

PLANNING COMMITTEE

AGENDA



Wednesday 23 October 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 25 September 2019

4. ITEMS REQUIRING DECISION

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

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|----|--------------|--|
| 1. | H/2019/0296 | 24 Northwold Close (page 1) |
| 2. | H/2019/0208 | Land to the East of Worset Lane (page 9) |
| 3. | H/2019/0348 | Land at Newholm Court and Lealholm Road (page 33) |
| 4. | H/2019/0340 | Melbourne Hotel, 16 Stockton Road (page 61) |
| 5. | H/2019/0321 | Land adjacent to Elwick House, The Green, Elwick (page 71) |
| 6. | H/2019/0302 | Unit A, Navigation Point, Middleton Road (page 85) |
| 7. | H/2019/0289 | St Mark's Church, Clavering Road (page 95) |
| 8. | TPO 261/2019 | The White House Public House, Wooler Road (page 103) |
| 9. | H/2013/0573 | Britmag Ltd, Old Cemetery Road (page 109) |

5. ITEMS FOR INFORMATION

- 5.1 Appeal at 34 Rillston Close - *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Update on Current Complaints - *Assistant Director (Economic Growth and Regeneration)*



6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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 20 November 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25th September 2019

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

Present:

Councillor: Mike Young (In the Chair)

Councillors: Stephen Akers-Belcher, Tim Fleming*, Bob Buchan, Marjorie James, Jim Lindridge and Brenda Loynes

* Councillor Fleming arrived during the meeting – his arrival time is recorded later in the minutes

Also Present: Councillor Shane Moore

Officers: Jim Ferguson, Planning and Development Manager
Kieran Bostock, Transport and Infrastructure Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Daniel James, Planning (DC) Team Leader
Ryan Cowley, Senior Planning Officer
Stephanie Bell, Planning Officer
Paul Simpson, Principal Property, Planning and Commercial Solicitor
Jo Stubbs, Democratic Services Officer

63. Apologies for Absence

Apologies were submitted by Councillors James Brewer, Paddy Brown, David Mincher and Carl Richardson.

A member asked that a letter be sent out to those members that had submitted their apologies requesting that in future they appoint a substitute in order to avoid the possibility of meetings being inquorate. The Chair agreed to action this.

64. Declarations of interest by members

Councillor Jim Lindridge declared a prejudicial interest in planning application H/2019/0296 (24 Northwold Close) and advised that he would leave the meeting during consideration of this item.

Councillor Brenda Loynes declared an interest in planning application H/2019/0139 (Land at Station Road, Greatham) in her capacity as Ward Councillor.

Councillor Mike Young declared an interest in planning application H/2019/0139 (Land at Station Road, Greatham) in his capacity as Ward Councillor.

65. Confirmation of the minutes of the meeting held on 4th September 2019

Approved

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

Number:	H/2019/0139
Applicant:	GUS ROBINSON DEVELOPMENTS LTD WEST VIEW ROAD HARTLEPOOL
Agent:	GEORGE F WHITE 8 FRONT STREET WOLSINGHAM
Date received:	30/04/2019
Development:	Residential development comprising the erection of 36 no. residential dwellings and associated access, infrastructure and landscaping
Location:	LAND AT STATION ROAD GREATHAM HARTLEPOOL

Councillor Tim Fleming arrived during consideration of this application.

A representative for the applicant was present and addressed the Committee. He urged members to support the application which would provide much needed affordable housing which was energy efficient and sustainable supported by significant investment.

Members approved the application by a majority.

Decision: **Planning Permission Approved subject to the completion of a section 106 agreement securing planning obligations/developer contributions for the provision of on-site affordable housing; financial contributions towards green infrastructure (£9,000); built sport (£9,000); playing pitches (£6,765.41); tennis courts (£2,052.72); bowling greens (£178.92); play facilities (£9,000); ecological mitigation for the loss of**

existing hedgerow/the creation and maintenance of a priority habitat (£3,000); and HRA financial mitigation (£12,600) for indirect adverse impacts on SPA feature birds through recreational disturbance; and obligations securing householder information packs (in respect to ecology); the provision, maintenance and long term management of open spaces and landscaping (including retained trees and hedgerows, and new tree and hedge planting); maintenance and long term management of surface water drainage and associated pumping station; an obligation relating to securing a training and employment charter/local labour agreement; and subject to the following conditions;

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

(00)001 Rev C (SITE LOCATION PLAN),
received 5th June 2019 by the Local Planning Authority;

(00)360 Rev BB (GA PLANS - TYPE 5 AND TYPE 3 - 6 PLOT TERRACE),
(00)350 Rev CC (GA PLANS AND ELEVATIONS - TYPE 5 AND TYPE 3 (X2) 3 PLOT TERRACE),
(00)610 Rev F (PROPOSED FENCING TYPES AND DETAILS),
(00)310 Rev AA (GA PLANS AND ELEVATIONS - TYPE B1 BUNGALOW),
(00)400 Rev C (GA PLANS AND ELEVATIONS - TYPE B2 DETACHED),
(00)320 Rev BB (GA PLANS AND ELEVATIONS - TYPE 7 AND TYPE 3 SEMI DETACHED),
(00)110 Rev FF (PROPOSED SITE PLAN),
(00)370 Rev AA (GA PLANS AND ELEVATIONS - TYPE 7 SEMI DETACHED),
(00)330 Rev AA (GA PLANS AND ELEVATIONS - TYPE 3 SEMI DETACHED),
(00)361 Rev C (GA ELEVATIONS - TYPE 5 AND TYPE 3 - 6 PLOT TERRACE),
received 10th September 2019 by the Local Planning Authority;

D212.P.001 Revision E (LANDSCAPE PROPOSALS),
D212.P.002 Revision E (SHRUB PLANTING PLAN 1 OF 2),
D212.P.003 Revision E (SHRUB PLANTING PLAN 2 OF 2),
(00)352 Rev G (GA PLANS AND ELEVATIONS - TYPE 3 AND TYPE 5 (X2) 3 PLOT TERRACE),

(00)390 Rev E (GA PLANS AND ELEVATIONS - TYPE 9 DETACHED),
 003-01 Revision F (Engineering Layout),
 received 11th September 2019 by the Local Planning Authority;

(00)140 Rev C (REMOVED AND RETAINED TREE PLAN),
 (00)130 Rev J (PROPOSED BOUNDARY TREATMENTS AND DETAILS),
 (00)126 Rev D (PROPOSED SITE SECTIONS),
 (00)125 Rev C (PROPOSED SITE SECTIONS),
 (00)120 Rev J (PROPOSED LANDSCAPE PLAN),
 AIA EXI Revision B- (Existing Trees Shown on Existing Layout),
 AIA TPP Revision D (Retained Trees Shown on Proposed Layout With Protective Measures Indicated),
 AMS EXI Revision B (Existing Trees Shown on Existing Layout),
 AMS TPP Revision D (Retained Trees Shown on Proposed Layout With Protective Measures Indicated),
 received 12th September 2019 by the Local Planning Authority

(00)340 Rev F (GA PLANS AND ELEVATIONS - TYPE 4 SEMI DETACHED),
 (00)375 Rev D (GA PLANS AND ELEVATIONS - TYPE 7 SEMI DETACHED HANDED)
 received 18th September 2019 by the Local Planning Authority
 For the avoidance of doubt.

3. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.
 In the interests of the occupiers of adjacent and nearby premises and highway safety.
4. Notwithstanding the requirements of condition no. 23, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for

carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

5. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance

with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report shall be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

- controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
6. Notwithstanding the submitted details and the requirements of conditions 21 and 22, prior to commencement of development, full details of the proposed retaining walls (including elevation drawings and sections) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In the interests of visual amenity.
7. The development hereby approved shall be carried out in accordance with the approved details and particulars (including the stipulated timescales for implementation of protective measures) as set out in the supporting Arboricultural Impact Assessment (Revision D) and Arboricultural Method Statement (Revision D) received 12th September 2019 by the Local Planning Authority; and as shown on the associated plans AIA EXI Revision B- (Existing Trees Shown on Existing Layout), AIA TPP Revision D (Retained Trees Shown on Proposed Layout With Protective Measures Indicated), AMS EXI Revision B (Existing Trees Shown on Existing Layout), AMS TPP Revision D (Retained Trees Shown on Proposed Layout With Protective Measures Indicated) received 12th September 2019 by the Local Planning Authority, 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 and hedges indicated to be retained which are seriously damaged or die as a result of site works shall be replaced with trees and hedges 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 and in the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
8. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
9. Prior to the commencement of works above ground level on site, details of a minimum of 36no. bat and/or bird mitigation features in the form of nesting bricks/tiles/boxes, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the mitigation features have been installed. The roosting bricks/tiles/boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

- To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
10. Notwithstanding the submitted details and prior to the installation of the ground floor side elevation living/dining room window(s) at plots 14 and 15 (as shown on plan (00)310 Rev AA (GA PLANS AND ELEVATIONS - TYPE B1 BUNGALOW) received 10th September 2019 by the Local Planning Authority), a scheme for the obscure glazing and restricted opening of these windows shall be first submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details prior to the occupation of plots 14 and 15 and thereafter retained for the lifetime of the development.
In the interests of the amenities of future occupiers and to prevent overlooking.
 11. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. 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.
In the interests of visual amenity.
 12. Notwithstanding the submitted details and prior to the erection of the proposed pumping station hereby approved, full details of the proposed pumping station shall be submitted to and agreed in writing by the Local Planning Authority. This will include final details of the layout, construction and appearance of the pumping station, including all external finishing materials, finished levels and technical specifications. The pumping station shall thereafter be constructed in accordance with the approved details.
To safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area and in the interests of the amenities of future occupiers and neighbouring land users.
 13. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority.
The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
 14. The landscaping and tree and shrub planting hereby approved shall be implemented in accordance with the following plans and details; D212.P.001 Revision E (LANDSCAPE PROPOSALS), D212.P.002 Revision E (SHRUB PLANTING PLAN 1 OF 2), and D212.P.003 Revision E (SHRUB PLANTING PLAN 2 OF 2) received 11th September 2019 by the Local Planning Authority; unless an alternative

scheme is otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or occupation of the dwellings(s), 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 enhance biodiversity in accordance with paragraph 118 of the NPPF.

15. Prior to the occupation of the dwellings hereby approved, a scheme and timetable for;
 - i) the works to widen the existing footway adjoining the site to the east along Station Road and to provide a disabled access crossing point to both sides of the carriageway at the point the footway switches to the other side of the carriageway;
 - ii) the works to provide a new pedestrian access to the north of the site, including details of an appropriate hard standing with disabled access crossing and an additional street lighting column adjacent; and
 - iii) for the long term maintenance of the retained hedge adjacent (where deemed appropriate) to ensure that at no time the hedge overhangs the highway verge (within 1 metre of the road surface);
 shall be first submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme(s) shall be completed in accordance with the details and timetable for works embodied within the agreed scheme to the satisfaction of the Local Planning Authority.
 In the interests of highway safety and to accord with the provisions of policy INF2 of the Local Plan.
16. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway to the east and public footpaths to the north and south (as shown on drawing (00)110 Rev FF (PROPOSED SITE PLAN) received 10th September 2019 by the Local Planning Authority) has been constructed to the satisfaction of the Local Planning Authority.
 For the avoidance of doubt and in the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
17. 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. Thereafter the development shall be carried out in accordance with the approved details.
 To ensure a satisfactory form of development.
18. Prior to the occupation of the dwellings hereby approved, details of a scheme for the provision of 9x9cm hedgehog access holes at ground level within any close boarded fences, to allow access for hedgehogs between gardens and to areas of greenspace outside of the site and into wildlife corridors, shall be submitted to and approved in writing by

the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

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

In the interests of protecting breeding birds.

20. The development hereby approved shall be carried out in accordance with the details provided within the submitted Energy Statement For: Gus Robinson Development Ltd July 2019 (received 5th July 2019 by the Local Planning Authority) and Sustainability Statement Addendum (received 9th April 2019 by the Local Planning Authority). Prior to the occupation of the dwellings, the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

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

21. The boundary enclosures hereby approved shall be implemented in accordance with the following plans and details; (00)610 Rev F (PROPOSED FENCING TYPES AND DETAILS) received 10th September 2019 by the Local Planning Authority; and (00)130 Rev J (PROPOSED BOUNDARY TREATMENTS AND DETAILS) received 12th September 2019 by the Local Planning Authority, prior to the occupation of the dwellings(s) or completion of the development, whichever is the sooner.

For the avoidance of doubt and in the interests of visual amenity and the amenity of neighbouring land users and future occupiers.

22. The levels of the site, including the finished floor levels of the buildings and structures to be erected and proposed earthworks shall be carried out in accordance with the following submitted plans; 003-01 Revision F (Engineering Layout) received 11th September 2019 by the Local Planning Authority; and (00)125 Rev C (PROPOSED SITE SECTIONS), (00)126 Rev D (PROPOSED SITE SECTIONS) received 12th September 2019 by the Local Planning Authority; unless otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt and in the interest of visual amenity and the amenity of neighbouring land users and future occupiers.

23. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment & Drainage Strategy - Rev A" dated "11.07.19". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5214 and ensure that surface water discharges to the combined sewer at manhole 5214. The surface water

discharge rate shall not exceed the available capacity of 5.0l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

24. No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs 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.

25. The boundary enclosures extending along the northern and eastern boundaries of the site adjacent to Station Road, and enclosing the proposed pumping station, as shown on drawings (00)610 Rev F (PROPOSED FENCING TYPES AND DETAILS) received 10th September 2019 by the Local Planning Authority; and (00)130 Rev J (PROPOSED BOUNDARY TREATMENTS AND DETAILS) received 12th September 2019 by the Local Planning Authority, shall be retained in accordance with the agreed details for the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority.

To safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), 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 future occupiers and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.

27. 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 converted, altered or extended in any way without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.

28. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to

that use class in any statutory instrument revoking or re-enacting that order.

To allow the Local Planning Authority to retain control of the development.

The Committee considered representations in relation to this matter.

Councillor Jim Lindridge left the meeting

Number: H/2019/0296

Applicant: MR B ANDERSON NORTHWOLD CLOSE
HARTLEPOOL

Agent: MR B ANDERSON 24 NORTHWOLD CLOSE
HARTLEPOOL

Date received: 27/06/2019

Development: Erection of a single storey extension to front

Location: 24 NORTHWOLD CLOSE HARTLEPOOL

Members voted to hold a site visit to enable them to view the site for themselves rather than rely on photographs and visual plans.

Decision: **Deferred for a site visit**

Councillor Jim Lindridge returned to the meeting.

Number: H/2019/0354

Applicant: HARTLEPOOL BOROUGH COUNCIL BUILDING
DESIGN AND MANAGEMENT CIVIC CENTRE
HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL MR
DARRON PEARSON BUILDING DESIGN AND
MANAGEMENT CIVIC CENTRE HARTLEPOOL

Date received: 08/08/2019

Development: Listed building consent for the installation of an all-
weather wall mounted defibrillator unit to the south
elevation of the building

Location: BOROUGH HALL MIDDLEGATE HARTLEPOOL

Members expressed their support for the proposal which had been a long time coming. In terms of the wider picture they expressed concerns around the lack of a pro-active business plan for the usage of the Borough Hall and associated buildings, potentially as a regional conference centre. They also felt that the charges for use of the buildings should be reconsidered as they were currently not competitive. Members approved the application unanimously.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drwg. No. 400/43/2001 Rev. A (Proposed Elevations and Location Plans) date received by the Local Planning Authority on 8th August 2019.
For the avoidance of doubt.
3. Prior to commencement of development or any installation, large scale details to demonstrate how the defibrillator unit hereby approved will be fixed to the building and linked to an electrical source to ensure that damage to the fabric of the building is minimised, shall be first submitted to and approved in writing by the Local Planning Authority.
Thereafter the development shall be carried out in accordance with the approved details and maintained to the satisfaction of the Local Planning Authority.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.
4. The defibrillator and all other associated apparatus/equipment hereby approved shall be removed from the building/land on which it is situated within three months of the date that the defibrillator is no longer required for its intended purpose, has ceased to operate or any condition as may be agreed in writing between the Local Planning Authority and the developer.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

67. Appeal at 183 Park Road (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against a Committee decision to refuse a change of use from house in multiple occupation to a large house in multiple occupation.

Decision

That the report be noted.

68. Appeal at 458 West View Road (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against the refusal of planning permission for a rear two-storey extension had been allowed. A copy of the inspector's decision letter was appended to the report.

Decision

That the outcome of the appeal be noted.

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

Members were updated on 11 ongoing complaint investigations and 6 completed complaint investigations.

Decision

That the report be noted.

70. 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 71 – (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 72 – (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.

- 71. 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.

Members were asked whether they wished to authorise enforcement action. Further details are given in the closed minutes.

Decision

Detailed in the closed minutes.

- 72. 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.

Members were asked whether they wished to authorise enforcement action. Further details are given in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at 10:40am

CHAIR

No: 1.
Number: H/2019/0296
Applicant: MR B ANDERSON NORTHWOLD CLOSE
HARTLEPOOL TS25 2LP
Agent: MR B ANDERSON 24 NORTHWOLD CLOSE
HARTLEPOOL TS25 2LP
Date valid: 27/06/2019
Development: Erection of a single storey extension to front
Location: 24 NORTHWOLD CLOSE 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. This application was deferred at the last committee meeting of 25.09.2019 to allow members to undertake a site visit.

PROPOSAL

1.2 The initial submission for was a proposed single storey extension to the front which had a projection of approximately 2m. Following concerns raised by Officers over the scale of the proposal and potential resultant design and neighbour amenity concerns, it was requested that the proposed scheme be reduced in scale/projection. The applicant was only willing to reduce the projection to approx. 1.5m and amended plans were submitted accordingly.

1.3 As such, this application seeks planning permission for the erection of a single storey extension to the front. The proposed single storey front extension would measure approximately 1.5m in projection x approximately 4.6m in total width with a total height of approximately 3.2m, dropping to approximately 2.6m at eaves level.

1.4 The application was referred to the planning committee at the request of the Chair of Planning Committee in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.5 This application site relates to a two storey semi-detached dwelling within the cul de sac of Northwold Close. The area is predominately residential in nature, with house designs comprising two storey semi-detached and detached dwellings.

1.6 No. 26 Northwold Close adjoins the host property to the north with No. 22 Northwold Close abounding the site to the south. The rear garden of No. 32 Northwold Close abounds the site to the rear (east), with No's 10 and 12 Northwold Close located beyond the highway to the front of the property (west).

PUBLICITY

1.7 The application was advertised by way of neighbour letters and notification to local ward councillors. To date, one response objecting to the proposal has been received.

The concerns raised can be summarised as follows:

- The proposal is not in-keeping with existing properties in the surrounding area, as no other houses have front extensions. Approval of this application will therefore set a precedent for other households to do the same.
- The proposed front extension will extend 1.5 metres beyond the front bow window of the neighbour, resulting in considerable loss of light through two of the front window panels.
- The view from the neighbour's front window will be severely restricted, as all that would be seen on that side would be a brick wall. The wall would block the entire height of the windows.
- The proposal would result in property devaluation.

One response of 'no objection' has been received.

1.8 Copy Letters A

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

Greatham Parish Council – No comments.

PLANNING POLICY

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

Local Policy

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

QP4: Layout and Design of Development

HSG11: Extensions and alterations to Existing Dwellings

National Policy

1.13 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007: Purpose of the planning system

PARA 011: Presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications in accordance with the development plan

PARA 054: Can unacceptable development be made acceptable

PARA 055: Planning conditions

PARA 056: Planning obligations

PARA 124: High quality buildings and places

PARA 127: Design principles

PARA 150: Reduce greenhouse gas emissions

PLANNING CONSIDERATIONS

1.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users and any other residual matters as set out below.

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

1.15 The application site and surrounding estate is predominantly open plan in nature and consists of bungalows, two storey detached and semi-detached dwellings. The host property is a semi-detached property, adjoined by No 26 to the north with No's 28 and 30 beyond (also a pair of semis). No's 20 and 22 to the south are larger, detached dwellings.

1.16 The proposed single storey front extension is generally considered to be of a modest scale and design that respects the proportions of the host dwelling and application site as a whole. It is acknowledged that the proposal would be visible within the street scene by virtue of its location to the front. Notwithstanding this,

within the street scene it is noted that a number of neighbouring properties feature modest porches and alterations such as bay/bow windows (particularly to the semi detached dwellings, including to the adjoining property) whilst single storey extensions are present to the front of the larger detached dwellings at No's 20 and 22 to the south. Whilst there are no instantly comparable extensions to the front of the semi detached properties in Northwold Close, it is considered that the proposal would not significantly unbalance the host and adjoining property, or result in a significant incongruous feature within the street scene. As such, it is therefore considered that the proposal would not result in an adverse impact on the character and appearance of the area as to warrant a refusal of the application in this instance.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on No. 26 Northwold Close (North)

1.17 The proposed single storey front extension would run along the adjacent boundary (north) with the neighbour at No. 26 for approximately 1.5m in length, being approximately 15cm from the boundary with this neighbour. It is noted that there is a ground floor, five-pane bow window (with canopy above) in the front elevation of this property (which appears to have replaced a previous flat roof bow window), which is understood to serve a living room of this neighbour (this is classed as a habitable/primary room window). It is therefore acknowledged that the proposed extension to the front is likely to result in a degree of overshadowing, loss of outlook and an overbearing impact, particularly to the southernmost panes of the neighbour's bow window serving the habitable room.

1.18 However, taking into account the relatively modest scale of the proposal that would feature a lean to roof with a maximum height of approximately 3.2m sloping down to the eaves of approximately 2.6m, that the neighbour's bow window would still continue to receive light by virtue of it being a 5 pane window and would continue to benefit from a relatively open aspect when looking westwards, it is considered that the proposed extension would not, on balance, result in an unacceptable adverse impact on the amenity of the neighbour at 26 Northwold Close in terms of overshadowing, overbearing and loss of outlook as to warrant a refusal of the application.

1.19 There are no windows in the northern side elevation of the proposed extension with an aspect toward this neighbour and it is not considered that there would be any achievable views from the window in the front elevation of the proposal and the windows in the front of No 26. Therefore it is considered there would be no adverse impact on the privacy of this neighbour in terms of overlooking, as a result of the proposal.

Impact on No. 22 Northwold Close (South)

1.20 The neighbouring property to the south is set back from the host property by approximately 9.5m. The proposed extension to the front would not project beyond the southernmost side elevation of the existing property and will therefore be primarily screened from No. 22 Northwold Close by the host dwelling. It is therefore considered the proposed single storey extension to the front would not result in an adverse impact on the amenity of No. 22 in terms of overbearing, overshadowing and loss of outlook.

1.21 There are no windows in the side of the extension (southern) with an aspect toward this neighbour at No. 22 Northwold Close. Owing to the above mentioned separation distances, it is considered the proposal would not result in a loss of privacy for this neighbour (No. 22) in terms of overlooking.

Impact on No's 10 and 12 Northwold Close (front, west)

1.22 There is a minimum oblique separation distance of approximately 17m between the proposed extension to the front of the host property and the nearest elevation (side/rear) of the neighbouring property at No. 10 Northwold Close to the front (east) and approximately 21m between the proposal and the front of the neighbour at No. 12, with the presence of the highway in between. Owing to these distances and relationships that accord with the distances set out in policy QP4 of the Hartlepool Local Plan (2018), it is therefore considered the proposals would not result in an adverse impact on the amenity and privacy of No's 10 and 12 Northwold Close in terms of overbearing, overshadowing, loss of outlook and overlooking.

Impact on No 32 Northwold Close (rear, north east)

1.23 The host dwelling would primarily screen any views of the proposal to the neighbouring property which is located approximately 28m to the north east/rear of the application site. It is therefore considered the proposals would not result in an adverse impact on the amenity of No 32 Northwold Close or properties to the rear of the site in terms of overbearing, overshadowing and overlooking.

OTHER MATTERS

1.24 The 'right to light' and 'right to a view' operate separately from the planning system and are not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights.

1.25 In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

1.26 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

1.27 The proposal does not affect the existing driveway or parking provision of the host property and is therefore considered to be acceptable in this respect.

RESIDUAL MATTERS

1.28 Property devaluation and 'precedent' are not material planning considerations and therefore no weight can be given to these objections in respect of this in the determination of the application. Furthermore, each application is to be considered on its own individual merits.

CONCLUSION

1.29 For the reasons set out in the report, it is considered, on balance, that the proposed extension is acceptable in respect of the impact on the character and appearance of the host property and surrounding area, and the amenities of neighbouring properties.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.31 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.

1.32 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Site Location Plan (scale 1:1250), Existing Block Plan Sheet 3, Existing Plans Sheet 1 received by the Local Planning Authority on 27th June 2019; and Proposed Block Plan Sheet 4 and Proposed Plans Sheet 2, received by the Local Planning Authority on 5th August 2019.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the extension facing 26 Northwold Close (north) without the prior written consent of the Local Planning Authority.
To prevent overlooking.

BACKGROUND PAPERS

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

CONTACT OFFICER

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24 NORTHWOLD CLOSE

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/10/2019
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0296	REV

No: 2.
Number: H/2019/0208
Applicant: HARTMOOR GENERATION LTD 17 SLINGSBY PLACE
LONDON WC2E 9AB
Agent: CLIVE FAGG 9 DAIRY LANE HOSE LEICESTERSHIRE
GREENOCK LE14 4JW
Date valid: 29/07/2019
Development: Erection of gas metering kiosk, 66kv electrical
transformer, electricity metering kiosk, security fencing,
acoustic fencing, mounding, hard and soft landscaping
and associated works
Location: LAND TO THE EAST OF WORSET LANE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning history is considered to be relevant to the current application;

H/2014/0513 - The current application site relates to part of a larger site which has previously received permission (at appeal) for the installation of a solar farm (planning reference H/2014/0513) (Appeal reference APP/H0724/W/15/3131584). This planning permission has since expired.

H/2017/0287 – Planning permission was granted on 21st December 2017 for a gas powered electricity generator and related infrastructure on land immediately adjacent the current application site, following majority approval by members of the planning committee on 4th October 2017, and the subsequent signing of a legal agreement to secure appropriate landscaping screening.

H/2018/0330 – Planning permission was granted by the planning committee on 28th November 2018 for a Section 73 amendment ('minor material amendment') for the variation of condition no.2 (approved plans) of the above planning permission to amend the approved layout including amendment to size and position of main building, amendment to position of dump radiators, reorientation of transformer, relocation of oil bulk tanks, shortening of access road, omission of 2no. parking bays and additional access details.

PROPOSAL

2.3 Planning permission is sought for the erection of a gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works.

2.4 The proposed 66kv electrical transformer and associated infrastructure sit centrally in the application site, albeit towards the western boundary, and cover an area measuring approximately 12 metres x 20 metres, with the equipment having a maximum height of approximately 5.7 metres.

2.5 The proposed gas metering kiosk sits to the north of the proposed electrical transformer and measures approximately 2.65 metre x 5.8 metres in area and has a height of approximately 2.3 metres. The kiosk has the appearance and scale of a small pre-fabricated building/unit, and features a flat roof design with double access doors on the north facing elevation.

2.6 The proposed electricity metering kiosk is brick built and measures approximately 1.2 metres x 0.8 metres in area and has a height of approximately 1.1 metres. The kiosk features double access doors on the south facing elevation.

2.7 The proposed transformer and associated infrastructure and the proposed electricity metering kiosk sit within a compound measuring approximately 16 metres x 26 metres in area and enclosed by an approximately 2.4 metre high metal palisade security fence, to prevent unauthorised entry into the 66kV switchyard. A 66kV cable will run from this compound to Northern Powergrid's existing 66kV substation at Hartmoor.

2.8 All of the above elements of the scheme also sit within a wider compound measuring approximately 20 metres x 50 metres in area and enclosed on three side by a 4 metres high acoustic fence and retaining wall. The proposed compound constitutes an eastward extension to the approved site (as amended) immediately to the west, granted planning permission by virtue of applications H/2017/0287 and H/2018/0330, as set out above. The proposed compound is bounded to the east by mounding and to the south and east by proposed planting/landscaping.

2.9 The applicant's supporting Planning Statement indicates that following consent of the adjacent approved scheme, further design work was carried out and the requirements for the connection of the site to the adjacent Hartmoor substation was agreed with Northern Powergrid. This has necessitated this change to the layout of the original scheme and due to the nature of these changes a new planning application was required.

2.10 The application has been referred to the planning committee as more than 2 objections have been received, in line with the Council's scheme of delegation for planning applications.

SITE CONTEXT

2.11 The application site is an area of agricultural field located to the south-west of Hart village, to the east of Worset Lane. Directly to the north of the site is an area of existing trees and hedges beyond which is the A179 which is a main approach from the A19 into Hartlepool.

2.12 Directly to the south-west of the site is an enclosed electrical substation compound, beyond which is High Volts Farm. To the west is agricultural land currently benefitting from planning permission for a gas powered electricity generator (as set out above) and to the east is agricultural land.

2.13 The site is located outside the development limits as defined by the adopted Hartlepool Local Plan 2018 and also the Hartlepool Rural Neighbourhood Plan. The surrounding area is predominantly rural in nature. The topography of the land is such that the site slopes up from the A179 with the application site being higher, and the substation to the south situated at a higher level again.

2.14 The site is proposed to be accessed from a single access taken from Worset Lane through the site of the adjacent approved gas powered electricity generator.

PUBLICITY

2.15 The application has been advertised by way of neighbour letters (29), site notice and a press notice. To date, there have been no representations received from neighbouring land users.

2.16 The period for publicity has expired.

CONSULTATIONS

2.17 The following consultation replies have been received:

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

HBC Landscape Architect – The proposed development seek to extend the area of the site eastwards to allow the provision of additional required infrastructure. Details of the proposed mounding and planting along with its relationship to the previously consented scheme should be provided. This information can be controlled by condition.

HBC Economic Development – No representation received.

HBC Engineering Consultancy – In response to the above planning application consultation, the application form states that surface water will be disposed of by means of sustainable drainage system. No further details are present and as such I will be grateful if you can require detailed design of surface water drainage proposals prior to development by means of the standard surface water condition on any decision notice issued.

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

HBC Heritage and Countryside Manager – No representation received.

HBC Ecology – The submitted plans show a proposed mound, with ‘tree screen planting’ around it. The tree mix should be a native species one, including Wych elm - which will benefit white-letter hairstreak (a Section 41 Priority Species which occurs in the borough). A landscaping plan showing the species mix, etc., should be conditioned.

HBC Arboricultural Officer – No representation received.

HBC Public Protection – Do not object.

HBC Parks and Countryside – No representation received.

HBC Property Services – No representation received.

Hartlepool Rural Neighbourhood Plan Group – Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The group are registering our very strong objection to the construction of a yet more additional energy infrastructure at this rural location, which is the third application of this nature. What is particularly alarming is this site is on the village side of the complex and features 6m high industrial infrastructure and a 4m high solid acoustic wall. This will increase the visual size and impact on the landscape of an already large and growing industrial complex located in a rural area. More development around it will only increase the industrial look to the detriment of the area.

- There has recently been planning permission here for a new gas power plant H/2017/0287 and Energy Storage Facility H/2018/0508 which was granted despite the strong opposition of Hart and Elwick parish councils and against the advice of the officers of the local planning authority.
- An Industrial installation of this type of building in a rural environment will have significant impact on the landscape with 6m high infrastructure on the Village side of the development with a 4m acoustic fence.
- No jobs created for local area.
- Environmental concerns regarding the loss of a further 0.9ha of agricultural land.
- This development would add to a cumulative effect and would make this rural area industrial in nature rather than a countryside area.
- This has been a succession of industrial type development in this location. This latest proposal will be another addition which will jut out from the existing industrial complex in an incongruous fashion westward into the open countryside.
- The applicant mentions a lack of brownfield sites, but Hartlepool has dozens of large brownfield sites across the Borough, many specifically allocated for new industry in the new Local Plan. How can yet another greenfield and rural site be viewed as a sustainable location?

- It is very disappointing that there is such a limited planting scheme to mitigate the effects. A more detailed proposal for screening/planting is needed – the current indication is vague and sketchy.

Planning Specific Objections

For the reasons listed above the development is contrary to policies contained in the Hartlepool Rural Neighbourhood Plan (HRNP) which was 'Made' (adopted) by Hartlepool Borough Council on the 20th December 2018 following a substantial positive vote at Public Referendum on 4th October 2018 and six years of consultations.

These are:

Policy GEN1 – Development Limits - The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village

Policy GEN2 - Design Principles – contrary to clauses 3, 4 and 5 of the policy

Policy EC1 - Development of the Rural Economy – Contrary to policy in that the development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation

Policy NE1 - Natural Environment – contrary to policy clauses 4a, b & c in terms of the detrimental impact on the landscape and the inadequate planting schemes proposed. The group would suggest a significant tree belt around the scheme.

Policy NE2 - Renewable and Low Carbon Energy contrary to clauses 1a and 2 in terms of the impact on landscape and the inadequate planting schemes proposed.

Local Plan 2018

Additionally the following Hartlepool Local Plan Policies are also relevant:

1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:
LS1 Locational Strategy (Village envelope of Hart)

RUR1 Development in the rural area.

2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside. The development this storage facility of this size and capacity is a major industrial plant. The development will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural area and also being located adjacent to a main approach road the A179 that is the main access into the northern half of Hartlepool. Therefore, it is contrary to the following local plan policies

RUR1: Development in the Countryside

NE7: Landscaping along main transport corridors

3) There is more than adequate industrial sites allocated in the Hartlepool local plan which would be more suitable for this kind of development and there are adequate amounts of land available at these sites including

EMP 2 Queens Meadow Business Park

EMP3 General Employment Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorp.

EMP4 – Specialist Industries

Though even the above industrial areas seem to have requirements regarding quality of design, landscaping and protection for surrounding areas which appear lacking when considering this proposal in the rural area.

Summary

In summary this is a totally unsuitable and unsustainable location for this industrial type and scale of development which;

- a) Would cause a significant industrialisation of the rural area
- b) Have a major detrimental impact of the open landscape of the area.
- c) Introduce another major industrial plant into the rural area and the cumulative effects of this growing complex in the countryside near to Hart Village and the A179.
- d) That only a limited planting scheme has been included to screen the development from the A179 and Hart Village.
- e) Be unjustifiable in terms of the council's Locational Strategy when there are hectares of more suitable industrial land allocated and available at various locations in the Borough.
- f) Against the policies of the Hartlepool Rural Plan which has a mandate from the people of the rural area.

Northern Powergrid – No representation received.

Cleveland Fire Brigade – Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2 Section B5 for buildings other than Dwelling houses.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.

DEFRA – No representation received.

Cleveland Emergency Planning Officer – No representation received.

Environment Agency – Thank you for referring this application. Having reviewed the proposals we have no comments to make.

Elwick Parish Council – Elwick Parish Council strongly objects to this application.

This is the third application over a period of three years for this site - the previous two (H/2017/0087 and H/2018/0508) we also strongly objected to, as this is making a rural, farming area into an industrial site. It is in breach of the Local Plan as well as the Rural Neighbourhood Plan which has now been "made" and forms an integral part of the Local Plan. (Rural Plan: GEN1. GEN2. EC1. NE1 (particularly clauses 4b and 4c) and NE2; Local Plan: LS1, Rur1).

This planned extension to the current site is right on the edge of the A179 and no matter what "screening" is put in place, will be visible to everyone using the A179 to access both Hart Village and Hartlepool Town not a great encouragement for tourists.

No jobs have been created, nor saved as a result of the development, and there is no discernible gain for the Borough in allowing this gas-fired electricity sub-station to continue growing. It should have been placed on the Tioxide/Nuclear Power station

side of the town, where there is plenty of brownfield land and good access to mains gas and electricity infrastructures.

The environmental impact of this cumulative development is not negligible - for the Environmental Officer to require only a single sparrow box be installed is derisory. No mention is made of potential noise disturbance, nor has any notice been paid to the Rural Plan requirement for new developments to be low carbon, renewable energy.

We are deeply concerned that the development is planned for the Hart village side of the complex and would urge the Borough Council to insist, as a minimum requirement for planning approval, that this development is placed to the south of the current complex, out of sight from the A179 and Hart Village. We would also request the “welfare building” be given a “green roof” and that more substantial planting be required to screen the whole complex.

Finally, we expect the Borough Council to make clear, to this applicant and other developers, that no future planning applications of an industrial nature will be considered within the rural area of Hartlepool before all available brownfield sites have been utilised.

Highways England – Referring to the planning application referenced above, dated 17 July 2019, Re A19, Erection of gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works, LAND TO THE EAST OF WORSET LANE, HARTLEPOOL, TS27 3BQ, notice is hereby given that Highways England’s formal recommendation is that we:

- a) offer no objection;

Highways Act Section 175B is not relevant to this application.

National Grid – No representation received.

Natural England – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making

process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

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

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

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 Waters 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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we would request re- consultation.

Cleveland Police – No representation received.

Ramblers Association – No representation received.

RSPB – No representation received.

Tees Archaeology – I have looked at this application, the area involved has had a geophysical survey carried out on it in the past. This revealed no evidence of archaeological activity. I therefore have no objection to this application and there is no requirement for further archaeological work.

Tees Valley Wildlife Trust – No representation received.

Teesmouth Bird Club – No representation received.

Hartlepool Civic Society – No representation received.

Hart Parish Council - Hart Parish Council is registering our very strong objection to the construction of a yet more Energy infrastructure at this rural location, which is the third application of this nature. What is particularly alarming is this site is on the village side of the complex and has 6m infrastructure and a 4m high solid acoustic wall.

- This will increase the visual size of an already large and growing industrial complex located in a rural area. More development around it will only increase the industrial look to the detriment of the area.
- There has recently been planning permission here for a new gas power plant H/2017/0287 and Energy Storage Facility H/2018/0508 both of which were granted despite the strong opposition of Hart and Elwick parish councils and against the advice of the officers of the local planning authority.
- An Industrial installation of this type of building in a rural environment will have significant impact on the landscape with 6m high infrastructure on the village side of the development with a 4m acoustic fence.
- We note that no jobs have been created for the local area.
- We have concerns about the environmental impact of the loss of a further 0.9ha of agricultural land.
- There are other already industrial type structures within this part of the landscape including wind turbines at High Volts Farm, an anemometer, two electrical sub-stations, telecommunication towers, telegraph poles, pylons and overhead cables; this development would add to this in a cumulative effect making this rural area industrial in nature rather than a countryside area.
- This latest proposal will be another addition which will jut out from the existing industrial complex in an incongruous fashion westward into the open countryside.
- The applicant mentions a lack of brownfield sites but Hartlepool has dozens of large brownfield sites across the Borough many specifically allocated for new industry in the new Local Plan and with good access to both gas and electricity mains supply. With this in mind how can yet another greenfield and rural site be seen as a sustainable location?

- We are very disappointed that there is such a limited planting scheme to mitigate the effects.

Planning Specific Objections

Local Plan 2018

1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:

LS1 Locational Strategy (Village envelope of Hart)

Rur1 Development in the rural area.

2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside. The development of this storage facility of this size and capacity is a major industrial plant. The development will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural area and also being located adjacent to a main approach road the A179 which is the main access into the northern half of Hartlepool. Therefore, it is contrary to the following local plan policies

Rur1: Development in the Countryside

Policy NE7: Landscaping along main transport corridors

3) There are more than adequate industrial sites allocated in the Hartlepool Local Plan which would be more suitable for this kind of development and there are adequate amounts of land available at these sites including

IND3 Queens Meadow Business Park

IND5 Industrial Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorpe

Summary

In summary this is a totally unsuitable and unsustainable location for this industrial type and scale of development which;

- a) Would cause a significant industrialisation of the rural area
- b) Have a major detrimental impact of the open landscape of the area.
- c) Introduce another major industrial plant into the rural area and the cumulative effects of this growing complex in the countryside near to Hart Village and the A179.
- d) Be unjustifiable in terms of the council's Locational Strategy when there are hectares of more suitable industrial land allocated and available at various locations in the Borough.
- e) Is against the policies of the Hartlepool Rural Plan and

f) Has only a limited planting scheme included to screen the development from the A179 and Hart village.

Whilst we are totally opposed to this development, we recognise that a case will be made for the completion of this energy infrastructure. If Planners are minded to approve the application on these grounds, we would request that the following conditions are made:

1. The development is placed on the opposite side of the current complex, further away from Hart village and the A179 and
2. The level of proposed planting of screening trees and shrubs be substantially increased to provide some compensatory element for local wildlife.

PLANNING POLICY

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

Local Policy

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

LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 RUR1: Development in the Rural Area
 SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

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

GEN1 Development Limits
 GEN2 Design Principles
 NE1 Natural Environment
 NE2 Renewable and Low Carbon Energy
 EC1 Development of the Rural Economy

National Policy

2.20 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective,

a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA080: Building a strong, competitive economy

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 148: Meeting the challenge of climate change, flooding and coastal change

HBC Planning Policy comments - There are no planning policy concerns regarding this proposal.

PLANNING CONSIDERATIONS

2.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety, ecology and nature conservation, and flood risk & drainage. These and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

2.22 Since the original approval for the erection of a gas powered electricity generator on the adjacent site (ref H/2017/0287), the NPPF has been revised (in both November 2018 and February 2019) and the Hartlepool Local Plan and Rural Neighbourhood Plan have been adopted (May 2018 and December 2018 respectively). Notwithstanding this, approval H/2017/0287 and subsequent approval H/2018/0330 remain extant permissions.

2.23 Objections have been received from both the Elwick and Hart Parish Councils and the Hartlepool Rural Neighbourhood Plan Group including concerns that the proposal will result in industrialisation of the rural area and the loss of agricultural

land which is contrary to planning policy within the adopted Hartlepool Local Plan and Rural Neighbourhood Plan.

2.24 The main policy of the adopted Hartlepool Local Plan in relation to this site is policy RUR1 (Development in the Rural Area). The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled.

2.25 Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. The policy sets a number of other criteria that any development should meet, where relevant, including:

- Be in accordance with the Hartlepool Rural Neighbourhood Plan
- Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion
- Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes.
- Be in keeping with other buildings in terms of siting, size, materials and colour
- Ensure access is appropriate and there is not a detrimental impact on the highway safety
- Where possible create and improve sustainable connectivity
- Not have a detrimental impact on the landscape character or heritage assets
- Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

2.26 The applicant has indicated that the current application is as a result of previously undisclosed electricity cable running under the approved site adjacent. Following its identification Northern Powergrid have advised that no building of equipment can be placed on the cable route. The applicant has advised that it was considered expedient to both parties to move the transformer and gas kiosk thereby avoiding significant works for Northern Powergrid, potential disruption to the local power network and sterilisation of a tranche of agricultural land.

2.27 The applicant has advised that alternatively, Northern Powergrid will be required to divert the electricity cable which currently runs through the site, and it is likely this would be diverted to the east and sterilise more agricultural land than the current proposal. Northern Powergrid would not require planning permission for such work by virtue of their permitted development rights as a statutory undertaker.

2.28 Whilst it is noted that the proposals do not relate to the efficient or continued viable operation of agriculture, horticulture, forestry or equine businesses, the proposal does relate to an extant planning permission (ref H/2018/0330) for energy

related development in this location, and whilst the adjacent site has not yet been constructed, this application constitutes a proportionately modest extension to that approved scheme to accommodate ancillary infrastructure, required to support the operation of the approved development adjacent.

2.29 With respect to compliance with the Neighbourhood Plan, it is noted that policy GEN1 stipulates that in the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Given that the proposals will contribute to the provision of electricity to the national grid, the proposal could be considered public infrastructure. However, this policy, as well as a number of other policies within the Rural Plan, namely GEN1, GEN2, EC1, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Local Plan requirements) and these are considered in greater detail below.

2.30 With respect to the considerations of the impact of the proposals on neighbouring land users, the character of the area and landscape character, heritage assets, highway safety, access and connectivity, and the overall design of the proposals, as required by policy RUR1 of the Local Plan, and all other relevant planning matters, as may be required by other relevant policies of the Hartlepool Local Plan and Rural Neighbourhood Plan, these are set out in detail below.

2.31 With respect to avoiding areas of best and most versatile agricultural land, it is noted that the proposal will result in the loss of agricultural land, however it is not defined as best and most versatile land and that such a loss would not warrant a refusal of the application.

2.32 Ultimately, the Council's Planning Policy section has advised that there are no planning policy concerns regarding this proposal.

2.33 In view of the above, whilst it is noted that there is some divergence from the development plan when considering the application proposal in isolation (in terms of the principle of this type of operation in this location), given that the proposal, in effect, relates to an extension to an approved facility adjacent and therefore this use has previously been approved in this area, and in the context of the other energy related infrastructure in the immediate vicinity and planning history of the immediate area, it is considered on balance that the principle of the development in this instance is acceptable, subject to the consideration of all other relevant material planning considerations, as set out below.

VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF THE SURROUNDING AREA (INCL. LANDSCAPING)

2.34 The proposed development consists of an electricity transformer and associated infrastructure adjacent to the A179, which is a main approach road from the A19 trunk road into the town. The proposed development constitutes an extension to the approved scheme adjacent for the erection of a gas powered electricity generator. The field is currently enclosed, adjacent to the highway, by mature trees and hedges.

2.35 Objections have been received from the Hartlepool Rural Neighbourhood Plan Group, Elwick Parish Council and Hart Parish Council citing concerns including the impact on the landscape, industrialisation of the countryside, and lack of sufficient landscaping screening.

2.36 Whilst it is acknowledged that the proposal represents further non-agricultural development in this location, the proposed structures are situated adjacent to existing energy related infrastructure in this area, including a number of transformer structures that are similar in appearance, as well as a telecommunications mast and electricity pylons. Furthermore, as above, the proposal constitutes an extension to an approved scheme for a gas powered electricity generator that is significantly larger in size, and given that the proposed site and the adjacent site would be enclosed within the same acoustic fencing, these would appear as a single (albeit slightly larger than previously approved) compound.

2.37 In addition to the above, the proposals include screening of the development in the form of a 4 metre high acoustic fence, mounding to the eastern side of the site and landscaping to the south and east. The proposals will be largely screened from the west by the approved generator building, whilst to the north there is an existing belt of trees and hedgerow that will substantially screen the application site when viewed from the A179 road adjacent.

2.38 The Council's Landscape Architect has been consulted on the application and has advised that details of the proposed mounding and planting along with its relationship to the previously consented scheme should be provided by virtue of a planning condition, and this is recommended accordingly. No further concerns have been received from the Council's Landscape Architect or from the Council's Arboricultural Officer.

2.39 In view of the above, it is considered on balance that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding rural area, subject to the identified planning condition, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.40 To the north of the site lies the A179 road with agricultural land beyond. There are therefore no sensitive land users due north and it is therefore considered there would be no appreciable impact on the amenity or privacy of neighbouring land users to the north.

2.41 To the north-east, there are residential properties located within Hart Village and it is noted that there has been a recent planning application minded for approval (subject to a section 106 agreement) at Glebe Farm for residential development (ref: H/2017/0028) which will be closer to the application site. However there is still a large separation distance in excess of 700 metres (approx.) between the application site and the development limits of Hart Village and 500 metres (approx.) between the application site and the nearest residential properties to the north-east at Nine Acres. Taking into account the separation distance and screening provided by existing landscaping which will be further supplemented by the proposed acoustic fencing, it

is not considered that the proposed development would result in a detrimental impact upon residential properties within Hart Village in terms of loss of privacy or amenity.

2.42 The land directly to the south and east of the application site is also agricultural in nature as such there are no sensitive users, such as residential properties, directly to the south and east.

2.43 To the south-west, there is also a residential property known as High Volts Farm. However this property is situated upon higher land than the application site and it is considered that a significant amount of screening will be provided by the existing electricity substation compound which will be adjacent to the southern boundary of the application site. As such it is not considered that the proposed development would result in a detrimental impact upon the amenity or privacy of this neighbouring residential property.

2.44 To the west, the site is bounded and screened by the approved electricity generator site and therefore it is considered there would be no appreciable impact on the amenity or privacy of neighbouring land users to the west.

2.45 Impact on the amenity of neighbouring properties through noise disturbance has been raised as a concern by Elwick Parish Council, however the Council's Public Protection section has been consulted and has confirmed that they do not object. In view of this and given the proposed acoustic fencing, landscape screening and significant separation distance to neighbouring properties, and in the context of the existing and approved infrastructure in this location, it is not considered the proposal would result in undue noise and disturbance to neighbouring land users.

2.46 In view of the above, it is considered that the proposal would not have a significant detrimental impact on the amenity and privacy of neighbouring land users and the application is therefore considered to be acceptable in this respect, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

2.47 The site is proposed to be accessed from a single access taken from Worset Lane through the site of the adjacent approved gas powered electricity generator.

2.48 The Council's Highways, Traffic & Transport section and Highways England have been consulted on the application and have confirmed that they have no highway or traffic concerns and no objections to the application.

2.49 The application is therefore considered to be acceptable with respect to the impact on highway and pedestrian safety, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

ECOLOGY AND NATURE CONSERVATION

2.50 The proposals include landscape screening to the south and east of the site with proposed mounding along the eastern boundary to further screen the development. Only limited details of the landscaping scheme have been provided as part of this application.

2.51 Objections have been received from the Hartlepool Rural Neighbourhood Plan Group, Elwick Parish Council and Hart Parish Council with respect to the impact of the proposal on the natural environment through loss of agricultural land and a limited planting scheme.

2.52 The Council's Ecologist has been consulted on the application and has raised no concerns however has advised that the tree mix comprising the 'tree screen planting' to the proposed mound shown on the submitted plans should be a native species, including Wych Elm - which will benefit white-letter hairstreak (a Section 41 Priority Species which occurs in the Borough). The Council's Ecologist has therefore requested that a landscaping scheme showing the species mix etc. should be conditioned, and this is recommended accordingly.

2.53 Natural England has been consulted on the application has confirmed that they have no comments to make.

2.54 Subject to the abovementioned condition, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

FLOOD RISK & DRAINAGE

2.55 The submitted application form states that surface water will be disposed of by means of sustainable drainage system, however no further details have been provided.

2.56 The Council's Flood Risk Officer has been consulted on the application and has advised that the detailed design of surface water drainage proposals must be provided prior to development by means of the standard surface water condition, and this is recommended accordingly.

2.57 Northumbrian Water has also been consulted on the application and has advised that they would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Northumbrian Water has however provided advice for the applicant with respect to consideration to the presence of sewers on site prior and during construction work, and an informative note is therefore recommended to make the applicant aware of this.

2.58 The Environment Agency has advised that they have no comments to make on this application.

2.59 In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage, subject to the abovementioned condition and informative, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

2.60 The Council's Countryside Access Officer has advised that there is no information to imply that there is any data relating to any recorded or unrecorded

public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. The application is therefore considered to be acceptable with respect to the impact on public rights of way.

2.61 Tees Archaeology has advised that the area involved has had a geophysical survey carried out on it in the past. This revealed no evidence of archaeological activity. Tees Archaeology therefore have no objection to this application and there is no requirement for further archaeological work. No concerns or objections have been received by the Council's Heritage and Countryside Manager. The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology.

2.62 No concerns or objections have been received from Cleveland Police. The application is therefore considered to be acceptable with respect to matters of safety and security.

RESIDUAL MATTERS

2.63 Both Northern Powergrid and the National Grid have been consulted on the application and no concerns or objections have been received.

2.64 Northern Gas Networks has been consulted and has confirmed that they have no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then Northern Gas Networks require the promoter of the works to contact them directly to discuss their requirements in detail. An informative note is therefore recommended to make the applicant aware of this advice.

2.65 Cleveland Fire Brigade has confirmed that they offer no representations regarding the development as proposed. However, Cleveland Fire Brigade has advised that access and water supplies should meet the requirements as set out in the relevant Building Regulations and it should be noted that Cleveland Fire Brigade now utilise an appliance with a weight greater than the specified weight in the Building Regulations. An informative note is therefore recommended to make the applicant aware of this advice.

2.66 Objections from Hart and Elwick Parish Councils and the Hartlepool Rural Neighbourhood Plan Group cite concerns that the proposals do not create any jobs for the local area. The applicant has advised that during construction, local contractors would be used wherever possible and practicable. During operation there would be no fulltime permanent on-site employment but the plant will require maintenance, operations & business management. Maintenance in particular will, wherever possible, be regionally based. The Council's Economic Development section has not commented on the application.

2.67 Objections from Hart and Elwick Parish Councils and the Hartlepool Rural Neighbourhood Plan Group have also suggested the proposals should be located elsewhere in the Borough. However, the Local Planning Authority can only consider applications that are before it. It is noted that this current proposal for ancillary infrastructure relates to an extant approval for a gas generator in this area and the site is located adjacent to an existing large electrical substation. Whilst the applicant acknowledges there are a number of brownfield sites in the Borough, they have

advised that this is not the only consideration when choosing a site, with other factors including availability of land, minimising adverse environmental impacts, access to available and viable electricity grid and access to available and viable gas networks. Ultimately, the availability of alternative sites is not a material planning consideration, and the application must be determined on the basis of the information provided and the potential impacts resulting from the proposal on the site and surrounding area in question, as set out in detail above.

CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

2.69 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.71 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

C4055-GA-004 TC (LOCATION PLAN)
received 17th June 2019 by the Local Planning Authority;

C4055-GA-009 TD (GENERAL ARRANGEMENT OF SWITCHYARD & BUILDING FOR GENERATOR BUILDING (FENCES OMITTED)),
C4055-GA-005 TE (GENERAL ARRANGEMENT OF SWITCHYARD & BUILDING FOR GENERATOR BUILDING),
received 22nd July 2019 by the Local Planning Authority;

C4055-GA-009 TD (GENERAL ARRANGEMENT OF SWITCHYARD & BUILDING FOR GENERATOR BUILDING (FENCES OMITTED) with internal security fence removed)
received 29th July 2019 by the Local Planning Authority.
For the avoidance of doubt.

3. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. Notwithstanding the submitted information, a detailed scheme of landscaping, mounding and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees, plants or shrubs which from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation, for the lifetime of the development hereby approved.
In the interests of visual amenity.
6. Notwithstanding the submitted information and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, blocking up of the existing access, and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to commencement of the use of the development hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

7. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. To take into account the position of the buildings and the impact on the visual amenity of the area.
8. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGV movements associated with the construction phases, and to effectively control dust emissions from the site remediation, demolition and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. To avoid excessive noise and disturbance to the occupants of nearby properties.
9. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved. To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring land users and highway safety.
10. Prior to commencement of the development hereby approved, details of a 4 metre high acoustic fence to be erected around the boundary of the site as indicated on plan C4055-GA-005 TE, received 22nd July 2019 by the Local Planning Authority, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to commencement of the use of the development hereby approved and shall remain in place for the lifetime of the development. In the interests of visual amenity and the amenity of the occupiers of adjacent land
11. Notwithstanding the requirements of condition 10, details of means of all other boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
12. When the land ceases to be used for the purposes stated in the proposal or, at the end of the period of 20 years from the date of grid connection (such

date to have been given to the Local Planning Authority in writing within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials, equipment, buildings, acoustic fencing, hardstanding and structures erected, laid or brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommission works taking place. The application has been assessed in accordance with the details submitted by the applicant therefore at the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

BACKGROUND PAPERS

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

CONTACT OFFICER

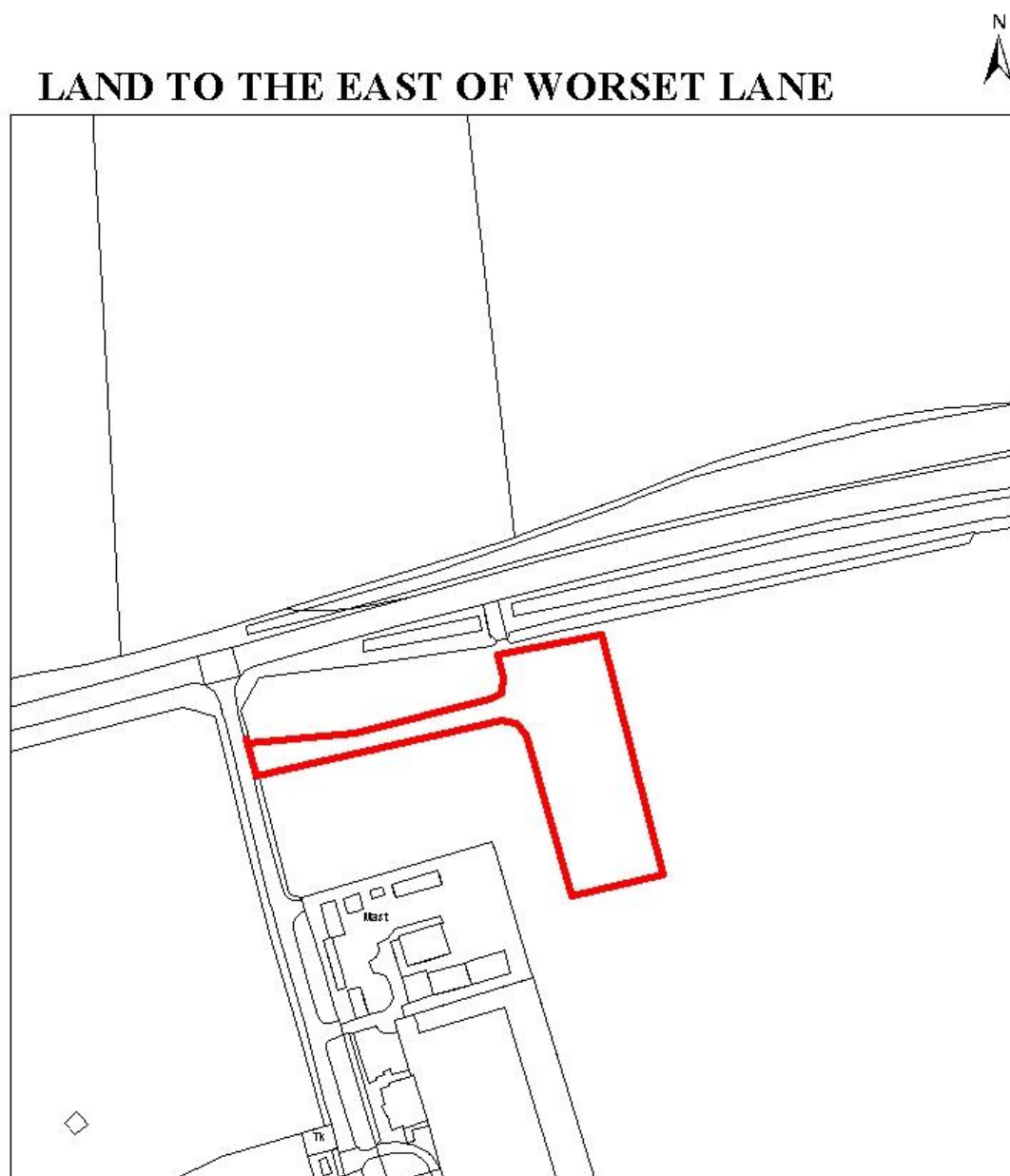
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/10/2019
	SCALE 1:2000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0208	REV

No: 3
Number: H/2019/0348
Applicant: ENGIE MERCHANT COURT MONKTON BUSINESS
PARK HEBBURN NE31 2EX
Agent: MR ROD HEPPLWHITE, PRISM PLANNING LTD, 17
WOODLAND ROAD, DARLINGTON, DL3 7BJ
Date valid: 09/08/2019
Development: Residential development comprising 31 No. two and three
bedroomed residential properties with associated internal
road layout and parking (resubmitted application)
Location: LAND AT NEWHOLM COURT AND LEALHOLM ROAD
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

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

3.4 H/2018/0490 – Residential development comprising 31no two and three bedroomed residential properties with associated internal road layout and parking. The application was refused at Planning Committee in May 2019 for the following reason:

3.5 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).

PROPOSAL

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

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

3.8 As noted in the Background section of this report, this is a resubmitted application following the refusal of a previous application for the same form of development.

3.9 The current application is supported by an additional statement outlining the management proposals of Thirteen Group, the intended Registered Social Landlord of the properties proposed in order to identify how crime and anti-social behaviour is addressed by the company.

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

SITE CONTEXT

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

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

PUBLICITY

3.13 The application has been advertised by way of neighbour letters (95no), 2 site notices and a press notice. To date, three objections and a 34 signatory petition have been received from neighbouring land users.

3.14 The objections received can be summarised as follows:

- New houses would worsen existing anti-social behaviour problems in the area,
- Access between Jutland Road and Lealholm Road/Stockton Road should not be reintroduced,
- Existing wall between the site and Lealholm Road was removed without consultation with residents and has resulted in increased crime and anti-social behaviour,
- Crime and anti-social behaviour is not well managed in the area,
- Increased parking pressure in the area would cause highway safety issue,

- Proposals would cause difficulty entering/exiting existing junction on Stockton Road and risk accidents,
- Disruption from construction traffic,

3.15 The period for publicity has expired.

3.16 Copy Letters **B**

CONSULTATIONS

3.17 The following consultation replies have been received:

HBC Traffic and Transport – The proposed layout is acceptable, although the extent of the adopted highway will be the carriageway / Footway, it will not include the parking bays or footway links to the properties.

The Carriageway and footways should be constructed in accordance with the HBC design guide and specification under a section 38 / advanced payment code.

HBC Public Protection – I would have no objections to this application subject to compliance with the Construction Method Statement (CMS) submitted with the application.

HBC Engineering Consultancy – In response to the above planning application consultation please see the following comments in respect of sustainable drainage;

1. Runoff Destinations

Surface water runoff not collected for use must be discharged to one or more of the following in the order of priority shown:

- Discharge into the ground (infiltration).*
- Discharge to a surface water body.*
- Discharge to a surface water sewer, highway drain or other drain.*
- Discharge to combined sewer.*

The location of the site and nature of the local geology mean that discharge to sewer is the most practical option.

2. Flood Risk

The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur on any part of the site for a 1 in 30 year rainfall event. Calculations must include an allowance for urban creep where required and climate change. The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. Calculations must include an allowance for urban creep where required and climate change. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.

Storage estimates have been presented for the 1 in 100 year rainfall event however see 8 and 9 below.

3. Peak Flow Control

The peak runoff rate from the developed site for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events to include for urban creep where required and climate change must not exceed the peak greenfield runoff rate from the site for the same event.

Greenfield runoff rate is to be determined using the Institute of Hydrology (IH) Report 124 or Flood Estimation Handbook (FEH) methods. This is detailed in the publication Rainfall Runoff Management for Developments Report SC030219 available at <https://www.gov.uk/government/publications/rainfall-runoff-management-for-developments> For a whole or part brownfield site; greenfield runoff rate and/or 70% of demonstrable existing positively drained runoff rate for those rainfall events will be permitted however greenfield runoff rate should be achieved where possible. Greenfield runoff rate is maximum 1.4 l/s/ha unless modelling conclusively demonstrates greenfield runoff to be greater than this.

It is proposed to restrict surface water discharge rate to the lowest practicable, which is stated to be 5l/s, however see 11 below.

4. Volume Control

The runoff volume from the developed site for the 1 in 100 year 6 hour rainfall event must not exceed the greenfield runoff volume for the same event. For a whole or part brownfield site, greenfield runoff volume and/or 70% of demonstrable existing positively drained runoff volume for those rainfall events will be permitted however greenfield runoff volume should be achieved where possible. Should infiltration methods not be suitable and it is not possible to achieve greenfield runoff volume then it must be demonstrated that the increased volume will not increase flood risk on or off site.

5. Pollution Control

SuDS design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced.

As it is proposed to discharge surface water to sewer we defer to Northumbrian Water in respect of pollution control.

6. Designing for Exceedence

Site design must be such that when SuDS features fail or are exceeded, exceedence flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedence or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.

A plan showing exceedence flow routes based on the proposed site topography is required.

7. Highway Drainage

SuDS features within highways and that serve those highways can be adopted by Hartlepool Borough Council Highway Authority and maintained as part of the wider highways maintenance subject to agreement of the Highway Authority. The incorporation of SuDS that involves highway drainage requires the developer either to enter into an agreement under Section 38 of the Highways Act, if involving new development, or an agreement under Section 278 of the Act, if existing highway arrangements are to be modified. To be agreed with the Highway Authority.

8. Climate Change

Due to changing climate, winters are likely to get wetter and we are likely to experience more extreme weather conditions such as intense rainfall events. As such, an allowance of 30% must be made in SuDS design for increased amounts of rainfall.

A climate change allowance of only 20% has been used.

9. Urban Creep

Urban Creep describes future expansion within a development and activities such as building extensions and paving gardens. These activities increase the impermeable area of a site and often sit outside of the development control process. As such proposed developments must have an allowance for this increase in impermeable area of 10%.

An allowance for urban creep does not appear to have been applied as required.

10. Construction

Damage caused during the construction phase has the potential to prevent SuDS functioning as required, for example contamination by sediments generated during construction. As such appropriate planning must be applied to surface water management during the construction phase.

This requirement can be required by condition.

11. Maintenance

Legislation requires that planning authorities ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance of SuDS over the lifetime of the development. Maintenance requirements for proposed SuDS are to be agreed with the Local Planning Authority (LPA). The preferred method of meeting this requirement is adoption of surface water drainage assets by Northumbrian Water. The least preferred method is maintenance by means of management company. Hartlepool Borough Council does not adopt SuDS with the exception of the Highway Authority that can adopt SuDS that serve the highway; adoption of highway SuDS must be agreed with the Highway Authority.

I note that in the previous application (H/2018/0490) for this development, a requirement of Northumbrian water was that surface water discharge was restricted to 3.5l/s however the discharge rate proposed was 5l/s. In this application (H/2019/0348) the same discharge rate is proposed by the same Flood Risk Assessment and this must be agreed with Northumbrian water to allow adoption and

subsequent maintenance of drainage assets. Your attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that there are clear arrangements in place for ongoing maintenance of drainage assets over the lifetime.

Items 2, 3, 4, 6, 7, 8, 9 and 11 must be addressed prior to development to avoid increased flood risk. To achieve this I request that the planning condition below is attached to the planning decision if development is approved along with our standard contaminated land condition:

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley Authorities Local Standards for Sustainable Drainage (or any subsequent update or replacement for that document).

Reasons

To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system as required by the NPPF.

HBC Ecologist – I require the following mitigation and biodiversity enhancement measures:

- Each new building to incorporate an integral bat roost box or swift/bird nest box. The agent has confirmed that ‘the pre-fab company have said they can actually use integral nesting boxes’.
- Landscaping to include trees and fruit and seed-bearing shrubs, which have benefits for wildlife.
- To facilitate the passage of hedgehogs between gardens, and the between the estate and the exterior of the site, wooden fences should have a13x13 cm holes created at ground level.
- The standard bird nesting season condition should be applied.

European Sites and Habitats Regulations Assessment (HRA)

I have previously prepared a HRA for this application which has been approved by Natural England the statutory conservation agency. This HRA is still valid.

Previous HRA Comments:

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

planning requirements.

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

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

Hartlepool BC has developed mitigation mechanisms including the provision of Suitable Alternative Natural Green Space and/or a financial contribution towards coastal management. For this scheme (with no SANGS offered) the financial contribution would be £250/house - £7,500.

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

HBC Arboricultural Officer – My comments remain as before but with amendments to the document references.

There are no important trees on this site, having read the report from “All about trees” and visited the site on previous occasions. The Design and Access Statement under Section 3.7 Landscape Strategy explains the proposed landscaping and this is also shown on drawing N755-ONEZZ—XX-DR-L-0201 Rev.P05 (Document Reference 14767863) and the Arboricultural Impact Assessment is now document reference 14767822.

Previous Comments:

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

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

The main tree species here are goat willow (*Salix caprea*), Sycamore (*Acer pseudoplatanus*) and Common Ash (*Fraxinus excelsior*) all of which readily seed themselves and are common throughout Hartlepool together with Butterfly Bush (*Buddleia*), Wild Rose (*Rosa*), Elder (*Sambucus*), Pheasant Berry (*Leycesteria*) and Mock Orange (*Philadelphus*).

A comprehensive landscape scheme has been included to support this application

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

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

HBC Community Safety – I have read the objections in relation to concerns about anti-social behaviour, however there is nothing in police figures that indicates there is a current problem in this area either in relation to crime or anti-social behaviour. There has been a recent issue, but the problems were linked to one individual. When incidents linked to this individual are removed from the figures, ASB in the Newholm Court area between 1st April 2018 and 22nd September 2019 equates to 0.2% of all recorded ASB in the Seaton ward and therefore, our response has not changed from that provided by Kate Ainger back in March 2019, as below;

I have run a query covering the time period 21st March 2018-20th March 2019 inclusive which has identified that Newholm Court and the immediate vicinity are not classed as higher than average areas for crime or anti-social behaviour. I looked at Newholm Court itself and the properties adjacent on Seaton Lane, Jutland Road, Ormesby Road and Stockton Road as shown on the attached map.

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

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

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

Tees Archaeology – I have checked his development against the HER and there is no indication of any archaeological sites in the location. I have no objection to the development and there is no need for any further archaeological involvement.

Natural England – Natural England refer you to our previous 'No Objection' letter dated 01 February 2019 our reference 270169 / your consultation ref: H/2018/0490; as discussed with Planning Officer Laura Chambers at Hartlepool Borough Council on 03 September 2019, based upon the resubmitted application (and nature of amendments to the development) the details of our previous response letter and our assessment of the HRA AA remain valid for this consultation.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#), which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

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

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

In this document it states:

- Foul Water Discharge

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

- Surface Water Discharge

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

We note that a drainage strategy has been submitted with the application, however, the surface water discharge rates differ from that agreed through the pre-planning enquiry. In addition, some surface water discharges to the combined network after the proposed hydrobrakes, consequently exceeding the agreed restrictions. Therefore, NWL request the following condition:

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

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

Any drainage scheme submitted to the Local Planning Authority should be in line with the comments included in Northumbrian Water's enquiry response.

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

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

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Hartlepool Water – No comments received.

Cleveland Police – Please refer to my original comments.

This development intends to achieve Secured By design silver award I have previously informed the development of the physical security requirements to achieve this.

Further to this in relation to the layout I would ask that all rear garden areas are protected by a 1.8m boundary.

The side footpaths to plots 9, 15, 20, 25, 31 need to be protected by a 1.8m fence and gate instead of the proposed 1.5m boundary to deter entry to the private area of dwellings. The gates to these footpaths should be fitted to the entrance of the footpath and the proposed street lighting should ensure this area is well lit. All gates and boundary fencing should be free of climbing aids.

Security lighting is required for each external door set consisting of dusk/dawn lighting the parking areas at the side of plots 1-8 and plots 21-24 would also benefit of security light fitted to side of dwelling.

In relation to street lighting for all roads, footpaths and car parking areas should comply with BS5489:2013.

I see no reason that this development cannot achieve Secured by Design Gold award if compliance to above is achieved in relation external security measures.

Cleveland Fire Brigade – The proposed roads giving access to all proposed properties exceed the 20m dead end access route as stipulated in AD Bv1 Table 8, therefore a suitable turning head should be provided.

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

PLANNING POLICY

National Planning Policy Framework (NPPF)

3.18 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.

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

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

Hartlepool Local Plan 2018

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

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

HBC Planning Policy Comments

3.21 The Local Plan sets development limits, beyond which there is a presumption against development. The site sits firmly within the limits to development and so this infill site is considered appropriate.

3.22 The application site has no designation or allocation on the Local Plan Policies Map. The site was previously residential development which was demolished, and therefore constitutes brownfield development. A previous application was submitted (H/2018/0490) however was refused contrary to officer recommendation at Planning Committee.

3.23 The principle of residential development in this location is acceptable.

Affordable housing provision

3.24 Local Plan policy HSG9 *Affordable Housing* advises that the Council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold.

3.25 The proposed development would deliver all 31 dwellings as affordable homes. The provision of affordable housing at this site would have a positive impact upon meeting the Council's overall affordable housing targets.

Development design and impact upon amenity

3.26 NPPF section 12 *Achieving well-designed places* expects development to function well, be visually attractive, and be sympathetic to local character and history. Local Plan policy QP4 provides further considerations including ensuring there is no negative impact upon the relationship with existing and proposed neighbouring land uses and that development is of an appropriate layout, scale and form which respects the surrounding buildings, structures and environment.

3.27 The scale and density of the proposed development would be consistent with the surrounding existing development. Local Plan policy QP4 requires the provision of private space to be commensurate to the size of the development. Each dwelling is proposed to have rear and front gardens, which are considered appropriate in the context of the dwelling and neighbourhood size. There are no concerns with the layout of the development due to amendments from a previously submitted scheme to ensure houses meet the appropriate separation distances.

3.28 Local Plan policy QP5 requires all developments to be designed to be safe and secure, being developed in a way that minimises crime and the fear of crime. The developer has given great consideration to this matter, detailing within the supporting document management plans for the site and ensuring that there will be no through access between the two parcels of land, which is thought to alleviate concerns regarding anti-social behaviour.

3.29 In order to ensure appropriate on-site green infrastructure, a landscaping scheme is proposed that would include tree planting and plants and is considered to improve the visual amenity of the site.

Access, highway safety and car parking

3.30 Local Plan policy QP3 *Location, Accessibility, Highway Safety and Parking* seeks to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel. It is considered that due to the fairly central location of the development, that there are opportunities for alternatives to private transport in the forms of walking to local conveniences or alternatively public transport.

3.31 With respect to car parking standards, each dwelling has two car parking spaces, alongside three visitor bays. The Tees Valley Design Guide and Specification advises two spaces for one to three bedroom dwellings.

3.32 The two elements of the site would be accessed separately, with no plans to enable through access in any form.

Climate change including flood risk

3.33 NPPF section 14 *Meeting the challenge of climate change, flooding and coastal change* sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

3.34 Local Plan policy CC1 *Minimising and adapting to climate change* requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%.

3.35 Where the design and layout of the development, construction methods and green infrastructure provision does not ensure greater energy efficiency through solar gain, passive heating and cooling, natural light and natural ventilation, Planning Policy would encourage the dwellings to be 10% more efficient than that required by the building regulations through building fabric improvements, in accordance with Local Plan policy QP7 *Energy Efficiency*.

3.36 A Sustainability Statement has been submitted which details that the homes outperform the building regulation standards. We are satisfied that due to the energy efficiency measures proposed and the sustainability of the proposed development, that the development sufficiently complies with policies CC1 and QP7 of the Local Plan which encourage the development to be energy efficient.

Planning Obligations

3.37 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 *Planning Obligations* and the adopted Planning Obligations SPD, the following developer contributions will be required based on the current submission:

- £7750 (£250 per dwelling) to be directed towards Rossmere Playing Fields.
- £7750 (£250 per dwelling) towards Rossmere Park.
- £7750 (£250 per dwelling) towards adult fitness equipment in the Golden Flatts Green Wedge.
- £7231.99 (£233.29 per dwelling) to contribute towards grass pitches at Rossmere Playing Fields.
- £1767.62 (£57.02 per dwelling) towards improvement of tennis courts at Seaton Lodge.
- £154.07 (£4.97 per dwelling) towards bowling greens at Owton Lodge.

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

3.39 Policy MWP1 of the Tees Valley Minerals and Waste DPD requires major development to provide a waste audit, which should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy. As the development is for a

residential scheme, the policy stipulates that within the development “sufficient space should be provided, both internally and externally, for household waste disposal, recycling and composting bins, ensuring that appropriate access is provided to move these bins from their storage positions to their collection points. Adequate access and turning facilities must be provided for refuse collection vehicles”.

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

3.41 The application site is not allocated for a particular purpose in the Local Plan, however it is within an existing residential area and has been previously developed for housing, as such the proposed residential development is considered acceptable in principle subject to an assessment of the relevant material considerations.

3.42 Due to the size of the development, planning obligations are required in line with the Council’s Supplementary Planning Document, as outlined above. The applicant has agreed to enter into a legal agreement to secure the obligations requested in order to offset the impact of the development. As affordable housing is to be provided on site rather than off-site, a clause within such a legal agreement would be required to ensure the retention of the properties as affordable. Subject to this, the proposal is considered to be acceptable in this respect.

CHARACTER AND APPEARANCE OF AREA

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

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

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

AMENITY OF NEIGHBOURING LAND USERS

3.46 The proposed development meets the relevant separation distances between primary habitable room windows in the houses proposed and the existing neighbouring properties, across both parts of the site. As such, the requirements of

policy QP4 have been met and it is not considered the development would adversely affect the amenity of neighbours with regards to privacy.

3.47 Levels across the site vary and the eastern part of the site in particular has a notable difference in levels when compared with the existing properties on Newholm Court. Given the existing properties are single storey and those proposed are two storey there is the potential that the proposed dwellings could have an impact on the neighbouring properties in terms of loss of light and an overbearing appearance. Notwithstanding that, the application includes details of existing and proposed site levels and section drawings which demonstrate a satisfactory relationship between the existing and proposed homes can be achieved. Furthermore, no objections have been raised by the Council's Public Protection team with regards to any impact to the amenity of neighbours, subject to compliance with an agreed Construction Method Statement, which can be secured by a planning condition. The proposal is therefore considered to be acceptable in this respect.

HIGHWAY SAFETY & PARKING

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

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

3.50 HBC Traffic and Transport have confirmed they have no objections to the application and are satisfied with the proposed layout. The proposal is therefore considered to be acceptable in this respect.

CRIME & ANTI-SOCIAL BEHAVIOUR

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

3.52 Objections have been raised regarding the potential for Lealholm Road to be re-connected and whether this would result in anti-social behaviour. However, this is

not proposed by the development, which would retain two distinct cul-de-sacs with the properties on Newholm Court between the two.

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

OTHER PLANNING MATTERS

Ecology

3.54 The Council's Ecologist has confirmed there are no objections to the principle of development, providing biodiversity enhancement is secured in line with the NPPF, including provision of bird and bat boxes to each dwelling, and suitable landscaping. The applicant has confirmed each property will have a bat or bird box included and the submitted site plan reflects the intended position of these. Full specifications of the boxes to be used will need to be secured via condition; however in principle the development is acceptable in this regard. Conditions will also be required to ensure development is carried out in accordance with the submitted (and agreed) landscaping and boundary enclosure details (which include the provision of gaps to facilitate the passage of hedgehogs between gardens), and construction outside of the bird breeding season. Subject to these, the development is acceptable in this regard.

3.55 The proposal has also triggering the need for a Habitats Regulations Assessment (HRA) stage 2 Appropriate Assessment (AA). This was prepared in January 2019 by the Council's Ecologist for the previously refused application (H/2018/0490) as the competent authority and was also approved by Natural England (the statutory conservation agency). The HBC Ecologist has confirmed that the HRA is still valid as are the requisite mitigation measures (identified in the AA) towards mitigating the identified impact of increased access and disturbance to European Sites (Teessmouth and Cleveland Coast Special Protection Area (and proposed extension) and Ramsar site). In this instance, this is to be in the form of a financial contribution towards coastal management as set out in the Hartlepool HRA Mitigation Strategy and Delivery Plan (£250 per house). The applicant has confirmed their agreement to make a financial contribution under the Habitat Regulations, which will be secured through the s106 legal agreement. To this effect, no objections have been received from Natural England. In view of this, the proposal is considered to be acceptable in this respect.

Landscape

3.56 In terms of landscaping, the proposed development will require the removal of a number of trees on the site, however none of these are considered to be of

significance by the Council's Arboricultural Officer. In addition, the application includes details of a proposed landscaping scheme and tree protection measures for those trees that are to be retained, both of which are considered satisfactory by both the HBC Arboricultural Officer and Ecologist. As such, the proposed development is considered acceptable with regards to landscaping subject to appropriate conditions to secure the relevant details.

Energy Efficiency

3.57 With regards to the requirements of policies CC1 and QP7 of the Local Plan, the development will comply with the requirement to provide opportunities for electric vehicle charging by including the relevant apparatus within plots to allow future occupiers to have charging points installed should they so wish in future. A sustainability statement has also been provided to demonstrate the construction methods employed provide energy efficiencies in excess of 10% above Building Regulations requirements and therefore the development is considered to satisfy the requirements of the relevant Local Plan policies and is acceptable in terms of adapting to climate change and energy efficiency.

Waste

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

RESIDUAL MATTERS

3.59 A number of matters have been raised by objectors that are not material planning considerations and cannot therefore be considered in determining the application. These include removal of the wall formerly enclosing the site prior to the application being submitted, which would not have required planning permission.

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

CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

3.62 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.63 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.

3.64 The application has been duly considered, as above, and it is concluded there are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE subject to the completion of a legal agreement securing contributions towards built sports (£7,750), green infrastructure (£7,750), play facilities (£7,750), playing pitches (£7,231.99), tennis courts (£1,767.62) and bowling greens (£154.07), securing on-site affordable housing, off-site ecological mitigation (£7,750); the provision, maintenance and long-term management of on-site open spaces and landscaping; maintenance and long term management of surface water drainage, and a local labour agreement, and subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 050-00, revision 2 (Site Location Plan), drawing number 050-50, revision 9 (Proposed Site Block Plan), drawing number 200-01, revision C4 (Proposed Site Plan), drawing number 200-10, revision C2 (Proposed Site Plan with Surface Treatment), drawing number 300-20, revision 3 (Proposed Typical Plot Layout), drawing number 300-01, revision 7 (Proposed Dalby HT plans and elevations), drawing number 300-10, revision 6 (Proposed Holt HT plans and elevations), drawing number 126104/2004, revision B (Proposed Construction Details Sheet 1), drawing number 126104/2005, revision B (Proposed Construction Details Sheet 2), drawing number 126104/2006, revision B (Proposed Construction Details Sheet 3), drawing number ASD-SL-180122, revision R2 (Street Lighting), and drawing number N755-ONE-ZZ-XX-DR-L-0201 revision P05 (Landscape Proposals), drawing number AMSTPP (Arboricultural Method Statement Tree Protection Plan), drawing number AIATPP, revision A (Arboricultural Impact Assessment Tree Protection Plan), received by the Local Planning Authority 26/07/19; drawing number 200-20, revision C4 (Proposed Site Plan with Boundary Treatment), and Construction Method Statement (CMS) received by the Local Planning Authority 09/08/19; drawing number 126104/2003, revision

C (Proposed Surface Finishes and Kerb Types), drawing number 126104/2010, revision B (Proposed Surface Water Manhole Schedule), drawing number 126104/2002, revision F (Proposed Spot Levels and Contours), drawing number 200-40, revision 6 (Proposed Site Section), drawing number 126104/2007, revision C (Proposed Construction Details Sheet 4), drawing number 126104/2008, revision C (Proposed Construction Details Sheet 5), and drawing number 126104/2001, revision F (Drainage Layout), received by the Local Planning Authority 26/09/19.

For the avoidance of doubt.

3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and a detailed scheme for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley Authorities Local Standards for Sustainable Drainage (or any subsequent update or replacement for that document).
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
4. 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.

5. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree protection measures identified in drawing number AIATPP, Revision A (Arboricultural Impact Assessment Tree Protection Plan), received by the Local Planning Authority 26/07/19 shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interest of tree protection.
6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
7. All planting, seeding or turfing comprised in the approved details of landscaping shown in drawing number N755-ONE-ZZ-XX-DR-L-0201, revision P05 (landscape proposals), received by the Local Planning Authority 26/07/19 shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external

finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the dwellings. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

9. The development hereby approved shall be carried out in accordance with 'Briary Energy Consultants Regulations Compliance Report, Version 1.0.4.10', date received by the Local Planning Authority 26th July 2019. Prior to the occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.
10. Prior to first occupation of the development hereby approved details of 14 bat boxes and 17 bird boxes identified on drawing number 200-01, Revision C4 (Proposed Site Plan) received by the Local Planning Authority 26/07/19, to be incorporated into the dwellings hereby approved along with a timetable for provision shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
11. No part of the residential development shall be occupied until details of the electric vehicle charging apparatus to serve the properties identified on drawing number 200-01, Revision C4 (Proposed Site Plan), received by the Local Planning Authority 26/07/19 have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site. In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
12. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
13. Prior to occupation of the development hereby approved, the boundary means of enclosure shall be implemented on site in accordance with drawing number

200-20, revision C4 (Proposed Site Plan with Boundary Treatment), received by the Local Planning Authority 09/08/19.

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

14. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
15. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds.
16. The development hereby approved shall be used as C3 Use dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown

on drawing number 200-20, revision C4, received by the Local Planning Authority 09/08/19.

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

20. The development hereby approved shall be carried out in accordance with the measures identified in the Engie 'Technical Standard – Waste management on site' document, received by the Local Planning Authority 26/07/19.
In the interests of a satisfactory form of development and in accordance with policy MWP1 of the Tees Valley Minerals and Waste DPD.
21. The development hereby approved shall solely operate in full accordance with the Construction Method Statement (received by the Local Planning Authority 09/08/19) throughout the construction period of the development hereby approved, unless some variation is agreed in writing with the Local Planning Authority.
In the interests of highway safety and the amenities of the area.
22. The development hereby approved shall be carried out in accordance with the proposed levels detailed in drawing number 126104/2002, revision F (Proposed Spot Levels and Contours), drawing number 200-40, revision 6 (Proposed Site Section), received by the Local Planning Authority 26/09/19.
For the avoidance of doubt.
23. Prior to the occupation of the development hereby approved the bin storage areas shown on drawing number RES/656, revision C4 (Proposed Site Plan) shall be implemented and thereafter retained for the lifetime of the development.
In the interests of highway safety and amenities of the area.

BACKGROUND PAPERS

3.66 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.

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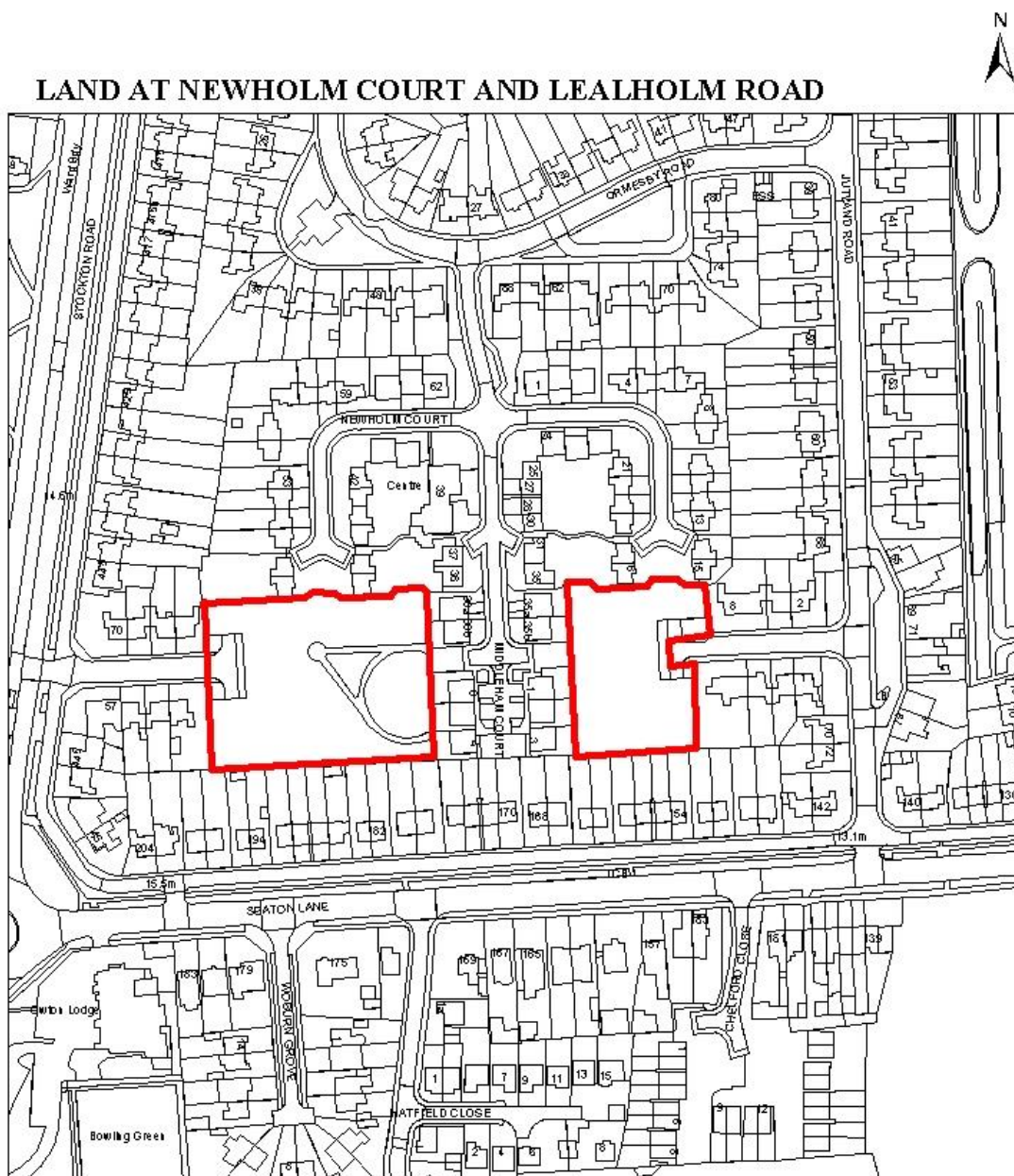
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/10/2019
	SCALE 1:2000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0348	REV

No: 4.
Number: H/2019/0340
Applicant: MR P THOMPSON, FAMILIES FIRST (NORTH EAST),
175-177 YORK ROAD, HARTLEPOOL TS27 3ED
Agent: MR DAVID JOHNSON, SJR ARCHITECTURAL & INT.
DESIGNERS, INNOVATION CENTRE, VENTURE
COURT, HARTLEPOOL
Date valid: 23/07/2019
Development: Change of use from hotel to provision of supported living
and learning centre for young adults
Location: MELBOURNE HOTEL, 16 STOCKTON ROAD,
HARTLEPOOL, TS25 1RL

PURPOSE OF REPORT

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

PROPOSAL

4.2 Planning permission is sought to change the use of the property from a hotel (C1 use class) supported living accommodation for young adults (C2 use class). There are no physical alterations proposed either internally or externally to facilitate the change of use. Each of the eight bedrooms would have an en-suite bathroom and would be arranged over the first and second floor.

4.3 On the ground floor would be communal living accommodation and a training room, the submitted Planning Statement indicates that residents would be offered learning to build independent living skills. There would also be a staff room on the ground floor, it is indicated the property would be staffed 24 hours per day with a minimum of 2 members of staff on site (during the hours of 9am – 8pm, there could be up to 4 members of staff present).

4.4 The application has been referred to the Planning Committee at the request of a local ward councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

4.5 The application site is an existing hotel within a two and a half storey building with dormer windows front and rear serving the second floor. The property is located on the western side of Stockton Road, to the south of the junction with Blakelock Gardens. The property is served by a car park to the rear. The immediate neighbouring properties are in residential use, however there is also a social club, veterinary practice and retail uses in close proximity to the site.

PUBLICITY

4.6 The application has been advertised by way of eleven neighbour letters and a site notice. To date, three objections and one response in support have been received. These can be summarised as follows:

Objections:

- Proposed bedrooms are too small,
- No lift for those that are disabled, is the building accessible for those with limited mobility?
- 6-8 occupants would be overcrowded,
- Staff should be paid more than the living wage,
- Property would be used as a drug and alcohol centre,
- Lack of public consultation,
- Building is not suitable for vulnerable adults, is in a busy, noisy area with criminal activity,
- Not enough information about who will be using the service,
- Lack of car parking in the area, would increase existing pressures.

Support:

- Premises will no longer require an alcohol licence,
- It would no longer be necessary to leave back lane gates open at night for access.

4.7 The period for publicity has expired.

Copy Letters **C**

CONSULTATIONS

4.8 The following consultation replies have been received:

HBC Community Safety – Sylvia Pinkney and I met with the Neighbourhood Inspector and Police Crime Prevention Officer where we discussed this application and I believe that Steve Davies has submitted the Police response. Having considered the application and planning statement, Community Safety do not consider that the proposed change of use for this property will have a negative effect on crime and disorder issues within the locality.

HBC Joint Commissioning Services – I don't have any issue from a planning point of view.

HBC Housing Advice – I work as Senior Housing Advice Officer (Leaving Care) and my role is primarily to coordinate the housing options for our care experienced young people, but also young people in general. I work within the Housing Advice team which is part of Children's and Joint Commissioning Service and I work closely with the social care teams such as the Through Care team and the 18 to 25 Team.

We recognise that we, in Hartlepool, have limited resources in terms of supported housing for some of our most vulnerable young people. This kind of supported housing scheme, offering accommodation with a focus on gaining life skills to enable residents to prepare for independent life, is invaluable. We do have other supported housing schemes in Hartlepool, in similar areas, which are often oversubscribed.

We have no doubt that there is a need for this kind of supported accommodation.

Increasing the range of choices that are available to our young people would be invaluable, to enable the young people for whom we are the Corporate Parents, to have the best possible outcomes.

HBC Traffic & Transport – The existing car park is large enough to accommodate the staff requirements and visitor parking for the proposal. The existing Hotel use would generate more parking demand than the proposed use. There are no highway or traffic concerns with this application.

HBC Public Protection – Not object.

HBC Economic Regeneration – Economic regeneration fully support this application.

Cleveland Police – The general area suffers higher than average rates of crime and disorder however of the proposed home is situated on the main road in a location which itself is not subject to such higher levels of crime and disorder. The nature of the proposed tenants together with the correct level of safeguarding measures should not result any significant impact on Police demand and create no adverse effect on the local community.

Cleveland Police recognises the need for such premises which can provide a safe and secure environment for vulnerable persons to reside where they will receive the required level of support.

I would expect the following measures are put in place to ensure the premises and staff will provide the required level of safety and security.

It is essential access control should be in place to all entrances to the premises.

All entrance doors and internal bedroom doors and accessible windows should provide a level security to deter unauthorised entry. In relation to emergency exit doors these should be alarmed.

I am not aware of the current level of lighting to the rear of the premise but car parking area should be well lit with all entrances having dusk/dawn lighting. The car parking area should be kept secure to deter casual intrusion.

The rear of premises should not be used by tenants to access or vacate the premises particular during hour of darkness.

The providing of CCTV as a minimum to provide cover to all entrances, internal communal areas, staff office and car parking areas.

Management of the premises is key to ensure the necessary safeguarding measures are provided for residents.

It is also essential that only suitable persons as stated in the planning statement application are to reside at the premises.

In relation to safeguarding of residents away from the premises it is essential each tenant is risk assessed prior to any independent leave from the premises.

PLANNING POLICY

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

4.10 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
47	Decisions in accordance with development plan
91	Healthy and safe communities

Hartlepool Local Plan 2018

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

Policy	Subject
--------	---------

SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
RC16	Local Centres

Planning Policy Comments

4.13 The site is located within a Local Centre which falls under policy RC16 of the Local Plan. This policy stipulates main uses that would be permitted within this area, and although the proposed C2 use class is not within this list, the policy does state that another use class would be deemed acceptable provided that it would not have a detrimental impact upon the character, appearance, function and amenity of the property and surrounding area. In this instance, planning policy consider the proposal to be appropriate within this location and would not result in any negative impacts. Planning policy have no objections to the proposed development.

PLANNING CONSIDERATIONS

4.14 The main material planning considerations when considering this application are the principle of development, crime and community safety, the amenity of neighbouring occupiers and highway safety. These and any other planning and residual matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

4.15 The application site is within an allocated local centre, although the proposed use is not specifically highlighted as preferable within a local centre in policy RC16 of the Local Plan, the policy identifies that other uses will be permitted where they do not adversely affect the character, appearance, function and amenity of the property and surrounding area.

4.16 The current hotel use, is not one of the retail uses identified within the policy either and this demonstrates that other uses can be accommodated within the locality without causing detriment to its function. This would also mean that there would not be a loss of retail space within the local centre and therefore its viability would not be materially affected.

4.17 There are existing residential uses in the vicinity of the site and it is considered the proposals would be broadly similar, albeit with an element of care and therefore in keeping with the character of the area. While the proposals would include training for occupants, this would be ancillary to the residential use, tailored to supporting the needs of occupants it would not operate in an independent capacity and is therefore considered appropriate in this location.

4.18 Hartlepool Borough Council Housing Advice have commented in support of the application, indicating there is a need for the kind of accommodation proposed. The proposal is also supported by HBC Economic Regeneration.

4.19 In view of the above considerations, the principle of development is considered to be acceptable in principle subject to the scheme satisfying other material planning considerations as set out below.

CRIME & COMMUNITY SAFETY

4.20 The objections received raise concerns about whether the location of the property is suitable for the intended use, making reference to criminal activity in the area and whether this would be detrimental to the future occupants.

4.21 Cleveland Police note that although the wider area experiences higher than average levels of crime and disorder, the applicant property is located on a main road that does not experience the same high levels of crime and disorder. Concluding that with appropriate safeguarding and security measures the proposals are not considered to impact police demand or affect the wider community. The police have identified a number of measures they would expect to be included at the site, in response the applicant has confirmed proposed security measures which were acceptable to the police.

4.22 In addition to the above, the Council's Community Safety team have been consulted and have also confirmed that they do not consider the proposals would adversely affect crime and disorder issues in the locality.

4.23 In response to the concerns about the suitability of the premises for those considered vulnerable, the Council's Joint Commissioning Services (Children and Adult Services) have advised they have no objections to the proposals, this would suggest the proposals are acceptable in this location. Notwithstanding that, appropriate safeguarding would ensure that the needs of potential occupants are taken into account in allocating them accommodation, this would not be a consideration of the planning system to determine.

4.24 Given the assessment above, the application is considered acceptable with respect to impacts on crime and community safety.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.25 The footprint of the building and window openings would not change from the existing arrangement. Existing bedrooms and living rooms within the property would be used in a similar manner as they are currently in the proposed development, as such the privacy, outlook and light of neighbouring properties would not be adversely affected by the proposed development.

4.26 Whilst it is acknowledged that the proposed use would be staffed 24 hours a day with a minimum of 2 staff at any one time including on an evening shift (8pm - 9am), taking into account the existing, extant use of the building as a hotel with its associated comings and goings, it is not considered that the proposed use would negatively impact upon the amenity of neighbouring properties in terms of noise or disturbance as a result of comings and goings to the property.

4.27 Given the premises currently operates with a function room with bar, it is likely that the potential for disturbance to neighbours would be lessened as a result of the proposed change of use (the function room becoming a 'common and training room',

ancillary to the main proposed use). The existing car park to the rear would also be retained. The Council's Public Protection team have raised no objections to the application and have not requested any restrictive conditions and therefore the application is considered to be acceptable in this respect.

HIGHWAY SAFETY AND CAR PARKING

4.28 The proposals include retained use of the existing car parking to the rear of the site. HBC Traffic and Transport have confirmed this is sufficient to cater for the needs of staff and residents of the proposed use and that the proposed use would be likely to generate less parking demand than the existing hotel use. The proposed development is not considered to have a significant impact on highway safety or parking and is therefore acceptable in this regard.

RESIDUAL MATTERS

4.29 One of the objections received makes reference to whether the staff of the intended development would be paid the living wage, this is not a material planning consideration and therefore is not relevant in determining the application.

4.30 The suitability of the accommodation for the needs of intended occupants in terms of room sizes or lift access for those with mobility issues is something that would be considered as part of separate legislation when assessing which individuals are allocated rooms within the property. This is not a material planning consideration.

CONCLUSION

4.31 In principle, the proposed change of use would be acceptable in policy terms in this location. In addition, the proposals are not considered to a significant detrimental effect with regards to the amenity of neighbouring occupiers, highway safety and parking or crime and community safety. As such, the proposals are considered to be acceptable in relation to relevant material planning considerations.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.34 The application has been duly considered, as above, and it is concluded there are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 04 (Location Plan), drawing number 03 (Existing & Proposed Site Plan) and drawing number SJR19:11/02 (Proposed Floor Plans), received by the Local Planning Authority 23/07/19.
For the avoidance of doubt.
3. The development hereby approved shall be used as a C2 supported living accommodation and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.

BACKGROUND PAPERS

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

CONTACT OFFICER

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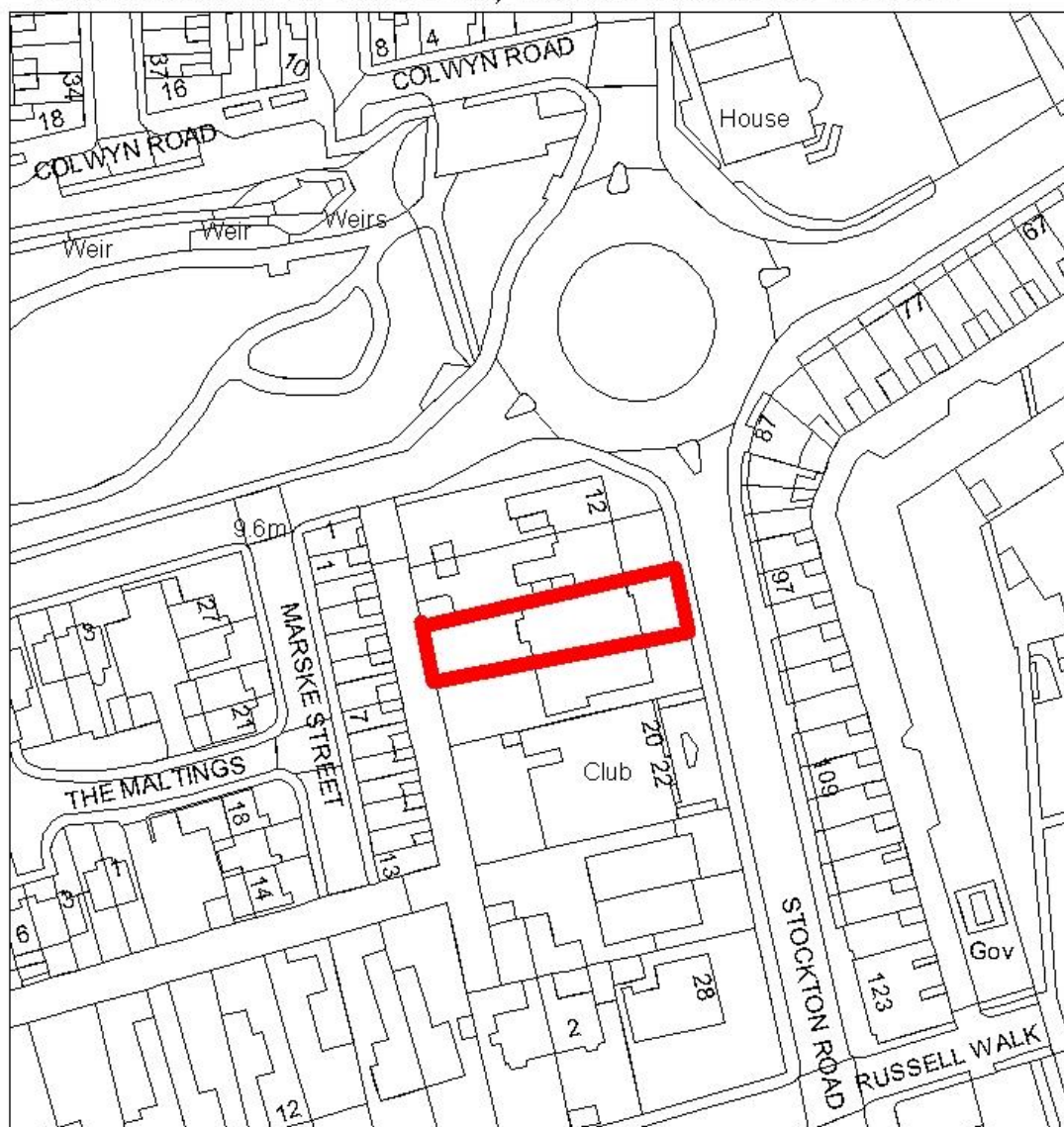
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MELBOURNE HOTEL, 16 STOCKTON ROAD

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/10/2019
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0340	REV

No: 5.
Number: H/2019/0321
Applicant: MR G REDHEAD THE GREEN ELWICK HARTLEPOOL
TS27 3ED
Agent: PLANNING HOUSE MRS H HEWARD 4 MAYNARD
GROVE WYNYARD TS22 5SP
Date valid: 25/07/2019
Development: Erection of two storey dwellinghouse with detached
double garage (resubmitted application)
Location: LAND ADJACENT TO ELWICK HOUSE THE GREEN
ELWICK HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following application is relevant to the current proposals:

5.3 H/2018/0390 – Erection of two storey dwellinghouse with detached double garage, refused 07/02/19 for the following reason;

5.4 In the opinion of the Local Planning Authority, the proposed development by virtue of its scale and design would detract from the setting of the adjacent locally listed building, Elwick House, causing less than substantial harm to a non-designated heritage asset without any identifiable public benefit to outweigh that harm. This is in conflict with paragraphs 196 and 197 of the NPPF, Local Plan policies QP4, HE1 and HE5, and Rural Neighbourhood Plan policies HA1 and HA4 and Rural Neighbourhood Plan policies HA1 and HA4.

PROPOSAL

5.5 Planning permission is sought to subdivide the plot in order to erect a new two-storey four bedroom dwelling with detached single storey double garage in the eastern side garden area of the existing house. A new access is proposed to serve the new dwelling; a section of the existing boundary wall would be removed to facilitate this.

5.6 As noted above, an application for a new dwelling on this site has previously been refused under officer delegation. The current proposals differ from the previously refused scheme as follows:

- The dwelling has been moved away from the boundary of the locally listed building by approximately 1m,
- The dwelling has been reduced in width by approximately 2m,

- Fenestration to the rear has been changed, and;
- The roof is hipped rather than gabled.

5.7 The application has been referred to the Planning Committee at the request of the Committee Chair, in line with the Council's Scheme of Delegation.

SITE CONTEXT

5.8 The application site is located at the eastern extent of the village, Elwick House being the eastern most house on the northern side of the main road running through the village. The application site forms the side garden to Elwick House, which is a locally listed building occupying a generous plot.

5.9 Elwick House is a late 19th Century villa constructed in three bays with ground floor bay windows and central portico with canopy. The property was used in 1913 as a convalescent holiday home for sick children.

5.10 There are neighbouring dwellings to the west and south of the site, to the east and north is open countryside. The boundary of the application site forms development limits of the village as identified in the Local Plan.

5.11 There are a number of mature trees on the site, most notably along the southern site frontage. The southern boundary is also defined by a brick wall with coping and recessed gate piers, a lower section of wall at the site entrance has railings above and there are metal gates securing the driveway.

PUBLICITY

5.12 The application has been advertised by way of three neighbour letters, site notice and press notice. To date, there have been no responses received from neighbouring occupiers.

5.13 The period for publicity has expired.

CONSULTATIONS

5.14 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is within the setting of a locally listed building (heritage asset) outside of Elwick Village. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The building is significant architecturally due to its design as a residential villa within the context of Elwick Village and the historic interest of the building as it was once used as a convalescent holiday home. The proposal is a resubmission of a previous application for a dwelling on the site.

The current application differs in that the property has been,

- moved away from the boundary of the locally listed building by approximately 1m,
- reduced in width by approximately 2m,
- fenestration to the rear has been changed and
- the roof is hipped rather than gabled.

Whilst these amendments to the design and layout are noted the proposal remains a substantial dwelling.

The dwelling is currently a substantial single building set within generous grounds with a smaller, coach house type structure to the rear, which also has permission to be used as living accommodation. The open space and buildings on site provide a good example of a dwelling of that period. Locating a large house on this site in close proximity to the host building would result in the property losing part of its setting as the once substantial garden is reduced. In addition the hierarchy of buildings, which currently exists on the site, would also be lost.

The presence of development would not only change the character of the garden, it would also extend development further out into the open space which surrounds the village. The reference to planting and screening of the proposal is acknowledged however density of planting can be variable and difficult to control and would not mitigate the impact of new development as it could be cut back and removed at any time.

It is considered that the proposal will affect the significance of the non-designated heritage asset. In such instances, a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset. In this instance the proposal will impact on the setting of the dwelling, by virtue of the loss of the garden area causing less than substantial harm.

HBC Landscape Architect – The application should be read in conjunction with the previous application H/2018/0390 and the same comments apply.

Previous Comments: A visual impact assessment has been provided that demonstrates that the site is currently well screened from visual receptors surrounding the site. The document indicates that from viewpoint 2 the gable end of the proposed development would be visible. All existing trees on site should be retained.

The site boundary wall is a high quality brick wall with recessed panels and stone coping. The current proposals indicate a new access to the west of the existing access for Elwick Hall. The boundary wall should be retained in any development, with any access opening minimised and sympathetically detailed. Details of any brickwork opening, gates and surface materials are critical to maintain the high quality boundary treatment and full details should be provided prior to any

development. Details should also be able to demonstrate that construction is feasible in relation to existing retained trees. An arboricultural assessment and scheme of tree protection to BS5837 should be provided to demonstrate feasibility of the development.

The western boundary is currently close boarded timber fence (approximately 1800mm height). The boundary treatment to this boundary should be confirmed and full construction details of any proposed boundary treatment be provided prior to any development. Existing mature trees on the western boundary provide an important screening function and also act to define the edge of the settlement. Additional planting should be provided to this boundary to gap up planting on this boundary and mitigate the visual impact of the development on viewpoint 2, as outlined in the visual impact assessment provided. Full details and specification including species, stock size, numbers, planting methods and stock protection should be provided prior to any development.

Further information is required to progress this application.

Updated Comments

The planting proposals to the eastern boundary are acceptable in terms of mitigating the impact of an additional dwelling on the site. The developer should ensure that details comply with relevant clauses of BS583:2012.

Some details of the site entrance have been provided and the re-use of brick is to be encouraged. The boundary wall forms a key feature at the entrance to the village. There are existing recessed panels in the brick wall and the coping is sandstone. Details of how the proposed entrance and piers interfaces with the existing recessed panels are required. Detailed existing and proposed elevations should be provided to clarify this point. Any pier capping should be sandstone to match existing coping.

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

HBC Engineering Consultancy – In response to the above planning application consultation, I note that it is proposed to dispose of surface water by soakaway as stated on the application and as shown on the proposed plan, no further surface water management details are provided.

I note also that the Planning Statement finds that as the site is not within Flood Zones 2 or 3 that the proposed dwelling is not at risk of flooding, however, as can be seen on the Environment Agency flood risk mapping, there is a low risk of surface water flooding through the site that must be addressed as part of any surface water management design.

I have no objection in principle to proposals, however to ensure that the development can progress without increased flood risk I will be grateful if you can require detailed design of surface water drainage proposals prior to development by means of the standard surface water condition on any decision notice issued.

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

current and future pressures. Net gain should be appropriate to the scale of the development and should be conditioned.

The site is in an area that supports bats, which would benefit from the availability of artificial roost bricks. The area is also adjacent to open countryside which supports declining birds such as house sparrow, tree sparrow and starling. These can be helped through the provision of integral nest boxes such as a sparrow terrace.

The following should be conditioned:

A single integral bat brick to be built into the dwelling at a minimum height of 4m (bat boxes should be east or south facing to receive some sunshine), or a single integral sparrow terrace or starling nesting brick (boxes should face east. The boxes can be built into the house or garage.

I have read the submitted document 'Elwick House Additional Planting Scheme' dated 29/01/2019, and approve of the beech hedge and four standard pedunculate oak trees to be planted along the eastern boundary. The oak trees will have long-term biodiversity benefits.

HBC Public Protection – No objections.

HBC Arboricultural Officer – Having looked at the development proposal and been on site previously, my comments for H/2018/0390 are still applicable in this instance (Document ref.14472041). I note that one of the issues on the previous application was the visibility of the house from the lead in to the village and this has now been addressed by proposed new planting of a beech hedge inter-planted with oak standards (More fully described in document ref. 14763324) along the Eastern boundary. This will in time, once established, provide a soft edge to this site. No objections.

Tees Archaeology – While Elwick is a medieval village and any development in the area of the green would be of archaeological interest, this development is some distance out of the village and there are no known archaeological sites that will be affected by it. I have no objection to the development.

Hartlepool Rural Plan Group – Attention is drawn to the following comments. The application, while referencing the NPPF and Hartlepool Local Plan, does not mention Hartlepool Rural Neighbourhood Plan (HRNP) or Elwick Village Design Statement. HRNP Policy Gen 2 states “the design of new development should demonstrate, where appropriate, how the design has taken into account relevant village design statements”. A requirement in Elwick Village Design Statement is that: ‘Any new development should look to reflect the Village Green and Conservation Area, which have been identified as the most attractive and valued parts of the village character.’

The current application does not demonstrate how it has sought to reflect the character of the village green or conservation area. The thrust of the heritage and planning statements seem to be that the application site is sufficiently removed from the conservation area and therefore does not affect it. This is not the focus of the village design statement which suggests any development at Elwick village should seek to reflect the historic heart (village green and conservation area).

HRNP Policy Gen 2 also seeks the demonstration of “how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area and landscape”. The application does not address this.

HRNP Policy HA4 – Protection and Enhancement of Locally Important Buildings states that in determining applications for planning permission that affect entries on the List of Locally Important Buildings, the effect of an application on the significance be assessed. Two points are of particular interest: -

- The contribution to the appearance of the locality.
- The scale, nature and importance of the proposed redevelopment, which should clearly demonstrate how it would conserve or enhance the site or setting of other buildings nearby.

Although not altering the locally listed asset itself, by being within the walled garden the current application does impact on the contribution to the appearance of the locality. Elwick House is a significant entry feature for the village of Elwick. The proposed new property would inevitably take on that role and thus detract from the significance of the existing property and its contribution to Elwick.

The phrase that repeats in the application statements is that there will not be a “detrimental impact” this is far removed from clearly demonstrating that the new property would conserve or enhance. The previous application (H/2018/0390) was refused on the grounds that it adversely affected the locally listed Elwick House. The latest proposal seems to be almost identical, the scale not perceived to be any less imposing for any reduction in height or the use of a hipped roof design.

Elwick Parish Council - Elwick Parish Council has several concerns about this application.

None of the concerns raised by the Parish Council to the earlier application (H/2018/0390) have been addressed in this latest application. These are:

(a) The line of sight on exiting the proposed site is very limited, with vehicles coming up the hill, often at speed, around a blind corner from the east.

(b) The site is in very close proximity to a Locally Listed Heritage Asset and Elwick villagers regard the former ‘Crippled Children’s Home’ as an important part of the Elwick heritage. The land on which the applicant wishes to develop a new dwelling is an integral part of this Heritage Asset. Development here would therefore be in breach of the made Hartlepool Rural Neighbourhood Plan, Policy HA4: Protection and Enhancement of Locally Important Buildings, Clause 5 Conserve or Enhance the Setting.

(c) The main road from the A19 and village to Hartlepool runs along the south side of the development and is prone to severe flooding, the latest incident being on 10th August 2019. The applicant appears to deny that flooding occurs and yet the main garden wall at the south side collapsed a few years ago, (possibly before the current owner purchased the building), due to being undermined by the constant flow of water from the natural springs that exist to the north/north- east of the site. In winter

the road here becomes very dangerous due to the surface water freezing on the road and several accidents have occurred.

Cleveland Police – Police have no concerns regarding this application.

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

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

PLANNING POLICY

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

5.16 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

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

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

196	Less than substantial harm

Hartlepool Local Plan 2018

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

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

Hartlepool Rural Neighbourhood Plan (2018)

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

GEN1 Development Limits

H1 Housing Development

HA1 Protection and Enhancement of Heritage Assets

HA4 Protection and Enhancement of Locally Important Buildings

Planning Policy Comments

5.20 This proposal is for one dwelling on a site that is within the village envelope. There are no PP concerns with regards to the principle of erecting a dwelling within this location. PP have concerns regarding the scale of the proposal in relation to the host dwelling (Elwick House, a locally listed building) and PP have concerns with regard to the lack of reference that the proposal has to the host dwelling. Policy would like to see the proposed dwelling reduced in size and more reference given to the host dwelling i.e by inserting bay windows into the front elevation of the proposal. Due to the location of the proposal and the likelihood that occupiers will frequently travel by car then PP would request that 10% of the anticipated energy is derived from a renewable source (see LP policy CC1 (9a)). Rural plan policies Gen1, H1, HA1 and HA4 apply.

PLANNING CONSIDERATIONS

5.21 The main material planning considerations when considering this application are the principle of development, the impact on the character, appearance and setting of the adjacent locally listed building, the impact on the character of the surrounding area, the amenity of neighbouring occupiers and highway safety. These and any other planning matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

5.22 The application site is within the development limits of Elwick village and therefore the principle of residential development in this location is acceptable, subject to the consideration of the other relevant material planning considerations detailed below.

IMPACT ON THE LOCALLY LISTED BUILDING

5.23 The application site is substantial, the garden area befitting the scale of the locally listed building, it is therefore apparent that a dwelling of sorts could be accommodated within the site proposed. The Council's Heritage and Countryside Manager has previously commented that some form of development could be achieved without detracting from the setting of the heritage asset, providing it is of an appropriate appearance and scale so that it respects the locally listed building and does not disrupt the hierarchy of buildings on the site.

5.24 The dwelling proposed is substantial, of five panel construction to the front with portico over the front door and chimney stacks to both east and west side elevations. Quoin detailing is included as well as timber sliding sash windows with stone sills. A large single storey flat roof projection is proposed to the rear. A detached double garage is proposed, to be positioned to the western side, set back from the front elevation of the dwelling itself.

5.25 It is acknowledged that the proposed dwelling would be lower in height than Elwick House and that the slight changes in levels across the site would mean the proposed dwelling would sit at a lower level than the existing property. Notwithstanding this, scale is not limited solely to height. The proposed property is of a considerable size, despite the modifications made to the design as part of this resubmitted application. The 'executive' style home proposed is notably wider than Elwick House and although some attempt to replicate features of the existing property has been made, the use of a portico and substantial chimney stacks suggest a grander, more significant property that competes with Elwick House in terms of the hierarchy of buildings on the site.

5.26 Officers have previously advised that a dwelling of a simpler, more subservient scale and appearance could potentially be achieved in this location, however the revised proposals remain a large modern building being imposed within the site, significantly altering the setting of the locally listed building.

5.27 It is noted that substantial trees along the front boundary are to be retained and would offer a screening effect to some degree. Furthermore, the latest proposals include additional tree planting along the eastern boundary (to supplement, existing retained protected trees to the front and rear of the site), which both the Council's Landscape Architect and Arboricultural Officer acknowledge would assist in providing screening towards the proposal on the approach into the village and views across to the site from east to west (landscaping matters are discussed in further detail below).

5.28 Whilst such planting and screening of the proposal is acknowledged, this in itself does not mean there is not a change in the setting of a building and how the setting would be experienced. The Council's Heritage and Countryside Manager

notes that density of planting can be variable and difficult to control and would not mitigate the impact of new development as it could be cut back and removed at any time.

5.29 Elwick House is a substantial property that would be expected to benefit from a large garden area, it would not be unknown that large properties may have had ancillary outbuildings or even dwellings built within their grounds over time; however these would have remained secondary to the principle house. In this case, if the dwelling as proposed were built, Elwick House would no longer be of primary significance on the site as well as losing some of its grounds and therefore part of its setting as the once substantial garden is reduced. In addition, the hierarchy of buildings, which currently exists on the site, would also be lost.

5.30 It is considered that the proposal will affect the significance of the non-designated heritage asset by virtue of the loss of the garden. In such instances, a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset. In this instance this impact is considered to cause less than substantial harm to the setting of the heritage asset and there are no apparent public benefits of doing so. This would be contrary to the requirements of the NPPF, and the identified Hartlepool Local Plan and Rural Neighbourhood Plan policies and would therefore warrant a reason for the refusal of the application.

IMPACT ON THE CHARACTER OF THE SURROUNDING AREA + LANDSCAPING

5.31 Given the edge of village location of the site, any development in this location would have some impact on the wider landscape. At present, when entering the village from the east the first views on the northern side of the road are of a property with a substantial plot with mature trees within it, albeit the majority of these are towards the site frontage with less screening afforded by planting along the eastern boundary.

5.32 The introduction of an additional property would bring the built form further east, closer to towards the countryside beyond. The Council's Landscape Architect has identified that the impact of this should be softened by supplementing the landscaping along the eastern boundary. A scheme of tree planting has been proposed, which it is noted would assist in this, however it is advised that the applicant ensures this meets with the requirements of BS583:2012, as this could have an impact on a future Building Regulations application.

5.33 In principle, subject to suitable conditions to protect trees during construction and ensure the implementation of the landscaping scheme, the proposals are acceptable in this regard, however the applicant should be aware if changes in the layout or form of development were required under Building Regulations, this may have implications for any planning permission that may be granted.

5.34 Notwithstanding the above, it is considered that such planting would not provide satisfactory mitigation to address or overcome the identified impact on the setting of the locally listed building.

5.35 The boundary wall to the frontage of the site is a notable feature within the street scene and its recessed panel design is noted in the local listing description. Although a new access point is proposed which would require a new opening in this

boundary wall, only limited detail of the works have been provided. Since the previously refused application, scaled plans have been submitted showing the elevations of the wall with piers proposed at the new entrance, however these are at a small scale and lack detail to allow a view to be taken on whether the proposed design is suitable. Given the importance of this feature it is considered necessary for full details to be provided to come to a view on the acceptability of the works and therefore this matter could not be dealt with by condition in this instance. As such, this would warrant a second reason for the refusal of the application.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.36 Given the open countryside to the north and east of the site, there are no neighbouring occupiers that are considered to be adversely affected by the proposals in terms of light, aspect or privacy in these areas.

5.37 The neighbouring property to the west of Elwick House would not be adversely affected due to the location of the proposed dwelling, with the existing dwelling between the two. Elwick House itself has secondary windows to the eastern side elevation, there are also windows proposed in the western side elevation of the proposed property to serve a utility room at ground floor and two en-suite bathrooms at first floor. These windows would also be secondary in nature, with the bathrooms likely to be opaque glazed. Given the nature of the windows concerned, it is not considered the proposals would negatively affect the host property in terms of privacy, loss of light or overbearing design to such a degree to warrant refusal, though a condition requiring opaque glazing and limiting the opening of the first floor windows may be appropriate had the application been considered acceptable in all respects.

5.38 The neighbouring property to the south is positioned directly opposite Elwick House, it is not therefore considered there would be direct overlooking from windows in the proposed dwelling, and in any event there would be a separation between the two of approximately 45m with the boundary wall and mature trees retained. In this context it is not considered there would be any loss of privacy, nor would there be a loss of light or overbearing appearance. The proposal is therefore considered to be acceptable in this respect.

HIGHWAY SAFETY AND CAR PARKING

5.39 The subdivided plot would still provide for two plots with sufficient space available to park cars. The Council's Traffic and Transport team have confirmed that one additional dwelling would not significantly increase traffic in the area and the location of the proposed access would be acceptable subject to the relocation of an existing traffic sign reducing the speed limit on the road to a position east of the new dwelling. While noting the concerns raised by the Parish Council regarding highway safety, on the basis of the Council's Traffic and Transport team, the proposed development is not considered to have a significant impact on highway safety or parking and is therefore acceptable in this regard.

OTHER PLANNING MATTERS

5.40 The Council's Engineer has confirmed there are no objections to the application providing details of surface water drainage were secured via condition which could

have been secured, had the application been considered acceptable in all respects. While the concerns of the Parish Council regarding drainage and flood risk are noted, it is difficult to attribute weight to the objection in this context.

5.41 The Council's Ecologist has confirmed there are no survey requirements with respect to the proposed development but that in accordance with the requirements of the NPPF to achieve biodiversity enhancements the provision of bat boxes should be secured by condition, which would have been applied, had the application been considered acceptable in all respects.

5.42 In line with Local Plan Policy CC1 (9a), due to the location of the proposal and the likelihood that occupiers will frequently travel by car, it is required that 10% of the anticipated energy is derived from a renewable source, details of which could have been secured by a planning condition had the application been considered acceptable in all respects.

CONCLUSION

5.43 Although the principle of subdividing the plot of Elwick House to construct an additional dwelling is acceptable in principle, this could only be supported if a dwelling of an appropriate scale and design was proposed. The development currently proposed, despite the changes made since the previous application was refused, remains of a scale that is so substantial it detracts from the character, appearance and setting of the locally listed building, Elwick House, resulting in less than substantial harm to the heritage asset. No public benefits have been identified that would outweigh that harm and therefore the proposals are considered unacceptable.

5.44 In addition, a lack of detail has been provided to demonstrate that the existing boundary wall can be suitably modified to create a new access and driveway to serve the proposed dwelling that does not detract from the character and appearance of the wider area.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.47 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its scale and design would detract from the setting of the adjacent locally listed building, Elwick House, causing less than substantial harm to a non-designated heritage asset without any identifiable public benefit to outweigh that harm. This is in conflict with paragraphs 196 and 197 of the NPPF, Local Plan policies QP4, HE1 and HE5, and Rural Neighbourhood Plan policies HA1 and HA4.
2. In the opinion of the Local Planning Authority, insufficient detail of the proposed alterations to the southern boundary wall of the application site to form a new vehicle access has been provided. It is not therefore possible to determine whether further harm would be caused to the character and appearance of the wider street scene and the setting of the locally listed building. This is in conflict with paragraphs 196 and 197 of the NPPF, Local Plan policies QP4, HE1 and HE5, and Rural Neighbourhood Plan policies HA1 and HA4.

BACKGROUND PAPERS

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

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

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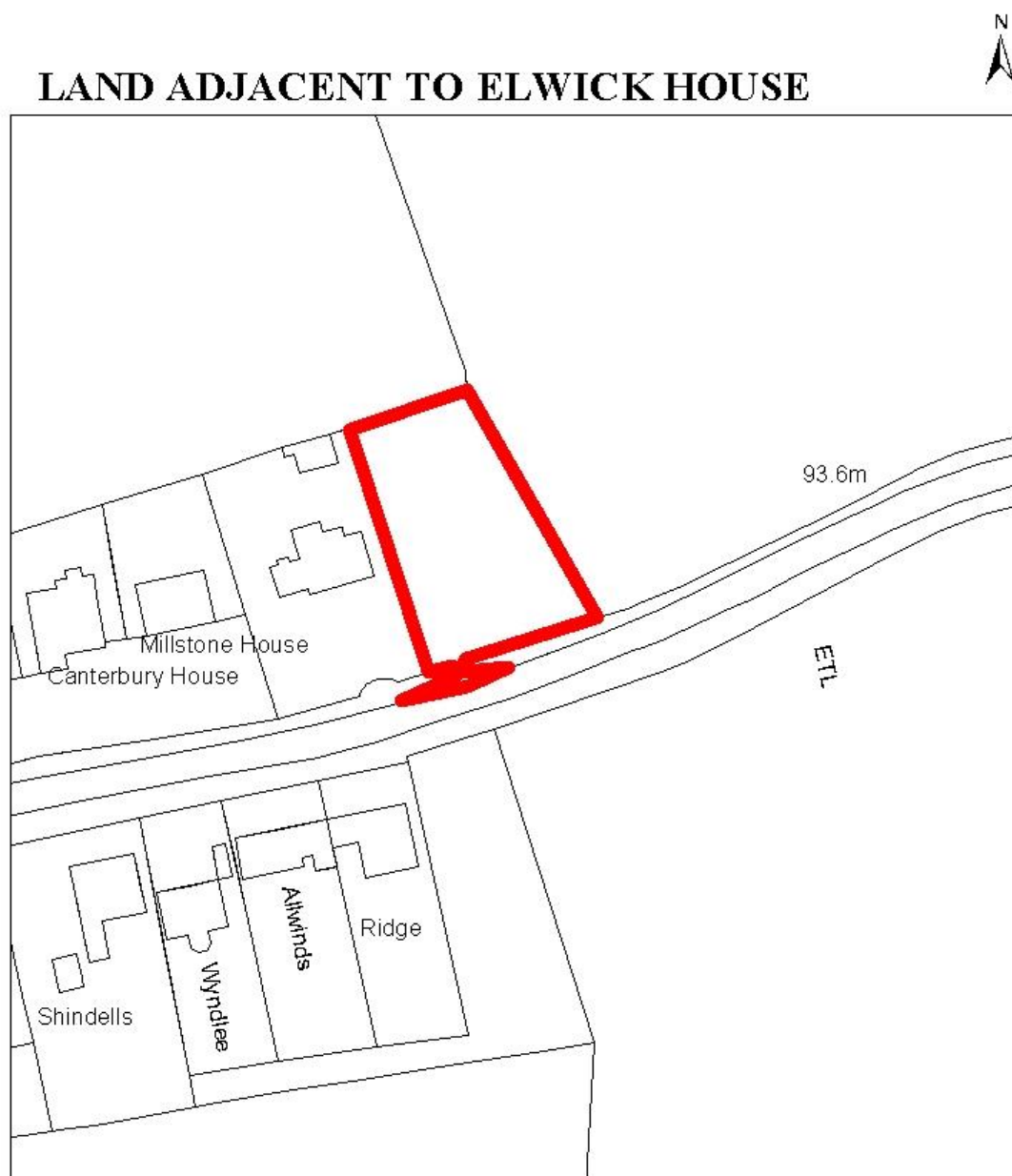
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/10/2019
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0321	REV

No: 6.
Number: H/2019/0302
Applicant: MR/MRS K & J PEART UNIT A, NAVIGATION POINT
MIDDLETON ROAD HARTLEPOOL TS24 0UH
Agent: MR/MRS K & J PEART LOCK GATES LTD UNIT A,
NAVIGATION POINT MIDDLETON ROAD TS24 0UH
Date valid: 08/08/2019
Development: Provision of outside seating to front (under canopy) and
side of site
Location: UNIT A NAVIGATION POINT MIDDLETON ROAD
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 Members will note that following authorisation, a planning Enforcement Notice was served on 12.07.2019 in respect of the unauthorised seating to the front of this property. The period for compliance has since expired and therefore the appropriate legal action could now be considered should the requirements of the Enforcement Notice not be complied with in full.

PROPOSAL

6.3 Retrospective planning permission is sought for the retention of an outside seating area on land adjacent to the front of the unit and to the side (southern) of the unit. The external seating area to the front measures approximately 4.5 metres by 3 metres in area directly adjacent to the frontage of the building, beneath the existing projecting canopy. The external seating area to the side measures approximately 4 metres by 1.2 metres, to be contained by the existing wall and handrail along its southern edge.

6.4 Initially the proposal also included the erection of windbreaks; however, the applicant has removed this element from the proposal.

6.5 The application has been referred to the planning committee owing to the retrospective nature of the application and the officer recommendation, in line with the Council's scheme of delegation.

SITE CONTEXT

6.6 The application site comprises a ground floor commercial unit at Navigation Point, Hartlepool. The unit is adjoined to its northern side by Unit A2 (formerly 'How Do You Do') Navigation Point. Beyond this are other units on the ground floor, with

residential apartments above. To the south is the public highway, beyond which is Abdiel House, a bar/restaurant at ground floor and it is understood to have apartments above. To the front of the application site lies a footpath with a large car park beyond. To the rear of the application site is a service area.

PUBLICITY

6.7 The application has been advertised by way of seven neighbour letters, notification to local ward members and a site notice. To date, there has been one objection received in respect of the proposal. The concerns raised can be summarised as follows:

- The provision of seating to the side would exacerbate issues with undue mess (broken glass) and noise and disturbance in this location
- Unacceptable overlooking onto apartments in Abdiel House

6.8 Copy Letters D

6.9 The period for publicity has expired.

CONSULTATIONS

6.10 The following consultation replies have been received:

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

HBC Countryside Access: There is a recorded coastal right of way abutting the proposed development.

The England Coast Path National Trail runs along the frontage of Navigation Point and is a legal coastal access route. At no time should its length or width be obstructed by any materials, equipment, seating or associated furniture.

This National Trail is enacted through the Marine & Coastal Access Act 2009.

HBC Public Protection: I would have no objection to the outside seating to the front of the premises subject to the following conditions:

The outside seating area shall only be open for use by the public from 9am until 8pm or sunset whichever is the sooner each day. The seating area shall not be used beyond these times.

Any tables and/or chairs used in connection with the outside seating area shall be removed and stored within the unit at close of business.

The outdoor seating area shall not extend beyond the canopy.

No music shall be played or relayed to the outside seating area.

In relation to the outside seating located to the side of the premises I would have serious concerns in relation to noise nuisance arising from this area affecting

residents of neighbouring residential properties, which are located directly adjacent to this area.

Further comments received:

My main concern would be the residents of Abdiel House rather than Navigation Point due to the close proximity of the residential parts of the building with the proposed seating area at the side of the commercial premises. If the application goes to committee then I can confirm that we will support the refusal recommendation.

HBC Flood Risk: No objections to the proposals with respect to surface water management or contaminated land.

HBC Ecology: No requirements or concerns.

HBC Landscape Architect: Details of any windbreak should be provided by condition.

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change

LS1: Locational Strategy

LT1: Leisure and Tourism

LT2: Tourism Development in the Marina

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security QP6: Technical Matters

RC7: Late Night Uses Area

SUS1: The Presumption in Favour of Sustainable Development

National Policy

6.13 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually interdependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant

development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 091: Promoting healthy and safe communities

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PLANNING CONSIDERATIONS

6.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impacts on the amenity of neighbouring land users, the impacts on general amenity of the area, highway safety and flooding. These and any other matters are considered below.

PRINCIPLE OF DEVELOPMENT

6.15 It is considered that the site is within a mixed use area which includes both residential and retail/commercial units and buildings. The principle issues raised by the outdoor seating are the potential impacts on the general amenity of the area and the potential impacts on the viability and vitality of the area as a whole.

6.16 With respect to the Hartlepool Local Plan, the application site is located within the boundary of an area identified as RC12 (The Marina Retail and Leisure Park). The policy identifies uses that are appropriate within the Marina however stipulates these, and other uses, will only be permitted provided that they do not adversely affect the character, appearance, function and amenity of the area. Therefore, consideration must be given to the impact of the outdoor seating, which is considered complementary to the existing uses, on the area as a whole.

6.17 Local Plan Policy QP4 (Layout and Design of Development) seeks to ensure that all developments are designed to a high quality and positively enhance their location and setting. Policy LT2 (Tourism Development in the Marina) states that the Marina will continue to be developed as a major tourist and leisure attraction. It is acknowledged that outside seating areas support the existing uses in this area and therefore contribute to its continued vitality and viability. To the front, it is expected (as per other recent approvals in the area) that the seating should not extend beyond the edge of the canopy, in order to minimise any impact on the public right of way and to avoid any adverse impact on the amenity of the residential properties above.

6.18 Therefore, it is considered that the principle of development (in particular external seating to serve the existing use) is considered to be acceptable subject to the relevant material planning considerations as set out in detail below, in particular the impact on the amenity of neighbouring residential uses.

AMENITY OF NEIGHBOURING LAND USERS

6.19 It is considered that the provision of outside seating areas has the potential to create noise concerns/issues on the occupants of residential apartments which are directly above and adjacent to the application site. However, it is noted that late evening commercial uses' are common in the immediate vicinity of the host unit, and as such the occupants of the residential premises would expect a certain level of activity or disturbance associated with living in this location, with close proximity to the commercial uses.

6.20 In terms of the seating to the front of the unit, the Council's Public Protection team have raised no direct concerns in terms of noise and disturbance impacts that this element could create on neighbouring land users. Notwithstanding this, they have requested that no music be played or relayed to the seating area, and that the hours of use of the seating area be restricted, and the removal of the seating area at the close of business in line with other recent similar approvals for seating areas along Navigation Point. These matters could have been secured by appropriate planning conditions, had the application been considered acceptable in all respects.

6.21 However, the application also includes the provision of an area of outside seating to the side that would not benefit from the 'covering' of the canopies as per the seating areas to the front of Navigation Point. Furthermore this seating area to the side is positioned adjacent to and faces towards the upper floor residential apartments of Abdiel House (at a distance of approximately 5 metres between the proposal to the neighbouring property). As such, it is considered that this element has the potential to result in an unacceptable loss of amenity and privacy in terms of overlooking and noise disturbance for existing and future occupiers of Abdiel House. This view is supported by the Council's Public Protection section who object to this element of the application.

6.22 Discussions were held with the applicant to request that the provision of external seating to the side of the unit was omitted from the proposal, reducing the overall provision of external seating to this area to the front, particularly in light of the Enforcement Notice that has been served in respect of the existing seating areas to the front (and that by omitting the side element from the application, it is likely that the seating area to the front could be supported by Officers, and therefore the outstanding enforcement matter could be regularised). However, the applicant has stated their desire not to alter the proposal in order to omit this element. Therefore the proposal is considered not to be acceptable in terms of the identified potential adverse impacts on the amenity and privacy of neighbouring land users resulting from the provision of outdoor seating to the side of the host unit and that this would warrant a refusal of the application.

IMPACT ON CHARACTER AND APPEARANCE OF THE AREA

6.23 In terms of the impact on the character of the area, the application site is located toward the southern end of Navigation Point, which is characterised by its

long sweeping frontages with a canopy to the front. The canopy is used by many of the restaurants and bars as a distinctive boundary area in order to provide additional outdoor seating beneath.

6.24 In this regard it is considered that the provision of outside seating to the front is established within the area and considered not to adversely impact upon the character and appearance of the area within the character.

6.25 Whilst it is considered that the seating to the side of the host unit, by virtue of its function and siting, would introduce feature that is out of keeping with the general layout of seating in the area and would therefore be incongruous in this context, given the relatively modest scale of the seating area, it is considered that the visual and general impacts would not be so significant as to warrant a further reason for the refusal of the application.

HIGHWAY + PEDESTRIAN SAFETY AND CAR PARKING

6.26 The Council's Traffic and Transport team have been consulted and no objections have been received. Given the nature of the proposals, it is considered that the proposals are unlikely to adversely impact on the highway safety or create any parking related issues. Furthermore, no objections have been received from the Council's Countryside Access Officer subject to the England Coast Path National Trail (that runs along the frontage of Navigation Point and is a legal coastal access route) remaining unobstructed, which the proposal would appear to comply with. The application is therefore considered to be acceptable in this respect.

OTHER PLANNING MATTERS

6.27 No objections have been received from the Council's Ecologist.

6.28 The application is not within a flood zone, and due to the nature of the proposal is not considered to introduce any features that would impact on the drainage of the area. It is therefore considered to be acceptable in this respect.

CONCLUSION

6.29 In view of the above material planning considerations, the external seating area to the front would be acceptable in principle (subject to appropriate mitigation measures being secured by planning conditions). However given that the application also includes the provision of a seating area to the side (south) which is considered to constitute an unacceptable form of development by virtue of its potential adverse impacts to neighbour amenity, the application is considered to be contrary to paragraphs 8 and 127 of the NPPF, and policy QP4 of the Hartlepool Local Plan (2018). This would therefore warrant a refusal of the application.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.32 There are no Section 17 implications.

REASON FOR DECISION

6.33 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 external seating area to the side (south) of the building, by virtue of its siting and scale, would constitute an unacceptable form of development as a result of the potential detrimental impact on the amenity and privacy of existing and future occupiers of adjacent residential properties, contrary to policies QP4 and RC12 of the Hartlepool Local Plan (2018) and paragraphs 8 and 127 of the NPPF which states that new developments should ensure a high standard of amenity for existing and future users.

BACKGROUND PAPERS

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

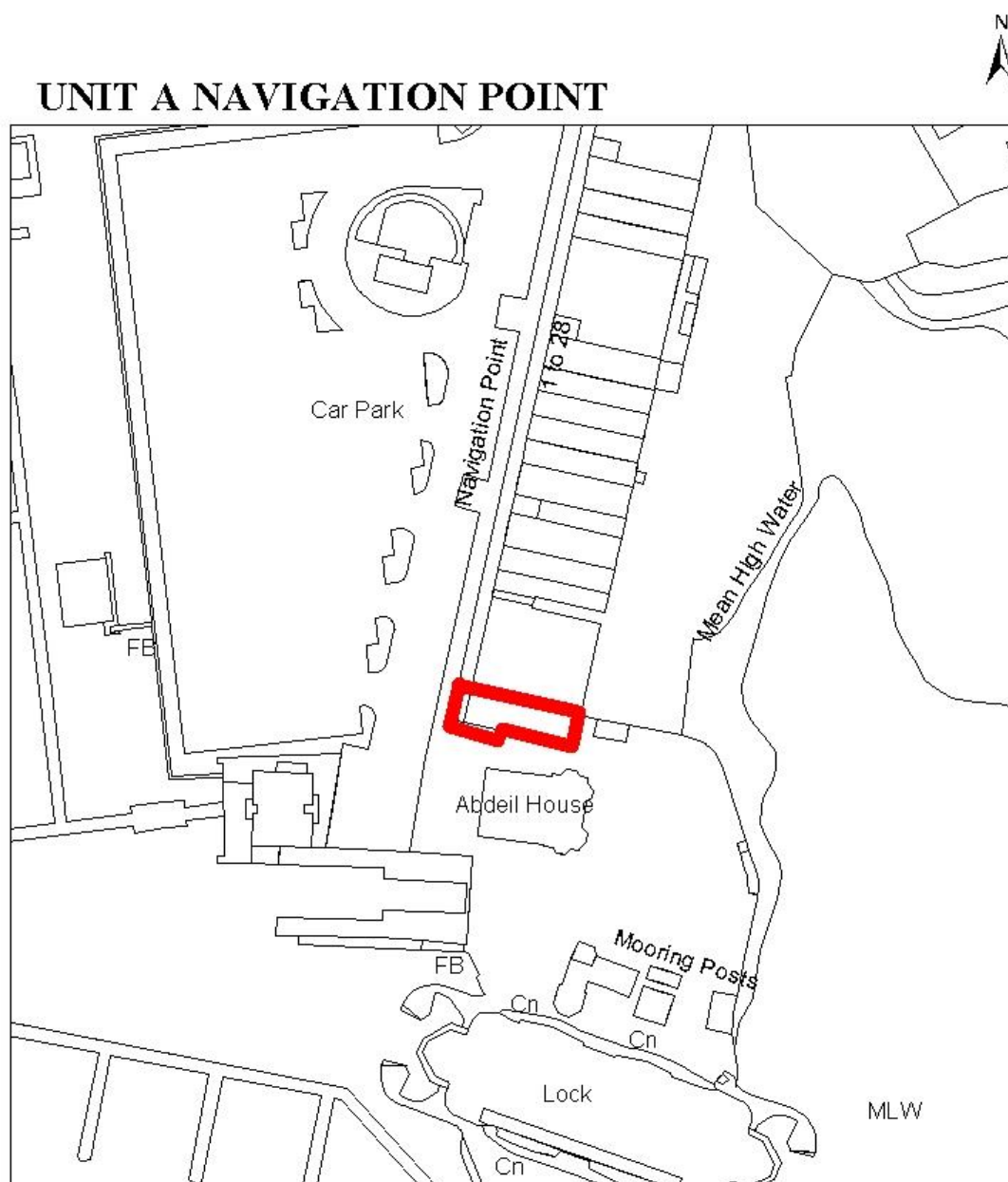
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 09/10/2019
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0302	REV

No: 7.
Number: H/2019/0289
Applicant: MISS APRIL WOOD CLAVERING ROAD HARTLEPOOL
TS27 3PZ
Agent: MR M FORD NELSON FARM HART STATION
HARTLEPOOL TS27 3AE
Date valid: 19/08/2019
Development: Change of use to salon and training centre for make up,
hair and beauty
Location: ST MARKS CHURCH CLAVERING ROAD
HARTLEPOOL

PURPOSE OF REPORT

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

SITE CONTEXT

7.2 The application site is a vacant unit previously known as St Marks Church on Clavering Road. The site is within a designated local centre which serves the residents of the Clavering area. The local centre comprises a public house, hot foot takeaway and convenience store. The area is predominately residential in character, with good transport links. The centre is served by a public car park (south of the application site) whilst it is understood that the application site is served by its own separate car park to the north of the site.

PROPOSAL

7.3 The proposal seeks the change of use from a Church and Community Centre to a hairdressers', beauty and make up salon and training centre, including a photography room (Sui Generis Use). The proposal includes the change of a double exterior door to a single door with internal partitions separating the various areas. The interior is on the main to be kept open plan. It is understood that works to facilitate the proposal commenced and therefore the application will be considered as part-retrospective (although it is understood the proposed is not operating at the time of writing).

7.4 The applicant has confirmed that the training element of the proposal is for make-up courses, which will be provided following the owner completing the relevant training course before offering this element. The proposed hours of operation are indicated as being 0900-1700 hours Monday to Friday, 0700-1800 on Saturdays.

The application has been referred to Planning Committee owing to the number of objections received, in line with the Council's Scheme of Delegation.

PUBLICITY

7.5 The application has been advertised by way of site notice and neighbour letters (11). To date, there have been 3 letters of support and 4 letters of objection.

7.6 The objections can be summarised as follows:

- Object to the training facility as it is a non accredited provider without Ofsted accreditation
- There are already a number of accredited facilities within Hartlepool
- In order to be a training centre the correct insurance must be in place
- Traffic and parking will be a problem
- Getting our bins emptied will be an issue, due to parking
- Access to residential properties will be obstructed by vehicles parking and dropping people off
- Razor wire has been erected and attached to a neighbouring properties fence

7.7 The support letters can be summarised as follows:

- The proposal is a welcome addition to the area, offering an alternative training venue and providing a service to local residents
- The proposal will improve the area

7.8 Copy Letters E

7.9 The period for publicity has expired.

CONSULTATIONS

7.10 The following consultation replies have been received:

HBC Public Protection – No objections.

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

Cleveland Fire Brigade – Just a couple of questions.

- Is the owner going to be submitting a Building Regulations Application, I would expect that a change of use would require this and certainly if any means of escape changes are being made- If one is to be submitted Cleveland Fire Brigade will comment regarding the internal layout and fire safety measures when that consultation is received.
- The only element we would comment on regarding planning is to ensure that the access for fire appliances and water supplies meets B5 of Approved Document. If this was previously a shop then it is unlikely that this will be an issue. What was its prior use?

(In response, the case officer confirmed the previous use of the building as a church and that the Council's Building Control team were pursuing the requisite Building Regulations application. Following this, the Fire Officer confirmed 'we would have no further grounds to comment on the planning application at this stage').

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

7.12 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038 :Decision-Making
 PARA 047: Determining Applications
 PARA 091: Promoting healthy and safe communities
 PARA 124: Achieving well-designed places
 PARA 127: Achieving well-designed places
 PARA 130: Achieving well-designed places
 PARA 150: Planning for Climate Change
 PARA 212: Implementation

Hartlepool Local Policy

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

CC1: Minimising and adapting to climate change
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development

QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RC1: Retail and Commercial Centre Hierarchy
 RC16: The Local Centres
 SUS1: The Presumption in Favour of Sustainable Development

HBC Planning Policy Comments

7.14 The site is within a Local Centre, as designated in Policy RC16 and this policy states that this site is a sequentially preferable location for the proposed uses. Planning Policy have no objections to the proposed development.

PLANNING CONSIDERATIONS

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

7.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impacts on the visual amenity of the area, impacts on residential amenity and highway safety and car parking. These and any residual matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

7.17 The application site is within a local centre as identified within policy RC16 of the adopted Hartlepool Local Plan 2018. The policy states that this site is a sequentially preferred location for this form of development and use. Furthermore, the proposal would bring a vacant unit back into use which would support the viability and viability of the local centre. The principle of the development is therefore considered to be acceptable, subject to the consideration of all other relevant material planning considerations, as set out below.

VISUAL AMENITY

7.18 Whilst there are minimal external alterations to the property, with the reduction of a double doorway to a single doorway on the side of the building, it is not considered that this alteration would have a significant impact upon the character and appearance of the existing building, street scene or visual amenity of the area in general. The proposed development is therefore considered to be acceptable in terms of its impact on visual amenity and to be in accordance with Policies within the Hartlepool Local Plan.

AMENITY

7.19 Policy RC16 of the Hartlepool Local Plan relates to commercial development within identified Local Centres. The proposal includes a modest external alteration to the access door and would not adversely affect or reduce separation distances to surrounding properties. Furthermore, the proposal would be located within an

established unit within the local centre with satisfactory separation distances and relationships remaining to surrounding residential properties. Furthermore, the Council's Public Protection team have been consulted and raised no objection, confirming that the hours proposed are acceptable, which can be secured by a planning condition.

7.20 In view of the above, it is not considered that the proposed use would have a significant impact upon neighbouring properties in terms of poor outlook, overlooking or noise disturbance and is therefore acceptable in this respect.

HIGHWAYS

7.21 There is a large carpark at the southern end of the local centre and an area for approximately 4 vehicles to the north of the site in Bartram Court. Access to the residential properties at Bartram Court is taken from the public highway which runs at the northern end of the local centre.

7.22 A number of concerns and objections have been received from neighbouring residents with regard to the parking and impact upon the local properties. The Council's Traffic and Transportation section has been consulted and raised no objections to the proposed. It is therefore considered that the impact upon highways is acceptable.

7.23 Concerns have been raised with regard to the refuse vehicles getting access to empty the bins for the properties at Bartram Court; access to these properties will not change and collection points remain as existing. It is therefore considered that the proposal is acceptable in this instance.

RESIDUAL MATTERS

7.24 Objections have been received citing concerns with the number of training facilities within the borough and accreditation to Ofsted not being applied for, it is also suggested that insurance needs to be in place. However, these matters, including competition, are not within the remit of the Local Planning Authority in exercising its duty to consider planning application, and therefore are not material planning considerations

7.25 Cleveland Fire Brigade has advised that any changes to access to the unit will be considered through the Building Regulations and Cleveland Fire Brigade will comment regarding the internal layout and fire safety measures as part of the required Building Regulations process/consultation.

7.26 Concerns have been raised with regard to the installation of razor wire along the rear boundary of the premises and attached to a neighbour's rear fence. This element is not under consideration as part of the application as it falls below the 2m threshold of a boundary enclosure requiring planning permission. The issue of the razor wire being attached to the neighbour's property is a civil matter, however the applicant and agent have agreed to remove the razor wire, and would look to provide an alternative form of enhanced security protection to stop people climbing onto the roof.

PLANNING BALANCE & OVERALL CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

7.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.30 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (location plan, floor plans and elevations) and details received by the Local Planning Authority on 12 August 2019.
For the avoidance of doubt.
3. The premises shall only be open to the public between the hours of 9:00 and 17:00 Mondays to Fridays and 07:00 and 18:00 Saturdays and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as a mixed use salon and training centre (Sui Generis) and not for any other use including any other use within the use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.

BACKGROUND PAPERS

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

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

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/10/2019
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0289	REV

No: 8.
Subject: TO CONFIRM TREE PRESERVATION ORDER NO. 261
Location: THE WHITE HOUSE WOOLER ROAD HARTLEPOOL

PURPOSE OF REPORT

8.1 To ask members to confirm a recently made Tree Preservation Order (no. 261) at “The White House”, Wooler Road covering all the perimeter trees bordering Wooler Road and The Parade. This report outlines the relevant considerations in relation to the process and presents a recommendation.

8.2 The site in question is shown edged in red on a site location plan at Appendix 1 of this report. Photographs of the site are at Appendix 2.

BACKGROUND

8.3 Hartlepool Borough Council received an application (reference H/2019/0184) on the 24th April 2019 to remove three large Sycamore trees running parallel with “The Parade”. This was in response to damage to a low rise retaining wall running parallel with “The Parade” which showed some lateral movement along part of its length allegedly caused in part by tree roots. Some investigative work had been provided but only revealed minor tree root presence in the vicinity of the wall and no alternative design solutions or tree surgery mitigation measures had been considered.

8.4 As these trees are already legally protected by virtue of them being within “The Park” Conservation Area and therefore come under Section 211 of the Town and Country Planning Act 1990, any work to them requires prior notification to the Local Planning Authority (unless an exception applies). Any work requested may go ahead only if the Local Authority approves it or a period equal to six weeks has expired without a response from the Local Authority. This notice period is to give the Local Authority an opportunity to consider whether to make a Tree Preservation Order or not.

8.5 In this instance, the HBC Arboricultural Officer considered that there should be a high emphasis for the retention of these mature trees at the White House and that there was inadequate justification for the removal of the trees (the matter of the structural damage had been considered by the Council’s Structural Engineer as set out below).

8.6 Accordingly and in line with the Town and Country Planning (Tree preservation)(England) Regulations 2012, the application was refused and a Tree Preservation Order was made on the 2nd June 2019 to prevent the trees from being felled. The Council is now seeking to confirm the TPO with Members approval, which is required within 6 months of the TPO being made as an objection has been received from the owners, which is discussed in further detail below.

SITE CONTEXT

8.7 As the trees at “The White House” (which is a locally listed building) are very prominent and delineate the edge of the Park Conservation Area, their visual contribution must be considered as highly desirable as they overlook a prominent thoroughfare consisting of Wooler Road, The Parade and Grange Road. They also add visual amenity to several surrounding properties that also have Tree Preservation Orders on them.

8.8 The Character Appraisal of the Whitehouse dating from September 2008 made it clear that trees make a significant contribution to the character and appearance of the Conservation area and that in the case of the “The White House” it has almost entirely lost its large gardens to parking. Having changed uses a number of times in its life, the building’s setting has been badly eroded and its modern amenity planting gives it only a measure of a green appearance on The Parade where only several trees now survive.

PUBLICITY

8.9 Only those people directly affected by the trees in question were consulted on the Tree Preservation Order (‘Persons interested in the Land affected by the Order’) which included the properties of “Normanhurst Lodge”, 1 Relton Way and “The White House”. No comments were received as part of the process with the exception of an objection has been received to the TPO from the owners of The White House as discussed below.

PLANNING POLICY

8.10 The Hartlepool Local Plan has a number of policies covering buildings and the context in which they sit in Conservation Areas with the emphasis on the need to preserve or enhance the special character, distinctiveness, setting and townscape of heritage assets including the retention of existing trees, hedgerows and landscape features. On locally listed buildings and structures particular regard will be given to features that contribute significantly to the character of the building and the contribution to the appearance of the locality. The following policies are relevant to the making of the Tree Preservation Order: HE1; HE3; HE5; QP6 and NE1.

PLANNING CONSIDERATIONS

8.11 The main issues for consideration are the effects on the historical character and visual amenity of the area as a result of confirming or not confirming the Tree Preservation Order (the ‘Order’).

8.12 In order to validate the Order, it must be confirmed within 6 months, having notified those individuals concerned and considered any objections. The previously mentioned adopted policies are relevant in support of the Order together with the importance of trees within the Conservation which are considered to be legally protected prior to an Order being made.

8.13 Although an objection was received by the owners of The White House in respect of damage to the wall caused in part by tree roots, no mention of alternative

wall design was considered or partial excavation of the earth face to cut it back from the wall as the roots were only minor or tree surgery to reduce the leaf canopy if stability was an issue. Although the wall was considered dangerous by the owners in respect of users of the footpath adjacent to it, the Council's own Structural Engineer did not consider this to be the case but part of the wall that was damaged was caused by a vehicle collision in 2009. As noted below, it is understood that the wall has since been rebuilt to its original specification.

8.14 Trees of this size have taken 150 or more years to grow and support a wide variety of wildlife and mitigate the effects of air pollution and it is important to keep these as long as possible as long as they remain healthy. As such, it is considered that there are strong grounds for confirming the Order in this instance, in the interests of the long term protection of the trees, the character and appearance of the conservation area and surrounding buildings.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.15 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

8.17 There are no Section 17 implications.

RISK IMPLICATIONS

8.18 Since the original concern about the wall was raised it has subsequently been dismantled in places and rebuilt to its original specification. Any subsequent request to remove these trees following damage (if any) to the wall would again have to be decided by the Council and at that stage only then would there be any financial compensation to be considered (which is the same for any Order that is made).

FINANCIAL CONSIDERATIONS

8.19 As described above.

LEGAL CONSIDERATIONS

8.20 The Order is a legal document and carries penalties for anyone contravening it unless exemptions apply or the work is authorised only by Hartlepool Borough Council.

REASON FOR DECISION

It is considered by Officers that the TPO in the context of relevant planning policies and material planning considerations should be confirmed as set out in the Officer's Report.

RECOMMENDATION – That the TPO number 261/2019 is confirmed.

BACKGROUND PAPERS

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

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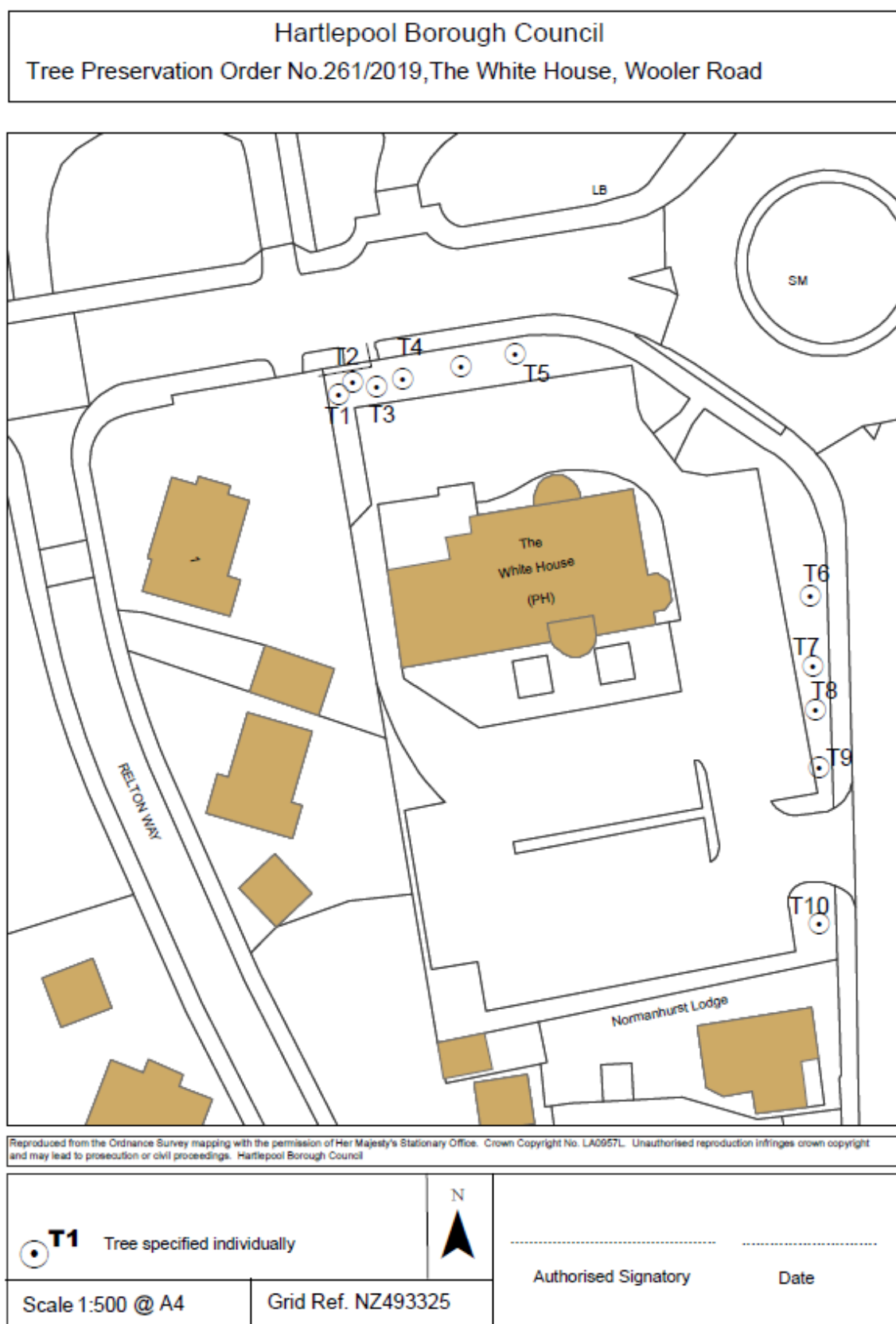
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APPENDICES

Appendix 1 - TPO Location Plan



Appendix 2 - Context of Trees (along northern boundary) in relation to the street scene (and wall in question)



No: 9.
Number: H/2013/0573
Subject: Deed of Variation to s106 legal agreement associated with planning permission H/2013/0573
Location: BRITMAG LTD OLD CEMETERY ROAD HARTLEPOOL

PURPOSE OF REPORT

9.1 To seek Members authorisation to agree proposed amendments (in the form of a Deed of Variation) to the s106 legal agreement associated with planning approval H/2013/0573 which relates to the erection of up to 373 dwellings at the former Britmag works site off Old Cemetery Road. This report outlines the material considerations in relation to the proposed amendments and presents a recommendation.

BACKGROUND

9.2 The site has a detailed site history. The following applications are considered to be most relevant to the current subject;

9.3 **H/2005/5254**; an outline application for residential development open space and associated means of access was refused by the Local Planning Authority (LPA). The applicant appealed the LPA's decision and a public local inquiry took place in November and December 2009. Prior to this in November 2008, it was directed that the application be called in for the Secretary of State's (SoS) own determination (because of an outstanding objection from Natural England). The SoS disagreed with the Planning Inspector's recommendation for refusal, and the appeal was allowed, subject to conditions (decision dated 25.03.2010).

9.4 **H/2011/0005**; Variation of conditions on approval H/2005/5254, application approved 14.10.2011.

9.5 **H/2013/0573**; Variation of conditions and legal agreement on planning application H/2011/0005 to allow for the removal of the requirements for a buried long stop, the delivery of properties to level 3 of the code for sustainable homes, the requirements to deliver 10% renewable energy on site and 10% of affordable housing within each phase of the development, approved 09.10.2014.

9.6 This application in effect formed a new outline planning approval to which the subsequent reserved applications were pursuant to.

9.7 A S106 Agreement was completed securing a number of financial contributions and obligations towards improvements to the Brus Tunnel, coastal footpath/cycleway, ecological mitigation, off site recreational areas and maintenance of public open space areas, sand dunes works and towards the Spion Kop Cemetery wall scheme.

9.8 **H/2014/0470**; Reserved matters (appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within Phase 1 pursuant to H/2013/0573 (Sites A

and B), approved 18.12.2014. The permission has been implemented and the site is currently under construction (by Persimmon Homes).

9.9 **H/2016/0399**; Reserved matters application (appearance, landscaping, layout and scale) for the erection of 110 No. dwellings within Sites C and D, pursuant to outline planning permission H/2013/0573, approved 22.12.2016. It is understood that works have commenced on this development.

9.10 **H/2018/0493**; Variation of condition No. 1 of planning application H/2014/0470 for reserved matters (appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within Phase 1 pursuant to H/2013/0573 dated 9 October 2014 (Sites A and B) in respect of the substitution of housetypes, minor amendments to the layout, and incorporation of 2 no. electrical substations. The application is currently pending consideration.

PROPOSAL

9.11 Authorisation is sought from Members to allow for a number of changes to the s106 legal agreement associated with planning permission H/2013/0573. These changes can be summarised as follows;

A) Variation to bus stop contribution

The developer was required to pay a £15,000 contribution to the Council towards 'bus stop works' relating to the provision of a bus shelter on West View Road. As the bus stop referred to is no longer in operation, an alternative scheme is proposed. As such it has been agreed in principle with the developer to vary the wording of the contribution to allow HBC to deliver the bus stop contribution at three alternative locations as agreed the HBC Sustainable Transport Officer; the locations for the new/replacement bus shelters are as shown at Appendix 1, namely

- (1) Install new bus shelter on West View Road at site of existing bus stop
- (2) Install new bus shelter on West View Road at site of existing bus stop
- (3) Replace existing bus shelter on Northgate at existing bus stop

These are close to the development site and are 'live' bus stops.

B) Variation to ecology mitigation contributions/obligations

9.12 The s106 legal agreement secured planning obligations/contributions towards both ecological mitigation (£25,000) and towards the provision of Dog Control Orders and associated mitigation (£27,000).

9.13 However owing to a change in circumstances to legislation (the Public Space Prevention Order (PSPO) replacing the previous Dog Control Orders) and the adoption of the Council's Mitigation Strategy, it is proposed to make the following variations to the s106 legal agreement;

- i) £25,000 ecological mitigation; to allow for insertion of "and any measures necessary in accordance with the Hartlepool Local Plan (2018) Mitigation Strategy" into the definition to allow the Council to address the change in ecological circumstances since the original s106 was signed back in 2014.

- ii) ii) the £27,000 can be directed towards PSPOs and mitigation to control dogs and visitors from disturbing nesting and breeding birds on North Sands beach (which abuts the development site) in line with the Hartlepool Local Plan (2018) Mitigation Strategy.

C) Deletion of 'insurance of sand dunes' covenant/obligation

9.14 An obligation within the s106 legal agreement required the developer to obtain insurance of the sand dunes. It has transpired that such insurance cannot be obtained as confirmed by the developer and subsequently corroborated by the Council's Insurance and Risk Manager who confirmed "*you cannot purchase land insurance against movement or erosion*". As such it has been agreed in principle with the developer that this obligation should be omitted from the s106 legal agreement.

D) Replacement of existing clauses to allow for s73 variations to approved schemes

9.15 It is common practice that a section 106 legal agreement will usually include a clause to allow for any subsequent Section 73 applications (which seek to make amendments to or removal of planning conditions attached to a planning permission). The original s106 associated with approval H/2013/0573 does not make such provision and in light of a current, pending application (above referenced H/2018/0493), it is considered reasonable to include such a clause. The effect of this would be that should planning permission be granted by way of a s73 application, the requirements of the original s106 legal agreement (and proposed variations) would continue to apply, which is considered to be necessary.

SITE CONTEXT

9.16 The site constitutes the former Britmag works site off Old Cemetery Road, split over 2 sites (either side of the Spion Kop Cemetery). The 2 sites are made up of phases A+B (subject to approved Reserved Matters H/2014/0470, currently being developed by Persimmon) and C+D (subject to approved Reserved Matters H/2016/0399, which have recently commenced work). The sites are served by Old Cemetery Road.

9.17 The site lies immediately adjacent to the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI), which is also a component part of Teesmouth and Cleveland Coast Special Protection Area (SPA and pSPA) and Ramsar Site. The site also lies in close proximity to the Durham Coast SSSI.

PUBLICITY

9.18 Not applicable in this instance.

CONSULTATIONS

9.19 As set out in the 'proposal' the proposed variations have been discussed and agreed with the appropriate technical consultees.

PLANNING POLICY

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

Local Policy

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

LS1 – Locational Strategy
INF1 – Sustainable Transport Network
INF2 – Improving connectivity in Hartlepool
QP1 – Planning Obligations
NE1 – Natural Environment
NE4 – Ecological Networks

National Policy

9.22 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following sections are relevant to this application:

Para's 54-57 – Planning conditions and obligations
Section 15 - Conserving and enhancing the natural environment

PLANNING CONSIDERATIONS

9.23 As detailed in the 'proposal' section, it is considered that the amendments to the ecological mitigation obligations would allow the Council to deliver the necessary mitigation measures to protect sensitive areas in line with its duties as the competent authority. The proposed amendments are fully supported by the Council's Ecologist and the amendments are considered to accord with the relevant policies of the Hartlepool Local Plan and the NPPF.

9.24 It is further considered that the amendments to the siting/provision of bus stops would assist in making the approved developments more sustainable. The proposed amendments are fully supported by the Council's Sustainable Transport Officer and

are considered to accord with the relevant policies of the Hartlepool Local Plan and the NPPF.

9.25 With respect to the removal of the sand dunes obligation, for the reasons set out in the 'proposal' section, given that such insurance cannot be obtained, it is considered that the deletion of this obligation would satisfy the relevant tests of the NPPF and the Community Infrastructure Regulations.

9.26 Finally, the proposed insertion of the s73 agreement is considered to be reasonable and should any future s73 applications come forward, it would ensure that all of the original (and those amended by the Deed of Variation proposed) would continue to apply and would therefore ensure that the proposals remain compliant with the relevant policies of the NPPF and the Local Plan as well as the tests of the Community Infrastructure Regulations

EQUALITY AND DIVERSITY CONSIDERATIONS

9.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

9.28 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.

9.29 There are no Section 17 implications.

RISK IMPLICATIONS

9.30 As per report.

FINANCIAL CONSIDERATIONS

9.31 As per report.

LEGAL CONSIDERATIONS

9.32 Should Members provide authorisation for the amendments, clearly the Deed of Variation to the original s106 legal agreement would need to be drafted and all relevant parties would need to subject to the agreement.

REASON FOR DECISION

9.33 It is considered by Officers that the proposed Deed of Variation to the original s106 legal agreement in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION -

9.34 That the proposed amendments to the s106 legal agreement are confirmed.

BACKGROUND PAPERS

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

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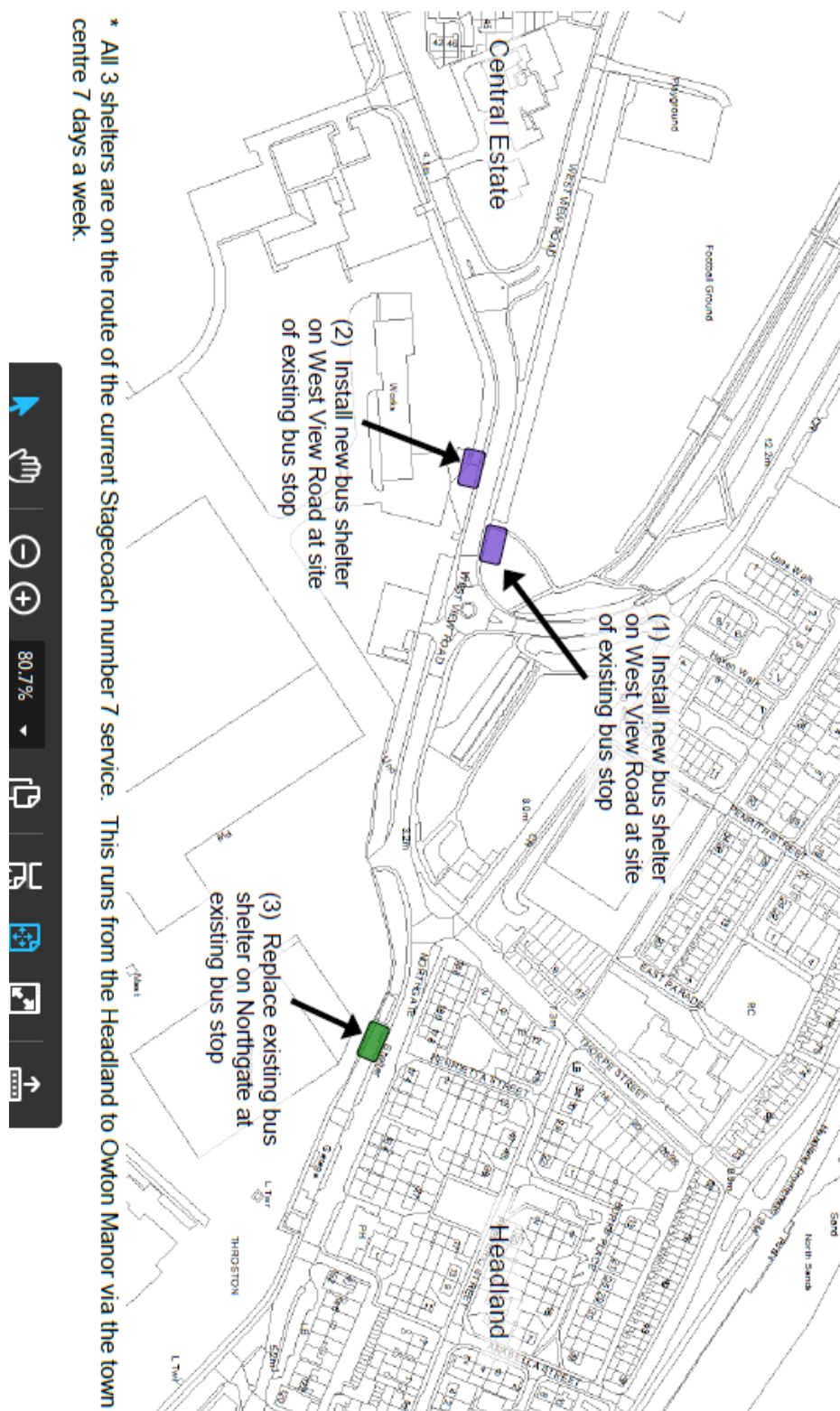
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APPENDICES

Appendix 1 - Proposed bus stop locations

West View Road / Northgate—proposed bus shelter works. November 2017



PLANNING COMMITTEE

23rd October 2019



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 34 RILLSTON CLOSE, HARTLEPOOL
APPEAL REF: APP/H0724/D/19/3229981
TWO STOREY EXTENSION AT THE SIDE AND
SINGLE STOREY EXTENSIONS AT THE SIDE AND
REAR (H/2019/0024)

1. PURPOSE OF REPORT

1.1 To advise members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for the erection of a two-storey extension at the side and single storey extensions at the side rear at 34 Rillston Close, Hartlepool.

1.2 The appeal was allowed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

2.1 That Members note the outcome of this appeal.

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Appeal Decision

Site visit made on 3 September 2019

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/H0724/D/19/3229981

34 Rillston Close, Hartlepool TS26 0PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Martin against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0024, dated 17 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is a two-storey side extension and single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension and single storey side and rear extension at 34 Rillston Close, Hartlepool TS26 0PS in accordance with the terms of the application, Ref H/2019/0024, dated 17 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Existing Plan Sheet 1, Existing Plan Sheet 2, Proposed Plan Sheet 3, Proposed Plan Sheet 4, Existing Block Plan Sheet 5, Proposed Block Plan Sheet 6.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The windows to be installed in the first and second floor of the side (gable) elevation shall at all times be fitted with obscure glazing.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a two-storey detached dwelling. The appeal site is located on Rillston Close which is a residential street made up of a series of cul-de-sacs of detached properties of various styles. Many of the properties in the surrounding area have been extended or altered in some form.

4. The proposed development comprises a first-floor side extension to be built over the existing garage, and a single storey side and rear extension. The first-floor extension projects forward of the main building line of the property to be in line with the existing garage and ground floor study. It includes a pitched roof over the section that projects forward.
5. The single storey element of the extension, being contained to the side and the rear of the property, would not be prominent in the street-scene. Given the siting of this element of the extension, the position of the property turning away from the street and the existing solid boundary treatments that would screen a large proportion of the extension, it would not cause harm to the character and appearance of the property or the street scene.
6. Due to the existing appearance of the appeal property, which is not symmetrical in the first instance, the proposed extension above the garage incorporating a forward projection, would not unbalance the property. In the context of the siting of the surrounding properties and the gaps between them, it would not result in a terracing effect, and whilst it is not faithfully subordinate to the main dwelling, it would not dominate the property to any unreasonable extent.
7. Given the variation in property styles and the number of extensions to properties in the area, including a similar extension at 8 Rillston Close to that currently proposed, the proposal would not appear out of character with the area.
8. I conclude that the proposed development would not harm the character and appearance of the host dwelling and the surrounding area. The proposed development therefore complies with Policies QP4 and HSG11 of the Hartlepool Local Plan (May 2018). These policies seek to ensure all developments are designed to a high quality and positively enhance their location and setting, and that residential extensions are of a size and design that are sympathetic to the existing dwelling and do not adversely affect the character of the surrounding residential area.
9. The proposal would also comply with guidance contained in the National Planning Policy Framework (2019) which requires, amongst other things, that developments should be of a high-quality design.

Other Matters

10. Objection was received to the proposal from the residents of 33 Rillston Close due to the effect of the proposal on the living conditions of that property in relation to light and increase in noise levels.
11. The neighbour has referred to the impact on light levels to the kitchen, which has a side window overlooking the appeal property, and to the first-floor bathroom. The window to the side of the kitchen is a secondary window to this room with the main window being in the rear elevation. This, combined with the southerly orientation of the properties at the rear, and the siting and scale of the extension, is not considered to result in an unreasonable impact on levels of light to the kitchen. Whilst there may be an impact on the light levels to the bathroom window, which is located in the side elevation, this is not classed as a habitable room where a lot of time is spent. Therefore, I consider

the slight loss of light to the bathroom would not unduly harm the living conditions of the occupiers of that dwelling.

12. There is no evidence to suggest that the proposal, representing an extension to an existing residential property, would result in an increase in noise to an unacceptable level. Some noise during construction is inevitable, however this would be temporary.
13. I have had due regard to the personal circumstances in relation to disability put forward by the resident of the neighbouring property. These have been considered in accordance with the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
14. As I have found that there would be no harm to the neighbour's living conditions, I have found that the proposal would not compromise their human rights or those contained in the Equality Act.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.
16. The Council have requested a condition be imposed requiring that windows in the side elevation shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent and its opening limited to 30 degrees, details of which shall be first submitted to and agreed in writing with the Local Planning Authority. This is in the interests of protecting the privacy of adjacent dwellings. I consider that a condition of this nature is necessary to protect the living conditions of surrounding residential properties and is therefore imposed, however I find the Council's wording to be overly prescriptive and unnecessary and have simplified the wording accordingly. It is not necessary to impose a condition restricting the opening of the windows.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR

PLANNING COMMITTEE

23 October 2019



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The display of advertising banners at a residential park homes site on Easington Road.
2. Sub-division to create 3 flats at a listed residential property in Elwick Road.
3. The erection of a high fence at the rear of a residential property in Tynebrooke Avenue.
4. The erection of an outbuilding and raised platform at the rear of a residential property in Barnes Court.
5. The installation of steps and use of a residential property as a site office at a group of residential properties at Romaine Park.
6. Non-compliance with conditions relating to ecological mitigation measures at a residential development site at land off Tees Road.
7. The erection of a timber outbuilding and fencing at the rear of a residential property in Chandlers Close.
8. Changes of use to houses in multiple occupation at two residential properties at Inglefield.
9. The installation of a satellite dish at a residential property in Clifton Avenue.
10. The change of use to flats of a residential property in Kilwick Street.

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

1. Building works involving the removal of a link structure and the installation of patio doors at a residential property in Coniscliffe Road. It was found that planning permission is not required for the works that have been undertaken. The matter was referred to the Council's Building Control section for action as appropriate.
2. Non-compliance with the approved layout as it relates to the location of a vehicle access point at a commercial redevelopment site in Jesmond Gardens. It was found that the development is being carried out in accordance with the approved plans.
3. The siting of shipping containers at a hospital site in Holdforth Road. The shipping containers have since been removed.
4. The erection of a single storey extension at the rear of a residential property in Mowbray Road. A retrospective planning application seeking to regularise the development has since been approved.
5. The installation of metal doors at the front of two properties in Church Street and one property in Tower Street. The doors have now been replaced with timber doors.
6. Extension and roof alterations at a residential property in Oakland Avenue. It was found that the development benefits from an existing planning permission.
7. Non-compliance with conditions relating to wheel was facilities at a residential development site at land off Wynyard Woods. It was found that the development site is operating in accordance with the approved details.
8. The provision of outside seating to the front of four (4) licensed premises on Navigation Point. The outside seating has now been removed.
9. The installation of a uPVC bay window at a commercial premises at The Front, Seaton Carew. An acceptable replacement window has now been installed.

2. RECOMMENDATION

2.1 Members note this report.

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