properties.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), 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 with the exception of those enclosures approved as part of this permission and shown on drawing number 200-20, revision C2, received by the Local Planning Authority 15/03/19.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

22. The development hereby approved shall be carried out in accordance with the measures identified in the Engie 'Technical Standard – Waste management on site' document, received by the Local Planning Authority 17/01/19. In the interests of a satisfactory form of development and in accordance with policy MWP1 of the Tees Valley Minerals and Waste DPD.

## **BACKGROUND PAPERS**

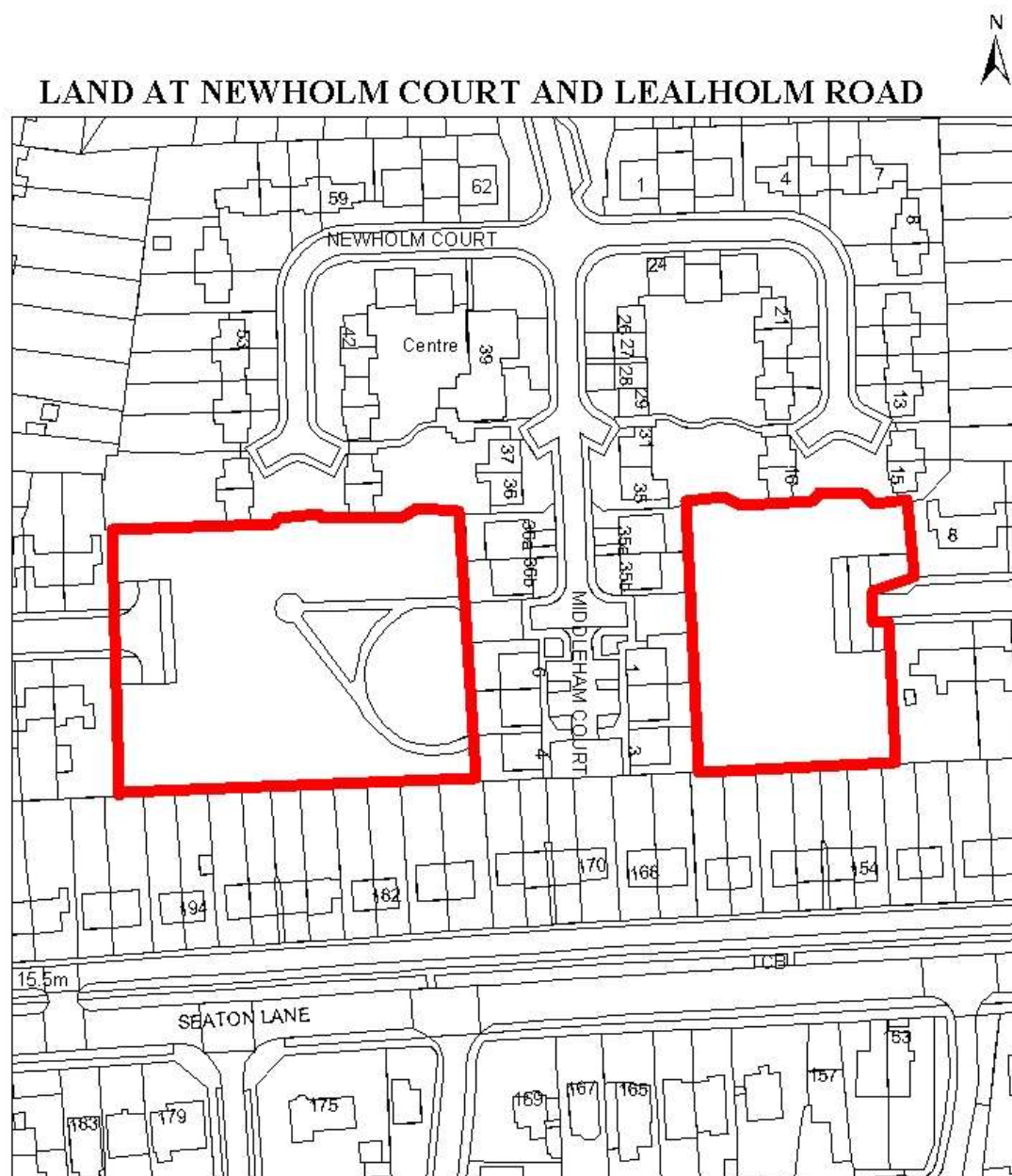
Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>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

## **CONTACT OFFICER**

- 4.52 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: (01429) 523596  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

## **AUTHOR**

- 4.53 Laura Chambers  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 523273  
E-mail: [laura.chambers@hartlepool.gov.uk](mailto:laura.chambers@hartlepool.gov.uk)



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/03/19</b>
	SCALE <b>1:1250</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0490</b>	REV



**No:** 5  
**Number:** H/2019/0001  
**Applicant:** MRS S CROW 11 SPENSER GROVE HARTLEPOOL  
 TS25 5PN  
**Agent:** MRS S CROW 11 SPENSER GROVE HARTLEPOOL  
 TS25 5PN  
**Date valid:** 29/01/2019  
**Development:** Change of use from amenity land (public open space) to  
 residential car parking  
**Location:** LAND ADJACENT TO 11 SPENSER GROVE  
 HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

5.2 A summary of the relevant planning history for the site is detailed below:

5.3 HFUL/1985/0250 - Single-storey extension to side to provide garage, utility and w.c. Approved. 02/10/1985.

5.4 The application has been brought before Planning Committee in accordance with the current Council Code of Practice and Scheme of Delegation which requires applications submitted by serving Council officers or their close relatives to be determined by Planning Committee members in the interest of providing an open and transparent decision making process.

## PROPOSAL

5.5 Planning permission is sought for the change of use of incidental open space to garden curtilage to provide off-street parking. The land in question measures approximately 5.0 x 7.5m. The land is currently laid to hard standing in the form of block paving, with no proposals to enclose the site.

## SITE CONTEXT

5.6 The application site and host property is located at the Northern end of Spenser Grove (which is a cul-de-sac), with the land in question directly adjacent to the front / garage of the applicant's property (11 Spenser Grove).

5.7 The land is currently in Council ownership, and negotiations have been undertaken in regards to the sale of the land. The proposed area is part of a larger parcel of incidental open space to provide amenity land for the nearby occupiers.

5.8 Spenser Grove contains 6 properties constructed in a linear fashion along the Western side of Spenser Grove with a view over the open space. It is noted that the majority of the properties do not possess any incutillage parking and rely of public parking bays.

## **PUBLICITY**

5.9 The application has been advertised by way of neighbour letters (7 in total), site notice and local ward members. To date, there have been two letters of objection received.

5.10 The concerns raised are:

- The land is public land and should remain so;
- The land was formally a open grassed area and should be reinstated;
- The land is a pleasant feature of Spenser Grove which is valued;
- The disposal of the land would lead to a loss of amenity for the local area and for residents;
- There is no economic or social benefit from the disposal of the land;
- Pedestrian and Highway safety;
- No need for addition parking within the street.

5.11 Copy Letters **E**

5.12 The period for publicity has expired.

## **CONSULTATIONS**

5.13 The following consultation replies have been received:

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

However; it must be pointed out that adjacent and to the right of this proposed 'change of use' site; there is a recognised Town Green, located on the open space.

As this is public open space; the proposed development/land change must not impinge or 'overlap' with this open space/town green at any time.

**HBC Estates** - The land is currently owned by the Council

**HBC Engineering Consultancy** – It is standard practice that any hard standing (including flag stones) installed would be required to submit surface water drainage details to ensure the responsible disposal of surface water. However, in this instance given the significant time that the hard standing has been in situ and their having been no identifiable flooding or drainage issues that this information is not considered necessary or relevant to require these details. All sites are assessed on

an individual basis and therefore we would still like to be consulted on any further applications that include a requirement for hard standing.

**HBC Traffic and Transportation** - The position and access to the drive are considered acceptable, and would receive approval if the land was in private ownership.

**HBC Landscape** - Can I suggest *Prunus sargentii* (Sargents Cherry), *Betula pendula* (Birch) and *Sorbus aucuparia* (Mountain Ash) to be planted near to the road annex in question but about 5m apart and numbering 6 in total. These should be standards with a straight stem, staked with a wire cage around them to protect them from vandalism.

## PLANNING POLICY

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

### Local Policy

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

NE6: Protection of Incidental Open Space

QP4: Layout and Design of Development

QP5: Safety and Security

SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework

5.16 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. The following paragraphs are relevant to this application:

PARA 001 : Introduction

PARA 007 : Achieving sustainable development

PARA 008 : 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

PARA 047 : Determining Applications

## PLANNING CONSIDERATIONS

5.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on the character and appearance of the area, the impact on the amenity of existing residents and neighbouring land users, and any other planning matters.

### PRINCIPLE OF DEVELOPMENT AND IMPACT ON SURROUNDING AREA

5.18 The proposed development is located on incidental open space (approx. 2890m<sup>2</sup> in area) which is protected by policy NE6 within the Local Plan. This policy seeks to resist the loss of incidental open space unless it can be demonstrated that the area is detrimental to the amenity of neighbours or too small/difficult to maintain; or it does not contribute to the visual or recreational amenity and where the need and function of the open space is met elsewhere in the locality.

5.19 In this instance the area of land subject to this application is within the North-west corner of the open space, directly outside of the application property. Due to the location and size of the open space proposed to be incorporated within the host dwelling (approx 37.5m<sup>2</sup>) which would equate to a loss of approximately 1.3% of the overall open space and given that the area does not significantly contribute to the function and recreational amenity of the area, nor prevent the use of the remaining space, that the change of use of the land accords with policy NE6, subject to a tree planting scheme to enhance the appearance of the area as per comments from the Council's Arboricultural Officer, which can be secured by a planning condition. Therefore the principle of the proposal is acceptable and satisfies the policy requirements.

5.20 As the proposal is a change of use with no built structures (other than the existing hard standing that has been in situ for a minimum of 7 years) and given the modest extent of the land in question along with the proposed landscape enhancements to the area, it is considered that the proposed development will not detrimentally impact the character or appearance of the existing host property, neighbouring properties or the surrounding area.

5.21 Furthermore, it is considered that in order to ensure that the character and appearance of the area is maintained that a condition is applied to control the erection of any boundary treatments around the parcel of land, and to ensure that the use of the land is ancillary to the main dwelling, and cannot be severed without written consent of the Local Planning Authority.

5.22 The proposal is therefore considered acceptable in terms of its impact on the visual amenity of the site and the surrounding area, in accordance with paragraph

127 of the NPPF, and in compliance with the requirements of policy QP4 and NE6 within the Hartlepool Local Plan (2018).

#### **AMENITY AND PRIVACY OF EXISTING RESIDENTS AND NEIGHBOURING OCCUPIERS**

5.23 It is not considered that the proposed change of use will have a direct significant detrimental impact on the amenity and privacy of any neighbouring property, given the location of the land being situated directly to the front of the application site, and with no built structures being located on the site.

5.24 Furthermore, given the stated purpose of the land is to provide off-street parking, it is considered that the reduction in the demand for on-street parking for Spenser Grove will enhance the amenity of the neighbouring residents.

#### **HIGHWAY SAFETY**

5.25 The application has been considered by the HBC Traffic and Transportation team who have confirmed that they have no objection to the proposal in terms of highway safety.

5.26 Whilst there have been concerns raised by neighbouring residents in relation to highway and pedestrian safety, there is no evidence to substantiate this objection, and in light of the comments from the Council's Traffic and Transportation team it is considered that the proposal will not create any significant issues in relation to highway safety to warrant refusal.

#### **FLOODING AND DRAINAGE**

5.27 The Council's Engineering Consultancy section have considered the proposal in relation to their function as the Lead Local Flood Authority, and have in this instance concluded that given the significant time that the hard standing has been in situ and there having been no identifiable flooding or drainage issues that surface water drainage details are not necessary. The proposal is therefore acceptable in this respect.

#### **RESIDUAL MATTER**

5.28 A number of points of objection relate to the sale of the land, and that it should remain within public ownership. However this is immaterial in the determination of this proposal, and outside the remit of the planning process. Therefore this has not been taken into consideration.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.29 There is no evidence of equality or diversity implications.



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

5.30 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.

5.31 There are no Section 17 implications.

## **REASON FOR DECISION**

5.32 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 the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans; Location Plan (1:1250), Site Plan 1:500 (Dwg No. E/G/825a) and Site Plan (1:200) received by the Local Planning Authority on 25<sup>th</sup> January 2019.  
For the avoidance of doubt.
2. A landscape planting scheme comprising of 6 trees (2no. *Prunus sargentii* (Sargents Cherry), 2no. *Betula pendula* (Birch) and 2no. *Sorbus aucuparia* (Mountain Ash)) shall be planted adjacent to the eastern boundary of the site edged in red on plan E/G/825a (date received 3rd January 2019) at 5m intervals within the first planting season (October - March 2019) from the date of the decision notice unless an alternative scheme and timetable has been first agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected along the boundaries of the site edged in red on approved plan E/G/825a (date received on the 3rd January 2019), 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.
4. The land hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business activity shall be carried out therein, nor shall the land be severed from the host planning unit without prior written consent of the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.

## **BACKGROUND PAPERS**

5.33 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.

## **CONTACT OFFICER**

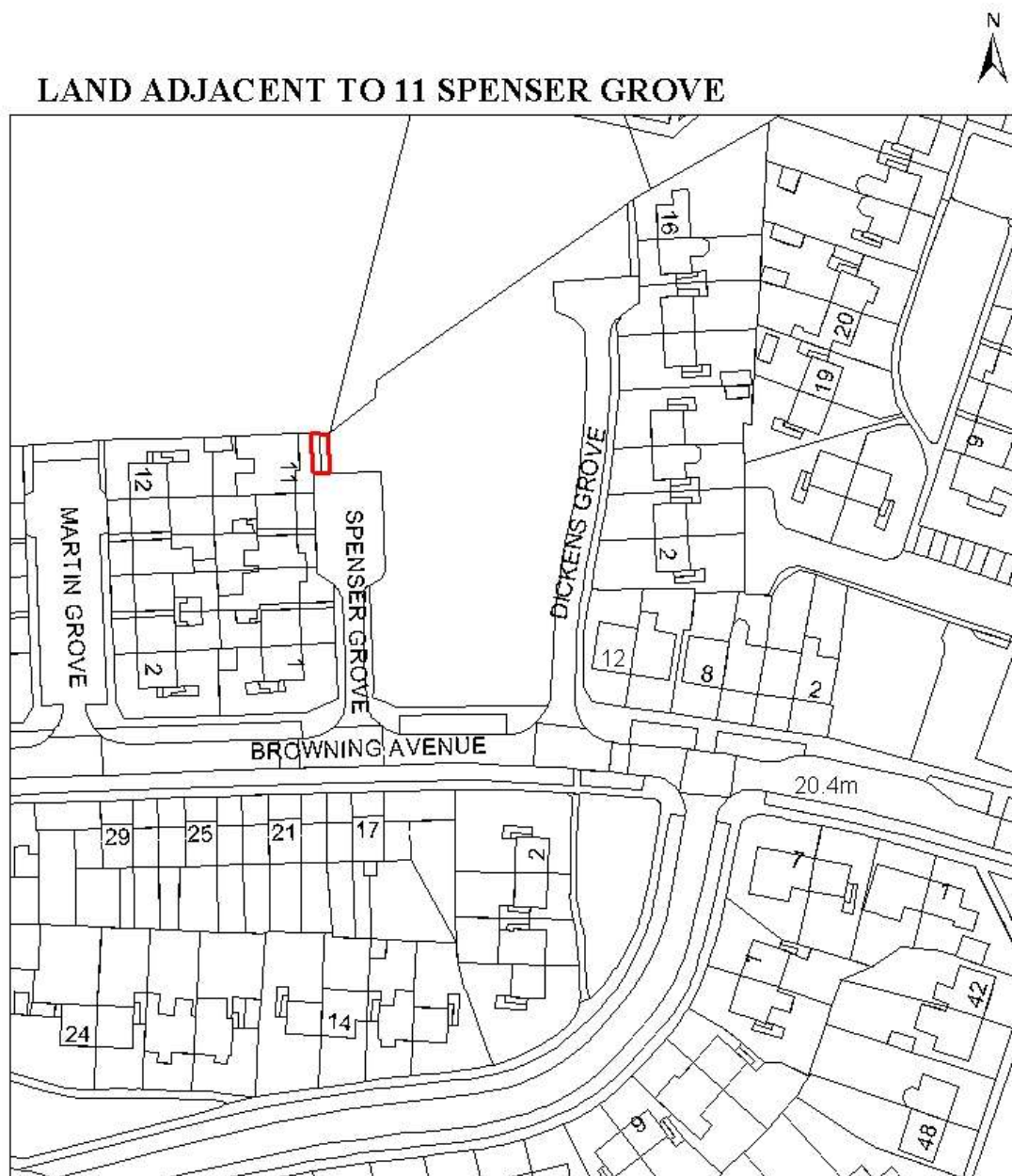
5.34 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

5.35 Leigh Dalby  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523537  
E-mail: [leigh.dalby@hartlepool.gov.uk](mailto:leigh.dalby@hartlepool.gov.uk)



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/03/19</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0001</b>	REV

**91)No:** 6  
**Number:** H/2019/0037  
**Applicant:** MR A KAID 55 WOOLER ROAD HARTLEPOOL TS26 0DR  
**Agent:** MD2 CONSULTING LTD MR GLENN MCGILL THE DENE 36 NEVILLEDAL TERRACE DURHAM DH1 4QG  
**Date valid:** 31/01/2019  
**Development:** Erection of detached 1.5 storey detached dwelling with associated landscaping, hardstanding and boundary treatments  
**Location:** SIDE GARDEN AREA HILLVIEW 55 WOOLER ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

6.2 The host property and proposal site contains a long history of planning applications, a summary of the relevant planning application are detailed below:

6.3 H/OUT/0185/87 - Outline application for erection of detached dwelling.  
**Approved.** 27/05/1987

6.4 H/OUT/0652/90 - Outline application for the erection of a detached bungalow.  
**Approved.** 19/12/1990

6.5 H/OUT/0243/03 - Outline application for the erection of a detached bungalow.  
**Approved.** 06/06/2003

6.6 H/2008/0251 - Outline application for the erection of a detached bungalow.  
**Approved.** 27/07/2008

6.7 H/2017/0202 - Outline planning permission for a detached dormer bungalow and the erection of a boundary wall. **Refused** 15/06/2017 for the following reasons;

1. *In the opinion of the Local Planning authority by virtue of the position of the proposed dwelling and subsequent loss of garden, it would result in a detrimental impact upon the setting of the locally listed building (a non-designated heritage asset) and as such would be contrary to policy HE12 of the adopted Hartlepool Local Plan (2006), HE5 of the emerging Local Plan and Paragraph 135 of the NPPF.*

2. *In the opinion of the Local Planning Authority by virtue of the position of the proposed dwelling, it would reduce the space between the properties and dilute the hierarchy of the buildings which is characteristic of the conservation area. Therefore the proposals are considered to be contrary to policy HE1 of the adopted Local Plan (2006), emerging Local Plan policies HE3 and HE7 and paragraphs 126, 131 and 137 of the NPPF.*
3. *In the opinion of the Local Planning Authority by virtue of the lack of submission of an Arbocultural Impact Assessment and Roots Constraints Plan the Local Planning Authority are unable to assess the impact of the development upon the protected trees on the site.*

6.8 H/2018/0136 - Erection of detached 1.5 storey detached dwelling with associated landscaping, hardstanding and boundary treatments. **Withdrawn.**

## PROPOSAL

6.9 Full planning approval is sought for the erection of a detached 1.5 storey detached dwelling with associated landscaping, hardstanding and boundary treatment located in the side/front garden of 55 Wooler Road (the host property). Access is proposed by virtue of creation of a new access point from the existing private drive for Wooler Lodge (a property to the rear of the application site). A boundary wall is proposed to divide the host proposed dwelling site from the existing adjacent property at 55 Wooler Road, in order to provide private amenity space for the existing host property and the proposed dwelling.

6.10 The application has been brought by the Planning Committee following a request from a Local Ward Councillor in line with the Council's scheme of delegation.

## SITE CONTEXT

6.11 The application site forms part of the side/front garden of 55 Wooler Road which is currently enclosed by a brick wall to the front, adjacent to the highway. There is an existing access point (with gates) which provides access to the host property which is a locally listed building (non-designated heritage asset) and is located to the south of the proposed dwelling. The site is also located within Park Conservation area which is a designated heritage asset.

6.12 The surrounding area is predominantly residential in nature with various designs of properties in the immediate setting. There are relatively modern dwelling houses directly opposite the application site (to the west). There are also residential properties to the north and west of the application site. There is an access driveway, which provides access to Wooler Lodge to the rear of the application site (east) which runs directly to the north of the application site. No 53 is present to the north. This boundary is enclosed by a wall and mature conifer hedges in excess of 6 metres in height.

## PUBLICITY

6.13 The application has been advertised by way of neighbour letters (10 in total), site notice and press advert. To date, there has been one representations received that offered no objection to the proposal.

6.14 Copy Letters F

6.15 The period for publicity has expired.

## CONSULTATIONS

6.16 The following consultation replies have been received:

**HBC Conservation:** The applications site is located with the Park Conservation Area, a designated heritage asset. The host property is recognised as a locally listed building and therefore considered to be a heritage asset.

Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a Local Planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for Local Planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

Policy HE3 of the Local Plan states that the Borough Council will seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's.

Given the individual design of properties there is a great variety of architectural features and styles, but most are characterised by the use of smooth red brick, with contrasting terracotta or stone decoration. Architectural features include a variety of towers, bays, balconies, balustrades and projecting porches. The emphasis in building design is still however a vertical one with single paned sash windows typical. Coloured leaded lights and multi-paned to upper window lights are frequently

evident. Roof finishes are either plain clay tiles, with finial and ridge tile decoration, or on earlier buildings, Welsh slate.

Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed and locally buildings. A particular concern is the loss of gardens and open spaces as dwelling which once sat within generous grounds are being subsumed by development.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council.

With regard to locally listed buildings the National Planning Policy Framework (NPPF) looks for Local Planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

Policy HE5 of the Local Plan states that where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

Also of relevance is para 122 (d) of the NPPF in relation to achieving ‘appropriate densities’, which states, ‘Planning...decisions should...take account [of] the desirability of maintaining an area’s prevailing character and setting (including residential gardens).’

The application proposes a single dwelling and associated works to the side garden of 55 Wooler Road.

Whilst it is noted that an application has in the past been approved on this site, that was prior to the most recent developments within the conservation area, the production of the character appraisal, and in particular the identification of the conservation area as being at risk.

The Conservation Area Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with associated structures, such as lodge houses, gardener’s cottages and outbuildings set away from the main dwelling.

In this instance the large dwelling has been subdivided into a number of smaller properties and also extended to provide further accommodation. Whilst this site does not follow the hierarchy of the earliest development elsewhere with multiple outbuildings, it is an example of a later property with a substantial main building and more subservient extensions which sits in generous grounds.

The significance of the locally listed buildings is derived from the architecture of the building as an example of an early dwelling in the Park Conservation Area and for this reason it also has a historical significance. The significance covers the whole of the site as the garden provides the setting for the property.

In relation to the Park Conservation Area the significance is derived from the aesthetic value of the area itself, the architecture, the layout and the contribution of spaces in the area. The historical value is derived from the fact that it is an example of the development of West Hartlepool and an area which was the result of the rapid urbanisation of the town centre and the movement of residents to the edge of town with the creation verdant streets.

This proposal is more detailed than those previously submitted with the plans showing a dormer bungalow sitting within the garden. The information provided shows that the property will be visible over the boundary wall to the property.

The character of the area immediately adjacent to the site is diverse with incremental development resulting in dwellings of a variety of designs. Despite this the area around the site has remained vacant resulting in this substantial building sitting apart from the more recent developments allowing it to be read in its original context, much of this is provided by the garden space around the property.

It is considered that the proposal will affect the non-designated heritage asset. In such instances a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset. This is due to the provision of the proposed dwelling resulting in the loss of space adjacent to the locally listed building therefore impacting on the setting of the building. Furthermore the appraisal noted the contribution of garden areas stating that street plots still have, 'some of the traditional components seen in the estates...but on a much smaller scale'. It is considered for the same reasons the proposal would also cause less than substantial harm to the designated heritage asset.

No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

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

**HBC Public Protection:** No objection.

**HBC Landscape:** This site has been the subject of previous outline planning applications where comments were raised about the impact on mature trees growing on the perimeter of the site namely two large Sycamores which were part of the original tree planting on this site. The grounds have had subsequent trees added to them and these consist of smaller ornamental trees cherries, willow, walnut, cedar and a cupressus hedge. It is the larger Sycamore trees however that form part of the character of this site and dominate the skyline and it is these that will have the greatest nuisance effect on any building underneath the branch canopy especially from falling leaves in the autumn and sap drip from the Sycamore aphid in the Summer. Experience elsewhere in Hartlepool results in constant requests being received to cut trees back beyond what is normally acceptable and this will usually be resisted. Although there is a small Cedar tree on this site which is aesthetically



desirable at the moment, it is a later addition to the garden and is unsustainable due to the size that it will eventually reach without recourse to constant pruning.

### History

Permission was granted in 2008 (H/2008/0251) for outline planning permission subject to certain conditions being met, one of which was the need for an arboricultural impact assessment in respect of the trees on this site. In 2017 (H/2017/0202) another application was submitted but refused one of the reasons being that no arboricultural impact assessment was forthcoming and the previously mentioned trees were at risk.

### Current situation

This current application has now addressed that issue but still raises some concerns in relation to the tree to new build distances in so much that although an arboricultural impact assessment has been submitted which gives an accurate assessment of the trees there, an intrusion into the root protection area does occur although this is unlikely to cause any noticeable damage and an allowance for this within BS5837:2012 (see 4.6.2) to the roots of trees is acceptable. Any service trenches will need to avoid the root protection area as well. If this occurs the damage will be significant and an alternative route will be needed. Any building close to a mature tree will put demands on it to be pruned back for nuisance and safety reasons in future but as the RPA is the deciding factor the proposed new building is achievable even though the future nuisance issues that I have mentioned will arise.

**HBC Engineering Consultancy:** I have no objection to this application but would request a surface water drainage condition.

**HBC Building Consultancy:** The existing garden areas are important in providing the setting to the built form on the site. The extent of garden area along Wooler Road is significant in its contribution to the character of street at this point. The garden area currently extends from The Grove to the driveway between the site and the residential property to the north. The proposed development would negatively impact on the extent of the garden area and the setting of the current building.

The proposed development should be shown on the arboricultural survey to demonstrate the feasibility of the development. If plans are scaled and overlaid the proposed footprint of the dwelling falls within the Root Protection Area of Trees T7 and T6. The proposed driveway falls within the Root Protection Area of T5. The Arboricultural Report States that T5, T6 and T7 should be retained and the T5 and T6 "have value as viewed as part of a group". The proposed footprint of the development cannot be accommodated on the site without impacting root protection areas.

### Updated comments

Following further consideration, in light of the comments from the Council's Arborist, it was confirmed that the element of the objection in relation to the impact on the tree could be removed.

**HBC Ecology:** One integral bat box required.

The site is in an area of the borough that supports good populations of bats, due to extensive adjacent, mature gardens and parks. I therefore require Biodiversity enhancement as per NPPF in the form of one integral bat box built into the fabric of the west wall of the extension.

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

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

**Tees Archaeology:** I have no comments to make on the application.

**Hartlepool Water:** No response

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

## PLANNING POLICY

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

### Hartlepool Local Plan

6.18 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  
 HE1: Heritage Assets  
 HE3: Conservation Areas  
 HE5: Locally Listed Buildings and Structures  
 HE7: Heritage at Risk  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters QP7: Energy Efficiency  
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)

6.19 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. 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

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 091: Promoting healthy and safe communities

PARA 122: Achieving appropriate densities

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA 153: Planning for Climate Change

PARA 189: Proposals affecting heritage assets

PARA 190: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 193: Considering potential impacts

PARA 196: Considering potential impacts

PARA 197: Considering potential impacts

PARA 200: Considering potential impacts

PARA 212: Implementation

**6.20 HBC Planning Policy comments (summarised):** The proposed location is situated within the Park conservation area which has been identified as being at risk. 55 Wooler Road has been identified within the Park Conservation Character Appraisal (2008) as a “Major Historic House” within the Park conservation area and weight should be given to this alongside its status as a non-designated heritage asset.

6.21 Policy HE5 of the adopted Local Plan requires any proposals which would affect the significance of the non-designated heritage asset to be met with a balanced judgement which considers the harm to the asset and any public benefits of the proposal. It is considered that the proposal is harming to the asset however there seems to be little to justify the proposal in terms of public benefits of the proposal.

6.22 Policy HE3 of the Local Plan is applicable to this application. This policy specifies that any proposals for development within designated conservation areas must demonstrate that they will conserve or positively enhance the character of the area. Regard should also be given to the relevant conservation area appraisals and particular attention should be given to ensuring development is sympathetic/complementary to the character and appearance of the conservation area alongside other important considerations for the assessment of development proposals in conservation areas. This proposal is considered to have a detrimental effect on the Park conservation area and is not in keeping with its character and therefore is not compliant with the policy. The 'at risk' status of the conservation area is given protection by policy HE7 which highlights the Council's prioritising of retention, protection and enhancement of heritage assets which are classified as at risk and the Council will seek to prevent the status of the conservation area from further deterioration.

6.23 Paragraph 197 of the NPPF specifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in its determination. There should be a balanced judgement which considers the scale of any harm to the asset and the asset's significance. In this instance, it is considered that the proposal would be contrary to the characteristics of the Park conservation area, particularly the large dwellings set in extensive grounds and concealed by mature trees and shrubs. This is particularly important when considering that the area has been highlighted as being at risk, in part due to development within the setting of listed buildings and the loss of gardens and open spaces. As identified within the comments of the Heritage and Countryside Manager, this proposal is considered to have an impact on the locally listed building as a result of the loss of space within the grounds of the site which would impact on the setting of the building, and there has been no evidence presented to demonstrate that the harm would be outweighed by public benefit.

6.24 In this instance, planning policy considers the proposal to be contrary to policies HE3 and HE5 of the adopted Local Plan and therefore objects to the development.

## **PLANNING CONSIDERATIONS**

6.25 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the National and Local planning policies and in particular the impact upon the character of the conservation area and setting of the locally listed building, impact upon trees, amenity of neighbouring properties, highway safety, and any other planning matters.

## PRINCIPLE OF DEVELOPMENT

6.26 The application site is located within the limits to development within an existing residential area and walking distance of existing shops and services. There is a bus service with bus stops along Wooler Road which provides access to the public transport network. Therefore the site is considered to be in a sustainable location.

6.27 However, the site is within the curtilage of a locally listed building and within the wider Park Conservation Area, which is considered to be at risk. The 2008 Character Appraisal of the Park Conservation Area details 55 Wooler Road (along with neighbouring 57) as a 'Major Historic House' in the hierarchy of dwelling across the area.

6.28 Therefore whilst the site is considered to be located within a sustainable location and the principle of residential development is considered acceptable, the overall acceptability of the application must be subject to all other material planning considerations including the impact of the proposed development upon the significance of the Conservation Area and 55 Wooler Road (a Locally Listed Building), in the context of Heritage policies in the adopted Local Plan (2018) and the NPPF as detailed below.

## SETTING OF A LOCALLY LISTED BUILDING AND CHARACTER OF THE CONSERVATION AREA

6.29 The application site is within the Park Conservation Area and is adjacent to a locally listed building.

6.30 Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported. The policy sets criteria for proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-designated) and its setting. Proposals which lead to substantial harm to, or result in the total loss of significance of, a designated heritage asset (unless it is evidenced that the harm or loss is necessary to achieve substantial public benefit) will be refused.

6.31 When considering Section 72(1) of any application for planning permission that affects a conservation area the Listed Building and Conservation Areas Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

6.32 Further to this at a local level, Local Plan Policy HE1 states, 'Proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both

designated and non-designated) and its setting will be required to preserve and / or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance’.

6.33 Policy HE3 states that ‘the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas’. This policy details crucial considerations for the assessment of development proposals in conservation areas.

6.34 In considering the impact of development on non-designated heritage assets such as the locally listed building adjacent to this application site, the National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

6.35 Policy HE5 of the Local Plan states that ‘where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal’.

6.36 Policy HE7 sets out that the ‘retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council’.

6.37 Significantly, the Park Conservation Area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwelling which once sat within generous grounds are being subsumed by development.

6.38 The Park Conservation Area Character Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with smaller outbuilding, such as lodge houses or gardeners cottages set some distance away from the main dwelling.

6.39 In this instance the large dwelling has been subdivided into a number of smaller properties and also extended to provide further accommodation.

6.40 The significance of the locally listed buildings is derived from the architecture of the building as an example of one of an early dwelling in the Park Conservation Area and for this reason the Council’s Heritage and Countryside Manager has commented that it also has a historical significance. The significance covers the whole of the site as the garden provides the setting for the property.

6.41 In relation to the Park Conservation Area the Council’s Heritage and Countryside Manager has commented that the significance is derived from the aesthetic value of the areas itself, the architecture, the layout and the contribution of

spaces in the area. The historical value is derived from the fact that it is an example of the development of West Hartlepool and an area which was the result of the rapid urbanisation of the town centre and the movement of residents to the edge of town with the creation verdant streets.

6.42 Whilst it is noted that an application for a dwelling has previously been approved on this site in 2008, that was prior to the most recent developments within the conservation area, adoption of the Park Conservation Area Character Appraisal which defines the conservation area being defined as 'at risk', the host property being defined as a locally listed building (2012) which designated the building as a heritage asset in its own right, publication of the NPPF (2012, 2018 and 2019) and the adopted Hartlepool Local plan (2018).

6.43 As such the Council's Heritage and Countryside Manager considers that, by virtue of the provision of the proposed dwelling resulting in the loss of space adjacent to the locally listed building, the proposal will affect the locally listed building which is a non-designated heritage asset. In such instances a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset. However no information has been provided to demonstrate that this harm will be outweighed by any public benefits of the proposal. As such the Council's Heritage and Countryside Manager objects to the proposed development due to the impact upon the locally listed building and this would therefore warrant a reason for the refusal of the application.

6.44 In addition Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

6.45 Furthermore the conservation area appraisal notes the hierarchy of buildings which is found on larger sites within the conservation area. As such it is considered that the proposal is unacceptable on the grounds that the location of an additional dwelling on this site would dilute the identified hierarchy of buildings which is considered to be characteristic of the conservation area. The NPPF (para 122d) emphasises that new developments should seek to maintain 'an area's prevailing character and setting (including residential gardens'. Therefore it is considered that the proposal would also cause less than substantial harm to the designated heritage asset without any justification, in terms of any details of public benefits being submitted.

6.46 As such it is considered that the proposed development would result in an unjustified detrimental impact upon a locally listed building which is a non-designated heritage asset and upon the character and appearance of the Park Conservation Area which is a designated heritage asset, contrary to the provisions of the NPPF and identified Hartlepool Local Plan policies and would therefore warrant a reason for the refusal of the application.

## IMPACT UPON EXISTING TREES

6.47 The proposal includes the removal for 3 trees to the front of the site identified as being in a poor condition and unsuitable for retention. A number of other, adjacent existing trees are to be retained.

6.48 The Council's Arborist has considered the proposal, and the submitted tree survey which supports the application, and concludes that whilst the proposal will cause an intrusion into the root protection area, it is unlikely that this will cause any noticeable damage to the trees, and therefore is acceptable in this instance. The Council's Arborist has commented that the siting of the proposed dwelling in relation to trees could place a pressure for the trees to be pruned back but ultimately concludes that the new dwelling can be accommodated within the site and that the above matters would not warrant a refusal of the application in this instance.

6.49 It is therefore considered on the basis of this advice that the proposed works to the trees and impact on the remaining trees is acceptable. Had the application been considered acceptable in all respects, a planning condition would have been secured to ensure that the works and any necessary tree protection (and to the Root Protection Zone) are carried out in accordance with details to be agreed in the form of a method statement as per section 11.11 of the submitted tree survey and constraints report in the interests of the trees and visual amenity of the area.

## AMENITY AND PRIVACY ON NEIGHBOURING PROPERTIES

6.50 The proposed property is located within the side garden to the North of the host property (55 Wooler Road), which is adjoined by 53 Wooler Road to the North, Wooler Lodge and Wooler Cottage to the East, 55 Wooler Road to the South and 11 Relton Way to the West (separated by Wooler Road)

### Impact on 53 Wooler Road to the North.

6.51 It is not considered that the proposed dwelling will have a detrimental impact on the neighbouring dwelling to the North in terms of residential amenity and privacy given that the proposed dwelling does not contain any windows within the Northern side elevation. Furthermore, it is not considered that given the separation distance (approx 7.0m), orientation and layout that the proposed dwelling (and siting of windows in the front and rear elevations) will result in any adverse loss of amenity in terms of overshadowing, or have an overbearing impact.

### Impact on Wooler Lodge and Wooler Cottage to the East.

6.52 It is not considered that the proposed dwelling will have a detrimental impact on the neighbouring dwellings to the East in terms of residential amenity, and privacy given the separation distance (approx 20.0m) and being separated by an existing garage in between. Furthermore, it is not considered that given the separation distance (as detailed), orientation and layout that the proposed dwelling will result in any adverse loss of amenity in terms of overshadowing, or have an overbearing impact.



Impact on 55 Wooler Road to the South

6.53 It is not considered that the proposed dwelling will have a significant detrimental impact on the neighbouring dwellings to the South in terms of residential amenity, and privacy given the separation distance (approx 9.0m) and proposed boundary treatments. It is noted that the host neighbouring property (55 Wooler Road) contains a primary living room window within the side elevation with an aspect towards the application site, and as such could result in a level of loss of amenity and privacy, however, given the separation distance (as detailed above), the new proposed property not possessing any upper floor windows within the side (south) elevation and the erection of a new boundary wall treatment it is considered that the new dwelling would not have a significant adverse impact on the amenity and privacy of this neighbouring property in relation to the windows within the side elevation.

6.54 Additionally, it is not considered that given the separation distance (as detailed above), orientation and layout that the proposed dwelling will result in any overshadowing, or have an overbearing impact on this neighbouring dwelling.

Impact on 11 Relton Road to the West

6.55 It is not considered that the proposed dwelling will have a detrimental impact on the neighbouring dwellings to the West in terms of residential amenity, and privacy given the separation distance (approx 30.0m) and being separated by a 1.8m (approx) boundary wall, and the public highway of Wooler Road and the orientation of the neighbouring property being set so that the principal elevation does not directly face onto the application site. Furthermore, it is not considered that given the separation distance (as detailed), orientation and layout that the proposed dwelling will result in any overshadowing, or have an overbearing impact.

6.56 In conclusion it is considered that the proposal would not cause any significant detrimental impact on any neighbouring properties (as detailed above) to a sufficient level to warrant a reason for refusal in line with Local and National Planning Policy guidance. Furthermore, no objections have been received from HBC Public Protection. It is also considered that the proposal would achieve satisfactory garden/amenity levels to serve future occupiers of the proposed dwelling.

**IMPACT ON HIGHWAY SAFETY + CAR PARKING PROVISION**

6.57 The proposal will be accessed via the existing access driveway currently used for Wooler Lodge. The Council's Traffic and Transport section were consulted regarding the proposals and have raised no objections to the development. As such it is not considered that the proposal would result in a detrimental impact upon highway safety.

**OTHER PLANNING MATTERS**

6.58 The Council's Ecologist has been consulted on the application, and offered no objection to the proposal subject to the proposal providing biodiversity enhancements as per the requirements within the paragraph 170 of the NPPF due to the area being an area known to have a good population of bats. Had the application

be deemed acceptable in all respects, a planning condition requiring one integral bat box built into the fabric of the west wall of the extension could have been secured in line with paragraph 58 of the NPPF.

6.59 Northumbrian Water and the Council's Engineers were all consulted on the proposed development and have raised no objections. However the Council's Engineers have requested a surface water drainage condition to be applied had the application be deemed acceptable in all respects.

## CONCLUSION

6.70 Whilst the proposal is considered to be acceptable in terms of the amenity and privacy of neighbouring properties, the impact on trees and highway safety, and despite the site having previously been granted permission for similar developments (as detailed above), it is considered that in light of all relevant material considerations, the proposal is deemed to be unacceptable by virtue of the loss of garden area adjacent to a locally listed building and that the proposal would result in a detrimental impact upon the setting of a locally listed building which is a non-designated heritage asset.

6.71 It is also considered that the principle of a proposed dwelling in this location would dilute the hierarchy of buildings within the conservation area and as such would result in a detrimental impact upon the Park Conservation Area which is already defined as 'at risk', and the proposal would ultimately result in a detrimental impact upon the character and appearance of the conservation area.

## EQUALITY AND DIVERSITY CONSIDERATIONS

6.72 There is no evidence of equality or diversity implications.

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

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

6.74 There are no Section 17 implications.

## REASON FOR DECISION

6.75 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, by virtue of the position of the proposed dwelling and subsequent loss of garden/space adjacent to the locally listed building (55 Wooler Road), the proposal would result in a detrimental impact upon the setting of the locally listed building (a non-

designated heritage asset). It is further considered that there is no information to suggest that this harm to the significance of the locally listed building asset would be outweighed by any public benefits and that the proposal is therefore contrary to policies HE1 and HE5 of the Hartlepool Local Plan (2018) and paragraph 197 of the National Planning Policy Framework.

2. In the opinion of the Local Planning Authority by virtue of the position of the proposed dwelling and subsequent loss of garden/space adjacent to the locally listed building, the proposal would reduce the space between the properties and dilute the hierarchy of the buildings which is a characteristic of the Park Conservation Area and would result in less than substantial harm to the significance of the designated heritage asset (Park Conservation Area). It is further considered that there is no information to suggest that this harm would be outweighed by any public benefits of the proposal and that the proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 122(d), 185, 192, 196 and 197 of the National Planning Policy Framework and policies HE1, HE3 and HE7 of the adopted Local Plan (2018).

## BACKGROUND PAPERS

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

## CONTACT OFFICER

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

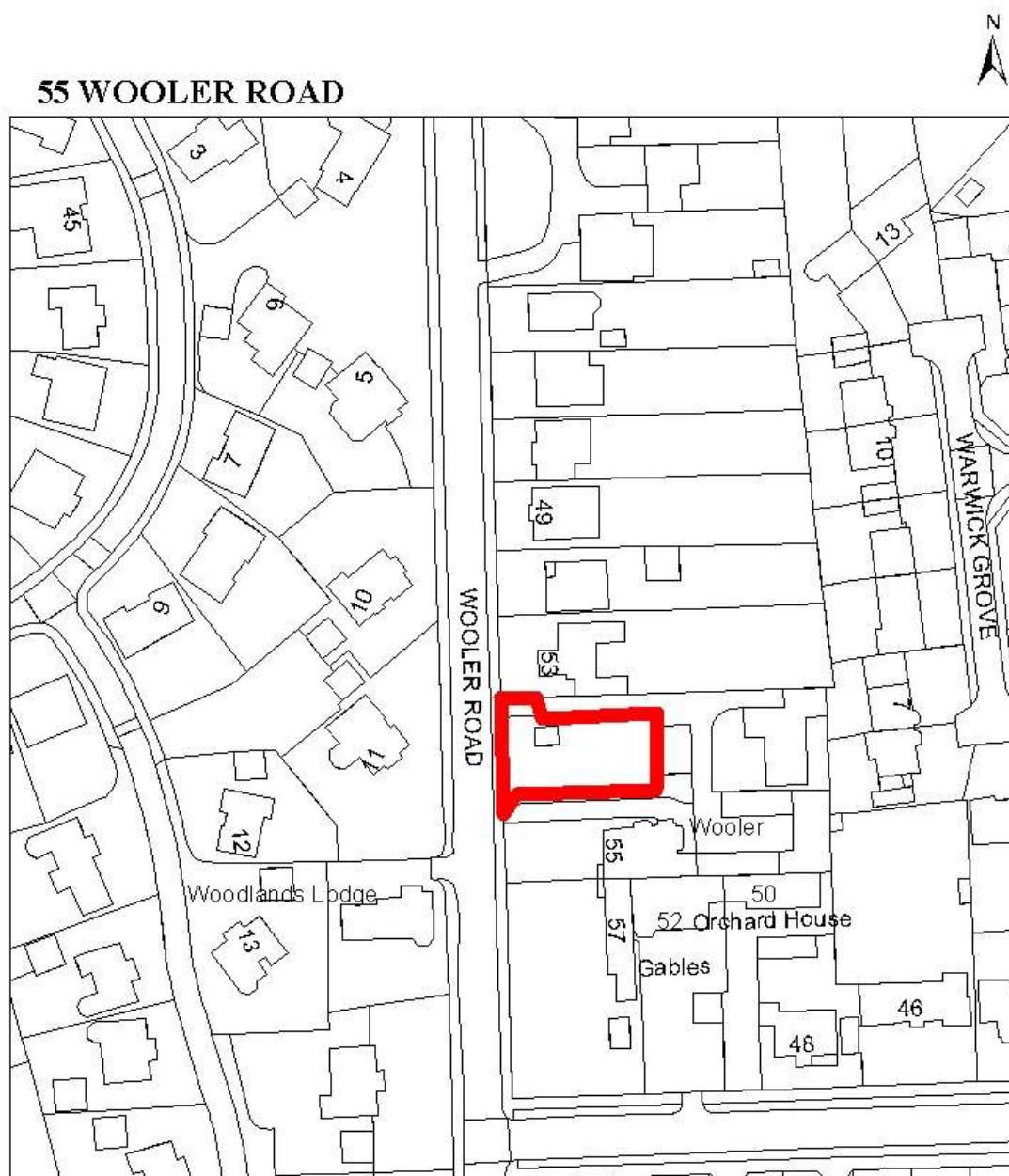
Tel: (01429) 523596  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

## AUTHOR

6.78 Leigh Dalby  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523537

E-mail: leigh.dalby@hartlepool.gov.uk



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/03/19</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0037</b>	REV



**No:** 7  
**Number:** H/2019/0057  
**Applicant:** Mrs Amy Rudd 89 Elwick Road HARTLEPOOL TS26 9AU  
**Agent:** THE PLANMAN, MR S PINCHES, 8 DRYDEN CLOSE BILLINGHAM TS23 3TT  
**Date valid:** 11/02/2019  
**Development:** Construction of a single storey rear extension (RESUBMITTED APPLICATION)  
**Location:** 89 ELWICK ROAD AND 1 GRASMERE STREET HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

7.3 H/2018/0469 – Erection of a single storey extension at the rear, refused 23/01/19 for the following reason:

7.4 In the opinion of the Local Planning Authority the proposed extension, by virtue of its size and location would be detrimental to the amenity of occupiers of the adjoining property (87 Elwick Road) with regards to loss of light and creation of a poor outlook, in conflict with the requirements of Policy QP4 of the Hartlepool Local Plan and paragraph 127 of the National Planning Policy Framework.

## PROPOSAL

7.5 Planning permission is sought for a single storey extension to the rear, when originally submitted the description of development was for single storey store room, however during the course of the application being considered the applicant has instead indicated the extension would be used as an additional treatment room. The description has therefore been updated to single storey extension.

7.6 This application is a resubmitted version of a proposal that was refused in January 2019 as it was considered to be detrimental to the amenity of neighbouring occupiers.

7.7 The proposed extension would project 3.73m in length and span 2.9m in width, infilling the angle of the property's existing offshoot. The height of the extension would be 3.1m where it adjoined the existing rear elevation of the property, rising to

3.2m at its furthest extend due to the change in levels across the site. The extension would be 0.6m above the height of the existing boundary wall. The revised version of this application has reduced the length of the extension by 0.07m but has increased the height by 0.1m.

7.8 The application has been referred to Planning Committee at the request of a Local Ward Councillor, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

7.9 The application site is located on the southern side of Elwick Road, to the east of the junction with Grassmere Street. The property is an end of terrace, former dwelling in use as a beauty salon with separate flat above accessed from Grassmere Street. The adjoining property to the east is a dwelling and there are dwellings to the south on Grassmere Street and on the northern side of Elwick Road. The adjacent property to the west on Elwick Road is in use as a shop.

7.10 Although there are a small number of commercial uses in the vicinity, the prevailing character of the area is residential in nature.

## **PUBLICITY**

7.11 The application has been advertised by way of five neighbour letters. To date, one response of no objection has been received from a neighbouring land user.

7.12 The period for publicity has expired.

7.13 Copy Letters **G**

## **CONSULTATIONS**

7.14 The following consultation replies have been received:

**HBC Traffic and Transport** – There are no highway or traffic concerns with this application.

**HBC Public Protection** – Not object.

**HBC Waste Management** – No comments received at time of writing.

## **PLANNING POLICY**

### National Planning Policy Framework (NPPF)

7.15 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2018 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.

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

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
091	Promoting healthy and safe communities
124	Creation of well-designed places
127	Creation of well-designed place
130	Refusal of poor design

### Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
RC21	Commercial Uses in Residential Areas

## **PLANNING CONSIDERATIONS**

7.18 The main material planning considerations when assessing this application are the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring land users and the impact on highway safety and parking.



## PRINCIPLE OF DEVELOPMENT

7.19 In principle, the application site is white land within the Local Plan and therefore development within the urban area of the town would be acceptable in principle. Although the business operates outside of the town centre or a local centre, the commercial use is already in operation and an increase in the scale of the business in terms of the level of treatment rooms the development would allow is not considered so significant that it would divert customers from established centres to the detriment of the viability of the town centre or local centres.

7.20 Notwithstanding the impact of the commercial use on the viability of the town centre, Policy RC21 seeks to address the impact of new or expanding commercial uses in residential area. This makes clear that permission for businesses to expand in otherwise residential areas will only be granted in specific circumstances, including that the amenities of the area are not negatively affected. The matter of amenity will be assessed later in this report.

7.21 Although it is considered that an extension to the business would be acceptable in principle when considered in relation to the vitality and viability of the town centre, this is subject to an assessment of the impact of the proposals on the character and appearance of the area and the impact on the amenity of neighbouring land users, as detailed below.

## CHARACTER AND APPEARANCE OF AREA

7.22 The proposed extension is to be of a rendered finish to reflect the existing property and includes a flat roof design. The proposed roof does not match the existing property, which has pitched tiled roofs. Although a flat roof would be a poorer quality design than a pitched roof, it is noted that the applicant has tried to ensure that the roof is as low as possible due to the changes in levels across the site and between the existing internal floor level and the external yard. A pitched roof would necessitate a higher roof height that would increase the potential impact on the amenity of neighbouring occupiers; this issue is considered in more detail below.

7.23 The yard area is well screened from view on Grassmere Street by the existing building and from the rear alley way by the existing boundary wall. Being to the rear, the extension would not be visible from Elwick Road. It is not considered that the proposals would be visible from any street frontages and would not therefore detract from the character or appearance of the area; as such the flat roof design and overall scale and appearance are considered acceptable in this instance.

## AMENITY OF NEIGHBOURING LAND USERS

7.24 The only opening proposed within the extension is a partially glazed door within the rear elevation; this would be enclosed by the existing yard wall but would be opposite the blank side gable of the neighbouring property to the south in any event. As such, it is not considered this would alter the privacy of neighbouring occupiers to the south. This screening and the relationship to the blank side gable of the property to the south also prevents any adverse impact in terms of loss of light or overbearing appearance.

7.25 The proposed extension would be screened by the existing property from view of the neighbouring properties to the north (on Elwick Road) and west (on Grassmere Road), as a result it is not considered the proposals would have any impact in terms of loss of light, privacy or overbearing appearance on these properties.

7.26 The neighbouring property to the east (87 Elwick Road) is an adjoining terraced dwelling; the two properties share the existing boundary wall dividing the rear yards. The proposed extension would effectively replace the boundary wall but would be 0.6m higher than existing projecting for 3.73m. The neighbouring property has a window serving a ground floor habitable room alongside the shared boundary. This window is already somewhat enclosed by the neighbouring property's own offshoot and the boundary wall. The proposed extension would increase this level of enclosure, reducing the amount of light to the window and thereby creating a 'tunnelling effect'.

7.27 The applicant has increased the height of the extension compared with the previously refused application by 0.1m, and the application reiterates they are unwilling to reduce the projection of the proposed extension to 3m (as requested by officers) in order to achieve the internal layout they desire. A supporting statement has been provided to outline the reasoning behind the works, in that the business is expanding and supports a local apprenticeship scheme but needs more space to be able to take on more staff/apprentices.

7.28 Although the application as originally submitted was for a store room, the applicant has since updated the plans and stated that the extension is required to form an additional treatment room, which requires the extension to be of a size that would accommodate a treatment bed. In any event, the LPA could not restrict the way in which the room the extension would create were used, providing it remained in association with the lawful use of the building – i.e. treatment room (with or without a bed), store room, staff room, office etc. It is therefore necessary to consider the impact of the extension on the amenity of the neighbouring occupier, irrespective of the name given to the room.

7.29 The LPA would not wish to stifle the expansion of a successful business and seeks to support sustainable development in the context of the NPPF and Local Plan. However, this must be balanced with the potential impact on the amenity of neighbouring occupiers. Given a reduced extension would still allow the existing store room to be converted into a treatment room and the extension to be used for other purposes for the business' needs, it is not considered that a reduced extension would threaten the viability of the business and while the support of an apprenticeship scheme is laudable and to be encouraged, this alone cannot outweigh any consideration of the impact of the proposed extension on the amenity of neighbouring occupiers, as required by Policy RC21 of the Hartlepool Local Plan. The proposed extension is considered to worsen the aspect and light received by a habitable room window within the neighbouring property, creating an overbearing appearance and this weighs heavily in the planning balance.

7.30 Although officer's suggested reduction in projection of the extension to 3m would still have some impact on the neighbouring occupier, it would be more limited and could be argued to be reasonable. In such a densely built up area, the larger extension proposed at approx 3.73m is considered excessive and detrimental to the amenity of neighbouring occupiers in a way that, on balance, is considered to conflict with the requirements of Policy QP4 of the Local Plan and the aims of the NPPF to provide 'a high standard of amenity for existing and future users' (paragraph 127), despite the marginal changes in the projection now proposed from the previously refused application. As such, it is considered that the revised proposals fail to address or overcome the previously refused application.

## HIGHWAY SAFETY & PARKING

7.31 The proposed development would see the intensification of the existing use with additional treatment rooms proposed to allow the expansion of the business. The property is served by on-street parking only with no in-curtilage parking available for staff or customers. Although there may be an increase in staff numbers and customers as a result of the proposed works, this is considered to be marginal in the context of the parking available in the surrounding area.

7.32 Overall it is not considered that the proposed development would have a severe impact on parking or highway safety in the surrounding area as advised by HBC Traffic and Transport. The minor changes to the dimensions of the proposed extension are not considered to alter the impact on highway safety or parking. As such, the application is considered to be acceptable in this respect.

## PLANNING BALANCE & CONCLUSION

7.33 The proposed development would support the expansion of an existing business and has been designed in such a way that it would not detract from the character and appearance of the area. Notwithstanding that, it is considered that the proposed extension would be detrimental to the amenity of existing and future occupiers of the adjoining neighbour to the east, in conflict with the requirements of Policies QP4 and RC21. Given that it would appear to be feasible to extend the property to allow some form of expansion with a reduced impact on the amenity of neighbouring occupiers, it is considered the proposals would unreasonably detract from the amenities of the surrounding area. On balance, the proposals are considered unacceptable by virtue of the size of the extension and its impact on light and aspect of the adjoining occupier(s) and such impacts would outweigh any economic benefits of the development when read in context of the NPPF and sustainable development as a whole. This would therefore warrant a refusal of the application.

## EQUALITY AND DIVERSITY CONSIDERATIONS

7.34 There is no evidence of equality or diversity implications.

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

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

7.36 There are no Section 17 implications.

## **REASON FOR DECISION**

7.37 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## **RECOMMENDATION – REFUSE** for the following reason:

1. In the opinion of the Local Planning Authority the proposed extension, by virtue of its size and location would be detrimental to the amenity of existing and future occupiers of the adjoining property (87 Elwick Road) with regards to loss of light and creation of a poor outlook, in conflict with the requirements of Policies QP4 and RC21 of the Hartlepool Local Plan and paragraph 127 of the National Planning Policy Framework.

## **BACKGROUND PAPERS**

7.38 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

## **CONTACT OFFICER**

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

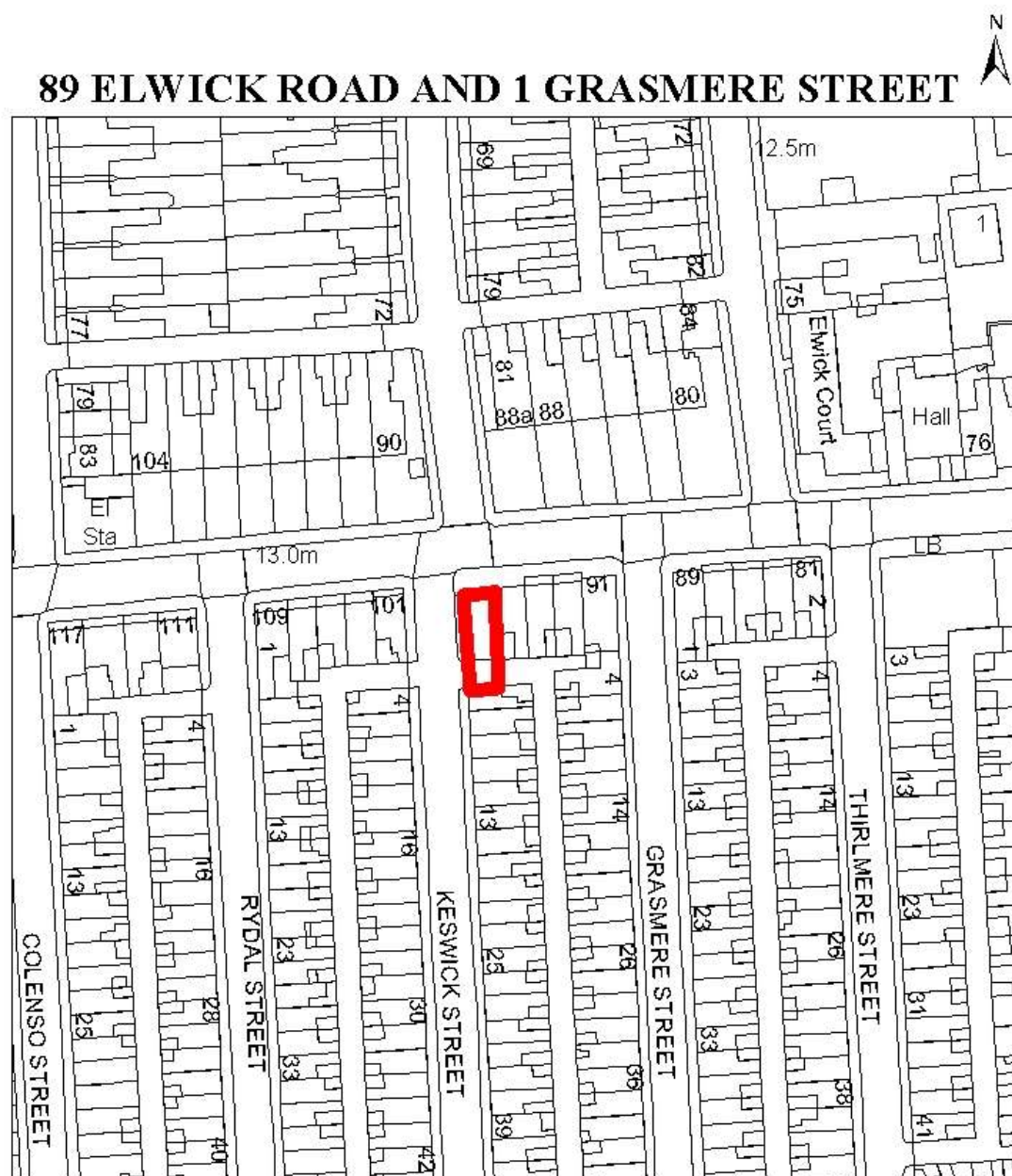
Tel: (01429) 523596  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

**AUTHOR**

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

Tel: 01429 523273

E-mail: [laura.chambers@hartlepool.gov.uk](mailto:laura.chambers@hartlepool.gov.uk)



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/03/19</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/2019/0057</b>	REV



**No:** 8  
**Number:** H/2018/0406  
**Applicant:** MR G DODD 99 INTREPID CLOSE HARTLEPOOL  
 TS25 1GF  
**Agent:**  
**Date valid:** 22/01/2019  
**Development:** Retrospective application for change of use of land to  
 residential curtilage and erection of fence  
**Location:** 99 INTREPID CLOSE, HARTLEPOOL

---

## **PURPOSE OF REPORT**

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

## **BACKGROUND**

8.2 This application is retrospective and has been submitted following an investigation by the Council's Planning Enforcement Officer.

## **PROPOSAL**

8.3 Permission is sought retrospectively for the change of use of land to the rear (north) of 99 Intrepid Close to residential curtilage following its incorporation into the applicant property's garden with the erection of a close boarded timber fence approximately 1.8m high to facilitate this.

8.4 The application has been referred to Planning Committee due to the retrospective nature of the proposals in line with the Council's scheme of delegation.

## **SITE CONTEXT**

8.5 The applicant property is a semi-detached dwelling located at the north eastern extent of Intrepid Close. There are other residential dwellings to the east, west and south of the site, to the north is an informal public footpath and open space beyond. The site is allocated as Local Green Corridor in the Local Plan and is adjacent to the Coronation Drive Orchid Embankment Local Wildlife Site to the north.

## **PUBLICITY**

8.6 The application has been advertised by way of neighbour letters (4). To date, there have been no objections received.

8.7 The period for publicity has expired.

## **CONSULTATIONS**



8.8 The following consultation replies have been received:

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

**HBC Public Protection** – No comments received.

**HBC Property Services** – The land would need to be purchased from the Council if permission is granted.

**HBC Ecology** – I have no concerns regarding the nearby Local Wildlife Site (LWS), which is 'Coronation Drive Orchid Embankment LWS' and which is a number of metres N of the access track.

However, I object to this proposal on the loss of connectivity of scrub habitat, which forms a corridor along the base of the slope. I note that Estates have stated that this land belongs to HBC. In the Policy response, it is stated that the land is adjacent to 'protected green space NE2c (local green corridor)'. However, I believe the red line boundary is within NE2c and therefore directly contravenes the policy.

## PLANNING POLICY

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

### Local Policy

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

NE1: Natural Environment

NE2: Green Infrastructure

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

SUS1: The Presumption in Favour of Sustainable Development

### National Policy

8.11 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. The following paragraphs are relevant to this application:

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 047: Determining Applications

PARA 170: Conserving and enhancing the natural environment

PARA 174: Habitats and biodiversity

## **PLANNING CONSIDERATIONS**

8.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the proposed use, ecology, the design of the proposals and impact on the character and appearance of the area, the impact of the proposals on the amenity of neighbouring land users and highway safety

### **PRINCIPLE OF DEVELOPMENT**

8.13 The Council's Planning Policy team have advised that the site within an area allocated as Local Green Corridor under Policy NE2 (Green Infrastructure) of the Local Plan and is adjacent to a Local Wildlife Site. As such, the loss of green space will be generally resisted unless identified exceptions are met. The exceptions listed in the policy include that land will only be considered for development if, amongst other things, it does not have any other nature conservation value, however in this instance the Council's Ecologist has objected to the application due to the loss of connectivity of scrub habitat. This exception cannot therefore be met and the loss of such land contravenes the policy.

8.14 The development does not impede access to the wider open space or significantly prevent use or enjoyment of it for recreation purposes, however it does result in the loss of semi-natural habitat and therefore the change of use to residential curtilage is not considered appropriate in principle.

### **ECOLOGY**

8.15 Although the site does not significantly affect the adjacent designated Local Wildlife Site, as confirmed by the Council's Ecologist, an objection has been raised in relation to the loss of connectivity of scrub habitat formed along the rear boundary of properties on Intrepid Close and should therefore be resisted. The site is allocated as Local Green Corridor under Policy NE2e of the Local Plan; the change of use to residential curtilage would result in the loss of land with a nature conservation function, and would therefore be contrary to policy.

### **IMPACT ON CHARACTER OF AREA**

8.16 The area of land enclosed previously formed part of a landscaped buffer between rear gardens on Intrepid Close and the adjacent public footpath, which would have deterred access to the rear of these properties and softened the appearance of the fence. The landscaping has, over time, become overgrown and has not been regularly maintained, resulting in an area of semi-natural habitat. The applicant has cleared the majority of the landscaping to incorporate it within the rear garden of their property. The fence that has been installed of a similar design to original garden fences to other properties in the street and is therefore in keeping. A narrow strip of planting has been retained between the new boundary fence and the public footpath, this would continue to deter access and soften the appearance of the fence.

8.17 Although the boundary fence is now closer to the public footpath and open space, its appearance is broadly similar to what would have originally been the case. In design terms, it is in keeping and does not significantly detract from the character and appearance of the wider area. It is also of note that the site cannot be viewed from Intrepid Close itself or the main feeder road into the street, Warrior Drive. Views of it are only therefore available from the public footpath and the open space, further limiting its impact in visual amenity terms. The proposal is therefore acceptable in this respect.

8.18 As a result of the applicant property's garden extending beyond the original boundary line of rear gardens in the street there is a step in the fence line, which could potentially create a blind spot that would not be visible to walkers on the footpath. The wider area to the north and east is open and therefore there is not a sense of enclosure when walking along the footpath and natural surveillance can still be achieved. It is not therefore considered the proposals would contribute to the potential for crime or the fear of crime.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

8.19 The fence installed as part of the development would fall within the limits of permitted development and therefore its scale is considered appropriate and would not adversely affect the amenity of neighbouring occupiers in terms of loss of light or overbearing appearance. In any event, the attached neighbouring property at 98 Intrepid Close is screened from the development by the applicant property's original boundary fence by virtue of the layout of the plots. This is also true of the adjacent neighbour at number 94.

8.20 93 Intrepid Close is the closest property to the development with its principal windows directed towards the area of land concerned. Notwithstanding this, due to that property's intervening garden, there is a separation between the property and the site of approximately 8m, which would prevent any significant loss of light or overbearing appearance resulting from the development.

8.21 The neighbouring property at 100 Intrepid Close is positioned in such a way that its primary windows to the rear are angled away from the application site and would not therefore be affected in terms of loss of light or overbearing appearance.

8.22 The change of use of the land would allow its use for domestic amenity purposes, however this would be in keeping with the nature of the adjacent dwellings and is not considered to be significantly detrimental to the amenity of neighbouring occupiers, particularly given the land is enclosed and therefore privacy would not be affected.

#### **HIGHWAY SAFETY**

8.23 The proposed development does not affect parking arrangements or vehicular access to the applicant property or any other properties in the area. The fence that has been installed does not impede access to the public footpath or visibility for users of the footpath. As such, it is not considered that the proposed development would have a severe impact on parking or highway safety in the surrounding area and therefore there are no objections from HBC Traffic and Transport. The application is considered to be acceptable in this respect.

#### **PLANNING BALANCE AND OVERALL CONCLUSION**

8.24 The proposed change of use results in the loss of designated green space to the detriment of its nature conservation value and while the development does not significantly detract from the character or appearance of the wider area or the amenity of neighbouring occupiers, this does not overcome the harm caused to the town's green infrastructure network. As such, the principle of development is unacceptable and there are no material considerations that would warrant a departure from the Local Plan.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

8.25 There is no evidence of equality or diversity implications.

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

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

8.27 There are no Section 17 implications.

#### **REASON FOR DECISION**

8.28 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

#### **RECOMMENDATION – REFUSE** for the following reason:

1. The change of use of land to residential curtilage would result in the loss of designated Green Infrastructure and semi-natural habitat and is therefore in conflict with Policies NE1 and NE2 of the Hartlepool Local Plan 2018 and paragraphs 170 and 174 of the National Planning Policy Framework and there

are no material considerations that would outweigh the harm to protected green infrastructure and associated adverse ecological impacts.

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

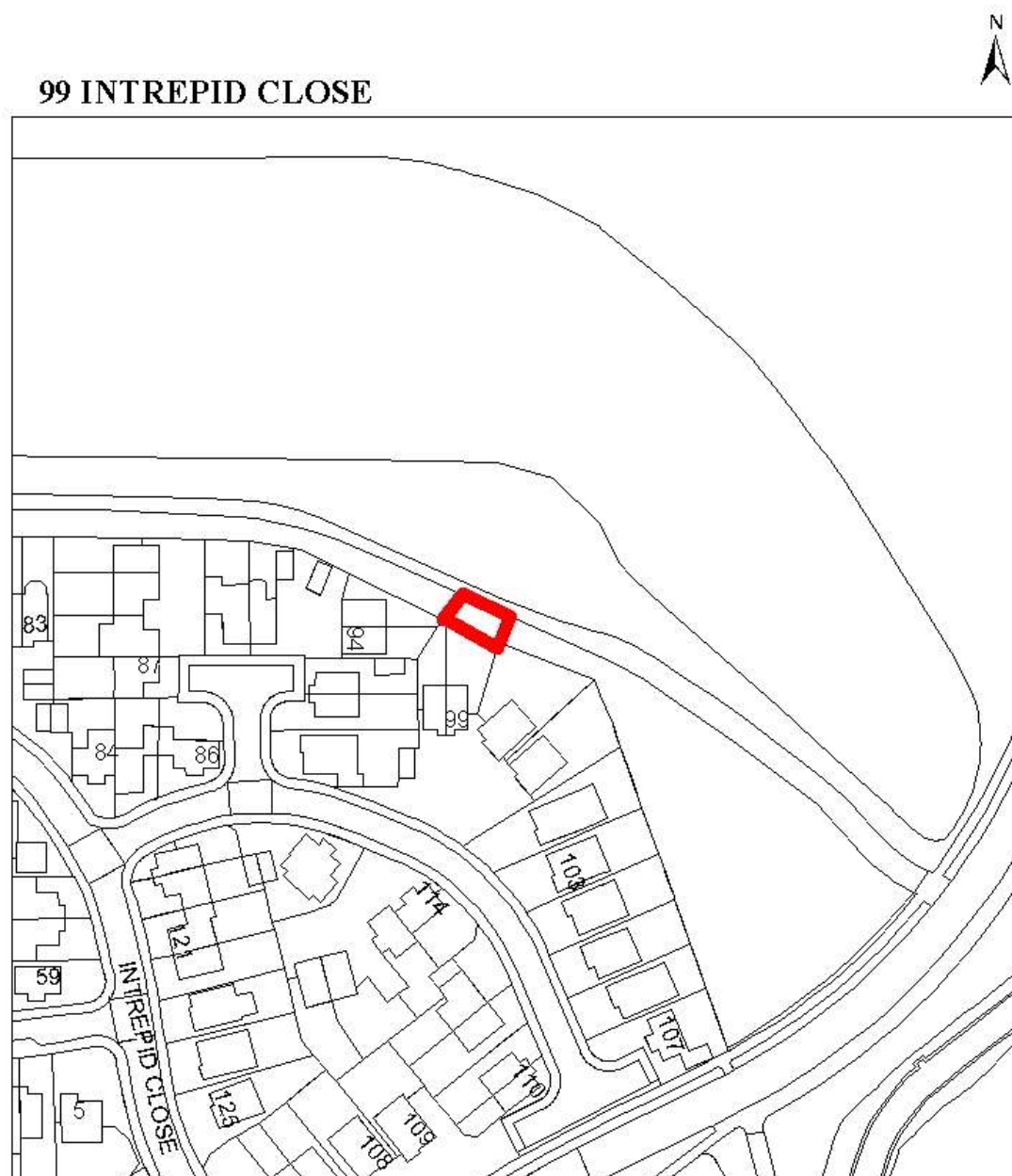
8.30 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

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

Tel: 01429 523273  
E-mail: [laura.chambers@hartlepool.gov.uk](mailto:laura.chambers@hartlepool.gov.uk)



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/03/19</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0406</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) 2019**

[https://www.gov.uk/government/publications/national-planning-policy-  
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

## PLANNING COMMITTEE

3rd April 2019



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

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

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been determined in respect of the decision of the Council to refuse planning permission for the retrospective application for the provision of parking bays in front of North View and extension to existing parking bay opposite Dene Garth.
- 1.2 The Planning Inspectorate can make a split decision on an appeal application. The two elements of the proposal are clearly physically separate and functionally severable. Consequently, the Planning Inspectorate has allowed the appeal in respect of one element of it and dismissed the appeal in respect of the other element.
- 1.3 The appeal was dismissed for the provision of parking bays in front of North View, but the extension to the existing parking bay opposite Dene Garth was allowed. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.



**3. CONTACT OFFICER**

- 3.1 Andrew Carter  
Assistant Director Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284271  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

**4. AUTHOR**

- 4.1 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523284  
E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)



The Planning Inspectorate

## Appeal Decision

Site visit made on 19 February 2019

**by John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18<sup>th</sup> March 2019**

**Appeal Ref: APP/H0724/W/18/3217727**

**Land to the front of Dene Garth and North View, Dalton Piercy, Hartlepool TS27 3HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dalton Piercy Parish Council against the decision of Hartlepool Borough Council.
- The application Ref: H/2017/0131, dated 4 March 2017, was refused by notice dated 4 October 2018.
- The development proposed is provision of parking bays in front of North View and extension to existing parking bay opposite Dene Garth.

### Decision

1. The appeal is dismissed insofar as it relates to the provision of parking bays in front of North View. The appeal is allowed insofar as it relates to the extension to the existing parking bay opposite Dene Garth, and planning permission is granted for an extension to existing parking bay opposite Dene Garth at land to the front of Dene Garth and North View, Dalton Piercy, Hartlepool TS27 3HT in accordance with the terms of the application, Ref: H/2017/0131, dated 4 March 2017, and drawing number DP-2 (dated 29 March 2016) submitted with it, so far as relevant to that part of the development hereby permitted.

### Procedural matters

2. The description of the development given on the on the planning application form is 'Extension of current parking areas outside Dean Garth and North View in Dalton Piercy Village', whereas that on the decision notice issued by the Council is 'Provision of parking bays in front of North View and extension to existing parking bay opposite Dean Garth (retrospective)'. The difference in the wording is minor, each accurately describes the development shown on the submitted drawings, and I note that the appellant has adopted the wording from the decision notice on the appeal form. I have therefore also used this for the purposes of the appeal.
3. The development has already been carried out and I was able to see it when I visited the site. I have been provided with two drawings showing the works Drawing number Wilplan-DP-2, dated 7 July 2014, and Drawing number DP-2, dated 29 March 2016. It is not stated in the evidence of either party which drawing was considered by the Council when it made its decision, however, I observed when I visited the site that the works that have been carried out corresponded with those shown on Drawing number DP-2, dated 29 March

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/H0724/W/18/3217727

---

2016. I have, therefore, considered the appeal based on this drawing. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works or the continuation of a use and I have, therefore, omitted the word 'retrospective' from the description of the development. I have considered the appeal on the basis that it is for the provision of the parking areas shown on the submitted drawing.

4. Much of the documentation I have been provided with refers to 'Dean Garth'. However, the application drawings and information submitted on Ordnance Survey base maps gives the spelling as 'Dene Garth', as do letters from local residents. I also saw when I visited the site that there is a street name plate on one of the buildings which reads 'Dene Garth'. I have, therefore, taken this to be the accurate name and corrected the description and location accordingly.
5. I am aware that the Council has served an enforcement notice in respect of the works and that an appeal has been lodged against this. That appeal is not before me and is not a matter for my consideration. I have determined this appeal, against the refusal of planning permission, on its own merits.

#### **Main Issue**

6. The main issue in this appeal is the effect of the development on the character and appearance of the area.

#### **Reasons**

7. Dalton Piercy is a small, compact, village laid out along a main road in a largely linear form at its east end and in the form of short culs-de-sac at the west end. Throughout much of the village, the buildings are set back from the carriageway of the main road behind an open space area that is designated as a Village Green. Because of the extent of this open area and its location adjacent to the main road through the village, it is fundamental to defining the character of the village and makes an important contribution to its visual appearance.
8. Policy LS1 of the Hartlepool Local Plan 2018 (the Local Plan) sets out a locational strategy for the area. This policy seeks, among other matters, to ensure that settlements do not coalesce by maintaining strategic gaps between them and identifying a series of green wedges that will be protected from development. The appeal site is not within either a strategic gap, or a green wedge, and I can see no conflict between the appeal proposal and the requirements of Policy LS1.
9. Local Plan Policy NE2 addresses green infrastructure and it is common ground that the appeal site is within an area identified as amenity open space by this policy. Whilst it is suggested that the wording of the policy allows for flexibility in its application, the policy is nonetheless clear in setting out specific exceptional circumstances where green infrastructure will be considered for other uses. It is not argued that the proposal meets any of these exceptional circumstances other than to suggest that there is still approximately 11 acres of open space remaining in the village. Be that as it may, Policy NE2 requires it to be demonstrated that the green space is surplus to needs; or has no

---

<https://www.gov.uk/planning-inspectorate>

2

Appeal Decision APP/H0724/W/18/3217727

---

specific function; the local need is already met elsewhere; the area in question is detrimental to the amenity of neighbours; or it is too small or difficult to maintain. There is no substantive evidence before me that the proposal meets any of these exception criteria and, consequently, it is contrary to Policy NE2.

10. In December 2018 the Council made the Hartlepool Rural Neighbourhood Plan 2018 (the Neighbourhood Plan). Policy GEN1 of this plan sets out that development will be permitted where it accords with site allocations, designations and other policies of the development plan when it is within the development limits identified in the Local Plan and Neighbourhood Plan. It is not in dispute that the appeal site is within the defined development limits for the village.
11. Neighbourhood Plan Policy C1 expects community buildings, play areas, sports/recreation facilities, allotments and open spaces to be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made. The appeal proposal makes no reference to creating alternative provision of open space, nor is there any compelling evidence that the appeal site is surplus to requirements.
12. Taken as a whole, the proposal does not meet the requirements of Local Plan Policy NE2 or Policy C1 of the Neighbourhood Plan. Consequently, Neighbourhood Plan Policy GEN1 requires that planning permission be refused. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise.
13. The parking bays that have been created adjacent to Dene Garth are an extension to a pre-existing, concrete surfaced, vehicle pull-in that would have allowed parking perpendicular to the carriageway of the main road. The extent of this pre-existing parking area can still be seen on the ground due to the colour difference from the concrete that has been used to extend the hard surfaced area. From the evidence that has been submitted with the appeal, this previous concrete parking area was included within the area that is designated as amenity open space as part of the Village Green.
14. It is less clear from the evidence how much of the land onto which the parking area has been extended is within the area designated as amenity open space and Village Green. However, based on the information I have been provided with and from what I saw when I visited the site, the amount of amenity open space that has been lost to create the extension to this parking area is very small in the context of the overall size of the open space adjacent to the main road. The effect on the character and appearance of the village of the loss of this very small area, adjacent to an area which was previously hard surfaced and available for the parking of vehicles, is a neutral one. Similarly, the area that has been lost would have had a negligible recreational value, being limited to a very narrow strip adjacent to a car parking area.
15. Whilst even this limited loss is contrary to the policies in the development plan, it does not cause harm to the character and appearance of the area or the overall recreational value of the open space, and there is a wider public benefit from the provision of additional car parking spaces in the village, particularly as the properties in Dene Garth do not have in-curtilage parking. These are

---

<https://www.gov.uk/planning-inspectorate>

3



Appeal Decision APP/H0724/W/18/3217727

---

material considerations that would indicate that a decision can be made that is otherwise than in accordance with the development plan.

16. Turning to the parking area in front of North View, this is wholly within the area of protected amenity open space and the area designated as Village Green. Whilst I accept that there was previously a parking area on the edge of this open space, it is apparent from the evidence that this was a small and relatively discrete area. The new parking bays significantly extend this to incorporate the entire southern side of the area. I saw on my site visit that the presence of parked cars is very prominent and, because this part of the open space is surrounded by roads, increases the hard surfaced area, and alters the character of the open space. The presence of parking bay is made more prominent by the inclusion of an area of concrete with embedded rocks at each end of its ends. Whilst these would prevent parking on the bends in the loop of road than bounds the open space they, nonetheless, appear as an alien and incongruous feature and exacerbate the visual effect.
17. There is no specific evidence in respect of the recreational use or value of this area of open space. Nevertheless, the development results in a material and detrimental alteration to the character of the area. I observed during my site visit that a block paved parking area has been created further to the west, adjacent to Abbots Lea, which encroaches into the open space and introduces a discordant feature in the otherwise open area. I have no information regarding the circumstances that resulted in this being created, however, the cumulative effect of this and the parking area opposite North View is to erode the openness of the wider area.
18. The majority of the dwellings on North View have in-curtilage provision for car parking and, whilst there is some evidence in respect of parking occurring on this open area prior to the construction of the parking spaces, there is no detailed evidence in respect of parking demand that would indicate that parking stress is so high that the benefit of the additional parking spaces outweigh the visual harm that they cause. I also note that the two photographs submitted by the appellant pre-date the extension of the parking area adjacent to Dene Garth, which increased its capacity. In respect of this area of parking I do not find that there are any material considerations that would overcome the conflict with the development plan.
19. I therefore conclude that, when taken as a whole, the development causes harm to the character and appearance of the area and is contrary to the relevant requirements of Local Plan Policy NE2 and Policies GEN1 and C1 of the Neighbourhood Plan. However, in respect of the parking area adjacent to Dene Garth, there are material considerations that indicate a decision can be made otherwise than in accordance with the provisions of the development plan and that this element of the scheme can be granted planning permission.

#### **Other matters**

20. I have had regard to the representations made by third parties in support of the proposal. I accept that, due to the width of the main road through the village and the configuration of the built form, there may at times have been difficulties parking vehicles. However, as there is no substantive evidence in respect of parking demand and I have concluded that the proposal can be allowed in part, which has increased parking provision over the pre-existing

Appeal Decision APP/H0724/W/18/3217727

---

situation, this does not lead me to a different conclusion on the scheme as a whole.

### **Conditions**

21. Neither party has suggested that any conditions are necessary if the appeal is allowed. From what I have read and from what I saw when I visited the site, I would concur that it is not necessary to impose any conditions on the development.

### **Conclusion**

22. I have found that the proposed development, when taken as a whole, is contrary to relevant provisions of the development plan. Notwithstanding this, there are material considerations, in the form of lack of visual harm and the benefit of providing improved parking facilities adjacent to Dene Garth, that indicate that this element of the development could be permitted regardless of the conflict with the development plan.
23. The two elements of the proposal are clearly physically separate and functionally severable. Consequently, it is open to me to allow the appeal in respect of one element of it and dismiss the appeal in respect of the other element.
24. For the above reasons and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed insofar as it relates to the provision of parking bays in front of North View, and that the appeal should be allowed insofar as it relates to the extension to the existing parking bay opposite Dene Garth.

*John Dowsett*

INSPECTOR

## PLANNING COMMITTEE

3<sup>rd</sup> April 2019



**Report of:** Assistant Director Economic Growth & Regeneration

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

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an erection of a single storey detached ancillary retail unit within the car park area of Morrisons, Clarence Road, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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

Tel: (01429) 284271  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

**4. AUTHOR**

- 4.1 Leigh Dalby  
Planning Officer (Development Control)  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 5233537  
E-mail: [Leigh.Dalby@hartlepool.gov.uk](mailto:Leigh.Dalby@hartlepool.gov.uk)





The Planning Inspectorate

## Appeal Decision

Site visit made on 19 February 2019

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> March 2019

**Appeal Ref: APP/H0724/W/18/3217998**  
**Morrisons, Clarence Road, Hartlepool TS24 8BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Rob Acceton of Wm Morrisons Supermarkets Plc against the decision of Hartlepool Borough Council.
- The application Ref: H/2018/0138, dated 23 April 2018, was refused by notice dated 2 July 2018.
- The development proposed is the installation of new Timpson's retail unit.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site is within the car park of a large supermarket located in Hartlepool town centre. The supermarket is of relatively recent construction with the entrance located on the south east corner of the building, accessed via two porticos located at each end of a glazed feature that wraps around the corner of the building. It is built in red brick with a grey tiled roof and has glazed canopies to the east and south walls linking with the entrance porticos. A number of metal framed, open ended trolley bays, with translucent side walls and roofs are located within the car park. To the eastern and southern boundaries, the car park is bounded by a low wall with railings and planting behind. High walls to the supermarket service yards form the western boundary of the wider site. To the north, a further high wall with tree planting behind separate the car park and service access from a football ground.
4. To the south and west beyond the supermarket site are older, mainly red brick built, buildings in commercial and some residential use. To the east beyond Clarence Road and a railway line is a retail park and the redeveloped area around the former Hartlepool harbour. Because of the range of building ages and styles present, the area, whilst commercial in character, is architecturally quite diverse. Nonetheless, the larger scale of the commercial buildings and terraced housing give a robustness and sense of scale to the surrounding area, and extensive use of red brick provides some visual homogeneity.

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/H0724/W/18/3217998

5. The proposed building would be a flat roofed, timber clad, structure located in an area currently occupied by three parking spaces for use of disabled badge holders. The front elevation of the structure would be predominantly glazed and would be located parallel to one of the two pedestrian walkways that run through the car park from the main highway network to the supermarket building.
6. There is some disagreement about how far from the main supermarket building the proposed new building would be located, with the Council stating it is approximately 25 metres and the appellant in different documents stating 20 metres and 15 metres distance. Regardless of the actual distance, the new building would be located away from the main supermarket and separated from it by the primary vehicle circulation route within the car park. Although there are other structures, in the form of trolley bays, within the car park, these are located parallel to the parking bays and perpendicular to the circulation routes. In contrast, the proposed building would be seen as perpendicular to the adjoining parking bays and parallel to the circulation routes. As such it would appear as an isolated and incongruous feature within the car park. This would be exacerbated by the proposed external timber cladding, a material which is not present elsewhere in the near vicinity of the appeal site.
7. I accept that the proposed timber cladding would weather over time. However, due to the prominent position of the proposed building, separated from the main supermarket and adjacent to both the main vehicular access route and one of the principal pedestrian access routes, I do not agree with the appellants proposition that this weathering would serve to integrate the new unit into the existing character and appearance of the area. I also note that the appellant recognises that the proposed building would be visible from all directions when entering the car park and approaching the store's entrance. As a consequence, the proposed development, despite its modest scale, would be harmful to the character and appearance of the area.
8. The proposed building would allow for linked trips to both the supermarket and the proposed new retail unit and I saw when I visited the site that there was a reasonable footfall on the pedestrian walkway adjacent to the appeal site. Nevertheless, I do not find the argument that the proposed business would not be viable if the unit were located elsewhere a compelling one as the wider site is not so extensive that customers would be deterred from visiting another unit to access the services offered.
9. My attention has also been drawn to an appeal decision in respect of a proposal for a similar unit in Spalding<sup>1</sup>. I do not have the full details of that case; however, it is clear from the Inspectors decision letter that the proposed building was to be located directly adjacent to the main entrance to the supermarket. This is materially different from the proposal that is before me and, consequently, I attach little weight to that decision in determining this appeal.
10. I also observed when I visited the site that pedestrian movements within the car park were not restricted to the defined walkways and, indeed, large parts of the car park are not served by such walkways. This notwithstanding, I saw that vehicle speeds within the car park were not high and I do not consider that the proposal would increase the potential for conflicts between pedestrians and

<sup>1</sup> Appeal reference: APP/A2525/W/17/3171261



Appeal Decision APP/H0724/W/18/3217998

---

vehicles. I also note that the Highway Authority did not raise objections to the proposal. This does not, however, overcome the harm to the character and appearance that I have previously found.

11. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Policies QP4 and RC2 of the Hartlepool Local Plan 2018 which expect, among other matters, that new development positively contributes to the Borough; reflects and enhances the distinctive features, character and history of the local area; respects the surrounding buildings, structures and environment; and does not adversely affect the character, appearance, function and amenity of the property and the surrounding area. It would also be inconsistent with the requirements of the National Planning Policy Framework, which seeks to ensure that new development adds to the overall quality of an area and is visually attractive as a result of good architecture and layout.

#### **Conclusion**

12. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR

---

<https://www.gov.uk/planning-inspectorate>

# PLANNING COMMITTEE

3 April 2019



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

## 1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. The use of a touring caravan park at Dalton Piercy as permanent residence.
2. Non-compliance with conditions relating to deliveries and highway measures at a commercial development site at Mulberry Rise.
3. The erection of a 'lean-to' extension to the side of a residential property in Kinross Grove.
4. The siting of shipping containers and storage units, and the use of land for storage at land at Coniston Road.
5. The erection of timber cladding and the installation of hard surfacing to the front of a residential property in Cresswell Drive.
6. Non-compliance with a condition relating to the installation of shop front windows at a commercial redevelopment site on Warrior Drive.
7. The erection of a timber outbuilding at the rear of a residential property in Shelley Grove.

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

1. The erection of an extension to a garage at the rear of a residential property in Caledonian Road. The height of the garage extension has now been reduced and as a result permitted development rights apply in this case.

2. The provision of outside seating to the front of a licensed premises at Navigation Point. A retrospective planning application seeking to regularise the development has since been approved.
3. A fire damaged fence and associated debris in the area of a local shopping parade at the junction of Belle Vue Way and Brenda Road. The fire damaged fence and debris has now been cleared.
4. The unauthorised use of a vehicle entrance/exit at a supermarket on Burn Road. It was found that there had been no breach of planning control in this instance.
5. The erection of single storey rear extension at a residential property in Coniscliffe Road. A retrospective planning application seeking to regularise the development has since been approved.
6. Non-compliance with condition relating to wheel wash facilities at a residential development site at Wynyard Woods. It was found that the site is operating in accordance with the approved details.
7. The unlawful commencement of development and non-compliance with conditions relating to the 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 householder development site in Hart Village. In this case the applicant has been strongly advised not to carry out any further works that constitute development without first discharging the relevant conditions and gaining the relevant reserved matters consent.
8. The provision of outside seating to the front of a licensed premises at Navigation Point. A retrospective planning application seeking to regularise the development has since been approved.
9. Non-compliance with conditions relating landscaping to a car park, details of an oil interceptor, and the management and maintenance of surface water systems at a residential development site off Coniscliffe Road. The aforementioned conditions have all now been discharged.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

**3. CONTACT OFFICER**

- 3.1 Andrew Carter  
Assistant Director Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 523596  
E-mail [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

**AUTHOR**

- 3.2 Tony Dixon  
Enforcement Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523277  
E-mail: [tony.dixon@hartlepool.gov.uk](mailto:tony.dixon@hartlepool.gov.uk)