

# PLANNING COMMITTEE

## AGENDA



**Wednesday 29 January 2020**

**at 10.30am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, A Richardson, 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 21 January 2020 (to follow)

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

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

- |                |   |
|----------------|---|
| 1. H/2019/0337 | Manor House Farm, Stockton Road, Newton Bewley, Billingham (page 1) |
| 2. H/2019/0391 | Land to the South-West of Stag and Monkey, Brenda Road (page 13)    |
| 3. H/2019/0349 | Plot 7, Land at Worset Lane (page 53)                               |
| 4. H/2019/0350 | Plot 8, Land at Worset Lane (page 67)                               |
| 5. H/2019/0410 | Plot 6, Land at Worset Lane (page 81)                               |
| 6. H/2019/0198 | 29 Coniscliffe Road (page 97)                                       |

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

- 5.1 Appeal at 1 Grassholme Road, Hartlepool TS26 0QH – *Assistant Director (Economic Growth and Regeneration)*

- 5.2 Appeal at 8 The Front, Hartlepool TS25 1AS – *Assistant Director (Economic Growth and Regeneration)*



- 5.3 Update on Current Complaints – *Assistant Director (Economic Growth and Regeneration)*

**6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

**EXEMPT ITEMS**

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

**8. ITEMS REQUIRING DECISION**

- 8.1 Enforcement Notice (paras 5 and 6) – *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Enforcement Notice (paras 5 and 6) – *Assistant Director (Economic Growth and Regeneration)*
- 8.3 Enforcement Notice (paras 5 and 6) – *Assistant Director (Economic Growth and Regeneration)*

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

**FOR INFORMATION**

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 26 February 2020



**No:** 1.  
**Number:** H/2019/0337  
**Applicant:** MR A MOUTREY STOCKTON ROAD NEWTON  
 BEWLEY BILLINGHAM TS22 5PQ  
**Agent:** MR A MOUTREY MANOR HOUSE FARM STOCKTON  
 ROAD NEWTON BEWLEY BILLINGHAM TS22 5PQ  
**Date valid:** 15/08/2019  
**Development:** Amendment to planning application H/2018/0290 for  
 retrospective application for conversion and alterations to  
 former barn to create a single two storey dwelling in order  
 to amend doors and windows and provide garage  
**Location:** MANOR HOUSE FARM STOCKTON ROAD NEWTON  
 BEWLEY BILLINGHAM

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 This application was deferred at the previous meeting of the Planning Committee (18/12/19) to allow Members to carry out a site visit.

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

H/2011/0372 – Outline planning application with some matters reserved for residential development comprising the conversion of farm buildings to three dwellinghouses and the erection of a dwellinghouse, approved 20/10/11.

H/2015/0275 – Conversion and alterations/extension to former barn and milking parlour to create a single dwelling (Plot 2), approved 21/09/15.

H/2017/0533 – Retrospective application for conversion and alterations to former barn to create a single two-storey dwelling, refused 04/07/18.

H/2018/0290 – Revised retrospective application for conversion and alterations to former barn to create a single two-storey dwelling, approved 06/09/18.

## PROPOSAL

1.4 This application seeks to amend the most recent planning permission (H/2018/0290) granted at the site to convert a former barn to a dwelling to allow the inclusion of a door to the north elevation and the replacement of glazing within the

west elevation with a garage door and consequent changes to the internal layout to allow the formation of an integral garage.

1.5 The application has been referred to the Planning Committee at the request of a ward councillor and due to the number of objections received in line with the Council's scheme of delegation.

## **SITE CONTEXT**

1.6 The application site is an area of land and former barn buildings to the north east of Manor House Farm on the south side of the A689 in Newton Bewley. The former agricultural buildings have been partially converted to a dwelling, though not completed, however the works do not reflect the approved plans when planning permission was granted and therefore the applicant seeks to amend that approval.

1.7 The area of land to the front of the site is within the ownership of the applicant; however it is designated as Village Green and does not form part of the red line boundary of the proposed development.

## **PUBLICITY**

1.8 The application has been advertised by way of 16 neighbour letters and site notice. To date, there have been 10 objections including from the Newton Bewley Parish Meeting and the Rural Neighbourhood Plan Group (set out in full below), and 1 response of no objection received.

1.9 The concerns raised by objectors are:

- Loss of village green,
- Development not in accordance with previously approved plans,
- Loss of trees and shrubbery,
- Cars have been parked on the village green,
- Hard standing introduced on village green,
- Building work has been carried out without planning permission,
- Building materials left on the village green,
- Change of use of the land,
- Does not conform with Rural Plan,
- Access to front previously refused.

1.10 Copy Letters **A**

1.11 The period for publicity has expired.

## **CONSULTATIONS**

1.12 The following consultation replies have been received:

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

**HBC Heritage & Countryside Manager** – The application site is adjacent to Manor House Farm, a locally listed building and therefore recognised as a heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. 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 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. It is considered that the proposal will not impact on the setting of the heritage asset; no objections.

**HBC Public Protection** – Not object.

**HBC Building Control** – The gradient annotated on the ramp would comply, a level threshold on the door along with the ramp and landing being of flat flagstones or similar would mean that this access would be compliant with Part M of our guidance documents.

**HBC Ecologist** - Biodiversity enhancement

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 declining countryside birds such as house sparrow and tree sparrow. These can be helped through the provision of robust nest boxes such as a sparrow terrace.

The following should be conditioned: the fitting of one sparrow terrace nesting box (the box to be > 3m above ground level and preferably on the east elevation. It can be placed on a garage if suitable).

**HBC Engineering Consultancy** - In response to the above planning application consultation; we have no objections to proposals with respect to surface water management or contaminated land.

**Newton Bewley Parish Meeting** - The Parish Meeting strongly objects to the application. Despite previous refusal the developer has included a door which leads directly onto the Village Green. Although no pathway is shown on the plans the necessity of a door implies direct access will be needed. This can only be via the Green. The property does have other doors and these are easily available.

The applicant has continued to desecrate the Village Green in order to service the needs of the development.

- Building work has continued despite no planning permission.
- Building materials litter the Green.

- Change of land use.
- Hard standing area has been incorporated into the Green. This should be removed immediately.
- The trunk of a felled tree has been ravaged.
- The application does not meet the criteria of the Rural plan objectives.
- Misuse of the Village Green is an offence.

The applicant has not recognised the status of a registered village green and unless he accepts this, we feel he will continue to desecrate our Village Green.

**Hartlepool Rural Plan Group** - There is serious concern regarding the safeguarding of the village green at Newton Bewley which is enshrined in Hartlepool Rural Neighbourhood Plan (HRNP) policy C1. The area is shown as accessible green space on the HRNP policies map. The registered village green, small as it is, is the only such space in the village of Newton Bewley.

The original single storey barn which has been converted to a two storey home presented a simple, plain brick wall (no access) directly abutting the village green. An application, H/2017/0533, which included an access directly off the village green was refused on the following grounds: -

The proposed development would result in the loss of public open space in the form of the Newton Bewley Village Green, which would be detrimental to the visual amenities of the area and the recreational amenity of residents, contrary to Hartlepool Local Plan 2018 policies LS1, QP4 and NE6, as well as the objectives of the Hartlepool Rural Neighbourhood Plan, and the provisions of the NPPF.

A later application, H/2018/0290, to convert the barn without any access from the village green was approved subject conditions which included (condition 2) that the development be carried out in accordance with the plans that were submitted at that time. This condition has clearly been flouted. A door onto the village green has been installed where a window was shown on the approved plans. With a door there inevitably follows a need to provide access taking more of the public space for private gain.

Parish Councils are all too aware of the problems that can result from private access verses public use on village greens. HRNP Group OBJECT to the addition of the door directly onto the village green. In order to safeguard the registered village green the unapproved door should be removed and replaced by the window as detailed in the approved plans for application H/2018/0290.

## PLANNING POLICY

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

### Local Policy

1.14 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
HE5	Locally Listed Buildings and Structures
NE6	Protection of Incidental Open Space
RUR1	Development in the Rural Area

1.15 The following policies of the Rural Neighbourhood Plan are also relevant to the determination of this application:

GEN2 – Design Principles

C1 – Safeguarding and Improvement of Community Facilities

HA4 – Protection and Enhancement of Locally Important Buildings

#### National Policy

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

Para	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

### HBC Planning Policy Comments

1.17 The principle of this proposal is acceptable.

### **PLANNING CONSIDERATIONS**

1.18 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, design and visual amenity, impact on heritage assets and highway safety. These and any other matters are considered as follows.

### **PRINCIPLE OF DEVELOPMENT**

1.19 The principle of converting the former agricultural buildings to form a dwelling has already been established. Although an earlier application to convert the buildings was previously refused (H/2017/0533), this was due to the inclusion of the village green within the red line boundary, which would have effectively changed the use of the green to private domestic curtilage, resulting in the loss of the public open space. The loss of the village green as public open space was not considered to be acceptable in planning terms.

1.20 A resubmitted application (H/2018/0290) saw the red line boundary revised to exclude the village green area to the front of the site, that application therefore principally considered the conversion of the building itself and a small amount of land to the rear. As the proposals no longer represented the loss of public open space and other material planning considerations were deemed to be acceptable, that application was approved.

1.21 The current amendment application seeks to make alterations to the appearance and layout of the building but does not include any changes to the red line boundary. As such, the residential curtilage of the property would remain as previously approved and would not result in the change of use of the village green or the loss of public open space.



1.22 The proposed dwelling would effectively have two entrance points if the current proposals were approved. Concerns have been raised by objectors regarding the potential for a footpath to be installed leading to the door at the front if permission were granted, resulting in the loss of village green. This is a concern shared by the Local Planning Authority and therefore the developer has provided details to demonstrate that a level threshold and access could be achieved, if required, at the rear of the property that would be compliant with Building Regulations. The Council's Building Control section is not dealing with the associated building regulations application for the development, however they have confirmed suitable means of entry have been shown on the submitted details.

1.23 Given a suitable means of access can be achieved to the rear of the property, there would be no necessity to form a level threshold and access to the front of the property and therefore it is not considered an undesirable precedent would be set if the current proposals were approved. If in the future an application to lay hardstanding to the front of the property was submitted, it would be considered on its own individual merits in light of the ability to form an access to the rear. The principle of the development currently proposed (i.e. a doorway to the front without a footpath or level threshold) are therefore, on balance, considered to be acceptable.

1.24 Concerns are raised by objectors, the Rural Group and Parish Meeting that presenting a door to the front would result in increased use of/access over the village green in order to reach it. This is acknowledged, however this would not prevent the use of the village green for amenity or recreational purposes. It would be the responsibility of the land owner to ensure maintenance of the Village Green to avoid damage through use of the land. This would be a civil matter and is not therefore a material planning consideration.

1.25 In view of the above considerations and the nature of the application, namely minor amendments to the appearance of the dwelling of an extant planning permission, it is considered the principle of development remains acceptable.

## DESIGN & VISUAL AMENITY

1.26 The fundamental changes to which this application relates are the introduction of a door with glazed panel alongside within the front elevation rather than a window as previously approved, and the introduction of a garage door to the west elevation rather than glazing. The latter of these changes would not be visible from the public highway and could not therefore be said to have a significant impact on the overall appearance of the property or the character of the area. It is therefore considered to be acceptable in visual amenity terms.

1.27 The proposed doorway to the front of the property is evidently much more visible, however it is not considered to be a significant change to the window arrangement previously approved in visual terms and is not considered to detract from the appearance of the property or the character of the wider area. Given this assessment, the proposal is considered to be acceptable in terms of visual amenity.

## HERITAGE ASSETS

1.28 The farmhouse at Manor House Farm is locally listed and therefore a recognised heritage asset, accordingly the proposed development has the potential to impact the setting of the locally listed building. Notwithstanding the changes to the building proposed, the overall character of the group of buildings is not considered to be detrimentally altered. The farmhouse would retain its appearance as the more substantial building within a group of associated ancillary buildings. It is therefore considered that the setting of the heritage asset will not be significantly affected.

1.29 The Council's Heritage and Countryside Manager has confirmed there are no objections to the proposed development and therefore it is considered to be acceptable in this respect.

## HIGHWAY SAFETY

1.30 The proposed development would see the use of what was previously intended to be part of the living accommodation of the property as an integral garage. Along with in-curtilage parking to the rear of the property this would increase parking provision at the site, though the proposed access would remain as previously approved. HBC Traffic and Transport have confirmed there are no highway safety or traffic concerns in relation to this proposal. As such, the development is considered to be acceptable in this respect.

## AMENITY + PRIVACY OF NEIGHBOURING LAND USERS

1.31 The proposed alterations to the building would reduce the amount of glazing within the property, particularly to the rear where the garage is proposed. It is not therefore considered the proposed development would have an adverse impact on the privacy of any neighbouring occupier. As the proposed amendments would not result in a change in the size or position of the building itself, it is not considered there would be any loss or amenity to neighbouring occupiers in relation to light or overbearing appearance. In addition to this, there are no objections from HBC Public Protection and therefore the application is therefore considered to be acceptable in relation to neighbour amenity. Conditions of the original approval (H/2018/0280) required details of obscure glazing to a number of upper floor windows would remain applicable to this application should it be approved as would any other relevant planning conditions. These are again re-secured on this current application.

## OTHER PLANNING MATTERS

1.32 The Council's Ecologist has requested that biodiversity enhancement be secured in the form of bird boxes be applied to the dwelling. Whilst these comments are acknowledged, in the context of the nature of the current application and that such provision was not secured on the original planning permission (H/2018/0290), it is considered that this requirement for the current amendment would be unreasonable in this instance and contrary to Government advice on adding conditions to s73 planning applications.

1.33 No objections have been received from technical consults to the proposed amendments in respect of flooding and contamination.

1.34 While it is noted that the works for which planning permission are sought have already been carried out, the retrospective nature of the application is not in itself a reason to refuse planning permission.

1.35 An area of hard standing laid on the village green without planning permission has since been removed, this does not therefore have a bearing on the current application.

## RESIDUAL MATTERS

1.36 Objections received raise concerns about the previous loss of a tree and shrubbery on the village green, while regrettable these would not have required planning permission and do not relate to what is proposed by the current application.

The storage of building materials on the village green or other concerns in relation to impeding use of the village green are not controlled under planning legislation and must be addressed by interested parties under the relevant legislation.

## CONCLUSION

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

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.38 There is no evidence of equality or diversity implications.

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

1.39 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.

1.40 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE** subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with the following plans: drawing number 170901-03f (Proposed Ground Floor Plan), drawing number 170901-04e (Proposed First Floor Plan), drawing number 170901-05e (Proposed Roof Plan & Location Plan), drawing number 170901-06d (Proposed Elevations & Section) and drawing number 170901-07c (Proposed Block Plan), all received by the Local Planning Authority 23/07/19.

For the avoidance of doubt.

2. Notwithstanding the submitted information and prior to the occupation of development, the 2no. windows to be installed within the first floor east elevation (serving 'Bedroom 2') and the 1no dormer window (serving 'Bedroom 3'), 1no first floor window (serving 'Bedroom 1') and 1no roof light (serving the 'landing area') to be installed within the south elevation detailed on drawing number 170901-06d (Proposed Elevations & Section) and 170901-04e (Proposed First Floor Plan), received by the Local Planning Authority 23rd July 2019 shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale and non-opening, and shall remain as such for lifetime of the development hereby approved unless an alternative scheme to protect the privacy of neighbouring occupiers is submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details for the lifetime of the development.

In the interests of the privacy of neighbouring occupiers.

3. The external materials used for this development shall match those of the adjoining building to the south unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

4. Demolition or construction works and deliveries or dispatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of neighbouring occupiers.

5. 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 property.

6. 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 property.

7. The residential curtilage of the dwelling hereby approved shall be limited to the area bounded in red on the submitted on Proposed Block Plan (drawing number 170901-07c), received by the Local Planning Authority 23/07/19.

For the avoidance of doubt.

## **BACKGROUND PAPERS**

1.42 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**

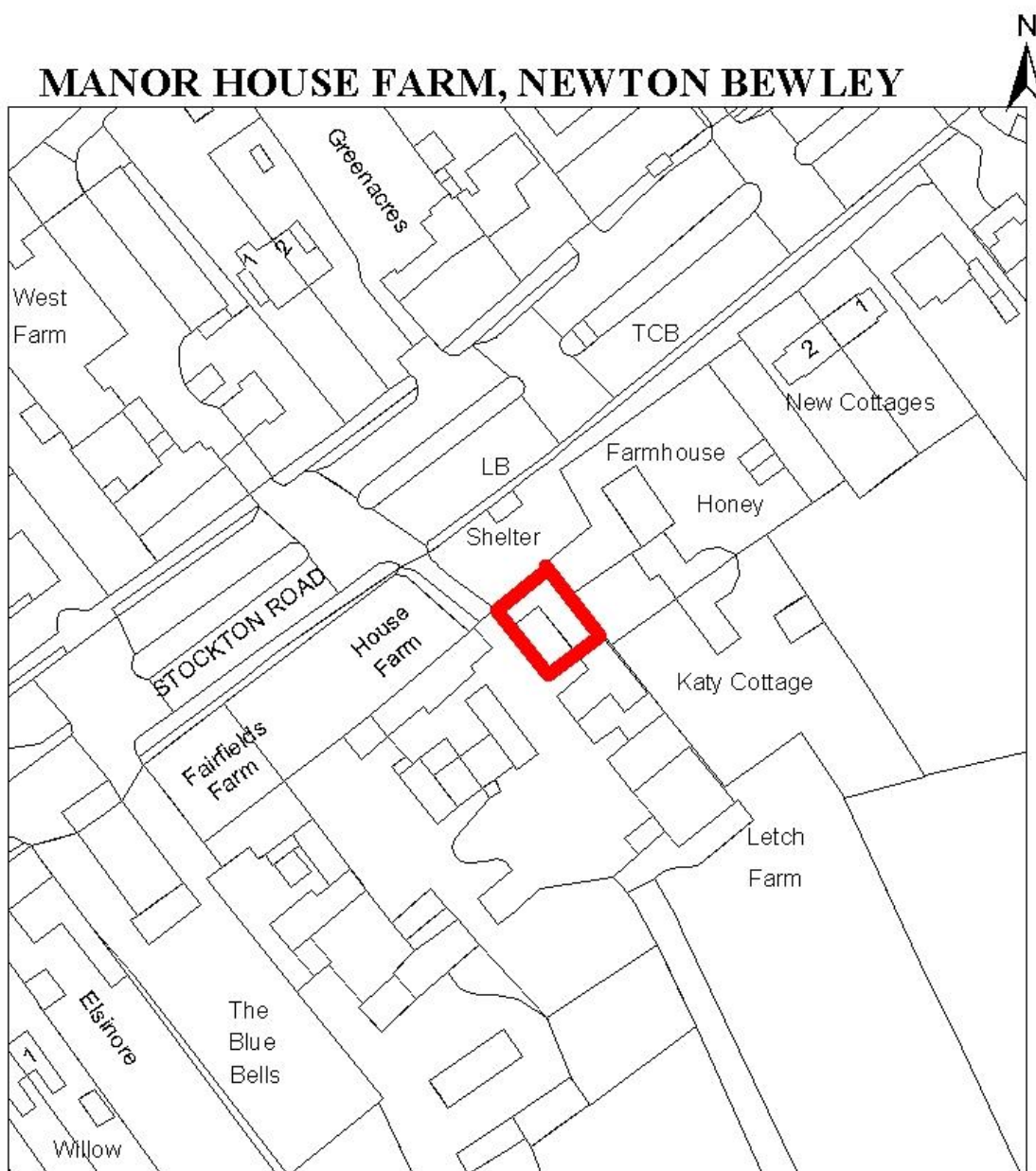
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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0337</b>	REV

**No:** 2  
**Number:** H/2019/0391  
**Applicant:** ALDI STORES LTD  
**Agent:** KLR PLANNING LTD MS KAREN READ LUGANO  
 BUILDING 57 MELBOURNE STREET NEWCASTLE  
 UPON TYNE NE1 2JQ  
**Date valid:** 28/08/2019  
**Development:** Erection of foodstore with associated car parking and  
 landscaping  
**Location:** LAND TO THE SOUTH WEST OF STAG AND MONKEY  
 BRENDA ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

H/ADV/0098/98 – Express advertisement consent was refused on 16<sup>th</sup> April 1998 for the display of 8 x 48 sheet advertisement hoardings and 1 x 96 advertisement hoarding with associated fencing (all illuminated).

H/FUL/0308/98 – Full planning permission was granted on 23<sup>rd</sup> July 1998 for the erection of a car showroom, workshop, MOT bay and wash bay.

H/ADV/0537/98 – Express advertisement consent was refused on 21<sup>st</sup> October 1998 for the display of 8 x 48 sheet and 1 x 96 sheet advertisement hoardings with associated fencing (resubmitted application).

H/OUT/0422/02 – Outline planning permission was granted on 7<sup>th</sup> November 2002 for a quickstop/trade counter development to accommodate builders' merchants, plumbers' merchants, electrical suppliers, flooring contractors and tyre depots.

## PROPOSAL

2.3 Planning permission is sought for the erection of a food store (use class A1) with associated car parking and landscaping.

2.4 The proposed food store comprises a single storey commercial building with an internal floor area of approximately 1800 square metres (including retail area, warehousing, refrigeration facilities, plant and staff accommodation). The building

measures approximately 59 metres in length and has a depth of up to approximately 36 metres. The building design comprises a largely rectangular store with a single storey western offshoot containing refrigeration equipment and storage/loading areas. The building is contemporary in design, with a mono-pitch ('blade') roof form sloping downward from east to west with an eaves height of approximately 5.2 metres (at its lowest point) and a ridge height of approximately 8.5 metres (at its highest point). Finishing materials comprise a mix of silver and grey cladding with feature elements of brick on each elevation and a glazed wraparound shop front to the south and east facing elevations. High level glazing also wraps around the majority of the building's southern, eastern and northern elevations. Adjoining the building to its immediate west is a small compound containing refrigeration plant/equipment that is enclosed on all sides by a 3.4 metre high closed boarded timber fence.

2.5 Vehicular access to the site is provided via an existing access that runs through the site and is used by both the adjacent public house to the north and the bus depot to the south. A loading/service area is provided to the rear (west) of the building. Pedestrian access is proposed via both Brenda Road to the east and Belle Vue Way (A689) to the north. The proposals include car parking facilities to the immediate south and east of the store totalling approximately 112 car spaces, including 8 Parent & Child and 5 disabled spaces. In addition, there will be 2 electric vehicle charging bays. Cycle stands are also proposed adjacent to the site entrance.

2.6 The landscaping proposals comprise flower/shrub planting to the boundaries of car parking areas with tree planting within the car parking areas to the east of the store, adjacent to Brenda Road. Along the northern boundary of the site, a row of trees is proposed in front of the northern elevation of the store and adjacent to Belle Vue Way (A689), with further flower/shrub planting along this boundary and in a small pocket of landscaping adjacent to the northern pedestrian access.

2.7 The current proposals are a result of amendments to the scheme made by the applicant following concerns raised through the application process by the case officer and the Council's Landscape Architect with respect to the design and appearance of the store and the landscaping proposals, particularly in the context of its proximity and relationship to the adjacent public house and its prominent location at the junction of two main thoroughfares through the town (A689 and Brenda Road). Amendments to the scheme since its initial submission have primarily comprised alterations to elevation treatments and detailing such as additional fenestration and changes to cladding (incl. addition of brick cladding), the provision of an enclosed glazed entrance lobby, an extension to the entrance canopy and relocation of the vinyl advertisements, as well as enhancements to the landscaping scheme (incl. additional tree planting).

2.8 The application has been referred to the Planning Committee as the recommendation is a departure from current planning policy and as more than 2 objections have been received, in line with the scheme of delegation for planning applications.



## SITE CONTEXT

2.9 The application site currently comprises a vacant and somewhat overgrown plot of land bounded to the east by the adopted highway on Brenda Road and to the north by the adopted highway on Belle Vue Way (A689), in Hartlepool. The site is immediately adjacent to a public house (The Stag and Monkey) to the north/east which it surrounds on two sides, with access to the public house through the application site. To the south the application site is bounded by a bus depot and another vacant site. To the west, the site is bounded by industrial units and warehouses within the Usworth Road/Park View West industrial area.

## PUBLICITY

2.10 The application has been advertised by way of neighbour letters (135). To date, there have been;

5 objections has been received with the following reasons (summarised);

- Proposal constitutes unsustainable development
- Detrimental impact on highway and pedestrian safety / traffic / congestion
- Difficult / dangerous for pedestrians to cross Brenda Road to application site
- Tees Bay Retail Parking (existing store location) is well connected to transport
- Will result in a vacant unit in Tees Bay Retail Park
- Vacant units at Tees Bay Retail Park will detract from recent improvements / investments
- Proposals are contrary to national and local planning policy and guidance
- Proposals would result in loss of designated employment land
- Loss of employment land would jeopardise delivery of Local Plan objectives (incl. housing delivery)
- Detrimental impact on vitality and viability of designated retail centres (incl. Tees Bay Retail Park adjacent)
- Submitted retail impact assessment and sequential test is flawed
- Detrimental impact on already struggling retail market
- Proposal does not create new jobs (just relocation of existing)
- Alternative / preferable sites / options available at Tees Bay Retail Park
- Permission has already been granted for the applicant to build a new store elsewhere in the town

33 letters of support have been received with the following reasons (summarised);

- Supported by local community
- Will improve visual amenity of unsightly/vacant site
- Will enhance A689 approach into Hartlepool
- Convenient location for new store
- Crossing to be provided is needed / current pedestrian access to Tees Bay Retail Park is hazardous
- Site is better connected to transport (incl. for people without cars) / close to bus stop
- Reduces need to cross Brenda Road to Tees Bay Retail Park

- Additional, better and safer car parking for new store (incl. additional disabled bays)
- New job creation and retention of existing jobs (incl. jobs for local residents)
- More shops / greater choice
- Provision of toilets in store beneficial for customers
- Larger and more modern store / greater choice in products
- Current store at Tees Bay Retail Park is too small
- There will be less overcrowding / more space to shop
- Proposed will improve traffic / ease congestion
- Opportunity for new businesses to move to old store in Tees Bay Retail Park
- More competition for local supermarkets

4 neutral representations with the following comments;

- A new crossing should be provided for pedestrians on Brenda Road
- Car parking should be cost free / no charge and unlimited / no time limits

In response to the public consultation and in particular the objections identified above, the applicant has provided a supporting statement to address the concerns raised, and this has been considered in the preparation of this report.

## 2.11 Copy Letters **B**

2.12 The period for publicity has expired.

## CONSULTATIONS

2.13 The following consultation replies have been received:

**HBC Traffic & Transport** – The TA as concluded that the new store access can operate safely and within capacity as a priority junction.

I have concerns that a priority junction will not be able adequately serve this development, together with the Stag and Monkey Public House and Stage Coach depot. The TA shows that in the year 2024 on the Saturday peak hour (13:00hrs - 14:00hrs) 176 vehicles will exit the access, 129 will turn left and 47 will turn right. This is a significant increase on the existing situation where 27 vehicles exit left and 5 vehicles exit right. Given the already high volumes of traffic on Brenda Road between the 2 roundabouts (1761 vehicles in both directions in the same time period). The significant increase in use of this junction may lead to right turning traffic waiting to exit the site at peak times and possibly increase in road safety concerns with vehicles taking risks to exit the site.

Rather than a priority junction I would like a traffic signal junction with pedestrian phases to be introduced. This however would need to traffic modelled to ensure that traffic does not back up into the existing roundabout junctions.

The proposed parking provision is slightly below the maximum provision, I am however happy that the 112 spaces provided will be adequate.

The layout of the car park and proposed service provision is acceptable.

UPDATE 25/11/19: I can confirm that in order to ensure that the proposed crossing can be implemented safely and in accordance with design criteria, I would require an independent safety audit to be carried out on the proposed facility.

Ideally the safety audit should be carried out prior to the scheme going to committee to ensure that committee are fully appraised of whether a crossing can be safely accommodated in this location. A safety audit would take approximately 4 weeks to complete. We have in the past conditioned the safety audit but in this case some of the outcomes may not be deliverable and we would be left with the scheme proceeding without a crossing.

UPDATE 17/12/19: I can confirm that I am ok with the CMP.

UPDATE 13/01/20: I can confirm that we are ok with the proposals to move the crossing northwards in line with the RSA recommendation.

UPDATE 14/01/20: I can confirm that the drawing [Toucan Crossing Point Visibility Splay] is acceptable.

**Highways England** – Referring to the planning application referenced above, dated 17 September 2019, Re A19, Erection of foodstore with associated car parking and landscaping, LAND TO THE SOUTH WEST OF STAG AND MONKEY, BRENDA ROAD, HARTLEPOOL, TS25 1SD 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.

UPDATE 11/12/19: Highways England have been re-consulted on this application as additional information has been provided since our original comments. However, amendments and clarification that these make do not change our original position. Therefore our original response stands (our formal response is attached and previous accompanying letter below).

**HBC Engineering** – In response to the above planning application consultation;

Surface water management

#### 1. Maintenance

The Drainage Maintenance Plan shows the surface water drainage system to be maintained by the site operator which is satisfactory. I note that the Drainage Impact Assessment section 5.7 refers to the ownership and maintenance of the ponds to the east side of Brenda Road, the applicant is advised that whilst the ponds are owned by Hartlepool BC, the industrial estate owner is responsible for the maintenance of the ponds and as such should also be involved in any discussions/proposals for surface water discharge into these assets.

## 2. Runoff Destinations

Due to the geology of the site it is proposed to discharge surface water to watercourse which is satisfactory.

## 3. Flood Risk

It is proposed to contain surface water within the drainage system for up to the 1 in 100 year event to include a 20% allowance for climate change, and all surface water for up to the 1 in 100 year event to include a 40% allowance for climate change will be retained on site which is satisfactory. The applicant is advised that at detailed design/discharge of condition stage a FEH or IH124 rainfall model must be used for calculations rather than FSR as this has been superseded and is unsuitable for small catchments.

## 4. Peak Flow Control

It is proposed to restrict the surface water discharge rate to 3.5l/s which is acknowledged to be the smallest practicable.

## 5. Volume Control

As surface water discharge rate has been restricted to the lowest practicable there is little further scope for control however at detailed design/discharge of condition stage it must be verified that an increased volume of surface water discharge will not cause increased flood risk downstream.

## 6. Climate Change

The Drainage Impact Assessment applies 20% and 40% allowances for climate change to the 1 in 100 year storm event which is satisfactory.

## 7. Urban Creep

Not applicable for these proposals.

## 8. 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. 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.

## 9. Highway Drainage

To be agreed with the Highway Authority if applicable.

## 10. Pollution Control

Proposed hydrocarbon interceptors and permeable paving provide levels of treatment.

## 11. 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. At detailed design/discharge of condition stage a construction management plan that includes details of SuDS construction will be required.

The Drainage Impact Assessment section 5.1 states that the surface water drainage scheme should seek to meet Redcar and Cleveland Council's requirements, note that the scheme is required to meet Hartlepool Borough Council's requirements.

We have no objection to proposals but require further information prior to construction and as such ask that the applicant notes points 1, 3, 5, 8, and 11 and ask you to include our detailed drainage condition in any decision issued for this application.

#### Contaminated land

Whilst neither Geo-Environmental Assessment report submitted with the application finds land contaminated significantly, due to the location and past uses of land within this area and the potential for unexpected contamination can we ask that you include our standard non-residential contaminated land condition.

UPDATE 16/12/19: Further to my response 27/9/19 that sets out requirements in respect of surface water management and recommends our detailed drainage condition, the pre-construction method statement submitted does not address the stated requirements nor does it present detailed design of the surface water management system. As such I have no additions or revisions to my earlier response.

**HBC Building Control** – No representation received.

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

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 Northumbrian Water have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Impact Assessment including Flood Risk". In this document it states the foul flows shall discharge to the combined sewer at manhole 9501, whilst all surface water shall discharge to the existing ponds.

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

**CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Impact Assessment including Flood Risk” dated “August 2019”. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 9501 and ensure that surface water discharges to the existing ponds which ultimately discharge to the watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

UPDATE 11/12/19: 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.

Having assessed the proposed development against the context outlined above I refer you to our previous response to the application, dated 26/09/2019, and can confirm that at this stage we would have no additional comments to make.

### **Environment Agency – Environment Agency’s Position**

We have no objections to the application as submitted, however we have the following advice and informatives.

#### **Advice for LPA – Landfill Site and Migration of Gas**

The proposed development is located on or within 250 metres of landfill sites that are potentially producing landfill gas. There are two closed landfill sites adjacent to the proposed development.

The applicant and Local Authority will need to take into consideration the potential risk of landfill gas migration. It is recommended that the Local Authority consults their Environmental Health team for further advice on this matter. Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance. The risks associated with landfill gas will depend on the controls in place to prevent

uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

#### North Works Slag Tip.

This site was operated by British Steel Corporation. Licence reference number CLE11. The site is located at grid reference NZ 5099130467. The licence was issued on 28 July 1977 and surrendered on 1 August 1980. The site accepted non-hazardous industrial and inert waste (non-flammable), difficult waste, flue dust, Stretford sludge boiler wash water, Stretford effluent, flue oil, blast furnace clarifier sludge, oily mill scale, oily waste, residuals from reclamation. It is likely that the site is producing landfill gas and we would recommend this being investigated further. The Local Authority may hold further information on the site.

#### Abbotsford Road Allotments.

The site is located at grid reference NZ 5106230751. The licence was issued on 27 October 1980 and surrendered on 9 January 1984. The first was deposited on the site on 31 October 1980 and the last deposited was on 31 December 1980. The site accepted soils and construction wastes. The licence holder was Hartlepool Borough Council. Abbotsford Road is unlikely to be producing gas but we have no data. The local authority may have more information on the site. Advice to LPA risk of contamination to controlled waters. Whilst the proposed development is above a principal aquifer, the substantial thickness of low permeable superficial geology (dominated by clay) protects the aquifer. In addition, the foundation solution involving shallow pad and strip foundations (as stated in the Phase 2 Geo-Environmental Assessment) result in the risk to controlled waters being low. However, if the foundation solution is to change during the planning stage, the local authority is advised to ensure that the applicant undertakes an appropriate controlled waters risk assessment.

#### Informative to LPA - National Quality Mark Scheme.

We would recommend that any reports to be submitted for approval to the relevant Local Planning Authority are prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and / or qualifications in their respective disciplines.
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems.

- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies.
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations.
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations.

Reports prepared under the National Quality Mark Scheme aims to provide greater confidence to the regulator that land contamination issues have been appropriately identified and suitably investigated. It also demonstrates that all necessary information has been included and reported to a sufficiently high standard for regulatory decisions to be made.

**Anglian Water** – Please be advised that this is Anglian Water’s area for clean water only not foul and surface. We are therefore unable to make any comments on the foul capacity.

**HBC Public Protection** – Do not object. We don't see the benefits of requesting a CMP, however we have worries should the construction company decide to float the concrete floor through the night and for that reason we would request an hours restriction on construction; 7.00hrs to 19.00hrs Mon – Friday, 8.00hrs to 13.30hrs Saturday, No Sundays or Bank Holidays

**HBC Heritage and Countryside Manager** – No representation received.

**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.

UPDATE 17/12/19: No further comments.

**Tees Archaeology** – I have reviewed the planning application H/2019/0391 and can confirm that there will be no need for archaeological work.

UPDATE 19/12/19: The proposed development is on a site of low archaeological interest and therefore no further archaeological involvement is needed.

**HBC Ecology** – I have studied the submitted Protected Species Report prepared by Total Ecology and dated 08/07/2019. I am satisfied that the Ecologist has identified likely NERC Act S41 species and adequately surveyed for them. The negative eDNA results for great crested newt (GCN) back up my own survey efforts on these ponds. The negative result for dingy skipper is noted, as well as the lack of the S41 species small heath butterfly which would have been active during the later survey.

The habitat on the site is typical early succession brownfield, though lacking any wet areas, so not meeting S41 priority ‘open mosaic on previously used land’ status. However, the semi-improved neutral grassland does support a number of plant species (as highlighted in the report) including northern marsh orchid as well as



narrow-bordered six-spot burnet moth, meadow brown butterfly, small copper butterfly and common blue butterfly and therefore a level of mitigation is required to compensate for the loss of this habitat.

#### Mitigation

I recommend the retention of trees where possible, though I note from the Arboricultural Impact Assessment that most need to be removed to facilitate development. There should be a conditioned soft landscaping scheme (or green roof) including native flowering and fruiting plant species.

#### NPPF (2018) paragraph 170 d) Biodiversity enhancement

The Report recommends bat and bird boxes and I agree that these would be appropriate in this location due to the proximity of greenspace and ponds. The boxes should be built into the fabric of the building. Ten bat bricks and ten sparrow terraces should be conditioned.

UPDATE 21/11/19: I have no further concerns or comments.

UPDATE 17/12/19: With regard to the submission of amended plans, I have no further Ecology comments.

**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>.

UPDATE 16/12/19: Natural England has no comments to make on this application.

**HBC Arboricultural Officer** – I have no issues to make on this latest revision and the proposed landscaping appears to sit well with the site layout.

**HBC Landscape Architect** – A basic landscape planting plan has been provided for the proposed development.

Planting is proposed between the warehouse/loading area and the site boundary fence. This will cause maintenance issues and should be reconsidered. Further tree planting should be provided parallel to Brenda Road to reflect existing tree planting on opposite side of the Road.

The proposed elevation includes vinyl graphics on the Northern elevation. This will contribute little to the street scene on Belle Vue Way and should be reconsidered. A more structural landscape treatment should be provided to the planting beds to the northern elevation to soften the visual impact of the building from Belle Vue Way.

UPDATE 29/11/19: That looks a lot better. There are no further comments regarding the application.

**HBC Property Services** – A large portion of this land was sold by the Council on 10/07/1964. As such it may be subject to restrictive covenants.

**HBC Waste Management** – No representation received.

**HBC Economic Regeneration** – Economic regeneration fully support this application.

**HBC Public Health** – I have no objections to the application.

One comment – reviewing the transport plan I note that the applicant highlights storage for clothes for staff to encourage walking and cycling. There don't appear to be any mentions of consideration of shower facilities for staff which would encourage more people to cycle.

UPDATE 13/12/19: No comments to make on this application.

**Cleveland Police** – I have the following comments in relation to crime prevention and community safety.

Car parking areas and footpaths should be well lit lighting that complies with BS5489 2013

Proposed cycle stands should be over looked from store and ideally covered by CCTV.

The plant area needs to be protected i particular if valuable metal such as copper is accessible any fencing requires to be a min of 1.8m with no climbing aids present.

Consideration should be given to a ram raid type of attack with suitable security bollards or similar deterrent measures such as planters or raised kerbs

All external doors need to deter unauthorised access with consideration given to roller shutters for additional protection. Doors that are certified to PAS 24:2016 or LPS 1175 SR2 would ensure this. Any proposed roller shutters fitted certified to a minimum of LPS1175 SR1 would provide a reasonable level security.

UPDATE 02/01/20: No further comments.

**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.

#### Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Further comments may be made through the building regulation consultation process as required.

UPDATE 20/12/20: 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: 2019, Section B5, for buildings other than Dwellings.

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 Vol 2 Section B5 Table 15.2.

Further comments may be made through the building regulation consultation process as required.

**Northern Powergrid** – No representation received.

**Northern Gas Networks** – Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location.

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.

**Cleveland Emergency Planning Unit** – No representation received.

Health and Safety

## **PLANNING POLICY**

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

### Local Policy

2.15 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  
EMP3: General Employment Land  
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  
SUS1: The Presumption in Favour of Sustainable Development

### National Policy

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

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA 054: Planning conditions and obligations

PARA 055: Planning conditions and obligations

PARA 056: Planning conditions and obligations

PARA 057: Planning conditions and obligations

PARA086: Ensuring the vitality of town centres

PARA087: Ensuring the vitality of town centres

PARA089: Ensuring the vitality of town centres

PARA091: Promoting healthy and safe communities

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA153: Planning for Climate Change

PARA182: Ground conditions and pollution

PARA212: Implementation

2.17 HBC Planning Policy comments (summarised) - The proposal constitutes a departure from policy EMP3, as the site is allocated Employment Land, however it is considered that the development would be acceptable due to the reuse of currently vacant land, and would bring with it the economic benefits of new jobs.

The site is outside of the designated retail centres, however HBC Planning Policy are satisfied that the submitted details sufficiently demonstrate the lack of suitability of other sites, and so the chosen site satisfies the requirements of RC1. There are no concerns that the vacancy of the current store would cause any problems as Tees Bay is a thriving retail area and it is likely that the unit would prove popular for other businesses

The proposal would lead to a gross internal floorspace increase and as such planning policy seek to secure planning obligations to go towards landscape

improvement works to the roundabout at the Stag and Monkey of £21,190, in accordance with the relevant formula in the adopted Planning Obligations SPD.

UPDATE 11/12/19: With regards to the amended design and layout, HBC Planning Policy are satisfied with the changes.

UPDATE 15/01/20: The applicant seeks to introduce a number of measures that will assist in reducing the stores carbon footprint and the ability to fully supply the stores heat costs from clean energy is welcomed. To ensure that the store is built as stipulated in the sustainability statement I would trust that the application, if approved, is conditioned to be built in accordance with the measures set out in the statement.

## **PLANNING CONSIDERATIONS**

2.18 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 with respect to principle of development, planning obligations, energy efficiency and renewable energy provision as well as the impact on highway and pedestrian safety, the amenity and privacy of neighbouring land users, the visual amenity of the application site and the character and appearance of the surrounding area, landscaping and tree protection, ecology and nature conservation, flood risk and drainage and land contamination. These and all other planning and residual matters are considered in detail below.

### **PRINCIPLE OF DEVELOPMENT**

#### *Development Limits and Site Allocations*

2.19 Objections have been received relating to the acceptability of the principle of the development including concerns that the proposals are contrary to national and local planning policy and guidance and ultimately constitute unsustainable development.

2.20 The Hartlepool Local Plan (2018) sets development limits, beyond which there is a presumption against development. The application site sits firmly within the development limits of Hartlepool and in close proximity to transport and amenities. Notwithstanding this, the application site itself is currently designated as 'Employment Land' by virtue of policy EMP3 (Employment Land) of the adopted Hartlepool Local Plan (2018). Policy EMP3 allocates 33.3 hectares of land at the Usworth Road/Park View west industrial area for general employment uses, with the application site comprising part of the 2.2 hectares of available land. This policy details that proposals for business development (falling within class B1 and B8) will be permitted, alongside general industrial development (B2) or other uses complementary to the dominant use of a development.

2.21 Objectors have highlighted that the site would constitute the loss of designated employment land, and have raised concerns that this loss of employment land would jeopardise delivery of other Local Plan objectives, such as housing delivery.

Objectors have also raised concerns that the store would not create any new jobs, and would simply relocate existing jobs.

2.22 In this instance, the proposed use would be retail (A1) and so it is acknowledged that the proposals are contrary to policy EMP3. The Council's Planning Policy section has assessed the application and has advised that the benefits of the development must prove sufficient to outweigh the policy conflict.

2.23 Paragraph 12 of the NPPF (2019) stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

2.24 The submitted Planning Statement, Sequential and Retail Assessment states that proposed replacement food store represents a land take of 0.74ha of the 2.2ha available. The applicant contends that this land has been vacant in excess of 15 years following the demolition of the former industrial buildings and there have been no applications for employment development during that time, concluding that this suggests the site is either not attractive for employment development and / or is unsuitable for this purpose.

2.25 Furthermore, the applicant maintains that the proposals would not prejudice the Council's strategy for maintaining an adequate supply of a range of types and sizes of employment land in the Borough, and the proposed use would not impede any of the existing business operations or indeed discourage new industrial or business uses from locating to the area. In addition, the submitted details indicate that the store will create an additional 10 new jobs alongside the 18 staff that are currently employed at the Tees Bay Retail Park store, and the construction of the proposed replacement store will provide further local employment opportunities during the build out period.

2.26 The Council's Planning Policy section notes that the site is formerly developed and vacant and has been this way for a number of years. Although the proposal constitutes a departure from policy EMP3, it is recognised that the development would constitute the re-use of vacant brownfield land and would bring with it the economic benefits of new jobs. It is also recognised that the proposals provide an opportunity to improve the visual amenity of the site. The Council's Planning Policy section is satisfied that the proposals would not impact upon the rest of the EMP3 allocation in its ability to function as employment land. In addition to the above, it is noted that the Council's Economic Regeneration section have not raised any concerns with respect to the loss of employment land and have confirmed that they fully support the proposals.

2.27 For these reasons, the Council's Planning Policy section has advised that in this instance the departure from the policy allocation is acceptable, subject to the consideration of all other policy requirements and the relevant material planning considerations.

*Retail Sequential Test*

2.28 Policy RC1 (Retail and Commercial Centre Hierarchy) of the Local Plan identifies and defines the hierarchy of retail and commercial centres in the Borough that will offer a variety of sites that are economically attractive, diverse and in appropriate sustainable locations and/or locations where connectivity can easily be enhanced through the Borough.

2.29 The defined hierarchy and sequential preference of the centres, for main town centre uses in the Borough are;

- 1) The Town Centre, then;
- 2) Edge of Town Centre Areas and Retail and Leisure Parks, then;
- 3) Local Centres.

2.30 It is noted that the proposal is for a retail (main town centre) use and the site is not located in any of the designated centres for such uses, albeit it is in close proximity to the Tees Bay Retail Park (a designated Retail and Leisure Park).

2.31 Policy RC1 stipulates that, proposals for main town centre uses, not located within a designated centre will be required to provide a robust sequential test to consider all of the Borough's designated centres and follow the sequential hierarchy to establish whether there are any suitable alternative sites available within the designated centres. Where there are no suitable alternative sites available within the designated centres, an alternative acceptable location may be a location accessible by a choice of transport and/or which offers significant regeneration benefits.

2.32 The submitted Planning Statement, Sequential Test and Retail Assessment details that the design of the store and the sales area are uniform to provide the operational efficiency that a discount retailer requires to sell high quality food at heavily discounted prices. It is states that in this location, the applicant requires a single storey building of 1,930sqm gross external area with an associated car park providing a minimum of 100 spaces and landscaping areas. The supporting information also states that the site should be no less than 0.74ha and have prominent main road frontage with good visibility and access. The applicant also advises that the site must allow for level access for customers to the store entrance and that the site must be capable of being served by 16.5m articulated vehicles which must enter and exit in forward gear with all manoeuvres within the site.

2.33 It is understood through the supporting information that the applicant's existing store (at Tees Bay Retail Park) has been leased for 27 years. The applicant has advised that the requirement for the replacement store is for a freehold site, however to provide a robust assessment, premises to let have been considered in the submitted sequential test.

2.34 The submitted Planning Statement, Sequential and Retail Assessment considers whether there are any suitable alternative sites available within other appropriate designated centres, including an assessment of available units/sites in the Town Centre, Tees Bay Retail Park, Anchor Retail Park, Marina Retail and Leisure Park and Highpoint Retail Park. The assessment concludes that there are no



sequentially preferable sites or premises that are suitable and available to meet the applicant's requirements.

2.35 Objections have also been received citing concerns that the submitted retail impact assessment and sequential test is flawed and that alternative/preferable sites/options are available (including an existing permission elsewhere in the town), and in particular at the adjacent Tees Bay Retail Park.

2.36 The Council's Planning Policy section has reviewed the submitted Planning Statement, Sequential and Retail Assessment and has confirmed that the submitted assessment provides robust justification as to why the proposals could not be located within the Town Centre, primarily due to the small size of units and limited ability to combine units to provide a comparably sized store.

2.37 The Council's Planning Policy section also considers that there is firm justification as to why the identified alternative retail park sites are not deemed acceptable, namely;

1. Anchor Retail Park – This site is fully occupied.
2. Highpoint Retail park – This site is designated by virtue of Local Plan policy RC13 (West of Marina Way Retail and Leisure Park) which stipulates that non-food shops (A1) are deemed appropriate in this area. This would render the site unacceptable for the proposed use. Notwithstanding this, the applicant has stipulated that there are no units of an appropriate size to accommodate the proposal.
3. Vision Retail Park – this site is designated by virtue of Local Plan policy RC12 (The Marina Retail and Leisure Park) which also stipulates that non-food shops (A1) are deemed appropriate in this area, rendering the site unacceptable for the proposed use.
4. Tees Bay Retail Park – Local Plan policy RC15 (Tees Bay Retail and Leisure Park) also stipulates that non-food shops (A1) are deemed appropriate in this area. Whilst the applicant already has a food store at this site, any additional food retail floor space (through the construction of a larger store) would technically be contrary to this policy, and therefore any application for such would not be straight forward.

2.38 With respect to point 4 above, an objection has been received on behalf of Tees Bay Retail Park highlighting that the applicant has been approached on a number of occasions with various different options for 'upsizing' their existing store at Tees Bay Retail Park, including combining existing units, extending the existing store to the rear, or erection of a new store on land between 'Home Bargains' and 'Lidl' (currently benefitting from planning permission for 3no. additional retail units) or on land occupied by 'Poundstretcher' and 'The Range's Garden Centre' (which benefits from a recent planning permission for 6no. shipping containers to house A1 retail uses).

2.39 With respect to combining existing units at Tees Bay Retail Park, there is no evidence to suggest that there are currently any appropriate vacant units available to create a larger store, and this is emphasised in the representations submitted on behalf of the retail park which indicate *"as a result of a recent letting the park is now fully occupied"*. Similarly, with respect to the suggestion of a new store on the site of

‘Poundstretcher’ and ‘The Range’s Garden Centre’, it is considered that the ‘Poundstretcher’ unit is not available, with the representations submitted on behalf of the retail park indicating this lease does not expire until 2022.

2.40 With respect to an extension to the rear of the existing ‘Aldi’ store, the applicant has indicated that this is not possible, and there appears to be limited space to provide a meaningful extension and service area to the rear to meet the operational requirements of the applicant comparable to the proposed store.

2.41 With respect to the erection of a new store between ‘Home Bargains’ and ‘Lidl’, it is noted that there is an extant planning permission for 3no. retail units in this location (by virtue of approvals H/2016/0561, H/2017/0494 and H/2018/0332). This permission set maximum limits for the amount of food retail permitted at the retail park, and the representations submitted on behalf of the retail park indicate that there is approx. 1300m<sup>2</sup> of additional food retail floor space capacity remaining. However, these limits were set prior to the adoption of the Council’s Local Plan in 2018 and then carried forward through various Section 73 amendments to the original permission. In any event, the 3no. retail units as approved do not meet the operational requirements of the applicant, and as such a new planning application would be required for the erection of a food store on this site. Whilst the extant planning permission would constitute a material planning consideration in the determination of any such future planning application, the application would still be contrary to the provisions of Local Plan Policy RC15 (Tees Bay Retail and Leisure Park) with the pre-amble to the policy stipulating; *“The Borough Council will not support the addition of food retailing within Tees Bay and will condition future A1 applications to non-food retail only”*, and therefore would not be straight forward.

2.42 Notwithstanding the above, the applicant has advised that whilst this alternative site could accommodate the proposed store based on the floorspace of the building alone, in order for the site to be operationally viable for the applicant, the site must contain sufficient parking for the applicant’s customers. Whilst it is acknowledged parking spaces would be available across the wider retail park, the site is accessible by a range of transport options and planning permission H/2018/0332 established there was sufficient parking to support the 3no. retail units in that instance, it is considered that the site would likely provide considerably fewer dedicated parking spaces than the current proposals. Furthermore, parking pressures are likely to have increased at the retail park through the incremental approval of various additional commercial units since the approval of the 3no. units mentioned above, and these arrangements are unlikely to be conducive to large food retailing. Furthermore, the applicant notes that this site is immediately adjacent to their direct competitor, Lidl, and therefore they would not locate there for commercial viability reasons (albeit this is not a material planning consideration).

2.43 The above issues are acknowledged and it is ultimately considered that the applicant would be unlikely to come forward with an application for a store in this location for these reasons. In any event, given the policy restrictions on the retail park any such application would not be straightforward, and the site is therefore not considered to be a suitable alternative.

2.44 Objectors have also raised concerns that the Local Centres were not given sufficient consideration in the submitted sequential assessment, however the Council's Planning Policy section has advised that due to the size of the required unit, there were no sites found within the local centres that would be suitable for a store such as the one proposed, with the available units in Hartlepool's local centres being much smaller, and more appropriate for sole traders or smaller convenience stores, as opposed to a large supermarket.

2.45 Whilst it is noted that the applicant has planning permission for another store at Burbank Street, the applicant has advised that that site is too small for the applicant's modern style of store, which is one of the reasons they have had to consider alternative sites.

2.46 Objectors have also suggested that Tees Bay Retail Park adjacent is a more suitable location due to its connectivity to various forms of transport, however it is noted that the application site is located in close proximity to Tees Bay Retail Park (approx. 100m north-west), and as such will benefit from all of the same transport connections/linkages across a range of transport modes as the retail park, including good walking and cycle links to Seaton Carew train station and good public transport connections (with bus stops immediately adjacent to the application site). Proposals to provide a new toucan crossing on Brenda Road as part of this application will further ensure good connections exist between the application site, the public transport network, adjacent footpaths and cycle routes and Tees Bay Retail Park. The site therefore meets the requirements of policy RC1 for alternative sites with respect to being accessible by a choice of transport.

2.47 In view of the above, the LPA are satisfied the submitted supporting sequential test sufficiently details the lack of suitability of other sites and so the chosen site satisfies the requirements of Policy RC1.

### *Retail Impact Assessment*

2.48 Local Plan Policy RC1 also stipulates that, proposals for retail, leisure and office development with a floor area of 200m<sup>2</sup> or above that are not located in the Town Centre or a local centre will be required to provide a robust impact assessment to consider the impact on the vitality and viability of the Town Centre and other designated centres.

2.49 The submitted Planning Statement, Sequential and Retail Assessment highlights that the proposed development is for the replacement of an existing store which has operated for 27 years at Tees Bay Retail Park, with the new store representing an increase of 494sqm in the net sales area of the store. The assessment maintains that there is borough-wide retail capacity for the additional floor space, and that this will not have a detrimental impact on town centre vitality and viability for a number of reasons including; the presence of an established customer base (from the existing store); the nature of the operation (including the retail offer) and operator of the store remaining the same as the existing store; and customers continuing to use other shops and services to complete their shopping trip, as the applicant stores do not stock certain products or services (e.g. tobacco, stationary, pharmaceuticals, fresh meat or fish counters, in-store bakery etc.). The

submitted retail assessment concludes that whilst the replacement store will have a larger sales area, the function of the additional net sales area is to implement qualitative improvements.

2.50 Objections have been received raising concerns that the proposals would have a detrimental impact on the vitality and viability of the designated retail centres (Tees Bay Retail Park in particular), would create a vacant unit at Tees Bay Retail Park that would detract from recent improvements/investments there and make further investments unviable, and would compound existing issues in the retail market.

2.51 The Council's Planning Policy section has reviewed the assessment and has advised that this is satisfactory and there are no concerns that the proposal would have a significant detrimental impact on the vitality and viability of any of the identified centres. With respect to Tees Bay Retail Park immediately to the east of the site in particular, the Council's Planning Policy section notes that this is a thriving retail area which has recently increased and diversified its offering (as above, it is understood the retail park is now fully occupied), and it is likely that the vacated unit would prove popular for other businesses. The Council's Planning Policy section has therefore advised that there are no concerns that the loss of the applicant store from this site would be detrimental to the vitality and viability of the adjacent retail park.

2.52 In addition to the above, it is noted that the Council's Economic Regeneration section have not raised any concerns with respect to the impact of the proposals on the vitality and viability of the designated retail centres (including Tees Bay Retail Park) and have confirmed that they fully support the proposals. The proposal is therefore considered to be acceptable in this respect.

### *Planning Obligations*

2.53 Policy QP1 (Planning Obligations) of the Local Plan stipulates that the Borough Council will seek planning obligations where viable and deemed to be required to address the impacts arising from a development. The Council's adopted Planning Obligations SPD sets out formulae for calculating the developer contributions for a range of development types.

2.54 The Council's Planning Policy section has advised that in this instance planning obligations are required towards green infrastructure improvement in the vicinity of the site. Based on the increase in internal floor space and the provisions of the Planning Obligations SPD, a financial contribution of £21,190 would be required towards these in this instance. The Council's Planning Policy section has advised that this would be directed towards landscape improvement works to the roundabout at the 'Stag and Monkey' public house. The applicant has confirmed their agreement to this.

### *Energy Efficiency and Renewable Energy*

2.55 Policy CC1 (Minimising and Adapting to Climate Change) of the adopted Hartlepool Local Plan 2018 stipulates that the Borough Council will work with developers to help minimise and adapt to climate change by, amongst other considerations, requiring that major developments include opportunities for charging

electric and hybrid vehicles. In addition Policy CC1 requires that major development must secure, where feasible and viable, a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources.

2.56 The application is accompanied by a Sustainability Statement which has been duly considered by the Council's Planning Policy section. The Council's Planning Policy section has advised that the applicant is seeking to introduce a number of measures that will assist in reducing the store's carbon footprint and the ability to fully supply the store's heat costs from clean energy is welcomed. The Council's Planning Policy section has requested that an appropriately worded planning condition be applied to any permission to ensure the development is carried out in accordance with the measures set out in the statement as well as the implementation of electric charging points, and this is recommended accordingly.

#### *Principle of Development Conclusion*

2.57 Whilst the proposals constitute a departure from the development plan and will ultimately result in the loss of an area of designated employment land, it is considered that this is outweighed by the benefits of the scheme as detailed above (and set out below) namely the visual improvement to the site and immediate area, creation of additional jobs, the improved connectivity to the site and surrounding areas (including Tees Bay Retail Park and residential areas) and biodiversity enhancement. The proposal is considered to satisfy the other relevant policies of the Local Plan. In view of these considerations, it is considered on balance that the principle of the development in this instance is acceptable and that the proposal represents a sustainable form of development in the meaning of the NPPF, subject to the identified planning obligations and conditions and the consideration of all other relevant material planning considerations as set out in detail below.

#### **HIGHWAY AND PEDESTRIAN SAFETY**

2.58 Vehicular access to the site is provided via an existing access that runs through the site and is used by both the adjacent public house to the north and the bus depot to the south. A loading/service area is provided to the rear (west) of the building. Pedestrian access is proposed via both Brenda Road to the east and Belle Vue Way (A689) to the north. The proposals include car parking facilities to the immediate south and east of the store totalling approximately 112 car spaces, including 8 Parent & Child and 5 disabled spaces. In addition, there will be 2 electric vehicle charging bays. Cycle stands are also proposed adjacent to the site entrance.

2.59 Objections have been received citing concerns including the impact of the proposals on highway and pedestrian safety through additional traffic and congestion and as Brenda Road is difficult / dangerous for pedestrians to cross (to reach the application site).

2.60 The Council's Highways, Traffic and Transport section have been consulted and had initially raised concerns that the priority junction will not be able to adequately serve this development, together with the Stag and Monkey Public House and Stage Coach depot. The Council's Highways section therefore initially

recommended that, rather than a priority junction, a traffic signal junction with pedestrian phases should be introduced.

2.61 The applicant's transport consultant met with the Council's Highways section to discuss their concerns and has subsequently submitted an addendum to the Transport Assessment which considered the potential for a traffic signal junction. The assessment concluded that this would result in significant detrimental impact on the operation of the A689 and Teesbay Retail Park roundabouts and therefore is not appropriate. The document did however conclude that maintaining priority control at the junction but with the addition of a toucan crossing over Brenda Road will maintain the free flow of traffic whilst providing an appropriate access for the site through the creation of a safe controlled crossing.

2.62 The Council's Highways, Traffic and Transport section was re-consulted and initially raised concerns with the proximity of the proposed toucan crossing to an existing bus stop on Brenda Road, and advised that an independent safety audit would need to be carried out on the proposed facility. The applicant therefore subsequently submitted a Stage 1 Road Safety Audit (RSA) and amended proposals to move the proposed toucan crossing northwards in line with the recommendations of the RSA.

2.63 The Council's Highways section has now advised that the submitted proposals for the toucan crossing (as amended) are acceptable, and have raised no further concerns with the proposals with respect to the impact on highway and pedestrian safety. Provision of the proposed crossing can be secured by virtue of a planning condition and this is recommended accordingly.

2.64 The Council's Highways section has noted that the proposed parking provision is slightly below the maximum provision, however they are satisfied that the 112 spaces proposed will be adequate, and the layout of the car park and proposed service provision is acceptable.

2.65 Highways England have also been consulted and have confirmed that they have no objections to the application.

2.66 The Council's Planning Policy section have commented that the proposal to provide a pedestrian crossing facility to link Brenda Road to Tees Bay Retail Park is supported, as it may encourage walking between the retail park and neighbouring businesses and residential areas and reduce the reliance on private transport.

2.67 In view of the above, subject to the identified conditions, the proposals are considered to be acceptable with respect to the impact of the proposals on highway and pedestrian safety and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.68 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon

the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook.

2.69 Paragraph 127 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

2.70 The application site is located within a designated 'Employment Land' area and as such is bounded to the south and west by industrial / non-sensitive land users. It is therefore considered that there would be no significant detrimental impact on the amenity and privacy of neighbouring land users to the south or west. Furthermore, it is not considered that the proposed use (A1 retail food store) is not considered to be a sensitive use and therefore it is considered that there would be no detrimental impact on the amenity for the applicant as a result of its relationship to neighbouring uses to the south or west.

2.71 To the north/north-west, the application site is bounded by the adopted highway on Belle Vue Way (A689), with allotment gardens beyond to the north, and residential dwellings on Haswell Avenue beyond to the north-west. Satisfactory oblique separation distances in excess of 40 metres will remain between the existing residential properties on Haswell Avenue and the application site. It is therefore considered that the proposals would not have any significant detrimental impact on the amenity or privacy of neighbouring land users to the north/north-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

2.72 To the north/north-east, the application site is bounded by the existing public house and associated car park at 'The Stage & Monkey'. Whilst it is noted there are 2 first floor flats above the public house, there is an oblique separation distance of approximately 30 metres between the proposed single storey food store building and the closest first floor window in these adjacent flats (rear elevation kitchen/dining room), with the rear (south) elevation of the pub perpendicular to the east elevation of the proposed store and windows in the rear elevation of the flats directly overlooking the pub car park and the proposed food store car park beyond. With respect to the public house itself, there is an oblique separation distance of approximately 13 metres between the proposed food store and the single storey western offshoot of the pub, with the south facing elevation of this offshoot featuring a blank elevation and the west facing elevation overlooking the pub garden (rather than the application site). It is therefore considered that the proposals would not have any significant detrimental impact on the amenity or privacy of neighbouring land users to the north/north-east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

2.73 To the east, the application site is bounded by the car park associated with the abovementioned public house and Brenda Road, with Tees Bay Retail Park beyond. A separation distance in excess of 100 metres exists between the application site and the adjacent retail park and there are no sensitive land users in this direction. It is therefore considered that the proposals would not have any appreciable impact on the amenity or privacy of neighbouring land users to the east.

2.74 The Council's Public Protection section have been consulted and have confirmed that they do not object to the application, however have requested a condition to restrict hours of construction, and this is recommended accordingly. In view of this and as the site is within an existing allocated employment / industrial area and adjacent to an existing retail park, it is considered that the proposals would not result in undue noise or disturbance to neighbouring land users, subject to the identified condition.

2.75 In view of the above it is considered that the application is acceptable with respect to the impact on the amenity and privacy of neighbouring land users, subject to the abovementioned condition, and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

#### VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

2.76 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 requires that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area. Furthermore, development should respect surrounding buildings, structures and environment, be aesthetically pleasing, using a variety of design elements relevant to the location and type of development, and should use an appropriate mix of materials and colour.

2.77 In addition to the above requirements, policy NE7 (Landscaping Along Main Transport Corridors) stipulates that a particularly high standard of landscaping, tree planting and design will be required from development adjoining the main communication corridors of the Borough, which include the A689 from the A19 and Billingham to the town centre, and the B1277 in the south east Hartlepool industrial area.

2.78 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2.79 The application site is situated immediately adjacent to the junction (roundabout) of both the A689 (Belle Vue Way) and B1277 (Brenda Road), with elevations (north and east respectively) facing onto both roads. The site is readily



visible from the adopted highway, though views are partially obscured (particular from Belle Vue Way) due to the public house, industrial sites and existing landscaping immediately adjacent. Notwithstanding this, whilst it is appreciated the proposed food store sits adjacent to existing industrial uses, given the prominent location of the proposed food store, it is imperative that the landscaping and design of the scheme is of a high quality and positively contributes to the character and appearance of the area.

2.80 Concerns were initially raised by the case officer and the Council's Landscape Architect with respect to the design and appearance of the proposed store, as well as the proposed landscaping scheme. Initial proposals comprised silver and grey cladding to all elevations, with a large expanse of vinyl graphics/advertisements and no glazing on the north facing elevation, little in the way of a store frontage onto Brenda Road, and the main entrance of the store (and majority of glazing) on the south facing elevation overlooking the proposed car park and industrial area beyond. It was felt that these initial proposals would not positively contribute to the character and appearance of the area, with the store appearing generic in design and failing to reflect local distinctiveness. In particular it was considered that the Brenda Road (east facing) elevation, which will be the building's most prominent, appeared largely industrial and unsympathetic (particularly when viewed in the context of the public house adjacent), presenting a single flat façade with limited design features and fenestration, and a blank/windowless north facing elevation (albeit with advertisements) facing toward the adopted highway on Belle Vue Way (A689).

2.81 However, as set out above, the applicant has subsequently engaged positively with the case officer throughout the application process and has sought to address these concerns through amendments to the elevation treatments and detailing as well as enhancements to the landscaping scheme (discussed in further detail below). These amendments have included the introduction of elements of brick cladding to parts of the building, which it is considered reduces its industrial appearance and better relates to the public house adjacent, whilst additional glazing to the north elevation breaks up the previously blank/windowless frontage onto the A689. Furthermore, the proposals now include the provision of a wrap-around full height entrance feature to the south-east corner of the building (with glazing and cladding used to differentiate this) and an enclosed glazed entrance lobby to the south, as well as the extension of the entrance canopy and relocation of vinyl graphics to the eastern elevation of the building, which it is considered presents a more active and attractive frontage onto Brenda Road. The scheme as amended is therefore considered to be a marked improvement, constituting a bespoke store design unique to Hartlepool and sympathetic to the site surroundings and the visual amenity of key transport corridors.

2.82 The Council's Planning Policy section has commented that the proposal, as amended, is considered to be of a high quality design which combined with the proposed landscaping, will improve the existing frontage and the visual amenity of the area, as the area is currently vacant (and has been for a number of years) and is currently habited by low quality greenery and shrubs.

2.83 In view of the above, it is considered that the application (as amended), in combination with the proposed landscaping scheme (discussed in further detail

below) is acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

## LANDSCAPING

2.84 As above, policy NE7 (Landscaping Along Main Transport Corridors) stipulates that a particularly high standard of landscaping, tree planting and design will be required from development adjoining the A689 (Belle Vue Way) and the B1277 (Brenda Road).

2.85 The application is accompanied by an Arboricultural Impact Assessment and Method Statement, as well as a detailed landscaping plan. Landscaping proposals comprise flower/shrub planting to the boundaries of car parking areas with tree planting within the car parking areas to the east of the store, adjacent to Brenda Road. Along the northern boundary of the site, a row of trees is proposed in front of the northern elevation of the store and adjacent to Belle Vue Way (A689), with further flower/shrub planting along this boundary and in a small pocket of landscaping adjacent to the northern pedestrian access.

2.86 Concerns were initially raised by the Council's Landscape Architect with respect to the extent of the proposed landscaping, as initially submitted, and in particular limited tree planting along the northern (Belle Vue Way) and eastern (Brenda Road) site boundaries. Again, the applicant has responded positively to these concerns and has incorporated additional tree planting to both the northern and eastern boundaries, as described above. It is considered that the additional landscaping will further soften the appearance of the building and enhance the approaches into the town along Brenda Road and Belle Vue Way, in line with policy NE7 of the Local Plan. The Council's Landscape Architect has subsequently confirmed that the amended proposals are an improvement and they have no further comments to make.

2.87 In addition, the Council's Arboricultural Officer has been consulted and has confirmed that they have no concerns with the latest revisions to the plans and have advised that the proposed landscaping appears to sit well within the site layout.

2.88 In view of the above, the proposals are considered to be acceptable with respect to landscaping and tree protection and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

## ECOLOGY AND NATURE CONSERVATION

2.89 The Council's Ecologist has advised that a Habitats Regulations Assessment is not required for this application, however the application is accompanied by a Protected Species Report. The Council's Ecologist has studied the submitted report and has confirmed that this is satisfactory.

2.90 The Council's Ecologist has advised that the habitat on the site is typical early succession brownfield, though lacking any wet areas, so not meeting S41 priority '*open mosaic on previously used land*' status. However, the semi-improved neutral grassland does support a number of plant species (as highlighted in the report) including northern marsh orchid as well as narrow-bordered six-spot burnet moth, meadow brown butterfly, small copper butterfly and common blue butterfly and therefore a level of mitigation is required to compensate for the loss of this habitat.

2.91 The Council's Ecologist has advised that existing trees should be retained where possible, however it is noted from the Arboricultural Impact Assessment that existing trees within the redline boundary need to be removed to facilitate development. The Council's Ecologist has confirmed they are satisfied with the latest landscaping proposals

2.92 Notwithstanding this, in order to secure biodiversity enhancement, in line with paragraph 170 of the NPPF, the Council's Ecologist has requested a planning condition to secure details of ten bat bricks and ten sparrow terraces to be built into the fabric of the building. This is echoed in the applicant's submitted ecology report and a suitable condition is therefore recommended accordingly.

2.93 Following the submission of amended landscaping details, the Council's Ecologist has confirmed that they have no further concerns or comments to make with respect to the application.

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

2.95 In view of the above, subject to the identified conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

## FLOOD RISK AND DRAINAGE

2.96 The application site is located within Flood Zone 1 (very low risk of flooding from rivers or the sea) and is not in a critical drainage area and therefore has a low risk of flooding from surface water. Notwithstanding this, the application is accompanied by a drainage & flood risk assessment.

2.97 The Environment Agency has been consulted and has confirmed that they have no objections to the application. No concerns or objections have been received from Anglian/Hartlepool Water.

2.98 Northumbrian Water has been consulted and has advised that they have no issues to raise with the above application, provided the application is only approved subject to a planning condition to ensure the work is carried out in strict accordance with the submitted drainage & flood risk assessment document, and this is recommended accordingly.

2.99 The Council's Flood Risk Officer has advised that they have no objections to the proposals however require further information with respect to surface water drainage, and therefore a planning condition to secure this is recommended accordingly.

2.100 In view of the above, the application is considered to be acceptable with respect to the impact on flood risk and drainage, subject to the identified conditions, and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

## LAND CONTAMINATION

2.101 The application is accompanied by a Phase 1 and Phase 2 Geo-Environmental Assessment. The site is largely brownfield/previously developed land and the submitted report identifies previous industrial uses on the site. Whilst the Environment Agency has not objected to the application, they have advised that there are potential sources of land contamination and landfill gas and that the applicant and Local Planning Authority should take this into consideration. An informative note is therefore recommended to make the applicant aware of this advice.

2.102 The Council's Engineering section has also been consulted and has advised that, whilst neither Geo-Environmental Assessment report submitted with the application finds land contaminated significantly, due to the location and past uses of land within this area and the potential for unexpected contamination the Council's standard planning condition to deal with the risks associated with contamination of the site should be appended to any permission, and this is recommended accordingly.

2.103 In view of the above, subject to the identified condition and information, the application is considered to be acceptable with respect to matters of land contamination and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

## OTHER PLANNING MATTERS

### *Heritage Assets and Archaeology*

2.104 The application site is not within or adjacent to any conservation areas and therefore no listed or locally listed buildings in the immediate vicinity. No concerns or objections have been received from the Council's Heritage and Countryside Manager. Tees Archaeology has been consulted and has advised that the proposed development site is of low archaeological interest and therefore no further archaeological involvement is needed. The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology.

### *Public Rights of Way*

2.105 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.

### *Safety and Security*

2.106 Cleveland Police has been consulted and have not raised any objections however have provided advice with respect to safety and security measures and lighting, and an informative note is recommended to make the applicant aware of this. Subject to the identified informative the application is considered to be acceptable with respect to matters of safety and security.

### *Waste Management*

2.107 The application includes a service area to the rear (west) of the store. No objections have been received from the Council's Waste Management section. A planning condition is recommended however to secure final details of waste storage in the interests of visual amenity. The application is considered to be acceptable with respect to waste management, subject to the identified condition.

### *Public Health*

2.108 The Council's Public Health section has confirmed that they have no objections to the application however had advised that consideration should be given to the provision of shower facilities for staff to encourage people to cycle. The applicant has advised that washing and changing facilities are provided in store for staff. The Council's Public Health section has confirmed that they have no further comments. The application is considered to be acceptable in this respect.

## RESIDUAL MATTERS

### *Fire Safety*

2.109 Cleveland Fire Brigade has confirmed that they offer no recommendations regarding the development as proposed however they have advised that access and water supplies should meet the requirements as set out in the Building Regulations, and it should be noted that Cleveland Fire Brigade use an appliance with a greater weight than that specified in the Building Regulations. An informative note is recommended to make the applicant aware of the fire brigade's advice.

2.110 Cleveland Fire Brigade have also recommended that the applicant consider the installation of a sprinkler system or suitable alternative AFS system. The applicant has acknowledged this advice and has provided a Fire Strategy Plan. However the applicant has confirmed that based on the Building Control Compliance Review the Store does not require a sprinkler system as it is less than 2000m<sup>2</sup> in floor area and not more than 18m in height. The applicant has advised however that the fire alarm system provided will be to a Category L5/M standard (high risk areas / manual). This information has been provided to Cleveland Fire Brigade and they have confirmed that they have no further comments.

2.111 Notwithstanding the above, these matters would ultimately be considered through the Building Regulations approval process.

#### *Gas and Electricity Infrastructure*

2.112 Northern Gas Networks has confirmed that they have no objection to the application, however have advised that there may be apparatus in the area that may be at risk during construction works and, should the planning application be approved, then they require the promoter of the works to contact them directly to discuss their requirements in detail. A suitable informative note will be appended to any decision notice to make the applicant aware of this advice.

2.113 No comments or objections have been received from the Northern Powergrid or the Cleveland Emergency Planning Unit.

#### *Council Owned Land*

2.114 The Council's Property Services section has advised that a large portion of this land was sold by the Council on 10<sup>th</sup> July 1964 and, as such, it may be subject to restrictive covenants. This is a civil/legal matter beyond the remit of this planning application however a suitable informative note is recommended to make the applicant aware of this.

### CONCLUSION

2.115 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and whilst the proposals constitute a departure from policy EMP3 of the Hartlepool Local Plan (2018), on balance this is considered to be acceptable as there are material considerations in this particular case (as detailed in the report) that indicate that the Local Plan should not be followed (in respect of Policy EMP3), and the application is otherwise considered to be in general conformity with the relevant policies of the adopted Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019) in all other respects. The development is recommended for approval subject to the planning conditions set out below.

### EQUALITY AND DIVERSITY CONSIDERATIONS

2.116 There is no evidence of equality or diversity implications.

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

2.117 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.

2.118 There are no Section 17 implications.

## REASON FOR DECISION

2.119 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 section 106 legal agreement securing planning obligations/developer contributions towards green infrastructure (£21,190); and obligations securing a training and employment charter/local labour agreement; and the provision, maintenance and long term management of open spaces, landscaping and surface water drainage; and subject to the following conditions;

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

To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

0435 PL (0) 01 (Location Plan),

AIA TPP Revision – (Retained Trees Shown On Proposed Layout With Protective Measures Indicated),

19-DAR-Hartlepool-06 Revision 0 (PROPOSED PLANT LAYOUT)

received 27<sup>th</sup> August 2019 by the Local Planning Authority;

AMS TPP Revision – (Retained Trees Shown On Proposed Layout With Protective Measures Indicated)

received 17<sup>th</sup> September 2019 by the Local Planning Authority;

0435 PL (0) 04 Revision A (Proposed Floor Plan),

0435 PL (0) 06 Revision D (Proposed Elevations),

0435 PL (0) 07 Revision C (Proposed Landscaping Plan)

received 28<sup>th</sup> November 2019 by the Local Planning Authority;

0435 PL (0) 05 Revision A (Proposed Roof Plan)

received 29<sup>th</sup> November 2019 by the Local Planning Authority;

T513\_11B Revision B (Toucan Crossing Point Visibility Splay)

received 14<sup>th</sup> January 2020 by the Local Planning Authority;

0435 PL (0) 03 Revision B (Proposed Site Plan)

received 15<sup>th</sup> January 2020 by the Local Planning Authority.

For the avoidance of doubt.

3. Prior to the commencement of development, a scheme for surface water management shall be 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 prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system as required by the NPPF.

4. Prior to the commencement of development, a scheme that includes the following components to deal with the risks associated with contamination of the site shall be 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.

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 the commencement of development, a schedule of works for the provision of a signal controlled toucan crossing on Brenda Road, in accordance with plan T513\_11B Revision B (Toucan Crossing Point Visibility Splay) received 14<sup>th</sup> January 2020 by the Local Planning Authority, shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed details shall be implemented to the satisfaction of the Local Planning Authority prior to the store hereby approved being brought into use and shall be retained for the lifetime of the development.

In the interests of highway and pedestrian safety and to provide safe pedestrian access to the site.

6. 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. The development thereafter 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 building, the impact on adjacent properties and the visual amenity of the area, in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.

7. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials 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.

8. Prior to commencement of works above ground level on site, details of the siting and design of 20no. bird nest boxes and/or bat boxes to be installed within the application site, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details prior to the first use of the store hereby approved.

To enhance biodiversity in accordance with paragraph 118 of the NPPF.

9. Prior to the first use of the development hereby approved, details of all fences, gates, walls or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area.

10. Prior to the first use of the development hereby approved, a scheme for waste storage arrangements shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

In the interests of visual amenity and the amenities of the occupants of neighbouring properties.

11. Prior to the first use of the development hereby approved, a scheme for the provision of cycle stands (including size, design, amount and location) to serve the store (as shown on plan 0435 PL (0) 03 Revision B (Proposed Site Plan) received 15<sup>th</sup> January 2020 by the Local Planning Authority unless an alternative location is agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

In the interests of visual amenity and the amenities of the occupants of neighbouring properties.

12. Prior to the first use of the development hereby approved, a scheme for the provision of electric vehicle charging apparatus to serve the store (as shown on plan 0435 PL (0) 03 Revision B (Proposed Site Plan) received 15<sup>th</sup> January 2020 by the Local Planning Authority unless an alternative location is agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, and thereafter be carried out in accordance with the approved details.

In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan policy CC1.

13. The landscaping, open space and tree and shrub planting hereby approved shall be implemented in accordance with the following plans and details; 0435 PL (0) 07 Revision C (Proposed Landscaping Plan) received 28th November 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 prior to its first use, 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.

14. No part of the development hereby approved shall be occupied until the agreed vehicular and pedestrian access connecting the proposed development to the public highway and car parking has been constructed to the satisfaction of the Local Planning Authority.

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

15. 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 shall 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 the first use of the store or completion of the development, whichever is the sooner. 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 and to prevent an increase in surface water runoff.

16. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the following supporting plans and details, unless a variation to the scheme is agreed in writing with the Local Planning Authority; Arboricultural Impact Assessment, Arboricultural Method Statement, AIA TPP Revision – (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) received 27<sup>th</sup> August 2019 by the Local Planning Authority; and AMS TPP Revision – (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) received 17<sup>th</sup> September 2019 by the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting planting that is worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

17. The development hereby approved shall be carried out in accordance with the sustainability and energy efficiency measures detailed within the submitted Sustainability Statement (dated August 2018) received by the Local Planning Authority on 27<sup>th</sup> August 2019.

For the avoidance of doubt and in the interests of sustainable development in accordance with Local Plan policies CC1 and QP7.

18. The development hereby approved shall be carried out in accordance with the details within the submitted Pre-Construction Method Statement Rev. 0 (dated 3/12/2019) received by the Local Planning Authority on 12<sup>th</sup> December 2019.

For the avoidance of doubt and in the interests of visual amenity and the amenities of neighbouring land users and highway safety

19. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Impact Assessment

including Flood Risk” dated “August 2019”. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 9501 and ensure that surface water discharges to the existing ponds which ultimately discharge to the watercourse.

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

20. Notwithstanding the details contained within the submitted Pre-Construction Method Statement Rev. 0 (dated 3/12/2019) received by the Local Planning Authority on 12th December 2019, no construction works shall take place outside the hours of 07.00hrs - 19.00hrs Mondays to Fridays; and 08.00hrs - 13.30hrs on Saturdays. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.

21. The premises shall not be open to the public outside the following times; 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 Sundays and Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.

22. The development hereby approved shall be laid out and operate in general conformity with drawing 0435 PL (0) 04 Revision A (Proposed Floor Plan) received 28th November 2019 by the Local Planning Authority; and there shall be no increase in the total sales area shown therein (1254sqm), without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall not be extended in any way (including through the provision of mezzanine floor space) without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of highway safety and parking provision.

24. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a Shop Use within the A1 Use Class and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).

To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.

25. For the avoidance of doubt, this approval does not include consent for any signage or advertisements associated with the development hereby approved (as shown on drawing 0435 PL (0) 06 Revision D (Proposed Elevations) received 28th November 2019 by the Local Planning Authority), for which separate advertisement consent is required.

For the avoidance of doubt.

## BACKGROUND PAPERS

2.120 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**

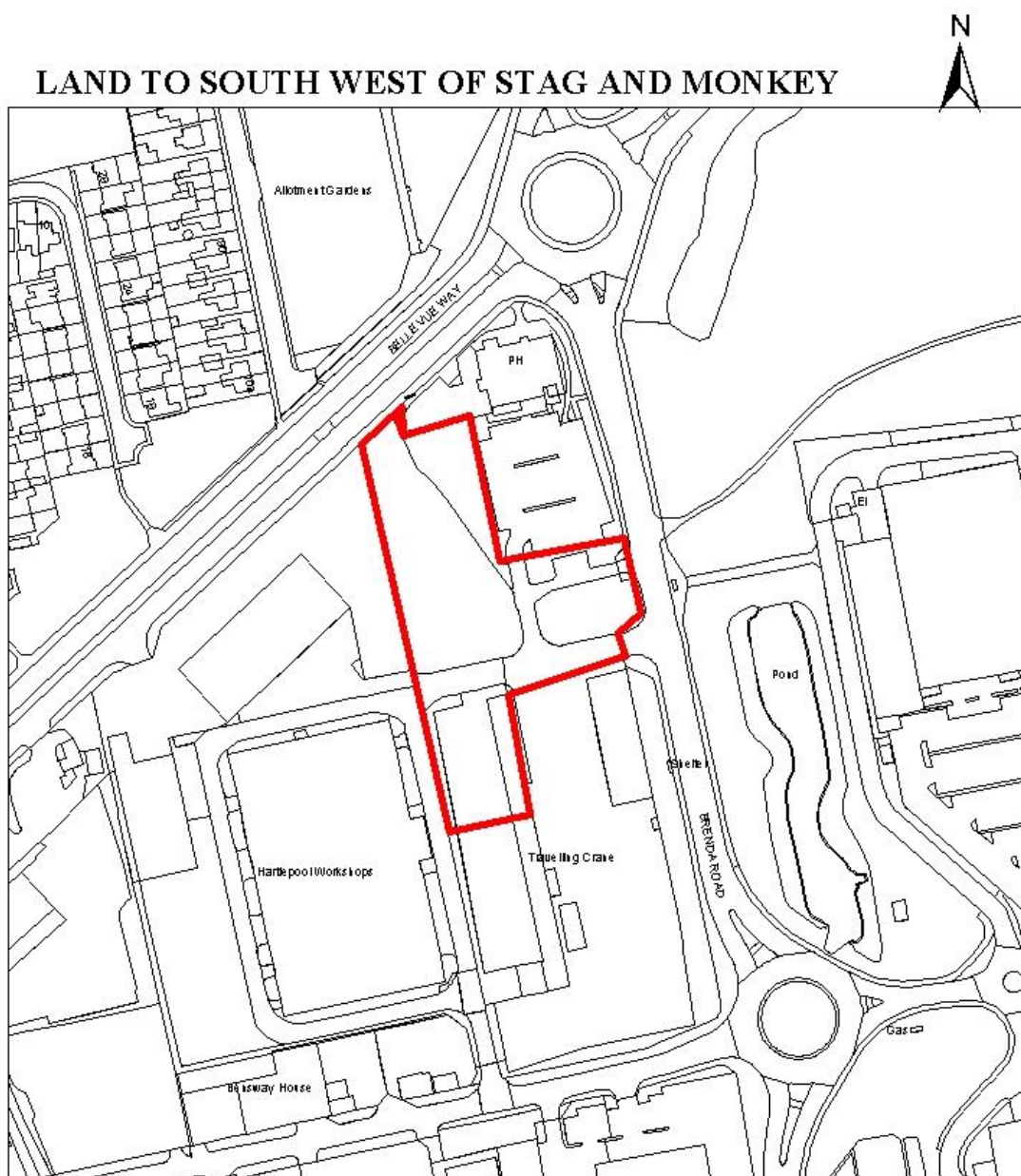
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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0391</b>	REV

**No:** 3  
**Number:** H/2019/0349  
**Applicant:** MR B CONROY HUTTON AVENUE HARTLEPOOL TS26 9PP  
**Agent:** GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE  
**Date valid:** 29/10/2019  
**Development:** Approval of reserved matters in respect of planning application H/2018/0488 for the erection of a 2.5 storey detached dwellinghouse with detached double garage, external hard/soft landscaping and boundary treatment.  
**Location:** PLOT 7 LAND AT WORSET LANE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

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

H/2018/0488 - Outline planning permission was granted on the 23 July 2019 for the erection of up to 8 no self-build residential plots together with associated access and landscaping works, all other matters reserved. The application was approved subject to a number of planning conditions and the completion of a s106 legal agreement that secured contributions/obligations summarised as follows;

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

H/2019/0463 - Section 73 application for the variation of condition 18 (acoustic fence on the eastern boundary) of planning approval H/2018/0488 (outline planning application with some matters reserved for the erection of up to 8 no self-build residential plots together with associated access and landscaping works) to allow for the provision of an acoustic mound along the eastern boundary of the site (adjacent to Hart Lane) – still under consideration.

3.3 All reserved matters applications for plots 2, 3, 4, 5, 6 and 8 have been submitted and are under consideration. The applications for plots 6 and 8 also form part of this Committee agenda (29.01.2020).

## **PROPOSAL**

3.4 This application seeks approval for all reserved matters (appearance, layout, scale and landscaping) of Plot 7 of approved outline application for 8 dwellings H/2018/0488.

3.5 The proposed 6 bedroom, 2.5 storey dwelling would be located towards the front/north of the plot and includes a detached double garage which is located to the west of the proposed dwelling. The proposed dwelling would feature two bay windows either side of the front entrance, which provides a stone canopy. The roof slopes has velux windows in the south roof slope. The proposal includes a bat brick to be provided on the south elevation at first floor and details of solar panels on the south facing roof slope.

3.6 The application includes a report confirming compliance with the approved Design Code for the development that was agreed by way of a condition on the outline planning permission (H/2018/0488), which primarily relates to plot coverage, distance from adjacent boundaries, external finishing materials and boundary treatments.

3.7 The application has been referred to Committee as more than 2 objections have been received in line with the Council's scheme of delegation.

## **SITE CONTEXT**

3.8 The application site relates to Plot 7, located towards the south of the approved outline application site, known as Worset Lane. The overall outline site relates to a parcel of land which extends to approximately 1.4 hectares. The application site is currently being prepared with site clearance works underway. The site falls within the limits of development. The site is located on an area of land which fronts both Hart Lane and Worset Lane. Access to the development site is to be taken from Worset Lane. The surrounding area is residential in character with local services within walking distance.

## **PUBLICITY**

3.9 The application has been advertised by way of site notice and neighbour letters (13). To date, there have been 5 letters of objection.



3.10 The concerns/objections raised can be summarised as follows:

- Separation distance below guidelines
- Not in keeping with surrounding area
- Direct views/overlooking into adjacent existing properties and garden areas resulting in a loss of privacy
- Overshadowing of neighbouring gardens
- Development is intrusive, and results in a loss of light (Right to Light)
- Reflection from proposed solar panels which are also unsightly

3.11 Copy Letters **C**

3.12 The period for publicity has expired.

## CONSULTATIONS

3.13 The following consultation replies have been received:

**HBC Ecology** – I am satisfied that the submitted Design Statement (dated August 2019) includes the provision of a single integral bat brick to the south facing elevation. This should be conditioned.

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

**HBC Public Protection** – No objection.

**HBC Engineering Consultancy** – No objection.

**HBC Landscape** – Providing that the landscaping as shown on drawing 1924.P7.P.02 is implemented on completion of the development, I am happy with this however can I have details of the size at planting from the agent. The rear boundary fence takes account of an existing wall and hedge which will remain in situ. No objections.

**HBC Landscape Architect**- The landscape information provided is minimal. The following information should be provided in relation to hard and soft landscape.

1. Details of hard surface materials.
2. Site levels.
3. Full planting details and specification. This should include stock type, size, and planting details of any planting and specification for turf/grass. Acer palmatum is noted on the plan. This species is unsuitable due to its susceptibility to wind damage.
4. Full details for timber boundary treatment. It is noted that the existing boundary wall is to be retained. A typical section and elevation should be provided to show the relationship between the two boundary treatments. Any timber fence should be set back from the existing boundary wall to allow for the planting of a native species

hedgerow to reduce visual impact. This detail should also be applied to neighbouring plots.

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

**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.

**Tees Archaeology** – No objection the site has already been fully excavated so there is no further need for an archaeological condition.

**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.

## PLANNING POLICY

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

### Hartlepool Local Policy

3.15 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  
 SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2019)

3.16 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan

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

PARA 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 153: Planning for Climate Change

PARA 212: Implementation

### HBC Planning Policy Comments

3.17 The principle of development has been established through the outline permission. It must be noted that the design code states that individual posts should include a scheme which should highlight how the energy demand of the development and its CO2 emissions are to be reduced 10% below what is required by the most up to date Building Regulations. This must be demonstrated (ideally through submission of a SAP statement) using clear figures to prove compliance in order to satisfy this policy prior to commencement of development.

3.18 Planning policy have no concerns with regards to the design of the dwelling, as it is deemed to be of a high quality design and in accordance with the Acland Homes Design Guide.

## **PLANNING CONSIDERATIONS**

3.19 The principle of residential development and associated access on this site has been established through the extant outline planning permission (H/2018/0488). As such, the main considerations of this application relate to the impact on the visual amenity of the area (including the appearance, scale, layout and landscaping of the

proposal), highway safety and access, impact on the amenity and privacy of neighbouring land users, drainage and any other planning matters as set out below.

#### VISUAL AMENITY (APPEARANCE, LANDSCAPING SCALE AND LAYOUT)

3.20 The Hartlepool Local Plan 2018 advises that development should be designed to a high quality and positively enhance their location and setting, be of a scale and character which is in keeping with its surroundings, and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy QP4 states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

3.21 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

3.22 The immediate/approved outline area is to consist of mainly large detached dwellings which vary in style (albeit they should fall within the agreed design code for the development). The immediate area is to be developed as self-build plots. Beyond this, the surrounding area consists of a variety of house types (design and scale). It is considered that the main dwelling would be acceptable in terms of the visual impacts given the (anticipated) surrounding context of proposed detached houses. It is acknowledged that there is some stagger between the dwellings in this development, however, in general, the dwellings which have come forward (particularly those to the south) and are under consideration (to date) follow the general indicative building line and plot layout as agreed at the outline stage with properties being set back from the highway to the front. The rear of the proposed dwelling would be visible from certain views in the wider street scene but in the above context, it is considered that the proposal would not result in an adverse loss of visual amenity for the surrounding area.

3.23 The applicant has provided an illustration of the proposed layout of this dwelling and its anticipated relationship to the neighbouring plots 8 and 6, and this has therefore been considered as part of the relationship between the application site and the neighbouring plots, and is deemed to be acceptable.

3.24 The proposed self-build dwelling is considered to be of a complementary scale and appearance in the context of the overall plot size and in the context of the self-build development. Furthermore, the proposal would be set off the adjacent boundaries, which is also a requirement of the agreed Design Guide. The indicative finishing materials are considered to be acceptable, including the provision of solar panels. Notwithstanding this, final details of the materials will need to be agreed through condition 06 on the outline approval. It is therefore considered that the proposal on balance is acceptable.

3.25 The Council's Arboricultural Officer and Landscape Architect have raised no objections to the proposal subject to final/further soft landscaping, hard landscaping

details, site levels and means of enclosure being agreed, particularly in respect of the stone wall and planting along the southern boundary to plots 7 and 8 (that is required to be retained as part of condition 08 of the outline approval), the final details of which can be secured by planning conditions(s).

3.26 Overall it is considered that the appearance, scale and layout of the proposed scheme is in general conformity with the approved indicative block plan that was considered as part of the outline planning permission and is acceptable in this respect. It is therefore considered that the proposal would not result in an adverse loss of visual amenity for the surrounding area.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.27 Objections have been received from existing neighbouring residential properties to the rear of the development site including concerns of overlooking and the development being overbearing. The main element of the two storey proposed dwelling would sit forward within the plot, and set approximately 19m from the rear boundary fence line. Beyond the rear of the proposed boundary fence is a footpath and access road with residential garden areas for properties within Millston Close beyond. It was observed that the residential properties on Millston Close (whose rear gardens/elevations look towards the development site) have high boundary fencing with conifer trees on the inside of the fence line. It is acknowledged that the site sits higher than the ground levels of the properties in Millston Close (it is understood that the proposed dwelling's finished floor level would be between approximately 2m (max) to approximately 1.1m (min) above the existing level of the footpath/access road level immediately to the rear/south of the proposed site with the properties and gardens of Millston Close beyond). However given the separation distance from the application site to the dwellings in Millston Close, which is in excess of approximately 40 metres and therefore more than exceeds the separation distances of 20 metres for principal elevations set out in Local Plan policy QP4 (and the Council's Residential Design Guide SPD), it is therefore considered that the relationship between the proposed dwelling for plot 7 and the residential dwellings within Millston Close is acceptable and would not result in an unacceptable adverse loss of amenity and privacy for neighbouring properties (of future occupiers of the proposed dwelling) in terms of outlook, overbearing, overshadowing and overlooking.

3.28 The application site sits at an oblique angle and separation distance of approximately 35 metres to High Throston House (south east) and is separated by a public footpath. It is considered that there is an adequate separation and the oblique angle to have a significant detrimental impact on the amenity or privacy of the occupiers of this property (or future occupiers of the proposed dwelling) in terms of outlook, overbearing, overshadowing and overlooking.

3.29 Concerns are raised by objectors to the provision of solar panels to the southern slope of the roof. However, given the height and angle of the solar panels, separation distances and that no objections have been received from HBC Public Protection in this respect, it is considered that any resultant 'glare' would not be at a level as to warrant a refusal of the application. Furthermore, it should be noted that the provision of solar panels to domestic properties can generally be undertaken

without the need for planning permission and the resultant impacts of which are considered to be acceptable by the government.

3.30 As noted above, there are several reserved matters applications which are under consideration, including the adjacent plots 6 (east) and 8 (west) with plot 5 to the front/north east. In this instance, it is noted that the proposed dwelling at plot 7 is set off the shared boundary with plot 8 (currently pending consideration, ref H/2019/0350) by approximately 9 metres, with the proposed detached double garage (serving the proposed dwelling) sitting between the two dwellings, and a separation distance between the gable elevations of the two dwellings of approximately 11-12 metres. Given the orientation and position of the two dwellings (side by side/on a similar building line) and the abovementioned separation distance, it is considered that the proposed dwelling would not have a significant detrimental impact on the amenity of future occupiers of plot 8 and properties beyond to the west in terms of overshadowing, any overbearing effect or poor outlook.

3.31 The proposed dwelling is set off the shared boundary with plot 6 (currently pending consideration, ref H/2019/0140) by approximately 2 metres, with a separation distance between the gable elevations of the two dwellings of approximately 4.2 metres. Plot 6 sits approximately 2 metres forward to the dwelling at plot 7. Given the orientation and position of the two dwellings and the abovementioned separation distance, it is considered that the proposed dwelling would not have a significant detrimental impact on the future occupiers of plot 6 to the east in terms of overshadowing, overbearing or poor outlook.

3.32 The proposal includes windows in the west elevation at first and second floor (roof space) which serve a bathroom and cinema room respectively and a first floor window in the east elevation serving an en suite. As such, it is considered necessary for these windows to have restricted openings and to be obscurely glazed to prevent any direct overlooking into the anticipated side/garden areas of the adjacent plots (6 and 8) and to avoid any overlooking between windows in the gable side elevations of the proposed dwellings of the adjacent plots (the same treatment will need to be applied to any such windows in the side elevations of plots 6 and 8). This can be secured by appropriate planning condition. Given the orientation of the adjacent plots, it is considered that no direct views would be achievable between windows in the front and rear elevations of the proposal towards the anticipated siting of windows in the front and rear plots 6 and 8. Overall, it is considered that the proposal would not result in an adverse loss of privacy for future occupiers of the adjacent proposed plots in terms of overlooking.

3.33 The proposed dwelling would be located at an oblique angle and separation distance of approximately 18-19m to the front/side elevations of plot 5 (also currently under consideration) with the presence of the turning head/highway in between. It is anticipated that the secondary windows in the south/side elevation of plot 5 will need to be treated (obscurely glazed/limited opening) in respect of its relationship to plot 6 (also under consideration and forms part of this planning committee agenda). In view of the above considerations, it is considered that the proposal would not result in an adverse loss of amenity and privacy for future occupiers of plot 5 in terms of outlook, overbearing, overshadowing and overlooking.

3.34 Notwithstanding the above, whilst the site is currently relatively flat and there is not anticipated to be a significant change to the levels as a result of the proposal (the levels provided to date for the submitted plots indicate a relatively level site), further details with respect to the proposed site and finished floor levels are required and as such a condition is recommended to secure final details of this prior to commencement of the development to ensure a satisfactory form of development. Subject to this, the proposal is considered to be acceptable in this respect and would not result in an unacceptable loss of outlook or an overbearing impression for surrounding properties.

3.35 No objections have been received from the Council's Public Protection team. Hours of construction/deliveries and a construction management plan were secured through separate planning conditions on the approved outline application (H/2018/0488) and remain applicable to the current application.

3.36 In view of the above considerations, it is considered that the proposal is acceptable in respect of any impacts on the amenity and privacy of the neighbouring land users, subject to the abovementioned condition(s), and the scheme is therefore considered to be acceptable in this respect and satisfies the provisions of relevant local planning policies and those of the NPPF.

#### HIGHWAY SAFETY AND ACCESS

3.37 The main highway and access matters for the overall site were agreed through the outline planning approval. The current proposal would be served by an access into the development site from Worset Lane, and driveway from the internal access road. The Council's Traffic and Transport section has been consulted and raised no objections to the proposal. It is therefore considered the proposal is acceptable in this respect.

#### DRAINAGE

3.38 The overall drainage connections (both surface water and foul drainage) for the site will need to be considered and agreed under the relevant planning conditions on the outline planning permission (H/2018/0488) for the overall site. In terms of the foul and surface water connections from Plot 7, the Council's Engineering Consultancy and Northumbrian Water have been consulted. The Council's Engineering Consultancy section raised no concerns or objection, whilst no objections have been received from Northumbrian Water. Final foul drainage connections (for this plot) will be addressed through the associated Building Regulations application. It is therefore considered the proposal is acceptable in this respect.

#### OTHER PLANNING MATTERS

3.39 No objections have been received from other technical consultees including from the Council's Ecologist whereby ecological mitigation (landscape buffer) and biodiversity enhancement measures (provision of bat boxes) have been secured through a planning obligation within the s106 legal agreement and planning conditions on the outline planning permission. The proposal includes the provision

of a bat brick on the south elevation which is in line with the requirements of condition 24 of the outline planning permission for bio-diversity enhancement. The Council's Ecologist has confirmed that the proposal is considered to be acceptable in this respect.

3.40 Whilst the proposal includes the provision of solar panels on the southern roof slope (which relates to renewables), in order to ensure the development is in accordance with the requirement of condition 23 (which requires the dwellings to be more energy efficient) of the outline planning permission, further details are required. This can be secured by condition.

## RESIDUAL MATTERS

3.41 An objection has been received raising concerns over the impacts on the occupier's 'right to light'. 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.

3.42 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.

3.43 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.

3.44 Northern Gas Networks has confirmed that they have no objection to the application, however have advised that there may be apparatus in the area that may be at risk during construction works and, should the planning application be approved, then they require the promoter of the works to contact them directly to discuss their requirements in detail. This advice will be appended by way of an informative to the decision notice. No comments or objections have been received from the Northern Power Grid.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.45 There is no evidence of equality or diversity implications.



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

3.46 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.

3.47 There are no Section 17 implications.

## REASON FOR DECISION

3.48 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 hereby permitted shall be carried out in accordance with the plans Dwg No(s) 1924.P7.P.02 Rev C (Proposed ground and first floor plans and front and rear elevations, site layout and location plan) and 1924.P7.P.01 Rev B (Proposed ground and first floor plans and front and rear elevations garage plans and elevations) and details received by the Local Planning Authority on 18 November 2019 and Acoustic Assessment report received by the Local Planning Authority on 12 November 2019.

For the avoidance of doubt.

2. Notwithstanding the submitted levels details and prior to the commencement of development of the dwellinghouse hereby approved, details of the existing and proposed levels of the site (including the finished floor levels of the building(s) to be erected, any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries/garden levels) 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 impact on adjacent properties.

3. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

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

4. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground construction of the development hereby approved. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of all open

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

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

5. Prior to the occupation or completion of the dwellinghouse (whichever is the sooner) hereby approved, details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the dwelling 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.

6. Notwithstanding the submitted information and prior to the occupation or completion of the dwellinghouse (whichever is sooner) hereby approved, final details of all boundary enclosures/treatments (including driveway and other gates) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include large scale details and a typical section of the retained/protected stone wall and vegetation (as required by condition 08 of approval H/2018/0488) along the southern boundary of the site. Thereafter the development shall be carried out in accordance with the approved details and retained for lifetime of the development hereby approved.

In the interests of visual amenity.

7. 1no. bat brick shall be installed in accordance with the details shown on Dwg No: 1924.P7.P.01 Rev B (date received 18 November 2019) prior to the occupation of the dwelling. The bat brick shall be retained for the lifetime of the development. In the interest of bio-diversity enhancement in line with requirements of the NPPF.

8. Notwithstanding the submitted information, the 2no. windows to be installed within the first floor side elevations (east serving an ensuite, west serving a bathroom) and 1no. window to be installed in the second floor side/west elevation (serving a cinema room) as detailed on plans 1924.P7.P.02 Rev C and 1924.P7.P.01 Rev B (both date received by the Local Planning Authority 18 November 2019) shall be fitted with a restricted opening mechanism (limiting to a 30 degree opening) and obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent, details of which shall be first submitted to and agreed in writing with the Local Planning Authority prior to the installation of the windows and occupation of the dwellinghouse. The agreed scheme shall be implemented prior to the occupation of the dwellinghouse and shall remain for lifetime of the development hereby approved. The application of translucent film to clear glazed windows would not satisfy the requirement of this condition.

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

## **BACKGROUND PAPERS**

3.49 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.

## **CONTACT OFFICER**

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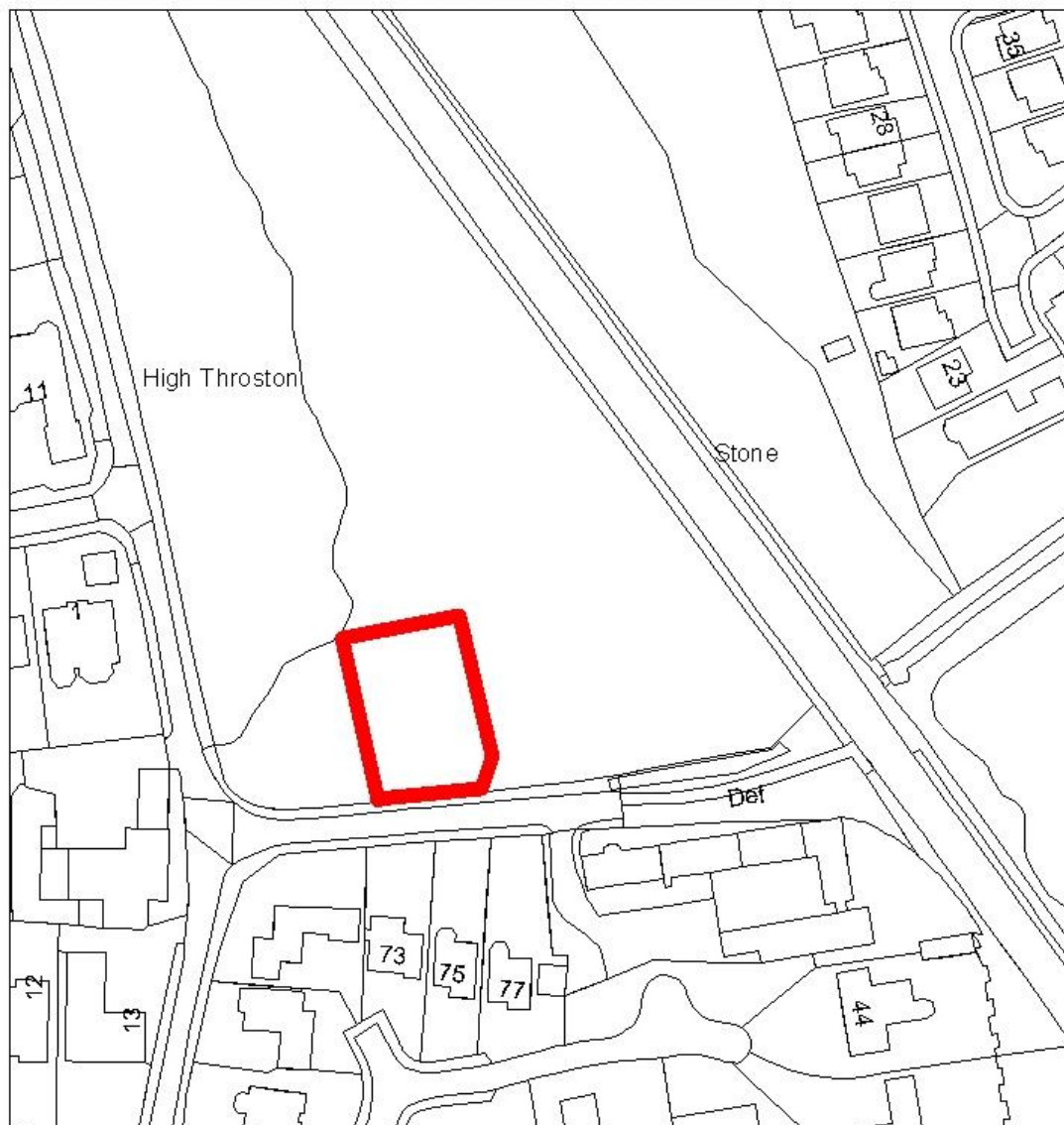
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## PLOT 7 LAND AT WORSET LANE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/01/2020</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0349</b>	REV

**No:** 4  
**Number:** H/2019/0350  
**Applicant:** MR P CONROY HUTTON AVENUE HARTLEPOOL TS26 9PP  
**Agent:** GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE  
**Date valid:** 29/10/2019  
**Development:** Approval of reserved matters in respect of planning application H/2018/0488 for the erection of a 2.5 storey detached dwellinghouse with detached double garage, external hard/soft landscaping and boundary treatment.  
**Location:** PLOT 8 LAND AT WORSET LANE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

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

4.4 H/2018/0488 - Outline planning permission was granted on the 23 July 2019 for the erection of up to 8 no self-build residential plots together with associated access and landscaping works, all other matters reserved. The application was approved subject to a number of planning conditions and the completion of a s106 legal agreement that secured contributions/obligations summarised as follows;

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

4.5 H/2019/0463 - Section 73 application for the variation of condition 18 (acoustic fence on the eastern boundary) of planning approval H/2018/0488 (outline planning application with some matters reserved for the erection of up to 8 no self-build residential plots together with associated access and landscaping works) to allow for the provision of an acoustic mound along the eastern boundary of the site (adjacent to Hart Lane) – still under consideration.

4.6 All reserved matters applications for plots 2, 3, 4, 5, 6 and 7 have been submitted and are under consideration. The applications for plots 6 and 7 also form part of to this Committee agenda (29.01.2020).

## **PROPOSAL**

4.7 This application seeks approval for all reserved matters (appearance, layout, scale and landscaping) of Plot 8 of approved outline application for 8 dwellings H/2018/0488.

4.8 The proposed 6 bedroom, 2.5 storey dwelling would be located towards the front/north of the plot and includes a detached double garage and car parking spaces which are located to the front/north west corner of the proposed dwelling. The proposed dwelling would feature two bay windows either side of the front entrance, which provides a stone canopy. The roof slopes has velux windows in the south roof slope. The proposal includes a bat brick to be provided on the south elevation at first floor and details of solar panels on the south facing roof slope.

4.9 The application provides a report confirming compliance with the approved Design Code for the development that was agreed by way of a condition on the outline planning permission (H/2018/0488), which primarily relates to plot coverage, distance from adjacent boundaries, external finishing materials and boundary treatments. The application has been referred to Committee as more than 2 objections have been received in line with the Council's scheme of delegation.

## **SITE CONTEXT**

4.10 The application site relates to Plot 8, located within the south west corner of the approved outline application site, known as Worset Lane. The overall outline site relates to a parcel of land which extends to approximately 1.4 hectares. The application site is currently being prepared with site clearance works underway. The site falls within the limits of development. The site is located on an area of land which fronts both Hart Lane and Worset Lane. Access to the development site is to be taken from Worset Lane.

4.11 The surrounding area is residential in character with local services within walking distance.

## **PUBLICITY**

4.12 The application has been advertised by way of site notice and neighbour letters (13). To date, there have been 6 letters of objection.

4.13 The concerns/objections raised can be summarised as follows:

- Separation distance below guidelines
- Not in keeping with surrounding area
- Direct views/overlooking into adjacent existing properties and garden areas resulting in a loss of privacy
- Overshadowing of neighbouring gardens
- Development is intrusive, and results in a loss of light (Right to Light)
- Reflection from proposed solar panels which are unsightly

4.14 Copy Letters **D**

4.15 The period for publicity has expired.

## CONSULTATIONS

4.16 The following consultation replies have been received:

**HBC Ecology** – I am satisfied that the submitted Design Statement (dated August 2019) includes the provision of a single integral bat brick to the south facing elevation. This should be conditioned.

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

**HBC Public Protection** – No objection.

**HBC Engineering Consultancy** – No objection.

**HBC Landscape** – Providing that the landscaping as shown on drawing 1924.P7.P.02 is implemented on completion of the development, I am happy with this however can I have details of the size at planting from the agent. The rear boundary fence takes account of an existing wall and hedge which will remain in situ. No objections.

**HBC Landscape Architect**- The landscape information provided is minimal. The following information should be provided in relation to hard and soft landscape.

1. Details of hard surface materials.
2. Site levels.
3. Full planting details and specification. This should include stock type, size, and planting details of any planting and specification for turf/grass. Acer palmatum is noted on the plan. This species is unsuitable due to its susceptibility to wind damage.
4. Full details for timber boundary treatment. It is noted that the existing boundary wall is to be retained. A typical section and elevation should be provided to show the relationship between the two boundary treatment. Any timber fence should be set back from the existing boundary wall to allow for the planting of a native species

hedgerow to reduce visual impact. This detail should also be applied to neighbouring plots.

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

**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.

**Tees Archaeology** – No objection the site has already been fully excavated so there is no further need for an archaeological condition.

**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.

## PLANNING POLICY

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

### Hartlepool Local Policy

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

CC1: Minimising and adapting to climate change  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2019)

4.19 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan



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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 091: Promoting healthy and safe communities

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA 153: Planning for Climate Change

PARA 212: Implementation

4.20 HBC Planning Policy Comments - The principle of development has been established through the outline permission.

It must be noted that the design code states that individual posts should include a scheme which should highlight how the energy demand of the development and its CO2 emissions are to be reduced 10% below what is required by the most up to date Building Regulations. This must be demonstrated (ideally through submission of a SAP statement) using clear figures to prove compliance in order to satisfy this policy prior to commencement of development.

Planning policy have no concerns with regards to the design of the dwelling, as it is deemed to be of a high quality design and in accordance with the Acland Homes Design Guide.

## PLANNING CONSIDERATIONS

4.21 The principle of residential development and associated access on this site has been established through the extant outline planning permission (H/2018/0488). As such, the main considerations of this application relate to the impact on the visual amenity of the area (including the appearance, landscaping, scale and layout of the

proposal), highway safety and access, impact on the amenity and privacy of neighbouring land users, drainage and any other planning matters as set out below;

#### VISUAL AMENITY (APPEARANCE, LANDSCAPING, SCALE AND LAYOUT)

4.22 The Hartlepool Local Plan 2018 advises that development should be designed to a high quality and positively enhance their location and setting, be of a scale and character which is in keeping with its surroundings, and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy QP4 states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

4.23 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.24 The immediate/approved outline area is to consist of mainly large detached dwellings which vary in style (albeit they should fall within the agreed design code for the development). The immediate area is to be developed as self-build plots. Beyond this, the surrounding area consists of a variety of house types (design and scale). It is considered that the main dwelling would be acceptable in terms of the visual impacts given the (anticipated) surrounding context of proposed detached houses. It is acknowledged that there is some stagger between the dwellings in this development, however, in general, the dwellings which have come forward and are under consideration (to date) follow the general indicative building line agreed at the outline stage with properties being set back from the highway to the front. The rear of the proposed dwelling would be visible from certain views in the wider street scene but in the above context, it is considered that the proposal would not result in an adverse loss of visual amenity for the surrounding area.

4.25 The applicant has provided an illustration of the proposed layout of this dwelling and its anticipated relationship to the neighbouring plot 7 (east), and this has therefore been considered as part of the relationship between the application site and the neighbouring plots, and is deemed to be acceptable.

4.26 The proposed self-build dwelling is considered to be of a complementary scale and appearance in the context of the overall plot size and in the context of the self-build development. Furthermore, the proposal would be set off the adjacent boundaries, which is also a requirement of the agreed Design Guide. The indicative finishing materials are considered to be acceptable, including the provision of solar panels. Notwithstanding this, final details of the materials will need to be agreed through condition 06 on the outline approval. It is therefore considered that the proposal on balance is acceptable.

4.27 The Council's Arboricultural Officer and Landscape Architect have raised no objections to the proposal subject to final/further soft landscaping, hard landscaping details, site levels and means of enclosure being agreed, particularly in respect of

the stone wall and planting along the southern boundary to plots 7 and 8 (that is required to be retained as part of condition 08 of the outline approval), the final details of which can be secured by planning conditions(s).

4.28 Overall it is considered that the appearance, scale and layout of the proposed scheme is in general conformity with the approved indicative block plan that was considered as part of the outline planning permission and is acceptable in this respect. It is therefore considered that the proposal would not result in an adverse loss of visual amenity for the surrounding area.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.29 Objections have been received from existing neighbouring residential properties to the rear (south) and side (west) of the development site including concerns of overlooking and the development being overbearing. The main element of the two storey proposed dwelling sits forward within the plot, and is set approximately 15m from the rear boundary fence line. Beyond the rear of the fence is a public footpath and access road with residential garden areas for properties within Millston Close beyond. The residential properties on Millston Close (whose rear gardens/elevations look towards the development site) have high boundary fencing with conifer trees on the inside of the fence line. It is acknowledged that the site sits higher than the ground levels of the properties in Millston Close (it is understood that the proposed dwelling's finished floor level would be between approximately 2m (max) to approximately 1.1m (min) above the existing access road/footpath level immediately to the rear/south of the proposed site with the properties and gardens of Millston Close beyond). However, given the separation distance from the application site to the dwellings in Millston Close, which is in excess of approximately 34 metres and therefore more than exceeds the separation distances of 20 metres for principal elevations set out in Local Plan policy QP4 (and the Council's Residential Design Guide SPD), it is therefore considered that the relationship between the proposed dwelling for plot 8 and the residential dwellings within Millston Close is acceptable and would not result in an unacceptable adverse loss of amenity and privacy for neighbouring properties (of future occupiers of the proposed dwelling) in terms of outlook, overbearing, overshadowing and overlooking.

4.30 An objection has been received from a neighbouring property to the west of the dwelling in relation to loss of privacy and overlooking issues. The proposed dwelling would have two windows which primarily face towards the side and rear elevations of the nearest properties to the west at High Throston Farm and No 1 Waterside Way. These windows serve a bathroom and cinema room. There is a separation of approximately 21m from the main proposed dwelling to the nearest elevations of these properties (identified elevations), which is in excess of the required guideline separation distance of 20 metres from habitable room to habitable room contained within the Council's Local Plan policy QP4 and adopted Residential Design Guide Supplementary Planning Document. Furthermore, a separation distance of approximately 10m would remain between the proposed detached garage and the identified properties to the west. Whilst it is considered that adequate separation is maintained between the proposed dwelling (and garage) and the properties to the west, the upper floor windows in the proposed west/side elevation dwelling are to be obscurely glazed with a reduced opening. This can be secured by appropriate

condition. Overall, it is considered that the proposals would not result in an unacceptable loss of amenity for neighbouring land users to the west in terms of outlook, overbearing and overshadowing.

4.31 The application site sits at an oblique angle and separation distance of approximately 55 metres to High Throston House (south east) and is separated by a public footpath. It is considered that there is an adequate separation and the oblique angle to have a significant detrimental impact on the amenity or privacy on the amenity or privacy of the occupiers of this property (or future occupiers of the proposed dwelling) in terms of outlook, overbearing, overshadowing and overlooking.

4.32 Concerns are raised by objectors to the provision of solar panels to the southern slope of the roof. However, given the height and angle of the solar panels, separation distances and that no objections have been received from HBC Public Protection in this respect, it is considered that any resultant 'glare' would not be at a level as to warrant a refusal of the application. Furthermore, it should be noted that the provision of solar panels to domestic properties can generally be undertaken without the need for planning permission and the resultant impacts of which are considered to be acceptable by the government.

4.33 As noted above, there are several reserved matters applications which are under consideration, including the adjacent 7 (east) with plot 6 beyond, and plot 5 to the north east. In this instance, it is noted that the proposed dwelling at plot 8 is set off the shared boundary with plot 7 (currently pending consideration, ref H/2019/0349) by approximately 2.2 metres with a proposed detached double garage sitting between the two dwellings (to serve plot 7), and a separation distance between the gable elevations of the two dwellings of approximately 11-12 metres. Given the orientation and position of the two dwellings (side by side/on a similar building line) and the abovementioned separation distance, and that the proposed garage would be located at an oblique separation distance of approximately 28m to the front of plot 7, it is considered that the proposed dwelling would not have a significant detrimental impact on the amenity of future occupiers to the east through overshadowing, any overbearing effect or poor outlook. The proposed dwelling for plot 8 sits in the north-west corner of the development site and is set a significant and satisfactory distance from future plot developments within the site (including plots 5 and 6 that are currently under consideration). Given the orientation and position of the two dwellings (plots 7 and 8 side by side) and the abovementioned separation distances, it is considered that the proposed dwelling would not have a significant detrimental impact on the future occupiers of plot 7 and plots beyond to the east and north east (including plots 5 and 6) in terms of overshadowing, overbearing or poor outlook.

4.34 The proposal includes windows in the west elevation at first and second floor (roof space) which serve a bathroom and cinema room respectively and a first floor window in the east elevation serving an en suite, it is considered necessary these windows to have restricted opening and obscurely glazed to prevent any direct overlooking into the anticipated side/garden areas of the adjacent plots (and neighbouring properties to the west, as considered above) and to avoid any overlooking between windows in the gable side elevations of the proposed dwellings of the adjacent plots (the same treatment will need to be applied to any such

windows in the side elevations of plot 7). This can be secured by appropriate planning condition. Subject to this, it is considered that the proposal would not result in an adverse loss of privacy for future occupiers of the adjacent proposed plots in terms of overlooking.

4.35 Notwithstanding the above, whilst the site is currently relatively flat and there is not anticipated to be a significant change to the levels as a result of the proposal (the levels provided to date for the submitted plots indicate a relatively level site), further details with respect to the proposed site and finished floor levels are required and as such a condition is recommended to secure final details of this prior to commencement of the development to ensure a satisfactory form of development. Subject to this, the proposal is considered to be acceptable in this respect. No objections have been received from the Council's Public Protection team. Hours of construction/deliveries and a construction management plan were secured through separate planning conditions on the approved outline application (H/2018/0488) and remain applicable to the current application.

4.36 In view of the above considerations, it is considered that the proposal is acceptable in respect of any impacts on the amenity and privacy of the neighbouring land users, subject to the abovementioned condition(s), and the scheme is therefore considered to be acceptable in this respect and satisfies the provisions of relevant local planning policies and those of the NPPF.

#### HIGHWAY SAFETY AND ACCESS

4.37 The main highway and access matters for the overall site were agreed through the outline planning approval. The current proposal would be served by an access into the development site from Worset Lane, and driveway from the internal access road. The Council's Traffic and Transport section has been consulted and raised no objections to the proposal.

4.38 It is therefore considered the proposal is acceptable in this respect.

#### DRAINAGE

4.39 The overall drainage connections (both surface water and foul drainage) for the site will need to be considered and agreed under the relevant planning conditions on the outline planning permission (H/2018/0488) for the overall site. In terms of the foul and surface water connections from Plot 8, the Council's Engineering Consultancy and Northumbrian Water have been consulted. The Council's Engineering Consultancy section raised no concerns or objection, whilst no objections have been received from Northumbrian Water. Final foul drainage connections (for this plot) will be addressed through the associated Building Regulations application.

4.40 It is therefore considered the proposal is acceptable in this respect.

#### OTHER PLANNING MATTERS

4.41 No objections have been received from other technical consultees including from the Council's Ecologist whereby ecological mitigation (landscape buffer) and biodiversity enhancement measures (provision of bat boxes) have been secured through a planning obligation within the s106 legal agreement and planning conditions on the outline planning permission. The proposal includes the provision of a bat brick on the south elevation which is in line with the requirements of condition 24 of the outline planning permission for bio-diversity enhancement. The Council's Ecologist has confirmed that the proposal is considered to be acceptable in this respect.

4.42 Whilst the proposal includes the provision of solar panels on the southern roof slope (which relates to renewables), in order to ensure the development is in accordance with the requirement of condition 23 (which requires the dwellings to be more energy efficient) of the outline planning permission, further details are required. This can be secured by condition.

## RESIDUAL MATTERS

4.43 An objection has been received raising concerns over the impacts on the occupier's 'right to light'. 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.

4.44 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.

4.45 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.

4.46 Northern Gas Networks has confirmed that they have no objection to the application, however have advised that there may be apparatus in the area that may be at risk during construction works and, should the planning application be approved, then they require the promoter of the works to contact them directly to discuss their requirements in detail. This advice will be appended by way of an informative to the decision notice.

4.47 No comments or objections have been received from the Northern Power Grid.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.48 There is no evidence of equality or diversity implications.

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

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

4.50 There are no Section 17 implications.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE** subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 1924.P8.P.02 Rev C (Proposed ground and first floor plans and front and rear elevations, site layout and location plan) and 1924.P8.P.01 Rev B (Proposed ground and first floor plans and front and rear elevations garage plans and elevations) and details received by the Local Planning Authority on 18 November 2019.

For the avoidance of doubt.

2. Notwithstanding the submitted levels details and prior to the commencement of development of the dwellinghouse hereby approved, details of the existing and proposed levels of the site (including the finished floor levels of the building(s) to be erected, any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries/garden levels) 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 impact on adjacent properties

3. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

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

4. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) shall be submitted to and approved in writing by the Local Planning Authority before occupation of the building(s) or completion of the development, (whichever is the sooner) hereby approved. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Prior to the occupation or completion of the dwellinghouse (whichever is the sooner) hereby approved, details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwelling 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.

6. Notwithstanding the submitted information and prior to the occupation or completion of the dwellinghouse (whichever is sooner) hereby approved, final details of all boundary enclosures/treatments (including driveway and other gates) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include large scale details and a typical section of the retained/protected stone wall and vegetation (as required by condition 08 of approval H/2018/0488) along the southern boundary of the site. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

7. The hereby approved dwelling shall install a bat brick as shown on Dwg No: 1924.P8.P.01 Rev B date received 18 November 2019 prior to the occupation of the dwelling. The bat brick shall be retained for the life time of the development.

In the interest of bio-diversity enhancement in line with requirements of the NPPF.

8. Notwithstanding the submitted information, the 2no. windows to be installed within the first floor side elevations (east serving an ensuite, west serving a bathroom) and 1no. window to be installed in the second floor side/west elevation (serving a cinema room) as detailed on plans 1924.P8.P.02 Rev C and 1924.P8.P.01 Rev B (both date received 18 November 2019) shall be fitted with a restricted opening mechanism (limiting to a 30 degree opening) and obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent, details of which shall be first submitted to and agreed in writing with the Local Planning Authority prior to the installation of the windows and occupation of the dwellinghouse. The agreed scheme shall be implemented prior to the occupation of



the dwellinghouse and shall remain for lifetime of the development hereby approved. The application of translucent film to clear glazed windows would not satisfy the requirement of this condition.

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

## **BACKGROUND PAPERS**

4.52 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**

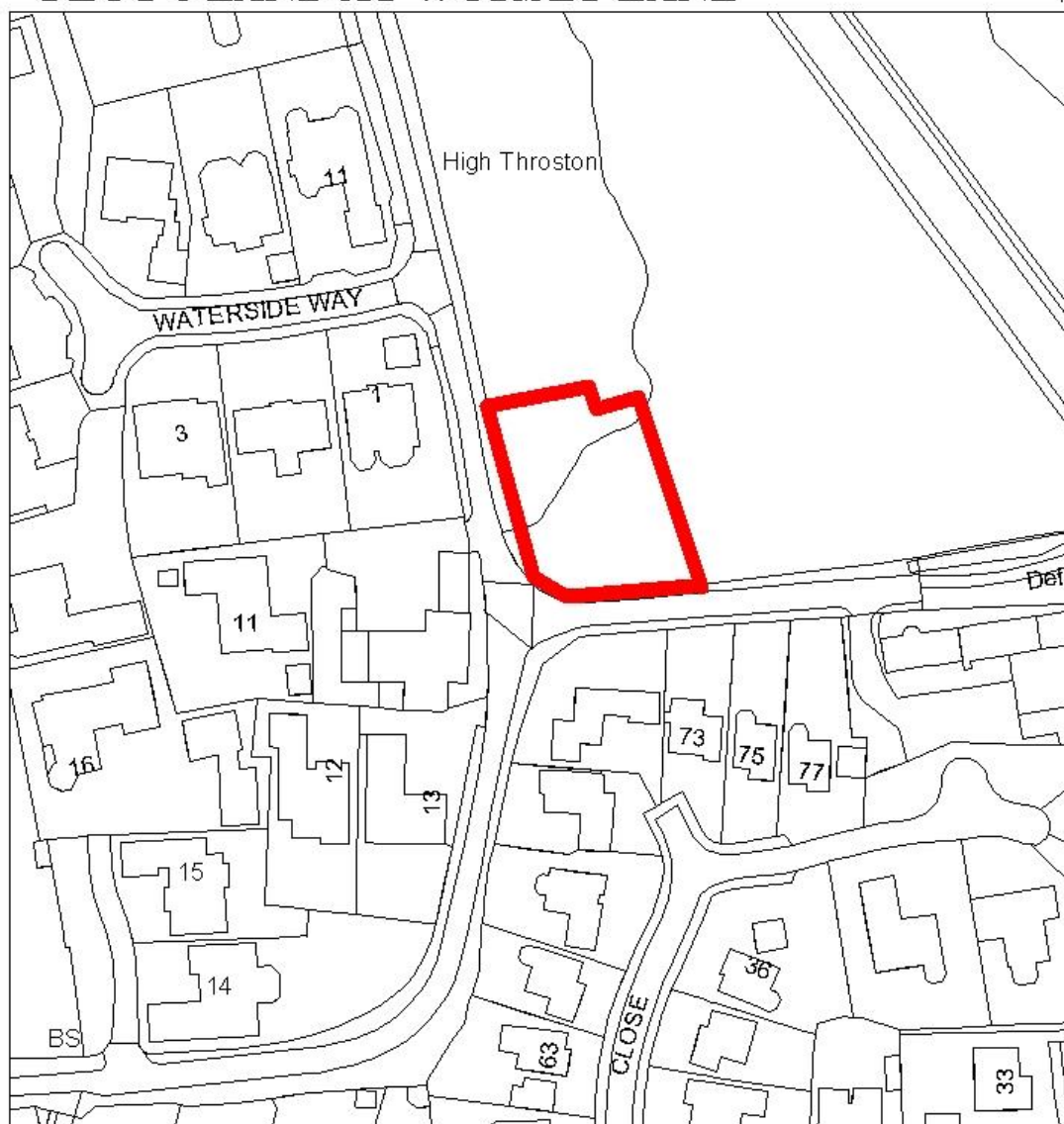
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**PLOT 8 LAND AT WORSET LANE**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/01/2020</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0350</b>	REV

**No:** 5  
**Number:** H/2019/0410  
**Applicant:** MS Sandra Rountree  
**Agent:** AJ RILEY ARCHITECTS MR A RILEY 24 BEDFORD ROAD NUNTHORPE MIDDLESBROUGH TS7 0BZ  
**Date valid:** 29/10/2019  
**Development:** Approval of all reserved matters in respect of planning application H/2018/0488 for the erection of 1no. detached dwellinghouse with attached triple garage with room above.  
**Location:** PLOT 6 LAND AT WORSET LANE HARTLEPOOL

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## 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 planning history is considered to be relevant to the current application;

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

H/2018/0488 - Outline planning permission was granted on the 23 July 2019 for the erection of up to 8 no self-build residential plots together with associated access and landscaping works, all other matters reserved. The application was approved subject to a number of planning conditions and the completion of a s106 legal agreement that secured contributions/obligations summarised as follows;

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

H/2019/0463 - Section 73 application for the variation of condition 18 (acoustic fence on the eastern boundary) of planning approval H/2018/0488 (outline planning

application with some matters reserved for the erection of up to 8 no self-build residential plots together with associated access and landscaping works) to allow for the provision of an acoustic mound along the eastern boundary of the site (adjacent to Hart Lane) – still under consideration.

All reserved matters applications for plots 2, 3, 4, 5, 7 and 8 have been submitted and are under consideration. The applications for plots 7 and 8 also form part of this Committee agenda (29.01.2020).

## **PROPOSAL**

5.3 This application seeks approval for all reserved matters (appearance, layout, scale and landscaping) of Plot 6 of approved outline application for 8 dwellings H/2018/0488.

5.4 The proposed 5 bedroom, 2.5 storey dwelling would be located centrally within the plot and includes an attached triple garage with a games/cinema room within the roof space located at a 90 degree angle to the main dwelling and facing proposed access gates. The main dwelling has an eaves height of 5.3 metres approximately with a ridge height of 10 metres (approx.), with the garage having an eaves height of 3.6 metres (approx.) and a ridge height of 6.7 metres (approx.). This is in compliance with the agreed Acland Homes Design Code. The proposal includes a bat 'tube' to be provided on the south elevation at high level.

5.5 The application includes a report confirming compliance with the approved Design Code for the development that was agreed by way of a condition on the outline planning permission (H/2018/0488), which primarily relates to plot coverage, distance from adjacent boundaries, external finishing materials and boundary treatments. A further supporting report accompanies the application in respect of an acoustic assessment (condition 18 of the outline requires the provision of an acoustic boundary fence to the eastern property boundaries). This is discussed in further detail below.

5.6 The application has been referred to Committee as more than 2 objections have been received in line with the Council's scheme of delegation.

## **SITE CONTEXT**

5.7 The application site relates to Plot 6, located in the south east corner of the approved outline application site, known as Worset Lane. The overall outline site relates to a parcel of land which extends to approximately 1.4 hectares. The application site is currently being prepared with site clearance works underway. The site falls within the limits of development. The site is located on an area of land which fronts both Hart Lane and Worset Lane. Access to the development site is to be taken from Worset Lane. The surrounding area is residential in character with local services within walking distance.

## PUBLICITY

5.8 The application has been advertised by way of site notice and neighbour letters (21). To date, there have been 3 letters of objection.

5.9 The concerns/objections raised can be summarised as follows:

- Separation distance below guidelines
- Not in keeping with surrounding area
- Direct views/overlooking into adjacent existing properties and garden areas resulting in a loss of privacy
- Overshadowing of neighbouring gardens
- Development is intrusive, and results in a loss of light (Right to Light)
- Reflection from proposed solar panels (and windows) which are also unsightly

5.10 Copy Letters **E**

5.11 The period for publicity has expired.

## CONSULTATIONS

5.12 The following consultation replies have been received:

**HBC Ecology** – I am satisfied that the submitted Design Statement (dated August 2019) includes the provision of a single integral bat brick to the south facing elevation. This should be conditioned.

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

**HBC Public Protection** – I would have no objections to this application subject to the provision of a 2m high acoustic fence to the boundary of Hart Lane and Worset Lane as specified in the acoustic assessment dated October 2019 submitted with the application.

**HBC Engineering Consultancy** – No objection.

**HBC Landscape** – Providing that the landscaping as shown on drawing AJR19:19 – 101 is implemented on completion of the development, I am happy with this. However, it may be worth mentioning to the applicant that the Birch tree species chosen is a weeping variety which becomes quite wide and could create maintenance problems if it overhangs the boundary at a later date. It may be worth reducing the numbers of the weeping birch from 3 to 1 or substituting a variety that does not have a weeping habit in this location. No objections.

**HBC Landscape Architect**- Details of the entrance wall and gates should be provided.

Tree planting has been specified along with a generic specification. The stock size of the tree should be clarified, and should be 10-12 cm girth as a minimum.

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

**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.

**Tees Archaeology** – No objection the site has already been fully excavated so there is no further need for an archaeological condition.

**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.

## PLANNING POLICY

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

### Hartlepool Local Policy

5.14 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  
 SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2019)

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

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

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 153: Planning for Climate Change

PARA 212: Implementation

HBC Planning Policy Comments - The principle of development has been established through the outline permission.

It must be noted that the design code states that individual posts should include a scheme which should highlight how the energy demand of the development and its CO2 emissions are to be reduced 10% below what is required by the most up to date Building Regulations. This must be demonstrated (ideally through submission of a SAP statement) using clear figures to prove compliance in order to satisfy this policy prior to commencement of development.

Planning policy have no concerns with regards to the design of the dwelling, as it is deemed to be of a high quality design and in accordance with the Acland Homes Design Guide.

## PLANNING CONSIDERATIONS

5.16 The principle of residential development and associated access on this site has been established through the extant outline planning permission (H/2018/0488). As such, the main considerations of this application relate to the impact on the visual amenity of the area (including the appearance, scale, layout and landscaping of the proposal), highway safety and access, impact on the amenity and privacy of neighbouring land users, drainage and any other planning matters as set out below;

## VISUAL AMENITY (APPEARANCE, LANDSCAPING, SCALE AND LAYOUT)

5.17 The Hartlepool Local Plan 2018 advises that development should be designed to a high quality and positively enhance their location and setting, be of a scale and character which is in keeping with its surroundings, and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy QP4 states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

5.18 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.19 The immediate/approved outline area is to consist of mainly large detached dwellings which vary in style (albeit they should fall within the agreed design code for the development). The immediate area is to be developed as self-build plots. Beyond this, the surrounding area consists of a variety of house types (design and scale). It is considered that the main dwelling would be acceptable in terms of the visual impacts given the (anticipated) surrounding context of proposed detached houses. It is acknowledged that there is some stagger between the dwellings in this development, however, in general, the dwellings which have come forward and are under consideration (to date) follow the general indicative building line and plot layout as agreed at the outline stage with properties being set back from the highway to the front. The rear of the proposed dwelling would be visible from certain views in the wider street scene but in the above context and that a landscape buffer is to be provided along the eastern boundary of the site, it is considered that the proposal would not result in an adverse loss of visual amenity for the surrounding area.

5.20 The applicant has provided an illustration of the proposed layout of this dwelling and its anticipated relationship to neighbouring plots 5 (north) and 7 (west), and this has therefore been considered as part of the relationship between the application site and the neighbouring plots, and is deemed to be acceptable.

5.21 The proposed self-build dwelling is considered to be of a complementary scale and appearance in the context of the overall plot size and in the context of the self-build development. Furthermore, the proposal would be set off the adjacent boundaries, which is also a requirement of the agreed Design Guide. The indicative finishing materials are considered to be acceptable. Notwithstanding this, final details of the materials will need to be agreed through condition 06 on the outline approval. It is therefore considered that the proposal on balance is acceptable.

5.22 The Council's Arboricultural Officer and Landscape Architect has raised no objections to the proposal subject to final/further soft landscaping, hard landscaping details, and means of enclosure being agreed, the final details of which can be secured by planning conditions(s).



5.23 Overall it is considered that the appearance, scale and layout of the proposed scheme is in general conformity with the approved indicative block plan that was considered as part of the outline planning permission and is acceptable in this respect. It is therefore considered that the proposal would not result in an adverse loss of visual amenity for the surrounding area.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.24 Objections have been received from neighbouring residential properties to the rear of the development site (south). The main element of the two storey proposed dwelling sits centrally within the plot, and is set approximately 7m increasing to 16m (given the shape of the plot and chamfered rear boundary) from the rear boundary fence line. Beyond the rear of the proposed fence is a footpath and access road (leading to High Throston House) with residential garden areas for properties within Millston Close beyond and the front elevation of High Throston House. It was observed that there is an area of planting and landscaping between the rear boundary fence and the access road/footpath. The residential properties on Millston Close (whose rear gardens/elevations look towards the development site at an oblique angle) have high boundary fencing with conifer trees on the inside of the fence line.

5.25 It is acknowledged that the site sits higher than the ground levels to the properties to the south (it is understood from the submitted levels details that have been provisionally agreed as part of condition 10 of the outline approval that the proposed dwelling's finished floor level would be approximately 1.5m above the existing level of the footpath/access road level immediately to the rear/south of the proposed site). However, given the separation distance from the application site to the dwellings in Millston Close that is in excess of approximately 54 metres and a distance of approximately 39 metres separating the proposed dwelling from the front elevation of High Throston House, both of which more than exceed the separation distances of 20 metres for principal elevations set out in Local Plan policy QP4 (and the Council's Residential Design Guide SPD), and taking into account the proposed/required boundary treatment, it is therefore considered that the relationship between the proposed dwelling for plot 6 and the residential dwellings within Millston Close and High Throston House is acceptable and would not result in an unacceptable adverse loss of amenity and privacy for neighbouring properties (of future occupiers of the proposed dwelling) in terms of outlook, overbearing, overshadowing and overlooking as to warrant a refusal of the application.

5.26 Concerns are raised with the provision of solar panels (and windows) to the southern roof slope/rear elevation. However, given the height and angle of the solar panels, separation distances and that no objections have been received from HBC Public Protection in this respect, it is considered that any resultant 'glare' would not be at a level as to warrant a refusal of the application. Furthermore, it should be noted that the provision of solar panels to domestic properties can generally be undertaken without the need for planning permission and the resultant impacts of which are considered to be acceptable by the government.

5.27 As noted above, there are several reserved matters application which are under consideration, including the adjacent plots 7 (west) and 5 (north). In this instance, it

is noted that the proposed dwelling at plot 6 is set off the shared boundary with plot 7 (currently pending consideration, ref H/2019/0349) by approximately 2.3m and approximately 5m separation distance between the gable elevations of the two dwellinghouses. It is acknowledged that there are windows in the gable elevation of the proposed plot (6) which are secondary bedroom windows and an ensuite. To avoid any overlooking to/from these windows, it is considered necessary for these windows to be obscurely glazed with limited opening whilst the window in the east elevation of plot 7 that serves an ensuite will also need to be obscurely glazed with restricted opening (secured by a condition on any permission for plot 7). The proposal includes a number of secondary windows at ground floor which face onto plot 7, however it is indicated that there is to be a 1.8m high (approx.) close boarded timber boundary fence between the plots and it is therefore considered that the proposed fence along with the separation distance would provide adequate screening and therefore these windows would not be required to be obscurely glazed in this instance. The dwellinghouse within plot 6 sits approximately 2m forward of the dwellinghouse within plot 7 however in view of the aforementioned separation distances and relationships it is considered that there would be no direct views from windows in the front and rear elevations of the proposal towards windows in the front and rear elevations of plot 7 (west). Furthermore, owing to the oblique separation distance of approximately 18m from the proposed windows in the front/west elevation of the rooms above the triple garage (serving habitable room space) towards the front of plot 7, it is considered that this element would not result in an adverse loss of privacy in terms of overlooking. Overall, it is considered on balance that the relationship is acceptable and would not result in an unacceptable adverse loss of amenity and privacy for the future occupiers of these plots in terms of outlook, overbearing, overshadowing and overlooking.

5.28 The property to the north of the application site is plot 5 (currently pending consideration, ref H/2019/0471), which sits at a 90 degree angle to the application site. The principal elevation of the proposed dwelling (plot 6) would look onto the gable side elevation of plot 5 which is to include windows in the gable elevation which relate to an ensuite and dressing room windows. There is a separation of approximately 16.2 metres between the front elevation of plot 6 and the side elevation (plot 5). To ensure that there would be no unacceptable impact or loss of privacy between these windows, it is will be considered necessary for the secondary windows in the gable side elevation of plot 5 to have restricted openings and be obscurely glazed, which is consistent with other plots within the development site (i.e. windows in side elevations) and in accordance with the requirements of the Council's adopted Residential Design Guide SPD and Local Plan Policy QP4. Subject to this (which would be secured by a condition on any permission for plot 5), it is considered that the relationship is acceptable and would not result in an unacceptable adverse loss of amenity and privacy for the future occupiers of these plots in terms of outlook, overbearing, overshadowing and overlooking.

5.29 It is noted that the proposed dwelling has dormer windows in the roof slope of the accommodation above the garage that would serve the games/cinema room. These windows primarily look westwards onto the drive area of the application site, and the internal estate road beyond. Whilst it is acknowledged that the adjacent plots at 5 and 7 can be viewed from these windows, these windows are at oblique angle to these plots and would have limited views. In particular it is considered that

there would be no direct views from the proposed windows towards windows in the rear elevation or garden area serving plot 5; as noted above, windows are to be installed in the side of plot 5 however owing to the oblique angle from the cinema room windows towards the side of plot 5 and the required treatment to these windows, it is considered that the relationship is acceptable and would not result in an unacceptable adverse loss of amenity and privacy for the future occupiers of these plots in terms of outlook, overbearing, overshadowing and overlooking.

5.30 The proposal includes windows in the eastern elevation adjacent to Hart Lane and the proposed acoustic bund and landscaping area, with residential properties beyond Hart Lane (A179). It is considered that there is adequate separation between these windows and residential properties to warrant the use of obscure glazing or restricted openings.

5.31 Notwithstanding the above, whilst the site is currently relatively flat and it is not anticipated to be a significant change to the levels as a result of the proposal (the levels provided to date for the submitted plots indicate a relatively level site) further details with respect to the proposed site and finished floor levels are required and as such a condition is recommended to secure final details of this prior to commencement of the development to ensure a satisfactory form of development. Subject to this, the proposal is considered to be acceptable in this respect and would not result in an unacceptable loss of outlook or an overbearing impression for surrounding properties.

5.32 No objections have been received from the Council's Public Protection team, an updated noise assessment has been received in support of the application. Hours of construction/deliveries and a construction management plan were secured through separate planning conditions on the approved outline application (H/2018/0488) and remain applicable to the current application. Notwithstanding this, condition 18 of the approved outline planning permission requires the provision of a 2m high acoustic boundary fence to be provided along the eastern rear boundary of the property (adjacent to Hart Lane). The submitted plans detail the provision of such an acoustic fence. However and as detailed in the 'background' section of this report, the LPA are currently considering a Section 73 application to vary condition 18 to provide an acoustic landscape mound along the eastern side of the development site in place of the current/approved requirement for an acoustic fence. Should the Section 73 application be approved, the provision of an acoustic fence to the properties which have rear gardens along this eastern boundary would no longer be necessary, however they will still need to provide adequate boundary treatment. Should the s73 application not be approved, the requirement for the acoustic fence would remain applicable to the current plot. A planning condition to confirm/secure the final details of the boundary treatment, which is considered to be an acceptable approach in this instance.

5.33 In view of the above considerations, it is considered that the proposal is acceptable in respect of any impacts on the amenity and privacy of the neighbouring land users, subject to the abovementioned condition(s), and the scheme is therefore considered to be acceptable in this respect and satisfies the provisions of relevant local planning policies and those of the NPPF.

## HIGHWAY SAFETY AND ACCESS

5.34 The main highway and access matters for the overall site were agreed through the outline planning approval. The current proposal would be served by an access into the development site from Worset Lane, and driveway from the internal access road. The Council's Traffic and Transport section has been consulted and raised no objections to the proposal.

5.35 It is therefore considered the proposal is acceptable in this respect.

## DRAINAGE

5.36 The overall drainage connections (both surface water and foul drainage) for the site will need to be considered and agreed under the relevant planning conditions on the outline planning permission (H/2018/0488) for the overall site. In terms of the foul and surface water connections from Plot 6, the Council's Engineering Consultancy and Northumbrian Water have been consulted. The Council's Engineering Consultancy section raised no concerns or objection, whilst no objections have been received from Northumbrian Water. Final foul drainage connections (for this plot) will be addressed through the associated Building Regulations application.

5.37 It is therefore considered the proposal is acceptable in this respect.

## OTHER PLANNING MATTERS

5.38 No objections have been received from other technical consultees including from the Council's Ecologist whereby ecological mitigation and biodiversity enhancement measures have been secured through a planning obligation within the s106 legal agreement and planning conditions on the outline planning permission. The proposal includes the provision of a bat tube on the south elevation which is in line with the requirements of condition 24 of the outline planning permission for biodiversity enhancement. The proposal is considered to be acceptable in this respect.

5.39 Whilst the proposed submission indicates the provision of solar panels on the southern roof slope, to ensure the development is in accordance with the requirement of condition 23 of the outline planning permission, further details are required. This can be secured by condition.

## RESIDUAL MATTERS

5.40 An objection has been received raising concerns over the impacts on the occupier's 'right to light'. 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.

5.41 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.

5.42 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.

5.43 Northern Gas Networks has confirmed that they have no objection to the application, however have advised that there may be apparatus in the area that may be at risk during construction works and, should the planning application be approved, then they require the promoter of the works to contact them directly to discuss their requirements in detail. This advice will be appended by way of an informative to the decision notice.

5.44 No comments or objections have been received from the Northern Power Grid.

## **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 acceptable as set out in the Officer's Report.

**RECOMMENDATION – APPROVE** subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) AJR19:58 – 100 (Proposed Floor Plans & Elevations) and SJR19:58 – 102 (Site Location Plan) received by the Local Planning Authority on the

11 September 2019 and AJR19:58 – 101 Rev A (Proposed Site Block Plan) received by the Local Planning Authority on 7 November 2019.

For the avoidance of doubt.

2. Notwithstanding the submitted levels details and prior to the commencement of development of the dwellinghouse hereby approved, details of the existing and proposed levels of the site (including the finished floor levels of the building(s) to be erected, any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries/garden levels) 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 impact on adjacent properties.

3. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

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

4. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground construction of the development hereby approved. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Prior to the occupation or completion of the dwellinghouse (whichever is the sooner) hereby approved, details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the dwelling 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.

6. Notwithstanding the submitted information and prior to the occupation or completion of the dwellinghouse (whichever is sooner) hereby approved, final details of all boundary enclosures/treatments (including driveway and other gates) 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.

In the interests of visual amenity.

7. Notwithstanding the submitted information, the 2no. windows to be installed within the first floor and 1no. window to be installed in the second floor (roof Space) of the west/side elevation (serving an ensuite and bedroom, and master suite respectively) as detailed on plan AJR19:58 - 100 (Proposed Floor Plans & Elevations) date received by the Local Planning Authority 11 September 2019) shall be fitted with a restricted opening mechanism (limiting to a 30 degree opening) and obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent, details of which shall be first submitted to and agreed in writing with the Local Planning Authority prior to the installation of the windows and occupation of the dwellinghouse. The agreed scheme shall be implemented prior to the occupation of the dwellinghouse and shall remain for lifetime of the development hereby approved. The application of translucent film to clear glazed windows would not satisfy the requirement of this condition.

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

8. The bat tube hereby approved shall be installed in accordance with on Dwg No: AJR19:58 – 100 (Proposed Floor Plans & Elevations, date received by the Local Planning Authority 11 September 2019) prior to the occupation of the dwelling. The bat tube shall be retained for the life time of the development.

In the interest of bio-diversity enhancement in line with requirements of the NPPF.

9. The accommodation above the triple garage hereby approved (as detailed on plan AJR19:58 - 100 (Proposed Floor Plans & Elevations) date received by the Local Planning Authority 11 September 2019) shall be occupied in conjunction with the use of the existing property as a single dwellinghouse only and shall not be used as a separate dwellinghouse or business.

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

## 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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**PLOT6 LAND AT WORSET LANE**

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0410</b>	REV



**No:** 6.  
**Number:** H/2019/0198  
**Applicant:** K Whitfield Coniscliffe Road HARTLEPOOL TS26 0BT  
**Agent:** GAP DESIGN MR GRAEME PEARSON EDENSOR  
 COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK  
 ROAD HARTLEPOOL TS26 0QE  
**Date valid:** 02/10/2019  
**Development:** Section 73 application for the variation of condition no. 1  
 and removal of condition no. 3 of planning permission  
 H/2018/0466 (for the erection of a single storey extension  
 to rear (retrospective) including associated raised access  
 and fencing, first floor extension to side and the creation  
 of balconies to the rear) to allow for the provision of a  
 1.0m high guarding screen/enclosure to the first floor  
 balcony to the rear and for amendments to the proposed  
 decking and boundary fencing to the rear  
**Location:** 29 CONISCLIFFE ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

6.2 The following planning history is considered to be relevant to the current application:

H/1982/0394 – Planning permission was granted on 4<sup>th</sup> August 1982 for a garage, lounge and kitchen extension.

HFUL/1987/0499 – Planning permission was granted on 19<sup>th</sup> October 1987 for erection of a front porch and cloaks extension.

HFUL/1993/0372 – Planning permission was granted on 31<sup>st</sup> August 1993 for erection of a rear bedroom extension and an attached garage to side.

H/2018/0466 – Planning permission was granted on 8<sup>th</sup> March 2019 for the part retrospective erection of a single storey extension to rear (retrospective) including associated raised access and fencing, first floor extension to side and the creation of balconies to the rear.

## PROPOSAL

6.3 This Section 73 application seeks planning permission for a variation to condition no. 1 (approved plans) and removal of condition no. 3 (requirement for provision of

1.8m high balcony screens) of the above referenced planning permission H/2018/0466 which was granted for the erection of a single storey extension to rear (retrospective) including associated raised access and fencing, first floor extension to side and the creation of balconies to the rear) of No 29 Coniscliffe Road. The proposed variation of conditions seeks to allow for the provision of a 1.0m high guarding screen/enclosure to the first floor balcony to the rear and for amendments to the proposed decking and boundary fencing to the rear.

6.4 Planning permission was granted for the proposal described in application H/2018/0466. The part of the amendment relating to condition no. 3 whereby satisfactory screening on the balcony was agreed as part of planning approval H/2018/0466 which showed the provision of 1.8m high guarding screen(s) to the first floor balcony serving the master bedroom (approved plan Drwg. No. 1826.P.02, date received by the Local Planning Authority on 31<sup>st</sup> January 2019). In view of the balcony being in situ at the time of the application, condition 3 required details of the requisite 1.8m high screens to be provided within 2 months of the decision notice and implemented within 3 months from the written agreement of the LPA (to date, it is understood that such details have not been formally agreed or implemented). The proposed amendments seeks to substitute the requirement for 1.8m high screens with the provision of a 1.0 metre guarding screen to serve the balcony at the host property. The applicant contends that 1.8m high screens are not required because they consider that there is no overlooking as a result of the design and siting of the balcony and relationship to adjacent plots.

6.5 Additionally, part of the current application relates to the amendments to the 'raised access and fencing' along the rear boundary to No 27 that was previously approved. The planning approval by virtue of H/2018/0466 was for a raised platform with an approximate height of 0.8 metres (measuring approximately 3.6 metres x 1.3 metres), and a fence of approximately 1.8 metres (as required by condition 04) sited immediately to the rear of the single storey rear extension. The proposed amendment (which is retrospective) features a larger raised decking area of approximately 5.8 metres x 3.7 metres, with a height of approximately 0.6 metres, stepping down to approximately 0.4 metres. The erected fence to No 27 would be approximately 2 metres in height, from the lowest part of the raised decking and approximately 2.4 metres in height from the main rear garden level, with the existing boundary fence retained behind it.

6.6 The application has been referred to the Committee due to the retrospective nature of the works and the Officer recommendation, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

6.7 The application site comprises a detached two storey dwellinghouse in a residential street at 29 Coniscliffe Road, Hartlepool. The host dwellinghouse sits within a generous plot, which is characteristic of the area, and is bounded to the east (side) by 27 Coniscliffe Road and to the west (side) by 31 Coniscliffe Road. To the south (rear), the site is bounded by 30 Parklands Way. To the north (front), the site is bounded by adopted highway on Coniscliffe Road, with 30 Coniscliffe Road beyond.

## **PUBLICITY**

6.8 The application has been advertised by way of neighbour letters (6). To date, there has been one response, indicating no objections to the proposal.

6.9 Copy letters **F**

6.10 The period for publicity has expired.

## **CONSULTATIONS**

6.11 The following consultation replies have been received in respect of the application:

**HBC Flood Risk Officer:** No objections in respect of surface water management or contaminated land.

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

**HBC Public Protection:** No objections.

## **PLANNING POLICY**

6.12 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

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

QP4: Layout and Design of Development

HSG11: Extensions to Existing Dwellings

LS1: Locational Strategy

SUS1: Presumption in Favour of Sustainable Development

### National Policy

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

## **PLANNING CONSIDERATIONS**

6.15 The main issues for consideration in this instance are the appropriateness of the proposed amendments in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposals on the host dwelling and visual amenity of the application site and the character and appearance of the surrounding area, the amenity and privacy of neighbouring land users, and highway and pedestrian safety. These and any other planning and residual matters are considered in detail below.

### **IMPACT ON CHARACTER AND APPEARANCE OF HOST DWELLING + VISUAL AMENITY OF THE AREA**

6.16 The host dwellinghouse is set back from the adopted highway by approximately 16 metres (to the main front elevation). The rear garden of the host dwellinghouse measures approximately 38 metres in length and is enclosed by various high timber fences (approx. 1.8 metre high) with significant planting to all sides.

6.17 With respect to the proposed amendments to the planning approval H/2018/0266 relating to the screening afforded to the first floor balcony and the raised decking area, given the location of both elements of the works being to the rear of the host dwellinghouse with limited views from the front/wider street scene, the abovementioned rear boundary enclosures, and the significant size of the rear garden of the host dwellinghouse, it is considered that these elements would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

6.18 With respect to the other elements of planning approval H/2018/0466 consisting of the proposed single storey rear extension (retrospective) and proposed first floor extension to the side, the consideration of these elements remains unaffected as a result of the current application (and proposed amendments) and therefore are considered to remain acceptable in respect of the impact on the character and appearance of the host dwelling and surrounding area, as per the detailed considerations of these elements set out in the report for the previous, extant approval H/2018/0466.

6.19 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 area in accordance with policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 124 and 127 of the National Planning Policy Framework (NPPF) (2019).

## NEIGHBOUR AMENITY

### Impact on 27 Coniscliffe Road (east)

6.20 To the east, the application site is bounded by the neighbouring property at 27 Coniscliffe Road. The extensions as per planning approval H/2018/0266 extend along the shared boundary with this neighbouring property, and therefore the raised decking area has the potential to have an aspect toward this neighbouring property. Notwithstanding this, consideration is given to this element being at an oblique distance of approximately 7 metres from the nearest side/rear elevation of No. 27.

6.21 It was noted from the case officer's site visit that there is a small but noticeable difference in levels between the two dwellings (as is characteristic of the street), with the host dwelling sitting at a higher level. Owing to this, it is considered that the provision of a fence with an approximate height of 2 metres above the raised platform of an approximate height of 0.4 metres (which has been constructed on site and therefore forms part of the current amendment) would not result in a fence height so significantly high as to be overbearing when viewed from windows in the rear of this neighbouring property at No. 27.

6.22 The amendments also relate to the raised decking (approx. 0.6m high, dropping to 0.4m high) to serve the rear patio doors of the single storey rear extension. It is considered that the fence (now in situ), being an approximate height of 2 metres above the highest level of the decking would sufficiently prevent views toward this neighbour (including its main rear garden). In view of the above considerations, it is considered that this element of the development does not result in an adverse loss of amenity and privacy for the adjacent neighbouring property in terms of outlook, overbearing, overshadowing and overlooking.

6.23 With respect to the first floor balcony serving the master bedroom, this is located approximately 15 metres from the shared boundary with 27 Coniscliffe Road at its closest point, with approximately 20 metres to the immediate rear garden area of this neighbouring dwellinghouse (immediately outside the rear elevation), with views into the immediate garden area (that is partially screened by the single storey rear extension referred to above). Whilst it is also noted that the rear garden of the property is currently significantly screened on all sides by heavy planting/tree cover, and during the case officer's site visit it was difficult to achieve views from this balcony into neighbouring gardens, paragraph 127 of the NPPF requires that planning decisions ensure a high standard of amenity for existing and future users. As such, it is a consideration that should this planting be removed in future (it is not formally protected in anyway and is outside of the applicant's boundary), then the balcony would allow clear views further down this neighbour's garden and would likely have a detrimental impact on the privacy of the occupiers of this neighbouring property in terms of overlooking and perception of overlooking.

6.24 In view of these concerns, as part of H/2018/0266, the applicant agreed to install 1.8 metre high privacy screens to the sides of the balcony with an approx. 0.55 metre return to limit views to/from the balcony and therefore reduce any unacceptable impacts. It is considered that the reasons for the condition have not changed since this approval and without the provision of 1.8m high screens, it is considered that the balcony could potentially result in a significant detrimental impact on the privacy of existing and future occupiers of this neighbouring property (No 27) in terms of overlooking and perception of overlooking, as to warrant refusal of the application.

6.25 With respect to the other elements of planning approval H/2018/0466 consisting of the proposed single storey rear extension (retrospective) and proposed first floor extension to the side, the consideration of these elements remains unaffected as part of the current application and therefore are considered to remain acceptable in respect of the impact on the amenity and privacy of No. 27 to the east, as per the detailed considerations of these elements set out in the report for the previous approval H/2018/0466.

#### Impact on 28 & 30 Parklands Way, to the rear (south)

6.26 As set out above, the rear garden of the host dwellinghouse measures approximately 38 metres in length and is enclosed by various timber fences (approx. 1.8 metre high) with significant planting to all sides. A significant separation distance, in excess of the guideline separation distances set out in policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018, of approximately 30 metres exists between the host property and the rear (southern) boundary of the site with a separation distance in excess of 50 metres to the closest neighbouring dwellings to the south. In view of these significant separation distances and the nature of the proposals, it is considered that there is/would be no appreciable impact on the amenity or privacy of neighbouring land users to the south from any element of the application to vary or remove the planning conditions on H/2018/0266.

6.27 With respect to the other elements of planning approval H/2018/0466 consisting of the proposed single storey rear extension (retrospective) and proposed first floor extension to the side, the consideration of these elements remains unaffected as part of the current application and therefore are considered to remain acceptable in respect of the impact on the amenity and privacy of neighbouring properties to the rear, including 28 and 30 Parklands Way, as per the detailed considerations of these elements set out in the report for the previous approval H/2018/0466.

#### Impact on 31 Coniscliffe Road (west)

6.28 With respect to the proposed first floor balcony to serve the master bedroom, this is situated approximately 6 metres from the shared boundary. It is acknowledged that views into this neighbour's immediate garden area are obscured by the existing rear offshoots to the host dwelling and No. 31 and (at present) completely obscured by landscaping along the shared boundary. As explained above, it is considered that should this planting be removed in future (again the planting is not formally protected and is understood to be partially outside of the applicant's boundary and could be removed), then the balcony would allow clear views further down this neighbour's



garden and would likely have a detrimental impact on the privacy of the occupiers of this neighbouring property in terms of overlooking and perception of overlooking. It is for this reason that the requirement for the provision of 1.8m screens, as per the original planning approval H/2018/0266, was required to assist in reducing this identified potential impact on the privacy of 31 Coniscliffe Road in terms of overlooking and perception of overlooking.

6.29 It is therefore considered that, without the abovementioned 1.8m high screening, the balcony could potentially result in a significant adverse impact on the privacy of existing and future occupiers of this neighbouring property in terms of overlooking and perception of overlooking, and that this would be so significant to warrant refusal of the application in this instance.

6.30 With respect to the amendment to the raised decking and fencing, this is located at the opposite side of the garden to the shared boundary with 31 Coniscliffe Road and as such this element of the proposal is set back approximately 17.5 metres from the shared boundary. A satisfactory separation distance of approximately 19 metres therefore exists between the single storey rear extension and the side elevation of the existing single storey offshoot to the rear of this neighbouring dwellinghouse. Furthermore, as outlined above this shared boundary is significantly screened by boundary fencing and planting. On balance, therefore, it is considered that the raised decking area would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the west.

6.31 With respect to the other elements of planning approval H/2018/0466 consisting of the proposed single storey rear extension (retrospective) and proposed first floor extension to the side, the consideration of these elements remains unaffected as part of the current application and therefore are considered to remain acceptable in respect of the impact on the amenity and privacy of 31 Coniscliffe Road to the west, as per the detailed considerations of these elements set out in the report for the previous approval H/2018/0466.

#### Impact on 30 Coniscliffe Road to the front (north)

6.32 It is considered that adequate separation distances (in excess of 40 metres) exist between the host property and neighbouring properties to the front on the opposite side of Coniscliffe Road, including 30 Coniscliffe Road. Furthermore, it is considered that the position of the host property itself primarily screens both the rear balcony and the rear decking area pertaining to the application from views from the north and as such this element would have no appreciable adverse impacts on the privacy or amenity of neighbouring land users to the north, including 30 Coniscliffe Road.

6.33 With respect to the other elements of planning approval H/2018/0466 consisting of the proposed single storey rear extension (retrospective) and proposed first floor extension to the side, the consideration of these elements remains unaffected as part of the current application and therefore are considered to remain acceptable in respect of the impact on the amenity and privacy of properties to the front (north, including 30 Coniscliffe Road), as per the detailed considerations of these elements set out in the report for the previous approval H/2018/0466.

6.34 Overall and on balance, the proposed amendment is not considered to be acceptable with respect to the impact of the development on the amenity and privacy of neighbouring land users and in accordance with policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 54 and 127 of the National Planning Policy Framework (NPPF) (2019).

#### **HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING**

6.35 The Council's Highways, Traffic and Transport section has been consulted on the application and has confirmed that there are no highway or traffic concerns. The application is therefore considered to be acceptable with respect to matters of highway and pedestrian safety and car parking.

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

6.36 It is considered that the element of the proposal relating to the variation of condition 01 (approved plans) which relates to the raised platform and associated boundary fencing would not result in any significant adverse impacts on visual or neighbour amenity to warrant refusal of the application. However the LPA is unable to issue a split decision and as the application also contains the element relating to the first floor balcony that is not be considered acceptable in terms of the impacts on the privacy (as a result of not providing 1.8m high privacy screens), it is considered that the Section 73 application is unacceptable with respect to the abovementioned material planning considerations and in accordance with policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 54, 124 and 127 of the NPPF (2019). It is therefore recommended the application is refused.

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

6.37 There is no evidence of equality or diversity implications.

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

6.38 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.

6.39 There are no Section 17 implications.

#### **REASON FOR DECISION**

6.40 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, by virtue of the design, scale and siting of the first floor rear balcony and without the provision of the requisite 1.8m high privacy screens (and returns), the development would result in a detrimental impact

on the privacy of existing and future occupiers at No 27 (east) and No 31 (west) Coniscliffe Road, through issues of overlooking and a perception of overlooking, contrary to paragraph 127 of the NPPF (2019), policy QP4 of the Hartlepool Local Plan (2018) and the adopted Hartlepool Residential Design SPD (2019).

## **BACKGROUND PAPERS**

6.41 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**

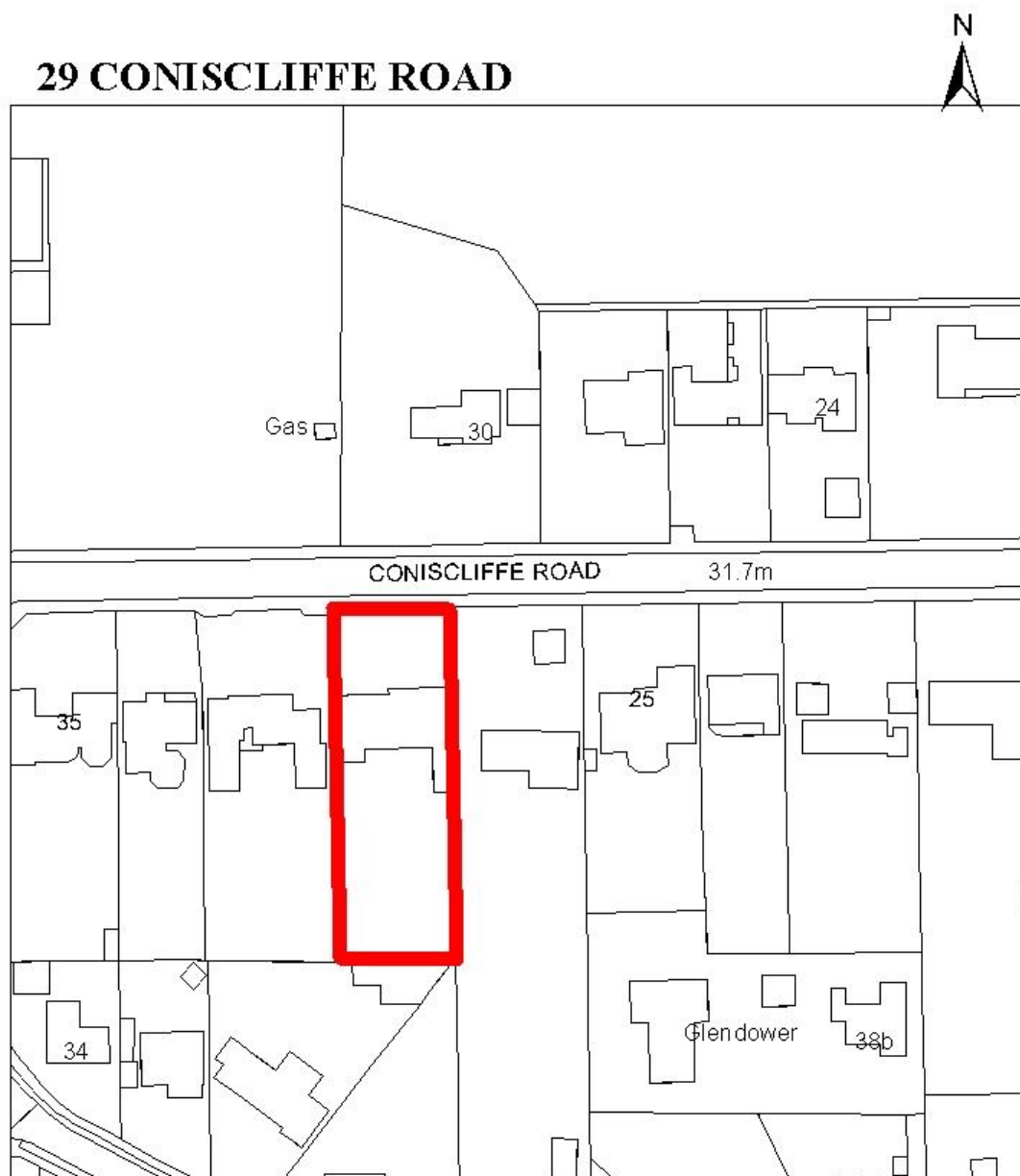
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0198</b>	REV

## **POLICY NOTE**

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

### **HARTLEPOOL LOCAL PLAN POLICIES**

<https://www.hartlepool.gov.uk/localplan>

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

### **REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## **PLANNING COMMITTEE**

**29<sup>th</sup> January 2020**



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

**Subject:** APPEAL AT 1 GRASSHOLME ROAD,  
HARTLEPOOL, TS26 0QH  
APPEAL REF: APP/H0724/D/19/3238009

ALTERATIONS TO GROUND LEVELS AND ERECTION OF  
RETAINING WALLS AND BOUNDARY FENCING TO REAR,  
ERECTION OF BOUNDARY FENCING TO FRONT AND SIDE (PART  
RETROSPECTIVE). (H/2018/0504)

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### **1. PURPOSE OF REPORT**

- 1.1 To advise members of a planning appeal that has been submitted against a Planning Decision in respect of an application for alterations to ground levels and erection of retaining walls and boundary fencing to rear, erection of boundary fencing to front and side (part-retrospective) at 1 Grassholme Road, Hartlepool (reference H/2018/0504).
- 1.2 The application was refused by Members for four reasons (contrary to officer recommendation) at the meeting of 31/07/2019 as it was considered that the proposal would 1) result in overlooking to the detriment of the amenity and privacy of existing and future occupiers of neighbouring residential properties 2) the proposed development by virtue of its design, scale and siting, would constitute an inappropriate form of development for its location, resulting in a detrimental visual impact on the character of the area 3) the proposed development would give rise to an increase in flood risk within, and adjacent to the application site and 4) the proposal was considered to constitute an unacceptable form of development by virtue of the potential adverse impact on existing retaining walls within and adjacent to the application site, to the potential detriment of land stability.

### **2. RECOMMENDATIONS**

- 2.1 That Members note this report.

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## PLANNING COMMITTEE

29th January 2020



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

**Subject:** APPEAL AT 8 THE FRONT, HARTLEPOOL, TS25  
1AS  
APPEAL REF: APP/H0724/W/19/3238154

Installation of uPVC casement windows  
(retrospective) and alterations to shop front

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of planning permission by Hartlepool Borough Council in respect of the above referenced property at 183 Park Road, Hartlepool.
- 1.2 A planning application was submitted to the local planning authority on 12<sup>th</sup> April 2019 for the installation of uPVC casement windows (retrospective) and alterations to shop front. The application was refused by Planning Committee on 4<sup>th</sup> September 2019 on the grounds that the replacement first floor windows to front and proposed alterations to the shop front cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design, detailing and use of materials. .
- 1.3 The appeal was dismissed on 8<sup>th</sup> January 2020. 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 17 December 2019

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

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**Appeal Ref: APP/H0724/W/19/3238154**

**8 The Front, Seaton Carew, Hartlepool TS25 1BS**

- 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 Amro Galal against the decision of Hartlepool Borough Council.
  - The application Ref H/2019/0140, dated 14 March 2019, was refused by notice dated 5 September 2019.
  - The development proposed is window and shop front replacement to the front elevation.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. At my site visit I saw that the first-floor replacement windows have already been installed. The installed replacement windows do not reflect the details on drawing no 718:2. The Council's report and the appellant's statement refer to the windows as installed. I have considered these details in coming to my decision.
3. Drawing no 718:2 indicates that the shop front would be constructed in uPVC. The Council's report and the appellant's statement indicate that an amendment has been agreed whereby the existing timber shop front would be refurbished even though the door would be repositioned. I have had regard to this amendment in coming to my decision.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the Seaton Carew Conservation Area (CA).

### Reasons

5. The CA comprises of a mix of residential, commercial and other uses. The appeal site is an end of terrace property, with ground floor restaurant use, occupying a prominent position on The Front within the CA.
6. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

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

7. In considering the significance of the CA, I have referred to the Seaton Carew Supplementary Planning Document 2015; the Seaton Carew Conservation Area Visual Assessment 2013; and the Seaton Carew Conservation Area Management Plan 2009. Part of the significance of the CA to the south of Station Road, where the character is more commercial, is derived from the prominence of bay windows particularly at upper level. Traditional timber sash windows positively influence the appearance of the street and generally add to the vertical emphasis of buildings.
8. The CA is currently identified as being 'at risk' on the Historic England at Risk Register 2018. It was first identified as being at risk in 2012 due, in part, to the accumulation of minor alterations to doors and windows; the increasing use of modern materials and the replacement of traditional shop fronts and signage.
9. The ground floor of the appeal property has a projecting flat roofed shop front. The first floor has two windows; a square bay and single vertically proportioned window opening. The three adjacent terraced properties are of similar form to the appeal property with differing fenestration detail reflecting their apparent residential use. Two of these properties have replacement uPVC windows, the third retains sliding sash timber windows.
10. The drawings of the existing elevations illustrate the previous window detail. I note that the previous windows were not original but were timber sliding sash windows with vertical glazing bars and mullions. The attic window retains a timber sliding sash window. From the evidence before me I consider that the appeal property with its previous window detail displayed characteristics that are reflective of the significance of the CA and thereby contributed to the CA's character and appearance.
11. At my site visit it was evident that the smooth, flat surface of the uPVC windows is not comparable with the grain and painted finish of wood. The proportions, flush design and flat profile does not accord with the subtle detailing of wooden windows and the loss of the mullions to the front of the bay reduces the window's vertical emphasis. The introduction of uPVC materials, with the drawbacks set out, has a negative effect on the CA's significance resulting in harm to the character of the building and the CA as a whole.
12. The appellant states that the first-floor windows were in poor condition, but there is no evidence before me to suggest that they were beyond repair. Even if this had been the case, it would not justify their total replacement with unsympathetic materials in a design that does not reflect the character of the building or the CA.
13. Whilst some of the windows facing The Front have unsympathetic replacement windows many include either original, refurbished or new wooden sliding sash windows and these windows notably contribute to the CA's character and appearance.
14. The proposed shop front design would retain the existing pilasters and fascia. The appellant's statement advises that the timber shop front windows would be retained and refurbished although the position of the door would be relocated to the side of the elevation. I find that the relocation of the door,

Appeal Decision APP/H0724/W/19/3238154

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whilst maintaining and refurbishing the timber shop front, would have a neutral effect on the character and appearance of the CA.

15. The CA is a designated heritage asset as defined in the National Planning Policy Framework (The Framework). In accordance with Paragraph 193 of the Framework the finding of harm to a designated heritage asset is a matter to which I must attach considerable importance and great weight. Given the scale of the proposed development, I quantify this harm as less than substantial. Where a development would lead to less than substantial harm, in accordance with Paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal.
16. I note the appellants view that the refurbishment of the ground floor shopfront would offset the harm caused to the character and appearance of the CA by the installation of the uPVC windows at first floor. However, the changes to the shop front would have a neutral effect on the character and appearance of the CA to which I afford very limited public benefit. This very limited public benefit would not outweigh or justify the harm I have identified.
17. I therefore conclude that the development would harm the character and appearance of the CA and would conflict with Policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (adopted May 2018) which collectively seek development appropriate to the character of the area, that is sympathetic and /or complementary to the character and appearance of the CA and that prioritises the positive conservation and enhancement of heritage assets at risk. It would also conflict with paragraphs 193, 194 and 196 of the Framework which seek to conserve and enhance the historic environment.

### **Conclusion**

18. For the reasons given above, I conclude that the appeal should be dismissed.

*Diane Cragg*

INSPECTOR

# PLANNING COMMITTEE

29 January 2020



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. The sub-division of a dwellinghouse to create two separate flats at a residential property in Whitburn Street.
2. Non-compliance with approved plans and conditions (relates to windows in first floor of two storey rear extension) at a residential property in Burns Close.
3. The installation of hard surfacing to the front garden of a residential property in Cropston Close.
4. The erection of high fencing at the rear of a residential property at The Darlings, Hart Village.
5. The re-rendering of a residential property at The Cliff, Seaton Carew.

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

1. Non-compliance with the approved plans in relation to a single storey side and rear extension at a residential property in Elwick Road. It was found that the development is being built in accordance with the approved plans.
2. Running a massage therapy at a residential property at Inglefield. It was found that the massage therapy business did not result in a material change of use of the property.
3. Non-compliance with a condition relating to the use of external materials at a household development in Pinewood Close. An application seeking to vary the condition has since been approved.
4. Running a childminding business at a residential property in Benmore Road. It was found that the childminding business did not result in a material change of use requiring planning permission.

5. The change of use of a dwellinghouse to bail accommodation at a residential property in Gatesgarth Close. It was found that there has been no material change of use requiring planning permission.
6. The display of advertising banners at a licensed premises in Brenda Road. The unauthorised advertising banners have since been removed.
7. The change of use from a dwellinghouse to flats at a residential property in Kilwick Street. It was found that the property is being renovated to provide accommodation that would fall within the definition of a small house in multiple occupation (C4 use class), therefore permitted development rights apply in this case.
8. The erection of an outbuilding in the rear garden of a residential property in Fens Crescent. Permitted development rights apply in this case.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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