

PLANNING COMMITTEE

AGENDA



Wednesday 5 June 2019

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, Mincher, C Richardson 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 8 May 2019
4. **ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*
 1. H/2018/0516 Plot 3, Musgrave Garden Lane (Site A), Wynyard
5. **ITEMS FOR INFORMATION**
 - 5.1 Update on Current Complaints
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)*

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

FOR INFORMATION

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 3 July 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

8th May 2019

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

Present:

Councillor: Paddy Brown (In the Chair)

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

Also present: Councillors Gerard Hall, Dave Hunter and John Lauderdale

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

137. Apologies for Absence

None

138. Declarations of interest by members

Councillor Mike Young declared a non-prejudicial interest in H/2019/0037 (Hillview, 55 Wooler Road) and H/2019/0032 (Units 5 and 6, Cafe Rappor, Navigation Point) Road)

Councillor Stephen Akers-Belcher declared an interest in H/2018/0490 due to his position as a member of the delivery board for the developer and declared his intention to absent himself from the meeting during consideration of this item.

Councillor Paddy Brown advised he had been lobbied on the matter of H/2019/0051 (183 Park Road) but had not responded.

139. Confirmation of the minutes of the meeting held on 3rd April 2019

Minutes approved

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

Number: H/2019/0037

Applicant: MR A KAID 55 WOOLER ROAD HARTLEPOOL

Agent: MD2 CONSULTING LTD MR GLENN MCGILL THE DENE 36 NEVILLEDAL TERRACE DURHAM

Date received: 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

This item had been deferred previously for a site visit. The Agent referred to the officer recommendation for refusal due to the position of the dwelling and subsequent loss of garden space for the adjacent listed building. He felt that these concerns could be mitigated by the positioning of the dwelling on the outskirts of the conservation area near to more modern houses. He also noted that the adjacent dwelling was not a nationally listed building rather a locally designated heritage asset. A proposal similar to this had been approved 10 years previously. There had also been no public objections to the application.

Members were supportive of the application, feeling it would not be obtrusive. The application was supported by a majority for the reasons stated above

Following the vote members requested a brief adjournment to clarify voting procedures with officers and the Chief Solicitor.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS to be formulated by the Director of Regeneration and Neighbourhoods as per the scheme of delegation.

The Committee considered representations in relation to this matter.

Number: H/2015/0281

Applicant: Hill Enterprises Ltd MORECAMBE

Agent: Leith Planning 14 South Clifton Street Lytham

Date received: 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

This item had been deferred previously for a site visit. Two objectors spoke against the application. The first referred to anticipated problems with noise, dust, fumes and smells during and after construction. Vibrations caused by construction work could result in cracking of the metal bases on the existing dwellings. As there were no pavements on the site additional traffic could cause health and safety issues for pedestrians. The proposed spacing between dwellings was also less than stipulated within the guidelines.

The second objector highlighted concerns raised by a nearby farmer who felt that having an access point so close to his property could be problematic particularly at harvest time. The work required to make the site habitable could result in road subsistence, unstable landfill and potentially illegal destruction of woodland. He acknowledged that most local people were not against the development but it would need to be strictly conditioned.

Members felt that the topography of the site could lead to multiple issues. They supported refusal of the application by a majority.

Decision: **Outline Planning Permission Refused**

REASONS FOR REFUSAL

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).

The Committee considered representations in relation to this matter.

Number: H/2018/0488

Applicant: MR STEPHEN LITHERLAND ACLAND HOMES LTD AND LEEBELL DEVELOPMENTS LTD 38A EGERTON ROAD HARTLEPOOL

Agent: ACLAND HOMES LTD AND LEEBELL DEVELOPMENTS LTD MR STEPHEN LITHERLAND GLENDOWER 38A EGERTON ROAD HARTLEPOOL

Date received: 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

This item had been deferred previously for a site visit. Prior to discussion of this item members were asked to read tabled documentation from an objector. They queried whether surface water could be managed. The Transport and Infrastructure Manager confirmed that it could.

The Agent urged members to support the application which had been submitted by a small Hartlepool-based housing company. He felt that 8 dwellings would not lead to massive increases in traffic and the development would lead to better security for existing residents thanks to overlooking. He referred to letters of support. He apologised for the removal of the hedgerows prior to planning permission having been secured but this had been a necessary measure to prevent birds nesting and the Council had advised that the hedgerows could be removed without planning permission. He acknowledged that the site was of archaeological interest and confirmed that excavation was set to take place at the end of the month. A construction management plan would also be in place prior to the commencement of construction.

A member expressed his disappointment at the removal of the hedgerow and the placement of netting prior to that and asked whether the applicant would consider planting a replacement hedgerow. The agent confirmed that this could be discussed as part of the discussion around planning conditions.

Two objectors spoke against the proposal. The first advised that she was suffering from an inoperable brain tumour necessitating regular trips to and from James Cook Hospital. She was concerned that this development might reduce or impede access between her home and the hospital particularly as ambulances could not use the alternative back road access. She also felt that the noise and disruption during the construction process could considerably lower her quality of life.

The second objector criticised the developer for their failure to engage with residents and their destruction of the hedgerow prior to inspection. The site was located near to an area where fatalities had already occurred. Full road closure of Worset Lane was also proposed to facilitate the building work. He felt that the developer was only concerned with monetary profits and will move on leaving a legacy for owners.

Members requested reassurance around access points in and out of the site. The agent confirmed that the developer would ensure that a contra flow would be in place and disputed the allegations regarding the closure of Worset Lane. The Transport and Infrastructure Manager confirmed that issues around ambulance access could be picked up as part of the construction management plan. The Planning and Development Manager suggested that condition 13 be amended to specifically refer to maintaining access for emergency vehicles and residents. The Transport and Infrastructure Manager would consider general resident access as part of the construction management plan, as well as other construction issues including noise, vibration and mud on the roads.

Members approved the application by a majority.

Decision: **Outline Approval subject to the completion of the S106 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.**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in general conformity with the site layout plan Dwg No: TPS001A/Worset, date received by the Local Planning Authority on the 14th 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 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 maintain access for emergency vehicles and for general access for residents, 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 interests 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 14th 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 check 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.

The Committee considered representations in relation to this matter.

Prior to consideration of this item Councillor Stephen Akers-Belcher left the meeting

Number: H/2018/0490

Applicant: ENGIE MR STUART NEWHAM MERCHANT
COURT MONKTON BUSINESS PARK HEBBURN

Agent: BLAKE HOPKINSON ARCHITECTURE MRS

MADLINE EVANS OFFICE 1 11 NEW QUAY
NORTH SHIELDS

Date received: 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

This item had been deferred previously for a site visit. The Applicant urged members to support the development which would result in significant investment in Hartlepool. The Thirteen Group had worked closely with the Council's neighbourhood teams and police and changes had been made to their company operating model ensuring an increase in neighbourhood coordinators each with less properties to manage. The modular construction system would reduce opportunities for crime. Elderly residents in Newholm Court welcomed the scheme as it would address issues with youths accessing the vacant. Consideration was also being given to the introduction of a local lettings policy requiring potential tenants to show a history of successful tenancy. The development would bring a vacant area of land back into use and construction traffic would be minimal due to the nature of the development.

An objector spoke against the proposed development. She was concerned at the type of person who might be attracted by the new development. Twenty years ago a wall had been erected between her neighbourhood and Jutland Road but within 24 hours of the wall been removed there had been problems resulting in gates being erected by the Thirteen Group. She urged members to reject the application saying it could lead to undesirables living nearby. It would be preferable to flatten the land in question and plant trees and plants.

Members were supportive of residents concerns, noting that the fear of crime was a material planning consideration. They also felt that previous efforts to rehabilitate the area in question had failed. Members, gave the reasons of crime and fear of crime, as their reason for deviating from the officer recommendation. The Planning & Development Manager indicated that refusal could be difficult to defend on appeal as housing will not inherently lead to crime. Members felt that a smaller development might have been less problematic.

Members refused the application by a majority.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development would give rise to issues of crime and fear of crime, to the detriment of the amenity of the occupiers of neighbouring residential properties and the surrounding area, contrary to Policy QP5 of the Hartlepool Local Plan 2018 and paragraphs 91 and 127(f) of the National Planning Policy Framework (2019).

The Committee considered representations in relation to this matter.

Councillor Stephen Akers-Belcher returned to the meeting

Number:	H/2019/0032
Applicant:	MR A KAID NAVIGATION POINT MIDDLETON ROAD HARTLEPOOL
Agent:	M2D CONSULTING LTD MR GLENN MCGILL THE DENE 36 NEVILLEDAL TERRACE DURHAM
Date received:	11/02/2019
Development:	Change of use to external seating area and provision of retractable folding screen (part retrospective)
Location:	UNITS 5 AND 6 CAFE RAPPORT NAVIGATION POINT MIDDLETON ROAD HARTLEPOOL

The Agent urged members to support the retrospective application in respect of the screen saying it was fully retractable and would act as a windbreak making it more comfortable for customers. He disputed whether it required planning permission at all given its overall dimensions. He also noted that the applicant had offered to change the material to glass but this had been rejected. In terms of the objections received he suggested these had come from disgruntled former employees and a neighbouring business.

Members queried whether the owner could install a removable canvas of a similar height. The Planning Officer confirmed that it was the permanency of the structure that was the problem. Members felt that a reasonable approach needed to be taken in this case and an attractive retractable barrier was preferable to a temporary canvas. However another member felt any barrier could cause problems for people with disability issues and therefore felt unable to support it. Members indicated the following reasons for deviating from the officer recommendation, that the screen did not have a detrimental impact on the area and an approval would support economic development. Members supported the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS delegated to the Planning and Development Manager in consultation with the Chair/Vice Chair.

The Committee considered representations in relation to this matter.

Number:	H/2019/0051
Applicant:	MR SAEED KHALID MITCHELL STREET HARTLEPOOL
Agent:	ASP ASSOCIATES 8 GRANGE ROAD HARTLEPOOL
Date received:	25/02/2019
Development:	Change of use from house in multiple occupation (C4) to a large house in multiple occupation (Sui-Generis)
Location:	183 PARK ROAD HARTLEPOOL

Two objectors spoke against the application. Both raised concerns at the inclusion of a property of this type in a conservation area and the type of tenant that might be attracted. They referred to existing issues being experienced by neighbours. It would lead to increased parking problems and could fundamentally change the character of Park Road completely. The increased noise levels would impact on children living nearby as would potential increases in foul language and illegal anti-social behaviour. Items had been stolen from nearby properties and residents felt unable to allow their children out on their own due to drunken arguments between residents.

The 3 Ward Councillors spoke in support of residents concerns. Councillor Hall made reference to comments from the Crime Prevention Officer that premises of this type tended to be a concern in terms of crime and disorder. It would also lead to problems with parking in the area and an increase in noise generally, regardless of the sort of clientele that might be attracted.

Councillor Hunter acknowledged that Cleveland Police had not objected but had confirmed that there was usually an increase in criminality when such developments were approved. HMO would not enhance the area. Property prices would be reduced and problems caused for residents. The developer was non-committal about the type of person that would be moving in but the appointment of a warden spoke volumes. Parking would certainly be an issue.

Councillor Lauderdale endorsed the views of residents saying he had seen the character of the area change subtly over many years. Park Road was a

prestigious link road within Hartlepool and he hoped the Planning Committee would take account of the problems granting this application could cause. He also concurred with his ward councillor colleagues in terms of parking problems.

The Planning Officer clarified that the warden's role would be akin to a janitor, keeping communal areas clean and serving as a point of contact for residents.

Members were disappointed that issues around parking had not been identified by officers. They referred to previous problems with traffic which had led to the introduction of one-way streets in the area. They also felt that concerns around the fear of crime had been well made. They felt that the loss of character of the area was a valid point and the lack of soundproofing in HMOs was raised as a concern. They gave the following reasons for deviating from the officer recommendation; highway (parking) problems, fear of crime/crime, loss of character and noise and disturbance. Members voted to refuse the application unanimously.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development by virtue of the lack of in curtilage car parking that would have the potential to exacerbate traffic and parking congestion in the area to the detriment of highway and pedestrian safety, contrary to Policy QP3 of the Hartlepool Local Plan 2018.
2. In the opinion of the Local Planning Authority, the proposed development would give rise to issues of crime and fear of crime, to the detriment of the amenity of the occupiers of neighbouring residential properties and the surrounding area, contrary to Policy QP5 of the Hartlepool Local Plan 2018 and paragraphs 91 and 127(f) of the National Planning Policy Framework (2019).
3. In the opinion of the Local Planning Authority, the proposed development would constitute an inappropriate form of development for its location, resulting in a detrimental impact on the character of the area by virtue of introducing a high density and intensified residential use within this location, contrary to Policy QP4 of the Hartlepool Local Plan 2018 and paragraph 180 of the National Planning Policy Framework (2019).
4. In the opinion of the Local Planning Authority, the proposed development would result in unacceptable levels of noise and disturbance (particularly in relation to the comings and going of occupants) by virtue of introducing a high density and intensified residential use within this location, contrary to Policy QP4 of the Hartlepool Local Plan 2018 and paragraph 180 of the National Planning Policy Framework (2019).

The Committee considered representations in relation to this matter.

141. Appeal at 13 Regent Street, Hartlepool TS24 0QN
(Assistant Director (Economic Growth and Regeneration))

Members were advised that a planning appeal had been submitted against the decision of the Council to grant listed building consent for the removal of unauthorised PVCu windows to the front and rear and installation of timber windows to the front and rear at the property. The application was determined by officers in line with the Council's scheme of delegation for planning applications and the consent was grant subject to conditions that the replacement windows be installed within 3 months and in accordance with the approved plans and details submitted with the application which detailed the timber window specification. The appeal had been submitted objecting to the timescale imposed to complete the work and the requirement that timber windows be installed to the rear.

Decision

That officers be authorised to contest the appeal

142. Appeal at 27 Scarborough Street, Hartlepool TS24 7DA
(Assistant Director (Economic Growth and Regeneration))

Members were advised that a planning appeal had been submitted against an enforcement notice served in respect of a replacement door at the property. A retrospective planning application had been refused by the Committee on 5th September 2018 and authority granted to take enforcement action to secure removal of the door and reinstatement of the original features.

Decision

That officers be authorised to contest the appeal

143. Appeal at 32 The Front, Hartlepool TS24 7DA (Assistant Director (Economic Growth and Regeneration))

Members were advised that a planning appeal had been submitted against an enforcement notice served in respect of a replacement door at the property. A retrospective planning application had been refused by the Committee on 3rd October 2018 and authority granted to take enforcement action to secure removal of the door and reinstatement of the original features.

Decision

That officers be authorised to contest the appeal

144. Appeal at 45 Alderwood Close, Hartlepool TS24 7DA
(Assistant Director (Economic Growth and Regeneration))

Members were advised that a planning appeal had been submitted against the refusal of an application for a 2-storey extension at the side and a single storey garage and porch extension to the front of the property. It was refused under delegated powers

Decision

That officers be authorised to contest the appeal

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

Members were given details of 10 complaints currently under investigation and 7 completed investigations.

Decision

That officers be authorised to contest the appeal

146. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

147. Future Training

The Planning and Development Manager advised members of 2 forthcoming planning training events. The first was a mandatory training session for anyone wishing to take part in Planning Committee decisions ('Getting to Grips with Planning') and would take place on Thursday 30th May. A member highlighted that this was during half-term and suggested that it be moved to Friday 24th May. She asked that in future consideration of matters such as school closures be taken into account by those selecting training dates. The Planning and Development Manager acknowledged these concerns, but advised the date was set and requested that any members unable to attend on 30th May contact him so he could make alternative arrangements for them

Further non-mandatory training would also take place on Thursday 4th July Annual Planning Training Event. This would consist of site visits on the morning and presentations by officers in the afternoon. It would also afford members a chance to meet with planning officers on an informal basis. A member referred to a number of previous instances where developers would submit planning applications for a number of individual sites which would go on to make a larger development. She asked that training be provided in future to assist members when dealing with such matters.

148. Former Chair

Rob Cook thanked those present for all the help and support they had given him during his tenure as Chair of Planning Committee, describing it as a 'privilege and an honour to have to go know you all'. He also wished Leigh Dalby good luck in his future outside of the Council.

149. 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 150 – (Enforcement Notice) – 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 151 – (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.

151. Enforcement Notice (*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.

The item was withdrawn

152. 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 were advised as to enforcement action which had recently been taken by the Director of Regeneration and Neighbourhoods. Further details are provided in the closed minutes

Decision

That the report be noted

The meeting concluded at 1pm.

CHAIR

No: 1.
Number: H/2018/0516
Applicant: Mr Joseph Musgrave
Agent: Mr Steven Bowers, Wynyard Park
Date valid: 22/01/2019
Development: Erection of 1no. detached dwelling house (including roof terrace to rear) with detached double garage, associated access and landscaping.
Location: PLOT 3 MUSGRAVE GARDEN LANE (SITE A),
WYNYARD PARK, HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The application site and surrounding area has a long and complicated planning history. The most relevant recent planning applications are listed below;

'Site A' related applications.

1.3 **H/2015/0372** – Outline planning application for up to 5 dwellings, known as 'Site A', is currently pending consideration. The application was submitted in January 2016 for a higher number of dwellings but has been amended a number of times since January 2016 resulting in the latest amended scheme for 5 dwellings. The current application for a single dwelling (plot 3) falls within the red line boundary for the above application.

1.4 **H/2016/0448** – Application in full for the erection of a single dwelling at Plot 5 (of Site A), approved 06.07.2017.

+

1.5 **H/2017/0623** – Amendment to planning application H/2016/0448 (Plot 5). Approved. 13.03.2018.

+

1.6 **H/2018/0067** – Change of use of triple garage to sales suite (plot 5 to be used a show house) (retrospective application). Approved 04.05.2018 subject to condition limiting permission to a temporary change of use for 3 years

1.7 **H/2017/0098** – Application in full for the erection of a single dwelling at Plot 6 (of Site A), approved 09.08.2017.

'Site B'/Wellington Gardens related applications

1.8 **H/2015/0373** – Outline planning application for up to 30 dwellings, known as 'Site B' was approved subject to a s106 legal agreement on 14.10.2016.

'Site C'/The Beaumont related application

1.9 **H/2015/0374** – Outline planning application for up to 12 dwellings, known as 'Site C', located to the west of the current application site, approved subject to a s106 legal agreement on 04.04.2017.

1.10 **H/2015/0332** – Outline planning application for up to 383 dwellings on the land to the north of the current application site – currently pending consideration.

PROPOSAL

1.1 This application seeks full planning permission for one detached dwelling with detached double garage, associated access and landscaping (Use Class C3). The site forms part of the site subject to a pending outline application for five dwellings known as Site A (H/2015/0372). This plot is one a number of other parts of the original Site A that have been brought forward with full plans applications while the outline application remains pending.

1.12 It came to the attention of the Local Planning Authority in April 2019 that works had commenced on site for this application without any planning permission being in place. The applicant stopped any further works following a written request by the LPA. It is understood that as of May 2019, the dwelling appears to have been built up to damp proof course level with the site secured/fenced off. This application is therefore to be considered as part-retrospective.

1.13 The application has been referred to the Committee as it is a departure from the adopted Local Plan and following agreement for it to be considered at Planning Committee.

SITE CONTEXT

1.14 The application site relates to plot 3 (of current, pending outline application H/2015/0372 for 5 dwellings) on land to the north of the A689 within Wynyard Park. As noted above, it is understood works were started on developing the site but have since ceased pending the outcome of the application. The site has a gentle rise from the highway upwards into the site (running west to east). The site falls within the limits to development/urban fence of Wynyard, within the defined limits (classed as 'white land') of the Local Plan as defined by Policy LS1.

1.15 To the north east of the site is Site B/Wellington Gardens, approved in outline under reference H/2015/0373 for 30 dwellings. Development has commenced on this site with a number of reserved matters applications for individual dwellings under construction.

1.16 To the north west of the application site are sites known as 'Pentagon' which is currently under construction for residential development, along with a self-build development known as The Beaumont. A further self build development known as Manorside (phases 1 and 2) is present beyond the road to the west. On the main entrance road into the area is a linear residential development known as The Meadows/Area Y. To the south of the site other applications for residential development remain pending.

PUBLICITY

1.17. The application was advertised by way of site notice; to date, no letters of objection have been received from neighbouring land owners.

1.18 The period for publicity has expired.

CONSULTATIONS

1.19 The following consultation responses have been received:

Elwick Parish Council: no objection.

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

HBC Engineering Consultancy: No objection.

HBC Ecologist: One integral bat box required.

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 of the borough that supports good populations of bats, due to extensive woodland. I therefore require Biodiversity enhancement as per NPPF in the form of one integral bat box built into the fabric of either the south or east facing wall of the house or garage.

HBC Arboricultural Officer: Details of the boundary treatment has been given as continuous bar estate fencing with planting throughout the garden (Document reference 14540821). This will enhance the aspect of this development & there is sufficient detail provided to discharge this requirement. No objections to this scheme.

HBC Public Protection: Not Object.

HBC Countryside Access Officer: With regards to this application; I have no comments to add. All my main comments and concerns have been addressed through outline planning application process for the full site. Please refer to those comments for further details.

HBC Economic Development: No comments received.

HBC Child Services: No comments received.

HBC Sport and Recreation: No comments received.

HBC Waste Management: No comments received.

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 we can confirm that at this stage we would have no comments to make.

PLANNING POLICY

1.20 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)

1.21 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.

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

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
8	Ensuring all roles of sustainable development are met
9	Pursuing sustainable development

10	Consideration of local circumstances
11	Determination in accordance with the development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
49	Housing and the presumption in favour of sustainable development
50	Sustainable, inclusive mixed use communities
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
58	Quality of development
60	Promotion or reinforcement of local distinctiveness
61	The connections between people and places
64	Improving the character and quality of an area
69	Healthy, inclusive communities
95	Planning for a low carbon future
96	Minimise energy consumption
186	Positive approach to decision taking
187	Approving sustainable development applications where possible
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203	Conditions or planning obligations
204	Planning obligations
205	Obligations and market conditions over time
206	Planning conditions

Hartlepool Adopted Local Plan 2018

1.23 The following Local Plan policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG6	Wynyard Housing Developments
NE2	Green Infrastructure
NE3	Green Wedges

HBC Planning Policy comments:

1.24 Planning Policy has a number of concerns and consider, at the present time and as a stand-alone development, that this application should be refused.

1.25 Whilst the proposal is located within the Wynyard Limits to Development on white land, the aim of the Local Plan allocations at Wynyard is to enable the creation of a sustainable development with a range of housing, employment, infrastructure and community facilities. In order to do this, policies have been included within the Plan at Wynyard, including LS1/Rur2, Hsg6, Inf4, Emp1, NE3 to ensure that the area grows in a sustainable manner.

1.26 Policy Hsg6 allocates land for approximately 730 dwellings within the Wynyard limits to development and includes a link between Hsg6c and Hsg6b to the north. This proposal would be accessed off this link. The road is actually in place as development to the north at Beaumont and Wellington Gardens has commenced. Policy Hsg6, at the request of the Planning Inspector, and similarly to policies within Stockton's recently adopted Local Plan, requires development to accord with an approved master plan (criteria 9 of the Policy).

1.27 Both Hartlepool Council and Stockton Council have begun preparation of a master plan for the whole of the Wynyard area and anticipate this will be finalised in July/August 2019. The preparation of the master plan will involve consultation with a range of parties, including land owners and developers at the appropriate time. The aim of the master plan is to ensure that development in the area occurs in a co-ordinated manner, bringing forward key infrastructure when it is required, and ultimately leading to a high quality, sustainable settlement. To date, development at Wynyard has occurred in a piecemeal manner, being housing led with some green infrastructure but with no retail, leisure, employment or community facilities delivered. The master plan will include the requirements for these elements of the development along with phasing plans to show when the different elements should be brought forward. Through having this comprehensive document to guide development, it will also assist in ensuring that, as developments come forward, they pay towards the overall costs of the infrastructure necessary across the development as a whole. The previous piecemeal approach to development, coupled with the pooling regulations on developer contributions, has made forward planning for the necessary infrastructure extremely challenging and officers have noted on a number of occasions prior to the adoption of the Local Plan that an outline application for the whole of the site which a legal agreement could be attached to as the most appropriate way forward to ensure development leads to the creation of a sustainable community. A further single permission with contributions to a range of elements of infrastructure, and prior to the removal of the pooling regulations, is only going to hinder further the successful delivery of the necessary infrastructure for a development of the size of Wynyard.

1.28 As no adopted/endorsed master plan is currently in place, any development which is permitted within Wynyard would be considered contrary to Policy Hsg6 of the Local Plan, and as such would be departure from the Local Plan. Policy Hsg6 also requires that a phasing plan is submitted as part of any initial planning applications – this requirement is to help ensure the infrastructure is delivered in a timely manner. As this is a stand-alone development no phasing plan has been submitted and as such the application is also contrary to this element of Hsg6; however, prior to the completion of the master plan it is not considered that a sound phasing plan could be submitted at this time.

1.29 Residential development in this location is considered acceptable in principle but has to be as part of a comprehensive development of the site.

1.30 For the reasons above it is considered that this stand-alone application should be refused from a Planning Policy viewpoint.

PLANNING CONSIDERATIONS

1.31 The main material planning considerations of this application are the principle of housing development, planning obligations, impact on highway safety, impact upon the character and appearance of the area, impact on the amenity of neighbouring land users, highway safety, ecology and nature conservation, flooding and drainage. These and all other planning and residual matters are considered in full below.

PRINCIPLE OF DEVELOPMENT

1.32 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.

1.33 The Hartlepool Local Plan 2018 envisages the creation of a sustainable community at Wynyard with a mix of housing, employment and community facilities. As such, the relevant policies within the plan support development per se; however there is a requirement for an approved master plan to be in place to ensure this is of an appropriate scale and supported by relevant infrastructure and facilities.

1.34 Notwithstanding this, some developments have come forward at Wynyard and the Council has sought not to stand in the way of what might otherwise be an acceptable form of development, and albeit somewhat premature while the Local Plan moved through preparation and adoption stages. The Local Plan is now adopted and well established, however there have been a number of applications that have continued to be submitted/come forward in a piecemeal fashion and if this approach was allowed to continue without the aforementioned masterplan being in place (as required by the adopted Local Plan) it would undermine efforts to plan strategically for Wynyard and limit the ability to secure the requisite developer contributions to facilitate the delivery of community facilities.

1.35 As noted in the HBC Planning Policy comments above, although work between both Hartlepool Council and Stockton Council has begun to prepare a master plan, this is not currently in place and the phasing plan required by policy HSG6 to ensure the timely delivery of infrastructure cannot be submitted as a result. For these reasons, the current application is contrary to the requirements of policy HSG6 of the adopted Local Plan and is not considered to be a sustainable form of development. Therefore as a standalone development, the application cannot be supported.

DEVELOPER CONTRIBUTIONS

1.36 Whilst an individual dwelling falls below the threshold requirements set out in the Planning Obligations Supplementary Planning Document, this dwelling is clearly part of a wider development and the piecemeal manner in which it has come forward does not preclude it from contributions. However, as noted above, there are concerns about this application due to the inability to secure appropriate levels of developer contributions on single plot applications, particularly given the current pooling restrictions (which limit contributions for a specific piece of infrastructure to just 5 planning permissions or 'hits'). This is demonstrated by the fact that it is only considered appropriate to seek contributions towards affordable housing (which is exempt from the aforementioned pooling restrictions) if this application were to proceed, which the developer has indicated they are willing to make. While the inclusion of an off-site affordable housing of £9,641.00 contribution is beneficial given the size of the scheme (and would have been secured by a s106 legal agreement had the application been considered acceptable in all respects), this means contributions towards other community facilities or infrastructure cannot be secured as part of this application. This further highlights Officers concerns over the prematurity of this planning application, undermining efforts to plan strategically for Wynyard and limits the ability to secure the requisite developer contributions to facilitate the delivery of community facilities.

HIGHWAY AND PEDESTRIAN SAFETY

1.37 Following detailed highways modelling, it was considered that 1100 new dwellings within the Wynyard area (both Stockton's and Hartlepool's areas) would be acceptable in highway terms (subject to the provision of the upgrade works/roundabouts to the A689). The 1100 dwellings were historically made up of applications for 500 + 400 dwellings within Stockton with 200 dwellings in Hartlepool.

1.38 Following a review of this modelling and further discussions with Stockton Borough Council's Highway section to confirm the extent of the traffic modelling for the Wynyard area, it has been confirmed that the traffic likely to be generated by the 200 dwellings in Hartlepool (of which the current application would fall within the red line boundary of the 'minded to approve' 200 dwellings application, reference H/2013/0033) was included within the model and that, as the outcomes have been accepted as being acceptable on the strategic road network with the agreed mitigation measures on the A689 roundabouts, the Council's Traffic and Transport section has confirmed that they have no objections on highway grounds to the outline application (H/2015/0372) that this plot would fall within.

1.39 The Council's Traffic and Transport team has confirmed that the specifics of the proposed layout for this single plot as shown in this application are acceptable and in light of the acceptability of the site's development more strategically there are no objections to the proposed development from a highways perspective.

IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

1.40 The proposed dwelling and detached double garage are considered to be of a scale and design that respect the proportions of the overall plot size and are generally in keeping with the self-built developments within the surrounding area. The proposed dwelling would be set off the adjacent boundaries by more than 2m, which is a requirement of the agreed Design Guide on the self build sites for Wellington Gardens/Site B and Beaumont/Site C. The design is considered to be traditional and it is considered that the projecting gable features and chimney detailing would not only break up the massing of the proposed dwelling but also add interest to street scene.

1.41 Overall, it is considered that the appearance, scale and layout of the proposed scheme is in general conformity with the indicative block plan that has been submitted as part of the outline planning application for 5 dwellings (H/2015/0372) and is acceptable in this respect. Furthermore, the application includes details of proposed landscaping, which the Council's Arboricultural Officer has advised are suitable and would enhance the development. Had the application been acceptable in all respects, final details of finishing materials, means of enclosure, soft and hard landscaping would have been secured by appropriate planning conditions.

1.42 It is therefore considered that the proposal would not result in an adverse loss of visual amenity for the surrounding area.

AMENITY OF NEIGHBOURING LAND USERS

1.43 Although other plots (No's 5 and 6) on the 'Site A' development have come forward for development to the south of the current site, the immediately adjacent plots to the north and south of the current site have not been developed (or benefit from planning permission) to date whilst the land to the east of the site is allocated as 'white land' in the Local Plan and not currently subject to any approvals or pending applications.

1.44 Consideration is given to the relatively low density of the site and generous plot sizes. Whilst it is anticipated suitable proposals would still be achievable on the remaining plots should the whole of Site A come forward in the future, the current proposals include a number of windows in the side elevations, primarily at ground floor level but also dormer windows in each side elevation of the projecting rear element, serving a bedroom and an en suite. In view of the proximity to the adjacent boundaries, it is considered that these windows (particularly those in the northern elevation which are closer to the proposed plot boundary to the north) have the potential to result in overlooking and therefore had the application been considered acceptable in all respects, it would need to include a condition requiring these windows in the northern elevation (2 x sets of bi-fold doors at ground floor and 1 no.

dormer window at first floor) to be opaque glazed and of restricted opening, as has been the case for other approvals in the area where such similar relationships exist.

1.45 In respect of the first floor dormer window and 2 sets of bi-fold doors in the other ground floor side elevation (south), given the satisfactory separation distance (approx. 16m, min to 18m, max) from the adjacent southern boundary and in view of the anticipated location of a dwelling to the southern plot, it is considered that the proposal is unlikely to result in an adverse loss of amenity and privacy for future occupiers of the plot to the south. Other windows/doors in the ground floor south/side elevation of the main element of the proposed dwelling will primarily face onto the proposed detached garage which would assist in reducing any direct views towards the plot to the south. The proposal is therefore acceptable in this respect.

1.46 The proposed dwelling includes a projecting element to the rear that includes a balcony area to the first floor (and bi-fold doors in the ground floor rear elevation). The proposed balcony would be situated approximately 8m from the northern boundary and approximately 16m to the southern boundary. The proposal includes an approximately 1.6m high opaque glazed privacy screen around the perimeter of the balcony, however to ensure that adequate privacy and amenity levels are achieved, such an opaque screen would need to be increased to 1.8m in height to ensure that the proposal does not result in an unacceptable loss of amenity and privacy for future occupiers of the adjacent plots to the north and south (and those built plots (5 and 6) that are located further south).

1.47 Taking into account the above considerations in respect of separation distances and anticipated relationships and any requirement for obscure glazing, it is considered that the proposals would not result in an unacceptable loss of amenity and privacy for adjacent plots in terms of outlook, overbearing, overshadowing and overlooking as to warrant a further reason for refusal of the application.

1.48 As noted above, the proposed dwelling includes a projecting element that includes a balcony area to the first floor (and bi-fold doors in the ground floor rear elevation) that would have the potential to overlook any future development of the land to the east of the site. Notwithstanding this, there would be a separation distance from this element of the dwelling and the plot boundary to the east by 6m–7m (approx.) which is considered to be minimal (although a ‘fall back’ is acknowledged whereby the government considers the impact of a two storey extension being erected within 7m from the nearest rear boundary to be acceptable by virtue of making such development ‘permitted’ under the General Permitted Development Order). In this context and as a minimum, it would be considered necessary for the proposed opaque privacy screen (serving the balcony) to be increased in height from 1.6m to 1.8m whilst the bi-fold doors at ground floor level would also need to be obscurely glazed with limited opening. Had the proposals been acceptable in all respects, these matters would have been secured by appropriate planning conditions. Consideration is also given to the modest overall height and width of this projecting rear element whilst the main rear element of the proposed dwelling would be set approximately 16m from the eastern boundary, which is considered to be acceptable in this instance.

1.49 Given future development of the neighbouring land is unknown, should the land to the east become the subject of a future planning application, it would be incumbent on that applicant (who, it is understood, also owns the land to the rear/east) to design a scheme that took account of those properties already in place and therefore it is considered that, on balance, adequate relationships/separation distances are likely to be achieved. As such and in this instance, the scheme would not result in an unacceptable degree of harm on the amenity and privacy of future occupiers of land to the east or prejudice future development to the rear of the site as to warrant a further reason for the refusal of the application. The above considerations in part, reflect Officer concerns about the current lack of a masterplan for Officers to fully understand the potential impacts of development in a wider planned context.

1.50 Given the location of the ancient woodland to the north west of the site and the distance between this site and nearby developments at Manorside and South Pentagon, it is considered acceptable separation distances to existing properties can be achieved.

1.51 It is not considered that residential development of the nature proposed would unduly alter the character of the wider area to the detriment of the amenity of neighbours, given the developing residential character of this part of the Wynyard estate.

1.52 No objections have been raised by the Council's Public Protection team in this regard. Notwithstanding this, a standard condition requiring a construction management plan and to control hours of construction/deliveries would be appropriate.

1.53 In view of the above considerations, it is considered that the proposed dwelling would not result in an unacceptable loss of amenity for existing and future occupiers of the proposed dwelling, adjacent plots and development land, as to warrant a refusal of the application. As noted above, had the application been considered acceptable in all respects, a number of windows and doors would need to be obscurely glazed and limited opening, whilst the balcony screen would need to be increased in height.

ECOLOGY & NATURE CONSERVATION

1.54 The application site was assessed as part of the wider Site A development, as part of which it was agreed that subject to mitigation measures and commitment to ongoing management of these and the introduction of biodiversity enhancement measures to individual plots development of the site would be acceptable. It would not be appropriate to impose broader conditions for ongoing mitigation of Wynyard and its maintenance to an application for a single dwelling; however this could be secured as part of the outline application H/2015/0372.

1.55 Notwithstanding that, the NPPF requires development to contribute towards biodiversity enhancement, in accordance with this, a condition requiring the property to incorporate an integral bat box built into the fabric of either the south or east facing wall of the house or garage.

1.56 Subject to the above referenced biodiversity enhancement measures being secured through planning condition (had the application been considered acceptable in all respects), the proposal is considered to be acceptable in ecological terms in this instance and therefore accords with the provisions of the NPPF.

FLOOD RISK AND DRAINAGE

1.57 With respect to matters of flooding, the site is within Flood Zone 1 and therefore at low probability of flooding. The application is accompanied by a proposed drainage scheme and the Council's Engineering Consultancy has confirmed there are no objections to the proposed development.

1.58 In view of the above considerations and subject to the drainage details provided being secured by condition, it is considered that the scheme is acceptable in terms of flooding and drainage related matters.

PLANNING BALANCE & OVERALL CONCLUSION

1.59 The main benefits and adverse impacts arising from the scheme are outlined below:

Benefits

- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social),
- £9,641.00 contribution towards off-site affordable housing (social),
- Potential New Homes Bonus and increased Council Tax (economic)

Adverse Effects

- Continued subdivision of sites in order to bring individual plots forward undermine the Council's ability to plan strategically for Wynyard (environmental and social), contrary to the policies of the adopted Local Plan (2018)
- In isolation the application would not provide a completely self-sustaining community in terms of comprehensive services and facilities, and would limit the Council's ability to secure appropriate developer contributions necessary in order to deliver such facilities, placing pressure on the council to fund and deliver such community infrastructure (social & economic).

1.60 The development is an allocated site located within the established urban limits. The proposal could potentially be acceptable if it formed part of a more coordinated and strategic development of the wider Wynyard area, supported by a master plan as required by policy HSG6.

1.61 It is acknowledged that there are some material benefits arising from the proposed development, however there are adverse impacts from bringing forward development in a piecemeal fashion without the benefit of a master plan being in place that would significantly outweigh the benefits when assessed against the

policies in the framework taken as a whole. The scheme is therefore considered unacceptable in respect of the principle of development as identified above and is therefore recommended for refusal.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.62 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.63 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.

1.64 There are no Section 17 implications.

REASON FOR DECISION

1.65 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 development does not comply with Local Plan policy HSG6 as an approved master plan to allow for the strategic development of a sustainable community at Wynyard is currently not in place and this prevents a meaningful phasing plan to ensure the timely delivery of infrastructure. The proposed development in isolation is not considered to be a sustainable form of development, contrary to the provisions of the Hartlepool Local Plan (2018) Policies LS1, HSG6, INF4 and NE3, and contrary to paragraphs 8, 34 and 72 and the general provisions of the National Planning Policy Framework (2019).

BACKGROUND PAPERS

1.66 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

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

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

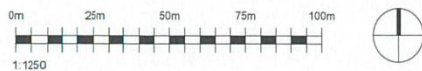
AUTHOR

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

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

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REV	DESCRIPTION	BY	CHKD	DATE
PL01	PLANNING ISSUE	SB	MJ	19/12/2018
PL02	ROAD NAMES ADDED	SB	MJ	16/01/2019



<h2>Planning</h2>			
PROJECT: PLOT 3 MUSGRAVE GARDEN LANE			
TITLE: SITE LOCATION PLAN			
ORIGINATOR: SB	SCALE: 1:1250	SHEET SIZE: A3	DATE: DEC 18
PROJECT NUMBER: 1601	DRAWING NUMBER: 101	REV. PL02	
WYNYARD PARK			
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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

5 June 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. Running a business from home and the erection of a wall to the front of a residential property in Oakwood Close.
2. The erection of outbuildings at the rear of 5 residential properties at Meadowcroft Mews.
3. The erection of a single storey extension at the side of a residential property in Applewood Close.
4. The siting of shipping containers to the rear of licensed premises at Navigation Point.
5. The erection of a high fence at the rear of a residential property in Hayfield Close.
6. The erection of an extension to the rear of a residential property in Mowbray Road.
7. The use of a car park area for wood processing operations at a horse riding school on Dalton Back Lane.
8. The installation of uPVC windows at a commercial premises at The Front, Seaton Carew.
9. A dwelling not built in accordance with the approved plans, and non-compliance with condition relating to obscure glazing at a residential development site at Manorside, Wynyard.

10. Non-compliance with a condition relating to the removal of window graphics at a licensed premises on Victoria Road.
 11. The erection of an outbuilding in the rear garden of a residential property at The Darlings, Hart.
 12. The erection of high fences to the front of 2 residential properties in Queensway, Greatham.
 13. The change of use from a tanning salon to hair and beauty shop at a commercial premises in Oxford Road.
 14. The installation of metal doors at a residential property in Hutton Avenue.
 15. Non-compliance with pre-commencement conditions and terms of a legal agreement at a residential redevelopment site in Hutton Avenue.
 16. The erection of raised decking in the rear garden of a residential property in Coltsfoot Close.
 17. The installation of a composite door at a residential property in Rowell Street.
 18. Car repairs at a residential property in Troutpool Close.
 19. Car repairs at a residential property in Carlisle Street.
 20. The change of use of first floor residential accommodation to a commercial kitchen/restaurant at a licensed premises at Broadfield Road.
 21. The erection of an outbuilding in the rear garden of a residential property in Onyx Close.
 22. The display of advertisements at 2 sites on farmland adjacent to the A689 Stockton Road.
 23. The change of use to a mixed use hairdressers/beauty salon at a former church premises on Clavering Road.
 24. The erection of an outbuilding in the rear garden of a residential property in Mary Rose Close.
- 1.2 Investigations have been completed as a result of the following complaints:
1. The erection of a high fence above the front boundary wall at a residential property in Ibrox Grove. It was found that the development has been in place for in excess of 4 years and is therefore immune from enforcement proceeding under planning legislation.

2. Car repairs and sales at a residential property in Bede Grove. It was found that no material change of use had occurred.
3. Outside seating to the front, and erection of partition to the side, of a licensed premises at Navigation Point. A retrospective planning application seeking to regularise the development has since been approved.
4. The erection of an outbuilding in the rear garden of a residential property in Sandbanks Drive not in accordance with the approved plans. An application to vary the condition relating to the approved plans has since been approved.
5. Non-compliance with a condition relating to working hours at a service station redevelopment site on Warren Road. The site is now operating in accordance with the condition.
6. Re-grading of land at a residential development site at land off Valley Drive. It was found that no breach of planning control had occurred.
7. Non-compliance with a condition relating to working hours at a school redevelopment site in Catcote Road. It was found that the site is operating in accordance with the condition.
8. The erection of a fence to the front of a residential property in Clavering Road. Permitted development rights applied in this case.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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

AUTHOR

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