

# PLANNING COMMITTEE

## AGENDA



**Wednesday 2 September 2020**

**at 9.30 am**

**in the Civic Centre, Hartlepool.**

**PLEASE NOTE: this will be a 'remote online meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.**

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, C Richardson, Stokell 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 19 August 2020 (to follow).

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

4.1 Planning Applications – *Assistant Director (Environment and Neighbourhood Services)*

- |    |             |   |
|----|-------------|---|
| 1. | H/2019/0457 | 1-14 Meadowcroft Mews, Elwick Road (page 1) |
| 2. | H/2020/0096 | 19 Cropston Close (page 19)                 |
| 3. | H/2015/0354 | Land at Hart Reservoirs (page 29)           |

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

- 5.1 Appeals at 68 Grange Road – *Assistant Director (Environment and Neighbourhood Services)*

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

- 5.2 Update on Current Complaints - *Assistant Director (Environment and Neighbourhood Services)*

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

**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

**7 ITEMS REQUIRING DECISION**

- 7.1 Enforcement Notice (Paras 5 and 6) - *Assistant Director (Environment and Neighbourhood Services)*
- 7.2 Enforcement Notice (Paras 5 and 6) - *Assistant Director (Environment and Neighbourhood Services)*

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

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 a date and in a manner to be agreed by the Chair of the Committee that is compliant with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 and other relevant legislation.

The next meeting of the Committee will be held on Wednesday 16 September 2020 commencing at 9.30 am.



# PLANNING COMMITTEE

2 SEPTEMBER 2020



**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** PLANNING APPLICATIONS

---

**No:** 1.  
**Number:** H/2019/0457  
**Applicant:** MR MRS S COCKRILL MEADOWCROFT ELWICK ROAD HARTLEPOOL TS26 0BQ  
**Agent:** GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE  
**Date valid:** 05/11/2019  
**Development:** Section 73A application for the variation of conditions no. 15 and no. 17 of planning approval H/2014/0163 (for the erection of fourteen unit retirement village, access road, entrance and enclosure details) to allow for the provision of sheds within each plot and privacy screen/fencing between plots, provision of 1.8m high and 1.05m high brick walls to side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of footpath to rear of plots 5 - 9 (part-retrospective application)  
**Location:** 1-14 MEADOWCROFT MEWS ELWICK ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

1.3 H/OUT/0283/96 – Outline planning permission was refused in November 1996 for 9 detached dwellings together with access improvements and landscaping, on the grounds of adverse impact upon the character and appearance of the listed buildings and conservation area and character of the woodland.

1.4 H/OUT/0553/97 - Outline planning permission was refused in February 1998 for the erection of 3 detached dwellings, associated access and related tree works in the field area to the south of Meadowcroft, on the grounds of highway safety, impact upon the setting and character of the listed buildings, and conservation area. This refusal was upheld at appeal. The inspector noted in dismissing the appeal that *“the vista across the appeal site is, in my judgement, particularly important. The position and orientation of the original villa will have been established to take advantage of the open southfacing aspect towards open countryside and away from the urban development to the north. The woodland area curves around to the south and enhances this aspect which is directly across the appeal site”*.

1.5 H/2005/5697 - Outline permission was refused in December 2005, for the erection of four detached dwellings consisting of 3no. within the field area to the south of Meadowcroft and 1no. with a frontage on to Elwick Road, on the grounds of the adverse impact upon the character and appearance of the listed buildings, conservation area and relationship with the adjacent development. An appeal was submitted and later withdrawn.

1.6 H/2005/6033 – Planning permission was refused in September 2005 for the erection of a gatehouse, on the grounds that it would be unduly large and would be out of keeping with the character of the listed buildings at Meadowcroft and Meadowside and with the Park Conservation Area. This refusal was upheld at appeal.

1.7 H/2014/0163 – Planning permission was granted on 24th November 2015 by the Planning Committee, against officer recommendation, for the erection of a fourteen unit retirement village, access road, entrance and enclosure details.

1.8 H/2019/0048 – Planning permission was refused on 3rd October 2019 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset.

1.9 H/2019/0496 – Planning permission was refused on 13<sup>th</sup> March 2020 for the erection of a single storey extension at the rear of 12 Meadowcroft Mews, on the grounds of the harm to the Park Conservation Area, by virtue of the size and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. An appeal (ref: APP/H0724/D/20/3252388) against the decision of the Local Planning Authority to refuse planning permission in respect of

application H/2019/0496 was dismissed by the Planning Inspectorate on 22<sup>nd</sup> July 2020. In dismissing the appeal, the Inspectorate noted *“this disproportionate addition would compound the incremental loss of the parkland to development”*.

## PROPOSAL

1.10 Part-retrospective planning permission (Section 73A application) is sought for the variation of condition no's 15 (removal of permitted development rights for outbuildings) and no. 17 (removal of permitted development rights for means of enclosure) of planning approval H/2014/0163 (for the erection of fourteen unit retirement village, access road, entrance and enclosure details) to allow for the provision of sheds within each plot and privacy screen/fencing between plots, provision of 1.8m high and 1.05m high brick walls to the side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of a footpath to rear of plots 5 – 9.

1.11 In detail, the proposals comprise the following elements;

- Provision of 14no. garden sheds in various locations within the rear garden area of each plot and of various footprints up to a maximum size of 2.4m x 1.8m. No details with respect to the height, design/appearance or finishing materials of the proposed sheds have been provided. Notwithstanding this, it was noted at the time of the case officer's site visit that a number of sheds have already been installed, including at plots 1, 4, 6, 11, 12 and 14, comprising a mix of designs and materials including timber, metal and plastic with dual-pitched roofs.
- Provision of a 1.8 metre high privacy screen/fencing panel(s) between plots 1 & 2, 3 & 4, 4 & 5, 5 & 6, 7 & 8, 8 & 9, 9 & 10, 11 & 12, and 13 & 14. The proposed privacy screen/fencing projects up to 2 metres out from the rear wall of the dwellings and features a curved top design with a small trellis above. No details with respect to the stain/colour of the fences have been provided. At the time of the case officers site visit, it appeared the fence panels had not been erected. Notwithstanding this, bamboo cane screens appear to have been tied to a number of plot boundaries however these do not form part of this application.
- Provision of a 1.8 metre high brick wall to the western side boundary of plot 1, and a 1.8 metre high brick wall to the northern side boundary of plot 14, stepping down to 1.05m where it sits adjacent to the highway/parking bays. Both of these walls were erected at the time of the case officer site visit, following which it became apparent that they did not feature in the original planning permission for the estate (H/2014/0163) and therefore require permission and were subsequently added to this application.
- Omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1. At the time of the case officers site visit, it was noted that two parking bays had been constructed to the (west) side of plot 1, and on further investigation it became apparent that these did not feature in the original planning permission for the estate (H/2014/0163), with the area shown as a landscaping 'pod' within the approved plans, and therefore these require permission and were subsequently added to this application.
- Provision of footpath to rear of plots 5 – 9. At the time of the case officer's site visit, it was noted that a footpath had been provided to the rear of plots 5-9

and on further investigation it became apparent that these did not feature in the original planning permission for the estate (H/2014/0163) and therefore require permission and were subsequently added to this application.

1.12 The application has been referred to the planning committee in view of the officer recommendation and as the application is part-retrospective in line with the Council's scheme of delegation.

## **SITE CONTEXT**

1.13 The application site relates to Meadowcroft Mews, a residential estate accessed via Elwick Road, Hartlepool. The site is located within the Park Conservation Area and the estate comprises a relatively recently completed development consisting of 14no. 'mews' style (1.5 storey) dwellings set out in a triangular layout made-up of semi-detached and terraced properties. Immediately to the north of the site is the grade II listed building at Meadowcroft/Meadowside (formerly a large villa, now two dwellings). To the east of the site are a number of existing large detached 'self-build' dwellings (known as '309 Elwick Road', 'Summerhill View', 'Fentons'). To the south of the site is agricultural/undeveloped land. The site is bounded to the west by a shallow landscaped valley sloping down and away from the site and comprising a protected tree belt (TPO No. 100) and a stream at the bottom, with 3no. grade II listed buildings (Tunstall Hall, Low Tunstall Farmhouse and associated boundary wall) and a residential estate at West Park beyond.

## **PUBLICITY**

1.14 The application has been advertised by way of neighbour letters (28), site notice and press advert. To date, there have been 4 letters of support with the following comments (summarised);

- Proposals are essential for security and welfare of occupants
- Proposed sheds needed for tools, gardening equipment, furniture and bikes
- Creating storage for tools/gardening equipment enables maintenance and upkeep of area
- Creating storage for bikes is good for the environment
- Privacy fencing will provide privacy between neighbours and makes occupants feel more comfortable
- Privacy fencing is commonplace in gardens
- Privacy fencing needs to be robust to withstand wind and rain
- Tools/gardening equipment would otherwise be left outside resulting in untidiness and encouraging crime
- Privacy fencing does not detract from appearance of development
- High brick boundary walls at Plots 1 & 14 add to character of development and provide extra security
- Omission of landscaping Pod A insignificant given amount of landscaping/greenery in development

1.15 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134698>

1.16 The period for publicity has expired.

## CONSULTATIONS

1.17 The following consultation replies have been received:

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

**HBC Public Protection** – Do not object.

**HBC Heritage and Countryside Manager** – The application site is within the setting of Meadowcroft/Meadowside a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF). Further to this Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

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

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

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings.

Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated

buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

A particular concern in this conservation area is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The proposal is the provision of sheds in each rear garden and fencing providing privacy panels.

The Park Conservation Area Appraisal describes this area stating, 'The Arcadian origins of the neighbourhood were grounded in a strong visual, landscape and 'wellbeing' link between the houses and the countryside they were built in, those with the capacity to do so escaping the dirt of the town to live a privileged life in their simulated country estates.' It notes that Meadowcroft, 'fed off the dene and Summerhill, firstly by being laid out with long, controlled views to 'borrow' the scene beyond by placing the house to the north of the plot, and secondly by landscaping with a country estate feel (large open fields with tree clumps and belts) to blur the boundary between estate and setting.'

The new development has interrupted those views to the countryside however efforts were made to minimise the impact of this when considering the finer details of the development. The subdivision of the land using estate fencing to demarcate plots provided a nod to the rural character and ensured an openness around with site, and in particular to the rear of the properties. The introduction of privacy panels would reduce that openness. Similarly introduction of further buildings in the form of sheds would provide further built development in this area, and contribute to the gradual erosion of open space within the conservation area. Such developments would bring the feel of a suburban estate and be out of character with the rural edge of this conservation area.

It is considered that the proposals will cause less than substantial harm to the designated heritage asset, namely the Park Conservation Area. This is due to reduced openness around the site and the introduction of further buildings. Such works will also contribute to the wider difficulties experienced in this conservation area, namely the loss of open space in and around properties. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

UPDATE 03/04/2020 (following receipt of amended plans/additions to application):

In relation to the amendments that have been made to this application, namely the retrospective works which comprise, provision of brick walls to side boundaries of plots 1 & 14, omission of landscaping 'pod a' and replacement with additional car parking bays adjacent to plot 1 and provision of footpath to rear of plots 5 - 9.



There would be no objection to these works as it is considered that they do not impact on the significance of the conservation area.

These comments do not supersede those made in relation to the proposals for the introduction of privacy screening walls between plots and sheds.

UPDATE 11/05/2020 (following further discussions with case officer):

Prior to the development within this area the site provided a green rural edge to the southern side of the conservation area which Meadowcroft/Meadowside was orientated towards. Although some aspects of this has been lost with the introduction of this development and that on the adjacent site as Shu-Lin the fringe of trees to the south and west of the site still provide a transitional area to the countryside. In addition the development was presented as a single intervention and therefore any further alterations which would continue to incrementally erode this part of the conservation area require careful consideration.

With regard to the introduction of sheds within the gardens of the properties, given the scale of each plot a very modest sized shed could potentially be accommodated, i.e. sentry style unit. Alternatively a small store for tools and pots may suffice in some cases, examples provided below. If such development could be located up against the rear or side of a building this would reduce the impact and retain the openness on the site.

With regard to the introduction of privacy panels it is difficult to see how these could be integrated into the current infrastructure and not impact on the wider site by blocking views across the site to the rear of the properties and therefore reducing views into the adjacent woodland thereby infringing further on the openness of this part of the conservation.

UPDATE 19/05/2020 (following response from applicant to proposed compromise):

It's disappointing to receive this reply, particularly as I felt that we have offered a suitable compromise in this instance.

It was my understanding that the original development was built as a set piece and would be maintained as such, I am sure this reassurance was provided by the applicant at the time in order to demonstrate that the proposal would not adversely impact on the setting of the listed building.

The continued erosion of the garden areas around this site suburbanises the development and appears to be somewhat contradictory to the original proposal of buildings which would complement Meadowcroft/Meadowside.

**Historic England** –On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

**Tees Archaeology** - I have no objection to the proposed variation of conditions on this application.

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

**HBC Landscape Architect** – There are no landscape and visual objections to the retrospective changes.

**HBC Arboricultural Officer** – There should be no or little impact on any trees covered by the TPO on this site with the current proposals. No objection.

**HBC Ecology** – No objections.

**Cleveland Police** – Police have no objections to the proposals.

Sheds though can be vulnerable to theft and would advise that any shed is robust and suitably secured with secure padlocks preferably certified to Sold Secure Silver or LPS Security Rating 1. The use of tower coach bolts or non-returning screws for all fittings would enhance security.

## **PLANNING POLICY**

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

### Local Policy

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

HE1: Heritage Assets  
HE3: Conservation Areas  
HE4: Listed Buildings and Structures  
HE7: Heritage at Risk  
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  
LS1: Locational Strategy

### National Policy

1.20 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA058: Enforcement

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA184: Conserving and enhancing the historic environment

PARA189: Proposals affecting heritage assets

PARA190: Proposals affecting heritage assets

PARA192: Proposals affecting heritage assets

PARA193: Considering potential impacts

PARA194: Considering potential impacts

PARA 196: Considering potential impacts

PARA 200: Considering potential impacts

PARA212: Implementation

## **HBC Planning Policy comments**

1.21 With regards to the variation of conditions for Meadowcroft Mews, as the site is located within a conservation area, all development is expected to positively contribute to the character of the conservation area. Planning Policy have concerns regarding this application. It has been noted within the comments of the Heritage and Countryside Manager that the addition of extra buildings on the site would be detrimental and would cause less than substantial harm to the character of the conservation area. This therefore leads the proposal in its current form to be contrary to policies HE1 and HE3 of the Local Plan.

1.22 The Park Conservation Area (PCA) is traditionally characterised by large dwellings within large open gardens. It is noted that these 14 properties are within the former garden area of Meadowcroft, and that does detract from the original character of the PCA, however the 14 properties were designed to be as open as possible with estate fencing and no sheds permitted in the garden without planning consent. Planning Policy considers that the proposed sheds and fences would reduce the openness of the properties/area which in turn would cause harm to the conservation area.

## PLANNING CONSIDERATIONS

1.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site, character and appearance of the surrounding area and the impact on heritage assets (incl. the character of the conservation area and setting of the listed building), landscaping and landscape features, the amenity and privacy of neighbouring land users and highway and pedestrian safety. These and all other planning and residual matters are set out in detail below.

### VISUAL AMENITY OF THE APPLICATION SITE, CHARACTER AND APPEARANCE OF THE SURROUNDING AREA AND IMPACT ON HERITAGE ASSETS (INCL. THE CHARACTER OF THE CONSERVATION AREA AND SETTING OF THE LISTED BUILDING)

1.24 The application site is within the setting of Meadowcroft/Meadowside, a grade II listed building that is located in the Park Conservation Area, both of which are recognised as designated heritage assets.

1.25 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy HE1 (Heritage Assets) of the Hartlepool 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 account of the significance of a designated heritage asset and give, *'great weight'* to the asset's conservation (para 193, NPPF). Further to this Policy HE4 (Listed Buildings and Structures) of the Local Plan states, *'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'*.

1.26 When considering any application for planning permission that affects a conservation area, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. At a local level, Local Plan policy HE3 (Conservation Areas) states that the Borough Council will, *'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'* The NPPF goes further in seeking positive enhancement in

conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

1.27 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.

1.28 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 decision should ensure development will function well and add to the overall quality of the area and be sympathetic to local character and history. Paragraph 130 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.

1.29 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Meadowcroft/Meadowside is typical of the larger properties found in the conservation area. The listed building was constructed in 1895. It comprises the main house, a lodge house on Elwick Road and, a block of stables / out buildings also to the north of the site. The house was subdivided in the 1950s with land and associated buildings subsequently sold off. This began the gradual disposal of plots of land on this estate for the construction of housing.

1.30 A particular concern in this conservation area is the loss of gardens and open spaces, as dwellings which once sat within generous grounds are being subsumed by development. The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. Policy HE7 (Heritage at Risk) of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as '*at risk*' is a priority for the Borough Council.

1.31 The Park Conservation Area Appraisal describes this area stating, '*The Arcadian origins of the neighbourhood were grounded in a strong visual, landscape and 'wellbeing' link between the houses and the countryside they were built in, those with the capacity to do so escaping the dirt of the town to live a privileged life in their simulated country estates.*' It notes that Meadowcroft, '*fed off the dene and Summerhill, firstly by being laid out with long, controlled views to 'borrow' the scene beyond by placing the house to the north of the plot, and secondly by landscaping*

*with a country estate feel (large open fields with tree clumps and belts) to blur the boundary between estate and setting.'*

1.32 The Council's Heritage and Countryside Manager has commented that the new development at Meadowcroft Mews has interrupted those views to the countryside, however efforts were made to minimise the impact of this when considering the finer details of the development at the time. The subdivision of the land using estate fencing to demarcate plots provided a nod to the rural character and ensured an openness around with site, and in particular to the rear of the properties. It is also noted that the development was presented as a single intervention and therefore any further alterations which would continue to incrementally erode this part of the conservation area require careful consideration.

1.33 The Council's Heritage and Countryside Manager has advised that the introduction of privacy panels would reduce the openness of this part of the conservation area, commenting that it is difficult to see how these could be integrated into the current infrastructure and not impact on the wider site by blocking views across the site to the rear of the properties and therefore reducing views into the adjacent woodland.

1.34 Similarly, the introduction of further buildings in the form of sheds would provide further built development in this area, and contribute to the gradual erosion of open space within the conservation area. Prior to the development within this area the site provided a green rural edge to the southern side of the conservation area which Meadowcroft/Meadowside was orientated towards. Although some aspects of this has been lost with the introduction of this development, and that on the adjacent site at Shu-Lin, the fringe of trees to the south and west of the site still provide a transitional area to the countryside. It is considered that the proposals would bring the feel of a suburban estate and be out of character with the rural edge of this conservation area, with the continued suburbanisation of this area somewhat contradictory to the original proposal of buildings which were touted to complement Meadowcroft/Meadowside.

1.35 Notwithstanding this, it is acknowledged that some degree of external storage space may be required and could reasonably be expected in a residential development of this nature. In view of this and taking into account the above concerns, the case officer discussed the matter further with the Council's Heritage and Countryside Manager, and it was considered that the introduction of very modest sized sheds (i.e. sentry style units) within the gardens of the properties (given the modest size of each plot) could potentially be accommodated. Alternatively a small store for tools and pots may have sufficed in some cases. It was ultimately considered that if such development could be located up against the rear or side of the dwellings, rather than significantly detached/isolated structures, this would reduce the impact and retain the openness on the site.

1.36 The case officer approached the applicant to suggest amendments to the application to reduce the impact of the proposed sheds across the site through their repositioning/reduction in size and request the omission of the proposed privacy panels, which may have allowed the application to be supported by Officers. The applicant has refused to amend the application however, maintaining that the

proposed sheds are required for the storage of gardening equipment, tools, furniture and bikes, and smaller sheds would be inadequate for this purpose, and that the proposed fencing is required for privacy.

1.37 It is disappointing that the applicant has chosen not to engage with Officers in seeking to mitigate the harm to the designated heritage assets, and the Council's Heritage and Countryside Manager has therefore ultimately concluded that the provision of sheds and privacy panels, as proposed, will cause (less than substantial) harm to the designated heritage asset, namely the Park Conservation Area. This is due to reduced openness around the site and the introduction of further buildings. Such works will also contribute to the wider difficulties experienced in this conservation area, namely the loss of open space in and around properties. No information has been provided to demonstrate that this harm will be outweighed by any public benefits of the proposal.

1.38 This position is reflective of a similar decision by the Planning Inspectorate in their dismissal of an appeal against the refusal by the Council of application H/2019/0496 for a rear extension to 12 Meadowcroft Mews (which falls within the current application site) on the grounds of the impact on the conservation area, in which the appointed Inspector noted; *"Whilst the projection of the proposed extension would be modest at around 2.8 metres I saw during my site visit that the rear garden is relatively shallow and consequently the proposed extension would occupy a relatively large proportion of it. Consequently, I consider that by virtue of its scale and bulk it would dominate the open area to the rear of the appeal property and the neighbouring properties by infilling part of the open space that exists between the existing development and the woodland beyond. In the context of the character of the CA this disproportionate addition would compound the incremental loss of the parkland to development thus resulting in less than substantial harm to the character and appearance of the CA."*

1.39 In relation to the other elements of the proposal, namely the provision of 1.8m high and 1.05m high brick walls to side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of footpath to rear of plots 5 – 9, the Council's Heritage and Countryside Manager has advised that they would have no objection to these works as it is considered that they do not impact on the significance of the conservation area.

1.40 The Council's Heritage and Countryside Manager has advised the proposals would not cause harm to the setting of the listed building.

1.41 In view of the above, it is considered that the proposals would have an unacceptable impact on the identified heritage assets, and in particular would cause (less than substantial) harm to the significance of the Park Conservation Area. The application is therefore considered to be contrary to policies QP4, HE1, HE3 and HE7 of the Local Plan and paragraphs 124, 127, 130, 184, 189, 192, 193, 194, 196 and 200 of the NPPF.

## LANDSCAPING AND LANDSCAPE FEATURES

1.42 The application proposes amendments to the previously approved hard and soft landscaping across the site, including omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of a footpath to rear of plots 5 – 9. Both the Council's Arboricultural Officer and Landscape Architect have been consulted and have confirmed that they have no objections to the application. The Arboricultural Officer has advised that there should be no or little impact on any trees covered by the TPO on this site.

1.43 In view of the above, and notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on landscaping and landscape features, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.44 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. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

1.45 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.

1.46 It is considered that the location, scale and nature of the proposals in this instance are such that they would not have any significant detrimental impact on the amenity or privacy of neighbouring land users / occupiers of the existing dwellings, subject to a planning condition to secure final details of the proposed sheds, which would have been recommended accordingly had the application been considered to be acceptable in all other respects.

1.47 It is noted that the Council's Public Protection has confirmed that they would have no objections to the proposal.

1.48 In view of the above, and notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on the amenity and privacy of neighbouring land users (subject to conditions), and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.



## HIGHWAY AND PEDESTRIAN SAFETY

1.49 The application includes the provision of additional parking spaces, as well as the provision of boundary walls adjacent to the existing parking spaces at plot 14. The Council's Highways, Traffic & Transport section has been consulted and has advised that there are no highway or traffic concerns.

1.50 In view of the above, and notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on highway and pedestrian safety, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

## OTHER PLANNING MATTERS

### *Archaeology*

1.51 Tees Archaeology has confirmed that they have no objection to the application. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on archaeology, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

### *Public Rights of Way*

1.52 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. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on public rights of way, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

### *Ecology and Nature Conservation*

1.53 The Council's Ecologist has confirmed that they have no objections to the application. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on ecology and nature conservation, and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

### *Safety and Security*

1.54 Cleveland Police has confirmed that they have no objections to the proposals, however have offered advice with respect to physical security measures for sheds, and this would have been passed on to the applicant as an informative note in the decision notice, had the application been considered acceptable in all other respects. Notwithstanding the unacceptable impacts of the proposal on the identified heritage assets, the application is considered to be acceptable in respect of the impact on

safety and security (subject to the identified informative), and in accordance with the relevant policies of the Local Plan and relevant paragraphs of the NPPF.

## CONCLUSION

1.55 In view of the above, it is considered on balance that the proposals are unacceptable due to the adverse impact on the identified heritage assets, and in particular would cause (less than substantial) harm to the significance of the Park Conservation Area. The applicant has provided no evidence to demonstrate public benefit that would outweigh this harm. The application is therefore considered to be contrary to policies HE1, HE3 and HE7 of the Local Plan and paragraphs 124, 127, 130, 184, 189, 192, 193, 194, 196 and 200 of the NPPF.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.56 There is no evidence of equality or diversity implications.

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

1.57 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.

1.58 There are no Section 17 implications.

## REASON FOR DECISION

1.59 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(s);

1. In the opinion of the Local Planning Authority, the proposed sheds and privacy screen/fencing would cause less than substantial harm to the designated heritage asset of Park Conservation Area by virtue of the siting, size and design of the proposed development that would detract from the character and appearance of the identified heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 184, 189, 192, 193, 194, 196 and 200 of the NPPF (2019).

## BACKGROUND PAPERS

1.60 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134698>

1.61 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.

## **CONTACT OFFICER**

1.62 Tony Hanson  
Assistant Director of Environment & Neighbourhood Services  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523400

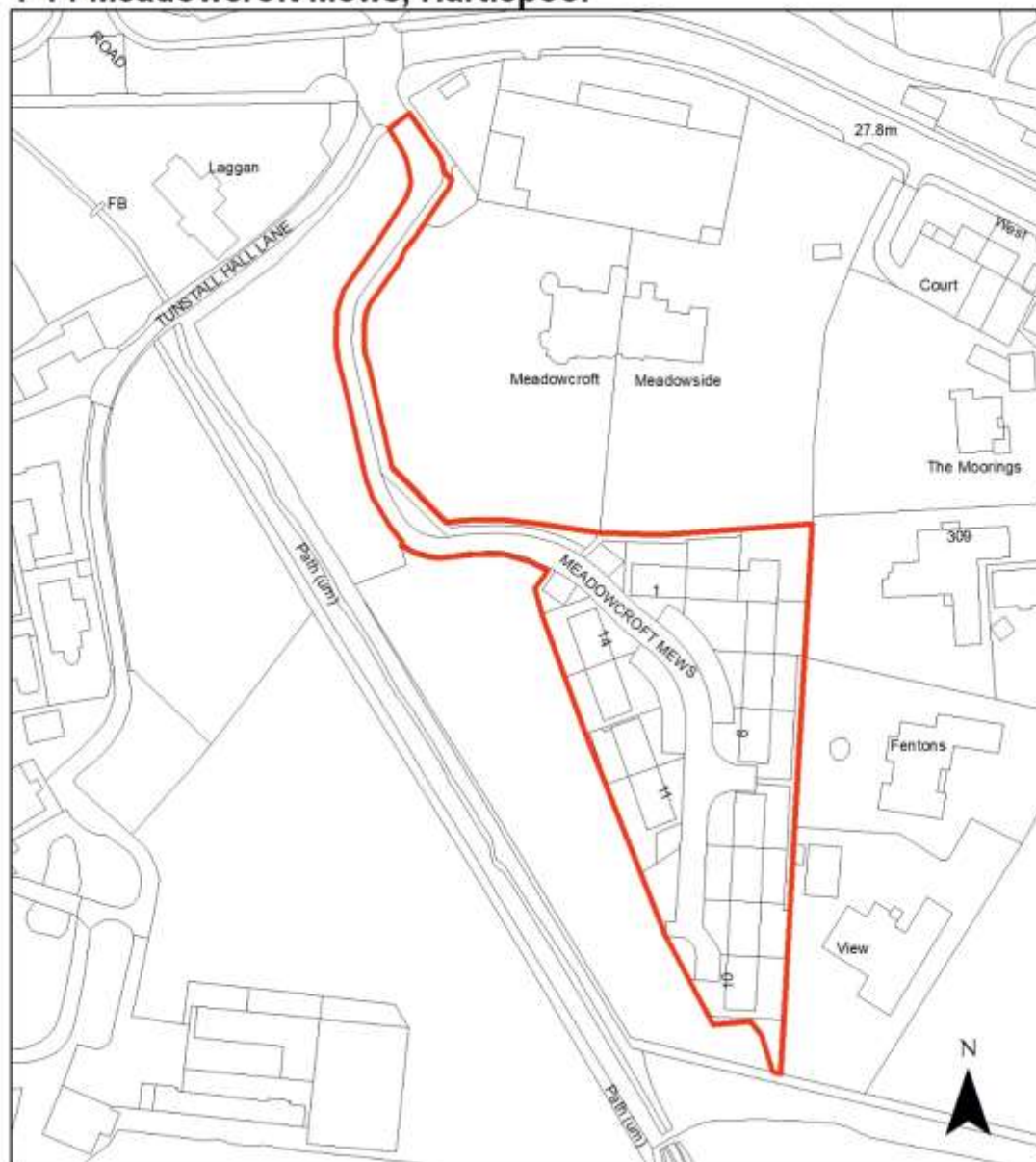
E-mail: [tony.hanson@hartlepool.gov.uk](mailto:tony.hanson@hartlepool.gov.uk)

## **AUTHOR**

1.63 Ryan Cowley  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523279

E-mail: [Ryan.Cowley@Hartlepool.gov.uk](mailto:Ryan.Cowley@Hartlepool.gov.uk)

**1-14 Meadowcroft Mews, Hartlepool**

Copyright Reserved Licence No100023390 (2020)

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

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>14.8.2020</b>
	SCALE <b>1:1250</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0457</b>	REV

**No:** 2.  
**Number:** H/2020/0096  
**Applicant:** MR T SANGER CROPSTON CLOSE HARTLEPOOL  
TS26 0ZS  
**Agent:** MR T SANGER 19 CROPSTON CLOSE HARTLEPOOL  
TS26 0ZS  
**Date valid:** 19/03/2020  
**Development:** Provision of hardstanding to front of property  
**Location:** 19 CROPSTON CLOSE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The following planning history is considered relevant to the application site:

H/2015/0351 - Reserved matters application in relation to planning permission H/2014/0215 for means of pedestrian access and internal highway layout, appearance, landscaping, layout and scale of residential development. Approved 3<sup>rd</sup> November 2015.

## PROPOSAL

2.3 Retrospective planning permission is sought through this application for the retrospective installation of a block paved hardstanding to the front garden of 19 Cropston Close.

2.4 The installation of hardstanding on the former front garden on the western side of the site, to the front of the projecting element of the property and measures approximately 4.9 metres in length x approximately 5.9 metres in width at its widest point, although it is noted that the area has a chamfered corner on the north western section. The installed hardstanding includes 3no. drains that were in situ when the paved area was a front garden. The purpose of the installation is understood to provide an additional driveway for the occupiers of the property (the property is already served by a driveway on the eastern side of the property along with a detached garage). The area of hardstanding adjoins the area of hardstanding that serves an adjacent property of No 20 (west).

2.5 The applicant has provided information regarding the type of materials (Marshall's block paving) and were of the understanding this this would amount to permeable/porous materials. Notwithstanding this, no details of the actual

construction have been provided or to address comments from the Council's Flood Risk Officer, as considered further below.

2.6 The application has been referred to the planning committee due to the retrospective nature of the works, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

2.7 The application site relates to a north facing detached bungalow with detached garage on a cul-de-sac within Cropston Close, off Elwick Grove in Hartlepool. The host bungalow is bounded by No. 18 to the east, whilst the garage and driveway of No. 20 adjoins the installed driveway at the host property to the east with the main dwelling of this neighbour further to the west. Beyond the main highway of Cropston Close to the north lies No. 16, with No. 17 to the north east. To the rear, the application site is bounded by Nos. 12 and 14 Woodhouse Lane, whilst No. 18 Woodhouse Lane is sited to the south west.

2.8 The nature of the street scene is such that properties are open plan at the front, with small gardens, driveways and garages. A further driveway and garage are present on the other side (eastern) of the host bungalow. The site levels are such that the road slopes down from the west (where the main road of Cropston Close abuts this cul-de-sac section) with a swale/grassland bund abounding the cul-de-sac at the bottom (eastern side).

## **PUBLICITY**

2.9 The application has been advertised by way of neighbour letters (8). To date, there have been 2 objections to the application.

2.10 The concerns raised can be summarised as:

- The flow route is not as described in the Planning Statement submitted by the applicant;
- The paving materials are different to those stated;
- The proposal is in breach of Policy CC1 of the Hartlepool Local Plan (2018);
- A large area of natural soakaway has been removed through the works;
- The surface is not porous and is constructed from Type 1 substrate;
- There is "visible ponding" of surface run off water and excess water runs into gardens of neighbouring land users;
- The applicant uses private land for access/egress and parking;
- Impact on amenity through nuisance as the applicant uses the driveway which is directly across the road from the neighbour;
- Parking issues

2.11 There has also been an additional response offering no objections to the proposal and a further letter of support received.

2.12 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137099>

2.13 The period for publicity has expired.

## CONSULTATIONS

2.14 The following consultation replies have been received:

**HBC Flood Risk Officer:** In response to your consultation on the above application;

### Contaminated land

I have no objection to proposals in this respect.

### Surface water management

Your attention is drawn to Local Plan policy CC1 that requires the use of porous materials (permeable paving) in development. The current driveway for which approval is sought has not been demonstrated to be permeable. By way of background, the Floods Review by Sir Michael Pitt after the summer floods of 2007 recommended inter alia that householders should no longer be able to lay impermeable surfaces as of right on front gardens in order that water that had previously soaked into the ground would not increase flood risk by overloading sewers. This recommendation was implemented by government in the Town and Country (General Permitted Development) (England) Order 2015 by means of permitted development rights being removed for impermeable surfacing of area greater than 5 square metres in the front gardens of dwellings.

Whilst one garden being paved over with impermeable paving in one housing estate does not have a significant effect, if this type of development is carried out by a number of residents there can be a cumulative and significant flood risk impact. As such it is important that precedent is not set that this form of development is acceptable and I recommend that the application is refused. As previously identified to the planning authority development will be appropriate if:

1. The hard surface is made of porous materials (with provision for exceedence flow to conventional drainage). Or
2. Provision is made to direct runoff to a permeable or porous area (with provision for exceedence flow to conventional drainage).

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

## PLANNING POLICY

2.15 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

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

CC1: Minimising and Adapting to Climate Change;  
CC2: Reducing and Mitigating Flood Risk;

SUS1: The Presumption in Favour of Sustainable Development;  
 LS1: Locational Strategy;  
 QP4: Layout and Design of Development; and  
 HSG11: Extensions and Alterations to Existing Dwellings.

### National Policy

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

PARA 007: 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 80a: Impacts from noise;  
 PARA 092: Promoting healthy and safe communities;  
 PARA 124: High quality buildings and places;  
 PARA 127: Design principles;  
 PARA 150: Planning for climate change;  
 PARA 153: Planning for climate change; and  
 PARA 182: Ground conditions and pollution.

### **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 flood risk and surface water drainage, the impact on the character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users, and highway safety and parking. These and any other planning and non-planning matters are detailed in full below.

### **IMPACT ON FLOOD RISK + SURFACE WATER DRAINAGE**

2.19 Policy CC1 of the Hartlepool Local Plan requires the use of porous materials (permeable paving) in development. Policy CC2 states that all new development



proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure.

2.20 The Council's Flood Risk Officer has been consulted in respect of the application, including the information submitted by the applicant and has undertaken a site visit himself to assess the impacts of the installed hard standing.

2.21 The Flood Risk Officer considers the current driveway for which approval is sought has not been demonstrated to be permeable. The Flood Risk Officer has further commented that whilst one garden being paved over with impermeable paving in one housing estate would not necessarily result in a significant adverse impact on flood risk, if this type of development were to be undertaken by a number of occupiers of neighbouring properties, it could have the potential to result in a cumulative and significant flood risk impact. As such, the Council's Flood Risk Officer considers that the installation of hard standing would be acceptable if: a.) the hard surface is made of porous materials (with provision for exceedence flow to conventional drainage); or b.) provision is made to direct runoff to a permeable or porous area (with provision for exceedence flow to conventional drainage).

2.22 This advice has been relayed to the applicant in order for them to seek to satisfactorily demonstrate that the installed hardstanding complies with either these requirements, however the applicant has confirmed their intention to proceed with the planning application as submitted without any changes or additional supporting evidence to overcome these concerns or requirements.

2.23 The Council's Flood Risk Officer considers that without this information or evidence to demonstrate that the installed block paving/hard standing is truly porous/permeable or that there is a satisfactory run off from the installed hard standing to a permeable or porous area, that the development would result in an increased risk of surface water flooding. In light of this, the Council's Flood Risk Officer objects to the application and considers that this would warrant a refusal of the application.

2.24 It is considered that the installed hardstanding on the front garden of the host bungalow has not been sufficiently demonstrated to be of a satisfactory design or use of material to prevent an increase in surface water flooding. The development is therefore contrary to the provisions of the NPPF and Policies CC1 and CC2 of the Local Plan and would warrant a refusal of the application in this instance.

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

2.25 Whilst it is acknowledged that the retrospective installation of hard standing is at the front of the host bungalow (being on its western side), and is visible from this section of the cul-de-sac of Cropston Close, it is considered that the design and scale of the development is generally in keeping with the existing, adjacent hard standing on the estate (in visual terms) and as such that it does not adversely affect the character and appearance of the host plot or the visual amenity of the wider area as to warrant a further reason for refusal of the application.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on 20 Cropston Close, to the west

2.26 The relationship between the host property and the neighbour abounding to the west is such that the garage and driveway of No. 20 is adjacent to the installed hard standing at the host property, with the main dwelling of No. 20 approximately 21m to the west (with the provision of a close boarded boundary fence between). It was noted by the case officer that the rear garden of this neighbour (No. 20) slopes downward in a similar vein to that of the host property.

2.27 As stated above, it is noted that the installed hardstanding on the front garden projects along the boundary with the driveway of the neighbour to the west at No. 20, and therefore extends up to the garage of No. 20. By virtue of the above described relationship and separation distance, along with the provision of the boundary fence, it is considered that the installed hardstanding does not result in any significant adverse impacts on the amenity and privacy for occupiers of No. 20 in terms of loss of outlook, overbearing impression, overbearing or overlooking or significant increase in noise disturbance.

Impact on 18 Cropston Close, to the east

2.28 As noted above, the adjacent neighbour at 18 Cropston Close is situated to the east, with the installed hardstanding being sited approximately 12m from the boundary with this neighbour. The relationship between these two neighbouring bungalows is such that the installed hardstanding is on the opposite side in relation to this neighbour, whilst the existing driveway serving the host bungalow shares a boundary with the driveway serving No. 18. It is considered that the above separation distances and relationship between the two neighbouring bungalows, along with the modest scale and design of the hardstanding are such that it does not result in any significant adverse impact in terms of amenity in terms of overshadowing, overbearing and loss of outlook, or privacy in terms of overlooking, or significant increase in noise disturbance for occupiers of No. 18.

Impact on 16 and 17 Cropston Close, to the north (front)

2.29 No's 16 and 17 Cropston Close are situated to the front of the application site, with a distance of approximately 6.5 metres to the boundary with these properties (with the main public highway in between), and a distance of approximately 12 metres to the front elevation of No. 16. It is acknowledged that a neighbour objection has been received that raises concerns regarding the increased comings and goings of the occupiers of the host bungalow causing a nuisance. Given that the dwelling is in established normal residential use, it is not considered that the installation of hardstanding results in an adverse impact to neighbouring occupiers (including No. 16) in terms of increased noise or disturbance. Furthermore, it is considered to be a characteristic of the area that driveways are sited at the front of the property (albeit not the provision of a second driveway).

2.30 Given the modest scale and design of the installed hardstanding, (which does not extend further than the edge of the garden at the host bungalow) it is considered

that it does not result in any adverse impacts on the amenity or privacy of these neighbours (at 16 and 17 Cropston Close) in terms of overshadowing, overbearing, loss of outlook or overlooking, or significant increase in noise disturbance.

Impact 12 and 14 Woodhouse Lane, to the south and 18 Woodhouse Lane to the south west (rear)

2.31 No's 12 and 14 Woodhouse Lane are situated to the rear of the application site, with a distance of approximately 35 metres remaining to the rear elevation of No. 14 (directly to the south) with the orientation of the host bungalow and boundary treatment comprising a fence with a height of approximately 1.8 metres in between. The neighbouring property at 18 Woodhouse Lane abounds the host bungalow to the south west (its rear boundary forming part of the side of the rear garden of the host bungalow). Given the modest scale and design of the installed hardstanding, (which does not extend further than the edge of the garden at the host bungalow) it is considered that it does not result in any adverse impacts on the amenity or privacy of these neighbours (12, 14 and 18 Woodhouse Lane) in terms of overshadowing, overbearing, loss of outlook or overlooking or increase in noise disturbance.

## HIGHWAY + PEDESTRIAN SAFETY

2.32 The Council's Traffic and Transport section have been consulted in respect of the application and have advised that there are no issues with the application in terms of the provision of off-road parking and highway and pedestrian safety. The application is therefore considered acceptable in these regards.

## NON PLANNING MATTERS

2.33 It is acknowledged that objections from neighbouring residents have been received raising concerns with regard to boundary disputes and the access and egress of parked vehicles on private land, which are not material planning considerations. As such no weight can be given in respect of these matters.

## CONCLUSION

2.34 Whilst the installed hardstanding at the front is acceptable in terms of visual and neighbour amenity and highway safety, it has the potential to result in a significant adverse impact on the flood risk of the area, particularly when considering any potential cumulative impact that may result from similar developments in the future. It is therefore considered the installed hardstanding would not meet the requirements of policies CC1 and CC2 of the Hartlepool Local Plan (2018) or paragraphs 150 and 153 of the NPPF (2019). It is therefore recommended that the application be refused.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.35 There is no evidence of equality or diversity implications.

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

2.36 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.

2.37 There are no Section 17 implications.

### **REASON FOR DECISION**

2.38 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 reason below:

1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the installed hardstanding is a permeable surface material and would therefore result in a potential increase in flood risk. It is therefore considered the installed hardstanding would not meet the requirements of policies CC1 and CC2 of the Hartlepool Local Plan (2018) or paragraphs 150 and 153 of the NPPF (2019).

## **BACKGROUND PAPERS**

2.39 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137099>

2.40 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.

## **CONTACT OFFICER**

2.41 Tony Hanson

Assistant Director of Environment & Neighbourhood Services  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523400

E-mail: [tony.hanson@hartlepool.gov.uk](mailto:tony.hanson@hartlepool.gov.uk)

**AUTHOR**

2.42 Stephanie Bell  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523246  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)

**19 Cropston Close, Hartlepool**

Copyright Reserved Licence No100023390 (2020)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>14.8.2020</b>
	SCALE <b>1:1000</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0096</b>	REV

**No:** 3.  
**Number:** H/2015/0354  
**Applicant:** Mr Brett Wilkinson 25a Parkview West Industrial Estate  
HARTLEPOOL TS25 1PE  
**Agent:** David Stovell & Millwater 5 Brentnall Centre Brentnall  
Street MIDDLESBROUGH TS1 5AP  
**Date valid:** 21/12/2015  
**Development:** Outline planning application with some matters reserved  
for residential development (up to 52 dwellings) with  
associated access and highway works and creation of  
wildlife ponds, park, footpaths, public car park,  
landscaping and open space areas.  
**Location:** Land at Hart Reservoir Hart Lane HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The application was initially considered at the Planning Committee of 30/11/2016, where Members were minded to approve the application subject to the completion of a legal agreement securing a range of financial contributions, ecological mitigation measures, including the provision of Suitable Alternative Natural Green Spaces (SANGS) and long term management obligations, as well as relevant planning conditions.

3.3 Following that decision by Members, the applicant sought to renegotiate the financial contributions through the submission of an Economic Viability Assessment to support their view that all of the previously agreed contributions could not be sustained by the development in viability terms. Following extended negotiations with officers the application was returned to Planning Committee on 06/02/2019 with a recommendation to approve subject to a reduced level of financial contributions, but still securing ecological mitigation measures, long term management obligations and relevant planning conditions.

3.4 As drafting of the section 106 legal agreement has been carried out, the applicant has sought to reduce the previously agreed SANGS obligation and omit a substantial area of land previously intended to be secured from the agreement. This resulted in further rounds of consultation and negotiation with the Council's Ecologist to ensure appropriate ecological mitigation could be secured. As such, the application has been returned to Planning Committee to advise Members of a change in the previously minded to approve recommendation.

## PROPOSAL

3.5 The application was submitted in September 2015 for up to 70 dwellings. Following the initial assessment of the application and receipt of consultation responses, a number of issues were raised with the scheme primarily relating to highways, ecology, drainage and heritage matters, in addition to concerns over the housing density. Since December 2015, additional/amended plans and information were submitted in order to address these issues, including a reduction in the number of dwellings from 70 to (up to) 52 dwellings, retention of the lower reservoir, the provision of a right turn highway facility on Hart Lane and detailed Flood Risk Assessments. These matters will be considered in further detail within the main body of the report.

3.6 This application therefore seeks outline planning permission (with some matters reserved) for residential development for up to 52 dwellings with associated access and highway works, and the creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas on land at Hart Reservoirs. The applicant is seeking consent at this stage for the principle of the development and the means of access to the site with the appearance, layout, scale of the buildings and landscaping of the site (the reserved matters) reserved for future approval.

3.7 The proposed site would be accessed via the existing access from Hart Lane (south west). The scheme would require works to widen the site junction and provide visibility splays. Following the request of the Council's Traffic and Transport section, the proposed scheme includes the provision of a protected right turn facility along Hart Lane.

3.8 As set out above, the scheme has been subject to amended and additional plans/information. In respect of the amended layout for up to 52 dwellings, the indicative plans show approximately half the proposed dwellings to be positioned around the lower reservoir and towards the south east corner of the site with the remaining properties sited beyond the access road that cuts through the site. The submitted information indicates that the detached properties would be up to 2.5 storeys in height and a number would be served by detached garages. The residential element would occupy approximately 3.5ha of the overall site.

3.9 Following the submission of amended plans, the proposed scheme would retain a number of the original reservoir features some of which would be utilised for viewing platforms.

3.10 The scheme would require a number of engineering operations including proposals to adapt the larger upper reservoir into a nature reserve with a footpath network running around the site, works to lower the water levels within both water bodies, the erection of a roundabout and a bridge within the site to cross one of the existing culverts (to serve the proposed dwellings towards the northern part of the site), and a pedestrian footbridge across a narrow section of the upper reservoir.

3.11 The scheme makes provision for internal footpath routes, which would also connect up to the existing footpath network, which is considered in further detail within the report. The scheme includes a large area of green open space in the north



east corner of the site and a small children's play space towards the centre of the site. A proposed car park would serve the proposed nature reserve, located towards the main site entrance. The scheme includes the retention and enhancement of existing landscaping throughout the site.

3.12 The submitted supporting information indicates that the footpaths would remain permissive whilst the land would remain within the ownership of the land owner in respect of maintaining and managing the proposed nature reserve, car park and footpaths.

3.13 The application is accompanied by a number of supporting documents including a Heritage Statement, Flood Risk Assessment and Ecology statement.

3.14 Within the applicant's submitted supporting statement (paragraph 4), it is noted that *"the water supply to the reservoir has been isolated. They (the reservoirs) are only fed by rainwater from what is a small catchment. They would be better described as deep stagnant ponds"*.

3.15 The proposed development has been screened during the course of this application and in accordance with Section 5 of the Town and Country Planning (Environmental Impact Assessment/EIA) Regulations 2017; the Local Planning Authority has adopted an opinion to the effect that the development is not considered to be EIA development.

3.16 The application has been referred to the Committee to update Members on the change to the previously agreed/reported planning obligations.

## **SITE CONTEXT**

3.17 The application site relates to land at Hart Reservoirs, located off Hart Lane, Hartlepool. The total site area is approximately 8.5ha (of which approximately 5.8ha is covered by the two reservoirs).

3.18 The site primarily consists of the two former water bodies (which have long been drained) that formed the reservoirs, which are now in private ownership. The surrounding land gently undulates, sloping from north west to south east. The reservoirs lie in a modest, steep-sided valley. The larger of the two former water bodies (upper) is located to the west with the lower reservoir located to the south east. The former water bodies are separated by an internal road that extends up from the small, gated site access (taken from Hart Lane) which serves the site and a single dwelling, known as Hart Reservoirs Cottage located to the north east of the site (which falls outside of the current application site boundary). There are a number of features within the reservoirs including dams, sluices, overflow and valve structures.

3.19 Beyond the site boundaries to the south and to the east is a public footpath (partially within HBC ownership) with residential properties located beyond; properties within Nightingale Close, Kestrel Close and Swallow Close are present beyond the boundary and mature tree planting to the south with properties in Kingfisher Close present beyond the eastern boundary.

3.20 The site is currently accessed from Hart Lane which runs to the west of the site with High Throston Golf Club and Hart Quarry located beyond this highway. The nearest property to the north west (along Hart Lane) is 'Keepers Cottage'. Beyond the application site boundary to the north/north east are open fields; planning permission has been granted for 500 dwellings (known as Upper Warren), under reserved matters planning approval H/2018/0148, within the vicinity of this area; the plans for Upper Warren show the provision of a proposed landscape buffer between the 500 dwellings and the current application site.

## **PUBLICITY**

3.21 The application was advertised by way of neighbour letters, site notices (x5) and a press notice.

3.22 To date, a total of 23 objections (including more than one letter from the same objector in some instances) have been received, including a further objection being submitted since the previous consideration of this application by the Planning Committee. Concerns have also been raised by Hartlepool Civic Society. Objections were also received from the former local ward councillor for the area at the time of the previous consideration of the application and Hart Parish Council (detailed within the consultee responses below). These objections and concerns can be summarised as follows;

- Is the transport statement relevant to the application (refers to 60 dwellings)
- Lack of information regarding the measures/process/materials to infill the lower reservoir (as originally proposed)
- The proposal (as originally submitted) would result in an adverse loss of amenity and privacy for neighbouring properties including Hart Reservoir Cottage.
- Impact on access to Hart Reservoir Cottage.
- Impact on overhead lines and services to existing residential properties, in particular Hart Reservoir Cottage
- Impact on wildlife including bats
- The impact on wildlife and ecology understated within submitted reports
- Clarification on the design of the dwellings should be provided
- Increase in traffic and congestion along Hart Lane and exacerbation of issues at Sheraton/A19
- Proposed access/egress will have detrimental impact on congestion and road safety
- The proposed increase in reduced speed limit is insufficient
- The area is used by residents for walking which would be affected by the development
- No details of the reservoir maintenance has been provided
- Planning conditions should be imposed to restrict working hours/days, the provision of additional screen planting, timescales on the overall completion of the development and the establishment of the nature reserve before the dwellings are brought into use.

- The plans do not include details of landscaping or the public car park – will the car park be closed on an evening?
- It is unclear who will be responsible for the upkeep and maintenance of the wildlife ponds and park- the information submitted to date is inadequate
- Development will be affected by quarry from vibrations/blasting, as are existing properties.
- A noise assessment and ground survey should be required in respect of the quarry.
- Loss of views
- Impact on visual amenity of surrounding area
- Overdevelopment of site
- Noise disturbance/pollution and increase in dust
- Car park will attract youth congregation and general increase in anti-social behaviour, vandalism
- Any existing anti-social behaviour element within the reservoirs would not justify the proposed development
- The water level has been reduced
- Proposal adds to sprawl of development and proposed dwelling types unsuitable
- Flooding is a problem in the area. Proposal could result in an increase in flood risk and surface water run off
- The area near the proposed access has been flooded
- Primary schools are at capacity and the proposal will place a further burden on this.
- The proposed ponds could be dangerous to children depending on the depth
- No need for further housing and this level of house building exceeds legal requirements
- Increase in litter and dog fouling
- Independent ecological assessment should be undertaken
- The reservoirs should be reserved for fishing/leisure purposes
- The proposed infilling of the reservoir raises concerns over impact on highways and delivery vehicles
- Property devaluation
- Exact dwelling numbers should be known
- The amended proposals are inconsistent with submitted supporting information
- The amended proposals would not address concerns regarding congestion and traffic. The proposed right hand turn will not address such issues

3.23 1 letter of no-objection has been received.

3.24 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=108108>

3.25 The period for publicity has expired.

## CONSULTATIONS

3.26 The following consultation responses were received;

### **HBC Traffic and Transport**

The proposed use of a priority junction to serve the development is considered appropriate for the number of dwellings proposed. It is however considered that a right turn facility should be provided on Hart Lane. This will require local widening of Hart Lane to accommodate a ghost island and right turn lane.

It is proposed to reduce the speed limit on Hart Lane to 40mph in the vicinity the proposed access. This is considered appropriate. This will require the relocation of the existing gateway 40 / National speed limit signs, and the amendment to the Traffic Regulation Order. This should be carried out at the expense to the developer.

2.4 metre x 120 metre sight lines can be accommodated at the access in both directions, however in order to achieve this to the right an existing hedge will need to be trimmed back. A condition will be required to ensure that this sight line is maintained for the lifetime of the development. The provision of a right turn lane may alter the sight line provision which can be achieved.

A system of street light lighting should be provided suitable for a 40mph road from the new access to the point where the existing street lighting commences at the Golf Club roundabout.

The minimum radii at the junction with Hart Lane should be 6 Metres.

### Internal Layout

The construction and geometry of roads and footways should be built in accordance with the Hartlepool Borough Council Design Guide and Specification using a Section 38 agreement / Advanced Payment Code agreement.

There are concerns with the proposed crossroads within the development and possible confusion it may cause with drivers, these junctions should be staggered in the interest of highway safety.

The developer needs to clarify the shared surface area. It should be a cul-de-sac with no through vehicular traffic, it is not clear if this road carries through or there will be obstruction to prevent this. If there is an obstruction there should be additional turning head for the properties in the north east side of the development where the former reservoir feature is to be retained.

The shared surface road width should be increased to 6metres with no service verges.

The applicant has shown a number of walkways leading to private driveways; this could lead to potential problems in the future with pedestrians crossing these driveways. Dedicated footways should be carried all the way to the cul-de-sacs or increase length of the turning heads.

Comments received 05.10.2015 in respect of Transport Assessment (TS).

If the development was over 80 dwellings a Transport Assessment would be required (this looks at the transport impact over a much wider area). As the proposed development is below the 80 dwelling mark a Transport Statement would still be valid.

The TS has only looked at the development access and whether a simple T junction could accommodate the site. The results of the modelling indicate that a simple junction would be more than adequate, an extra 10 properties would make little difference to this result. The TS has also looked at the sustainability and public transport provision, the increase in dwellings would have no impact on this.

The internal layout of the site is not a consideration of the TS. I am therefore happy that the submitted TS is valid.

Further comments received 28.01.2016 in respect of amended plans.

The proposed access into the site is acceptable.

Can you condition that a detailed 1/500 plan of the proposed junction and ghost island be supplied prior the commencement of construction.

The requirement for the speed limit amendment and the provision of street lighting on Hart lane would remain as per previous comments.

Layout

Need to clarify what are the private drives/shared surface carriageways.

The shared surface carriageways should be 6 metres wide, the plan shows these carriageways as 4.8 metres.

The driveways should enter the highway at a 90 degree angle.

A detailed design of the bridge will be required prior to commencement / full application, this may need a commuted sum for maintenance purposes. A detailed figure can be provided on provision of the design.

Need to clarify ownership details of car park / public open space areas.

The children's play area should have an appropriate gate and boundary provided to prevent children running onto the carriageway. Pedestrian guard railing provided on carriageway edge if the gateway is next to the road.

A lining and signing diagram should be supplied showing details of the proposed mini roundabout prior to commencement of construction.

The construction and geometry of roads and footways should be built in accordance with the Hartlepool Borough Council Design Guide and Specification using a Section 38 agreement / Advanced Payment Code agreement.

## Highways England

Highways England wishes to offer no objection to the above application.

While there is no formal recommendation I would highlight our general concerns about the intensification usage of the two level junctions at Elwick where there is a risk of collision between emerging traffic and fast moving through vehicles and the A19/ A179 Junction at Sheraton where there is a risk of increased queuing until improvements are made. We expect a very small number of extra movements at these junctions from this development that will not be severe. We are currently seeking to address our concerns in this regard in consultation with Hartlepool BC. Further development will need to be considered in terms of safe access to and exit from the A19 should further incremental development come forward.

### Additional comments received in respect of amended plans:

I am happy that these further amendments to the application do not affect our position on this application. Can I reiterate our position as per the formal request attached and our response (*detailed above*).

### Further comments received 05.05.2016:

Thank you for raising additional concerns regarding the above application in light of our robust stance on increased traffic at the Elwick Junctions.

The new scale of the development (52 Households down from 70), and its location which is better served by the A179 junction, and the expected distribution is likely to generate a very small number of trips in the Peak Hour via the Elwick junctions and may not result in any perceptible increase in queues.

As per our previous response on this application we would still wish to caution about the potential to increase traffic causing increased queues at Elwick, but we do not believe that the amount of additional traffic generated could warrant a different response.

## HBC Engineering Consultancy

### (updated comments received in respect of amended Flood Risk Assessment (FRA))

Further to my previous comments on this application I can confirm that I have reviewed Version 5 of the FRA and would have the following comments; I would comment that there is insufficient information provided to allow me to assess the surface water element of the scheme in detail. I note that the FRA does briefly cover a potential drainage options but concludes "there are no formal development plans at this stage which detail how surface water run-off will be managed" and as such in the absence of any percolation testing I am unable to offer any further advice".

Hart Burn itself on the basis of the photographs will require works to upgrade the beck, there appears to be a build up of debris and silt and in places bank sides look low. It is unclear at this stage if it is the intention to further culvert some of the beck. Given the historical flooding further downstream it is paramount that Greenfield run off is a) not exceeded and b) betterment provided where possible.

With regards to the upper reservoir, it is my understanding this will remain but will operate as a nature reserve as opposed to a reservoir. With this in mind is there an intention to provide any overflow into Hart Burn, and if so has this been allowed for within the calculations? I would raise the issue of future maintenance responsibilities for this structure. The same comments apply to the lower reservoir in relation to overflows.

In relation to the proposed drainage, my comments are limited based on the level of information provided but I would urge the developer to make use of SUD's techniques to control surface water run off. I am happy to have further discussions on this should the application be approved.

I don't think the above comments are insurmountable however further development is required during detailed design to satisfy my comments. I would therefore request both a surface water and a Site Investigation condition. A further condition will be required to cover the modification of the lower reservoir including, materials, methodology and testing regimes etc.

### **Environment Agency**

(Comments received 29.04.2016 in response to amended FRA)

Thank you for the revised Flood Risk Assessment in respect of the above application which we received on 22 April 2016.

### Environment Agency Position

We have assessed the additional submitted information and now wish to withdraw our previous objections of 19 October 2015, 28 January 2016 and 18 March 2016 to the planning application.

There have been a number of rounds of consultation for this site relating to the hydrology which has fed into the modelling carried out at the site. Our national Modelling and Forecasting (M&F) team have analysed the additional submitted information and have confirmed the submitted hydrology information is now at a standard appropriate for the flood risk assessment (FRA).

The subsequent modelling has been tested with the agreeable hydrology and the revised FRA outlines that the modelling for the Hart Burn watercourse shows that flows up to and including the 1 in 100 year plus climate change (25% increase on flood flows) will remain in bank. Furthermore, the entire site is recognised as having a low probability of flooding and has been identified as being located in Flood Zone 1.

### Advice to LPA

Should the local authority wish to approve the planning application, we request that our previously recommended planning conditions, detailed in our letter dated 19 October 2015, are attached to any planning permission. These conditions relate to a water course buffer zone, contamination assessment and verification.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at

unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The previous advice, outlined in our letter of 19 October, still applies. This includes advice in respect of Groundwater and Contaminated Land, Fisheries and Biodiversity and Environmental Permitting Regulations.

Further Information: Advice to LPA (Summarised)

#### Decommissioning a Reservoir

In order to decommission a reservoir, a Panel Engineer must be employed.

#### Environmental Permitting Regulations

An Environmental Permit would be required. Information regarding a new bespoke permit is available on our website at <https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit>

#### Water Resources

An Impoundment Licence (or variation of an existing impoundment licence) is also required. Further information is available at <https://www.gov.uk/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

#### Infill Landscaping: Advice to applicant

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

#### Further advice received 12.05.2016 in respect of decommissioning of reservoir;

I have spoken with my colleagues and can confirm that our advice on Decommissioning a Reservoir and Infilling Landscaping outlined in your email below still applies. We have identified in the amended Flood Risk Assessment version 5 dated 22 April 2016 Page 17 (Reservoirs) the following text:

“It is proposed for the two reservoirs on site to be decommissioned as part of this development proposal. The reservoirs will be retained as wildlife ponds although the lower reservoir will be modified and surrounding land raised in order to accommodate residential properties.”

If any water abstraction is still to take place as part of the proposal (despite the lower reservoir no longer being infilled) or water discharge and groundwater activity (point source discharge) than our advice detailed in *Water Resources* and *Environment Permitting Regulations* will still apply.

#### Further advice received 03.11.2016

An amendment to condition 1 above was subsequently agreed with the Environment Agency and is incorporated in the conditions attached to this report.



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

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

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

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

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

#### How To Satisfy The Condition

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

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact NW to agree allowable discharge rates & points into the public sewer network.

This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646

#### Further comments received on amended plans:

Having assessed the proposed development against the context outlined above I refer you to NW's previous comments dated 29/09/2015. Although a flood risk assessment (FRA) has been submitted, the FRA does not identify definitive agreed connection points into the public sewer. We therefore have no further comments to make to our original comments dated 29/09/2015.

**HBC Ecologist**

(comments received 28.09.2015)

The bat survey accompanying the report adds to existing knowledge provided by previous bat surveys, unrelated to this development. Taken together they show that the upper reservoir is of high importance on a local scale for bats throughout the entire season when bats are active. Any effects on the upper reservoir whether by reducing its size or increasing light levels could therefore have an adverse effect on the local bat population. By contrast the submitted bats surveys show that the lower reservoir is of relatively low importance for bats.

I am therefore pleased to see that this application would involve the retention of the entire area of water of the upper reservoir. Should the proposal be permitted, this should be made a condition.

Appendix 1 of the Design & Access statement lists a series of measures to convert the reservoir into a wildlife pond, to enhance biodiversity through habitat creation and enhancements and to prevent harm to bats through such as lighting. These measures are in principle suitable to achieve those purposes. Should the proposal be permitted, there should be a condition for full details of how each of these measures would be achieved to be submitted for approval.

(Further comments received 27.05.2016 in response to Natural England's consultation response):

**Habitat Regulations Assessment**

The Ecological Appraisal Report (dated July 2014) briefly refers to the Teesmouth and Cleveland Coast SPA, noting that it is 2km to the east of the site (Paragraph 7.2).

Recent consultation responses from Natural England regarding large housing applications in Hartlepool borough and the Durham County Council area have highlighted the need for a Habitat Regulations Assessment (stage 1 screening assessment) to assess whether there might be either a direct or an indirect Likely Significant Effect (LSE) on a European Designated Site. The distance which is generally used is 6km. This application falls within the Teesmouth and Cleveland Coast SPA and Ramsar, the Durham Coast SAC, the Northumbria Coast SPA and Ramsar and possibly Castle Eden Dene SAC. The application therefore requires a HRA screening to be undertaken. This should assess the application's likely impact and an in-combination assessment including other current housing schemes (including those at planning stage and those with permission but not yet completed). If the stage 1 HRA concludes that a stage 2 Appropriate Assessment is required, enough information needs to be supplied to Hartlepool BC, as the competent authority, to undertake that part of the process and then consult with Natural England and the RSPB.

**Ecology response**

I have reviewed the Ecological Appraisal Report (prepared July 2014) and the amended plans. There are many positive wildlife and green infrastructure elements to the scheme.

I approve of the retention of both reservoirs as nature reserves, particularly due to their

importance for bats of the upper (western) reservoir. As well as the open water features, the scheme makes good use of on-site and adjacent habitats such as woodland, hedges, trees and former reservoir slipways, etc, to create meaningful wildlife corridors. The proposal also includes the planting of native species of tree to provide screening and wildlife habitat. It is my understanding that the two reservoirs will be made shallower and I agree that this will not adversely impact upon the wildlife interest. I agree with the Ecologist report with regard to the bank profiles and allowing natural re-generation. NB: A licence is likely to be needed from the Environment Agency if fish are to be introduced to another water body (Hurworth Burn Reservoir).

The upper (western) reservoir has a circular pedestrian route around it which may cause some visual/ noise disturbance to wildfowl using the open water. However, the ecological survey shows that the diversity and number of birds is low and I am satisfied that there will be little or no overall loss of biodiversity interest caused by the recreational use of this route. I approve of the fact that this path does not always hug the bank, as this will provide some sanctuary for waterbirds, especially where there is vegetation cover.

The scheme includes areas which fall into the definition of Suitable Alternative Natural Green Space (SANGS) and provides outdoor recreational opportunities.

I recommend that the biodiversity mitigation and benefits as submitted in the Planning, Design and Access Statement (August 2015) and shown in the revised plan are conditioned or form part of a S106 agreement.

#### SSSI Impact Risk Zones

SSSI Impact Risk Zones are illustrated on the MAGIC mapping website at <http://magic.defra.gov.uk/MagicMap.aspx>

I can confirm that the proposed application does not trigger the requirement to specifically consult with Natural England.

#### Recommendation

That the applicant prepares and submits a Habitat Regulations Assessment (HRA), stage 1 screening report.

#### *(Summary of HRA stage 1 screening report and HRA stage 2 Appropriate Assessment)*

The applicant's ecological consultants subsequently produced a HRA, stage 1 screening report. This was considered as part of the HRA stage 2 Appropriate Assessment (AA), undertaken by the Local Authority (HBC Ecologist) as the competent authority. The AA, produced on 12.08.2016, took into account any likely significant effects on Teesmouth and Cleveland Coast Special Protection Areas (SPA) and Ramsar sites, the Durham Coast SAC, and the Northumbria Coast SPA/Ramsar. The stage 2 AA also looked at an 'in combination' analysis with respect to other housing developments within the Borough, and any requisite mitigation measures.

The AA provides the following overall conclusion which includes the requisite mitigation measures;

*While 52 new houses is in itself an insignificant impact, the 'in combination' total of 1,567 houses will have an indirect LSE on the Teesmouth and Cleveland Coast SPA/ Ramsar, through increased public access and disturbance. The impact is minimised by the key issues of over 80% of householders expected to be Hartlepool residents re-locating to the new housing developments. The Hart Reservoirs scheme is responsible for a tiny amount of this anticipated disturbance and has adequately mitigated it through the provision of on-site SANGS and householder information packs promoting the use of on-site and connected off-site local greenspace. As such, it is concluded that the Adverse Effect On Integrity (AEI) can be ruled out for this project.*

Further comments received 07.10.2016:

Additional ecological comment.

Thank you for drawing my attention to the deciduous woodland priority habitat which abuts the proposed development site in the NE corner. This is a 'habitat of principal importance' under the Natural Environment and Rural Communities (NERC) Act 2006. All efforts should be made to protect and enhance priority habitats and where feasible to link them together.

I am satisfied that the woodland is adequately buffered by the open space area within the Master Plan and that the suggested tree protection condition will adequately protect it. I advise that this does not trigger the need for an Environmental Impact Assessment (EIA).

Further comments received 15/01/19

I am satisfied that the Habitats Regulations Assessment (HRA) undertaken for this project and approved by Natural England in September 2016 is fit for purpose for the forthcoming Planning Committee.

Recent changes to how HRAs are done has no impact on the outcome of this HRA because any mitigation that would have been required at stage 2, was already delivered as *part of the scheme* and assessed in stage 1 (i.e. Suitable Alternative Natural Green Space, known as SANGS, was part of the design concept).

The addition of the potential Teesmouth and Cleveland Coast Special Protection Area and Ramsar extension does not alter the outcome of the exiting HRA.

I am satisfied with ecology measures [previously agreed] and need nothing further.

Further comments received 31/03/20

I am satisfied that the area of SANGS has been resolved (as shown in Figure 1), that it fits current Hartlepool SANGS guidance, and that it has been incorporated into a revised HRA. I am satisfied that the applicant will make a financial contribution of £100/dwelling to go towards the Hartlepool HRA Mitigation Strategy and Delivery Plan. I am satisfied with all of the Ecology measures which should now be delivered.



## Natural England

Natural England response to HRA, Stage 2 Appropriate Assessment, received 16.09.2016 :

### Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Teesmouth and Cleveland Coast / Northumbria Coast Special Protection Areas which are European sites. The sites are also listed as Teesmouth and Cleveland Coast / Northumbria Coast Ramsar site 1 and also notified at a national level as Tees and Hartlepool Foreshore and Wetlands / Northumbria Coast Sites of Special Scientific Interest (SSSIs). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

### No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural

England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

#### Site of Special Scientific Interest - No objection

This application is in close proximity to Tees and Hartlepool Foreshore and Wetlands / Northumbria Coast Sites of Special Scientific Interest (SSSIs) Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

#### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

*The case officer has considered the application site through Natural England's ['Magic' mapping website](#) - a small parcel of land to the north west corner of the site was identified as 'Priority Habitat Inventory' - Deciduous Woodland (England)*

### **HBC Landscape Architect**

Following a review of the relevant documentation the following comments relating to landscape character and context are provided.

The general layout of the outline scheme appears to consider the urban fringe location of the site with a non-linear street pattern and reasonable proportion of garden area within the housing site. Associated planting has also been indicated. The retention of the upper reservoir is clearly beneficial in maintaining some of the landscape character of the existing site's association with open water bodies. The proposed works to the upper reservoir intended to enhance it as a nature reserve should be accompanied by a full scheme for landscape works at the detailed application stage. This should include planting plans, habitat creation and any associated details of features proposed. Landscape plans should also incorporate proposals for the retention and enhancement of the existing boundary hedges. Although bat presence is an ecology issue it would be beneficial to see provision for bat habitat, including enhancement of the hedgerows as forage corridors, reflected in the detailed landscape scheme. This would also apply to any proposed treatment for the retained upper reservoir.

It is also noted that a SUDS scheme is proposed for the development and there may be opportunities for further wetland habitat creation linked to this.

At the outline stage there are limited details available on housing types, likely elevations, etc. so materials and design aesthetics will require to be addressed under any subsequent detailed application.

### Further comments received in respect of amended plans:

Following a review of the revised relevant documentation the following comments relating to landscape character and context are provided.

The retention of the lower reservoir is an improvement in terms of retaining existing landscape character and site context, although it would appear that rear gardens now back directly on to the water body (some of them constructed on land reclaimed



from the reservoir). Landscape and boundary treatments should fully consider the health and safety aspects of the close proximity of the water body to dwellings and garden space.

The reduction in housing numbers is also an improvement in terms of landscape character and general site arrangement.

Previous comments regarding landscaping and the retention of the reservoirs and enhancement opportunities remain and the detail of such proposals should be included in a full scheme of landscape works at the detailed application stage. This should include planting plans, habitat creation and any associated details of features proposed. Landscape plans should also incorporate proposals for the retention and enhancement of the existing boundary hedges. Bat presence is an ecology issue, however, it would be beneficial to see protection of, and new provision for, bat habitat, including enhancement of the hedgerows as forage corridors, reflected in the detailed landscape scheme. This would also apply to any proposed treatment for the retained reservoirs.

It is also noted that a SUDS scheme is proposed for the development and there may be opportunities for further wetland habitat creation linked to this.

At the outline stage there are limited details available on housing types, likely elevations, etc. so materials and design aesthetics will require to be addressed under any subsequent detailed application.

### **HBC Arboricultural Officer**

It is not clear from the submitted details if it is intended to retain the existing hedgerows on the field boundary of northern portion of the site and the hedgerow that runs along the eastern boundary of the site. It is recommended that these hedgerows are retained and incorporated into the proposed site layout.

A general indication of landscaping for the proposed development is included, however there is insufficient information to enable a full assessment of the landscaping proposal therefore it is recommended that full landscaping details form part of a reserved matters submission or are required by condition.

### **Further comments received in respect of amended plans;**

Although this has now been amended to include the lower reservoir in part, I still need to see details of the proposed landscaping as mentioned in previous comments. As there is little effect on existing tree cover my interest is mainly on any future landscaping and how it will enhance the proposed waterside development.

### **HBC Conservation and Heritage Manager**

The National Planning Policy Framework states that a heritage asset is, 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).'

This definition acknowledges the importance of assets identified by the local



planning authority. Guidance on this is provided in the Planning Practice Guidance. It states, 'Local planning authorities may identify non-designated heritage assets. These are building...identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated.'

Further guidance is provided in the document in identifying such structures it states, 'When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework.' It goes on to note, 'Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.'

Hartlepool Borough Council established a local list in January 2012. The list was subsequently updated in December 2014. In both instances the same criteria was used in order to identify nominations for the list, comprising the following,

- Design Merit
- Historic Interest
- Historic Association
- Survival
- Layout
- General Amenity

Further information on the assessment criteria, along with the definition previously used for locally listed buildings is provided in Appendix 1 of this document.

Whilst the list is extensive it is not comprehensive and Planning Committee agreed to the updating of the local list in February 2014. In this report it was outlined that the list will be updated thematically. As a result it is possible that there are assets in Hartlepool that could be considered for the local list however have not yet been added as they were not included in the initial selection or they do not relate to the theme of the update. It would be anticipated that such assets would be identified during the planning process and therefore could be added to the list at the appropriate time in the future.

The application site is 'Land at Hart Reservoir, Hart Lane'. An assessment of the merits of the site against the criteria used for local listing has been carried out and it can be concluded that the property would qualify for nomination to the list. The reasons for this are attached in Appendix 2 of this document. In light of this in processing any application relating to the site it should be considered as a non-designated heritage asset.

The National Planning Policy Framework states, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.'

The application is an Outline planning application with some matters reserved for residential development (up to 70 dwellings) with associated access and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.

The proposal would result in the loss of one of the water bodies and the isolation of some of the existing structures within the housing development. These structures, without the wider context provided as part of the reservoir are likely to become lost and difficult to interpret should they be surrounded by residential development.

It is stated that by way of mitigation a report is provided recording the reservoir structures and within the area signage will provide information on the site. No details of this signage or its location appear to be provided.

It is considered that the harm that would be caused to the non-designated heritage asset with the infill of a single water body, and the loss of associated structures, would not be out-weighed by mitigation proposed or the wider public benefits that could be derived from the proposal.

*Further comments received in respect of amended plans:*

The amended proposals address the concerns raised in my previous comments. This includes the retention of both reservoirs and their associated features which are considered to be heritage assets. Although there will be some alterations to the existing reservoirs these are not considered to cause substantial harm. In addition it is noted that it is proposed there would be interpretation on the site, which is welcomed. In light of the amendment it is considered that the proposal would not cause harm to the heritage assets.

**Tees Archaeology**

The developer has provided details of the results of an archaeological field evaluation and building recording. I can confirm that these documents are of the appropriate standard and meet the information requirements of the NPPF (para 128) regarding impact on significance of heritage assets.

There are two main heritage issues which I set out below:-

**Impact on Hart Reservoirs**

The developer has provided an archaeological assessment and building recording report on the historic Hart Reservoirs. These were built in 1865 to provide 'soft water' for industrial purposes. The reservoirs were constructed by George Adamson of Leith who was previously involved with the first part of the construction of the Heugh Battery (a designated heritage asset). The report demonstrates that the reservoir complex is well preserved and the process of its operation is still legible. The reservoirs themselves are important landscape features and their individual components such as valve towers, spillways and overflow channels collectively demonstrate how the site functioned and increase its significance.

The reservoirs can be considered to be a heritage asset of local interest and could qualify for local listing by the Borough Council if a case was put forward.

The proposal will involve the backfilling of the lower reservoir and the removal of the valve tower from the upper. I appreciate the efforts that the developer has made elsewhere to safeguard historic features but the impact of the scheme overall could be considered substantial harm to a heritage asset of local interest. This harm

should be weighed against the public benefits of the proposal (NPPF para 134) when a planning decision is taken.

Impact on heritage assets of archaeological interest

The archaeological field evaluation was largely negative but did identify a ditch of Iron Age or Roman date. This may be an isolated feature or it may indicate that further archaeological remains are present. The report for the work recommends that further archaeological recording is carried out in the south-western part of this field prior to development. I agree with this recommendation as the remains are likely to be of local interest only and the proposed mitigation is proportionate to their importance (NPPF para 141). This recording could be secured by means of a planning condition, the wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Further comments received in respect of amended plans:

The developer has amended the proposal to include the retention of both reservoirs and all of their associated features which are heritage assets. Although there will be some remodelling of the eastern reservoir and dam this would not constitute substantial harm and I have no objection to this aspect of the proposal. I support the interpretation of the industrial heritage of the reservoirs (Planning, Design & Access Statement para. 98).

In my previous comments (submitted 26/10/2015) I recommended an archaeological planning condition to allow the recording of any additional archaeological features in proximity to the Iron Age or Romano-British ditch previously identified. I would be grateful if this recommendation could be brought forward from my earlier correspondence.

### **HBC Public Protection**

I would have no objections to this application subject to the following conditions;  
An hours restriction on construction activities to 7:30am to 6:00pm Monday to Friday, 8:00am to 12:30pm on a Saturday and at no time on a Sunday or Bank Holiday.

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

I have noted comments concerning vibration levels from Hart Quarry. There are restrictions on blasting at the quarry including maximum vibration levels which were conditioned on the Hart Quarry approval in September 2009. The levels are set below the level that would cause cosmetic damage to properties and would apply at this site.

### **HBC Countryside Access Officer**

For the full length of the southern and the full length of the eastern boundary (where it boundaries to the rear of Kingfisher Way) is a permissive footpath that is within the ownership of Hartlepool Borough Council and Leebell Developments. This path is an important and well used link between Hart Lane and the various areas of Bishop Cuthbert where link paths join it.

If the proposed development has intentions of linking to this path then there will be a need for the developer/agent to contact me to discuss how and where any such links could be located. If the developer is considering creating new public footpaths, the same will apply.

### *(Further comments received 13/05/2016)*

In this instance I would agree to a planning condition that secured the continued existence and maintenance of these permissive paths and their links to our existing established recreational paths to the south and east of the site.

The plan shows the car park in place. I take it this is open and public and available for those members of the public wishing to visit and walk around the reservoir(s)?

The 'breakthroughs' to link to the existing path(s) will need to have 'A' (Frame Motorbike Inhibitors) installed so as to provide an element of security for the fence line existing.

These points can be further discussed closer to the time but agreement that they will purchase and install them is needed. I will also want them to a specific standard that we already use.

(Further comments received 25.08.2016)

I carried out the site visit to Hart Reservoir yesterday afternoon and also carried out a basic costing exercise for the two path links as previously discussed (shown as points A and B on the attached plan). At the same time I had a look at two or three areas that were indicated as new paths within the development site (blue dashed line). I believe that you and I had discussed some concerns about the placement of parts of the permissive path routes.

I walked these areas and do feel that the developer/landowner/agent needs to consider revising the routing in these paths due to the topography and/or public safety.

Some of the suggestions are minor and only need a change in location of the path route. One uses an existing footbridge over a spillway and so reduces potential installation costs. One amendment does suggest a change to create a bridged crossing over an existing spillway but this is reinforced by the topography and the need for safety of the public, thus reducing any public liability that the landowner has to consider.

I realise that this is a bit outside the initial reason for the site visit but my concern is for public safety, whether they be the residents or public at large.

For the access costs at points A and B, as shown on the attached plan, we will need to be looking at £3,500.00 to £4,000.00 (probably closer to £4K). These costs include the installation of aggregate surfaced paths, countryside furniture comprising of kissing gates, fencing and tree removal/pruning in the tree belt and old hedge to the east of the development site, close to point B.

My suggestions for safer route changes and any associated costs would be the concern of the landowner/developer/agent to have to consider but in all fairness furniture costs would be limited to a bridge and the rest would be realignment of the routes.

I appreciate that I do not have the full story in relation to any land reclamation etc, as part of this development but I have based my observations on the present topography and hopefully sensible route amendments.

### **Ramblers Association**

A public footpath (designated either Hart 14 or Hartlepool 38) runs alongside the southern boundary and may be affected by adjacent works.

We ask that the footpath be kept open for use at all times for legal users. Any interruption to its use by the public requires the permission of the Highway Authority - a TTRO may be required and alternative route provided. Useful advice is given in Circular 1/09 Section 7 'Planning permission and public rights of way', available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

We believe the public have permissive access on foot over a track which runs immediately alongside the site's eastern boundary. The track is owned by the Council.

Additional comments received in respect of amended plans:

We welcome the provision of the paths and other recreational improvements.

**Teesmouth Bird Club**

The club is familiar with this site and is encouraged to see that the developer states that the housing planned will have a nature reserve as part of the development. No details of the planned reserve are available at this stage of the application, but it is important that certain key features are incorporated.

The prime biodiversity potential of the site is the water body itself. At present, its potential to meet the requirements of NPPF clauses 117/118 is curtailed by the circular pathway and absence of any vegetated margins or excluded areas for water fowl to retire to when disturbed. Incorporation of a series of islands will rectify this shortcoming. Details of numbers, sizes, locations and planted vegetation upon the islands, can wait at present. We would expect the project to be contracted to a professional ecology consultant with input from appropriate civil engineering expertise. The club, with our local expertise will be happy to provide input at an appropriate stage of the developments.

Properly executed, the present rather sterile site can be greatly enhanced and will hopefully be an asset for the enjoyment of the new residents and a feature to be cherished.

**Hartlepool Water**

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

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

- Within the proposed development area a diversion of a major trunk main would be required
- I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development, however significant off-site works would be required.

Additional Information provided by Engineering Services Team

-Engineering services have noted that the list of neighbours and bodies consulted did not include an "ALL RESERVOIRS PANNEL ENGINEER" who would be required to supervise and sign off de-commissioning of the reservoir.

Further comments received 11/11/2015:

You are correct in your assumptions in that any diversion work will be at the cost of the applicant and Hartlepool Water have no objection to this planning application as long as a suitable diversion route can be agreed.

**Cleveland Police**

With regard Hart reservoir application if this to go ahead I would ask to be consulted at an early stage to ensure that the principles of Secured by Design have been considered and applied where appropriate.

### **HBC Community Safety and Engagement Team**

As requested I have considered the proposed development from a Community Safety perspective.

1. A check of Anti-social Behaviour Unit records finds that the Unit has dealt with zero ASB complaints in the proposed development area / residential estate bordering the proposed development area over the previous 12 months. (01.01.15 – 31.12.15)

#### ASB complaints – streets checked:

- Nightingale Close
- Kestrel Close
- Goldfinch Road
- Swallow Close
- Goldcrest Close
- Kingfisher Close

2. ASB and Crime analysis carried out by the Units Community Safety Research Officer finds that over the previous 12 months (01.01.15 – 31.12.15) there have been:

- zero incidents of ASB and zero Crimes recorded in the proposed development area by Cleveland Police.
- 3 incidents of ASB and 18 Crimes recorded in the residential estate bordering the proposed development area by Cleveland Police.  
(See attached research document for further details)

Due to this, the Unit would not consider the development area, or the bordering estate to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town.

3. Analysis carried out by the Units Community Safety Research Officer into the geographical distribution of crime and ASB across Hartlepool Borough wards for the annual Safer Hartlepool Partnership Strategic Assessment 2015 shows that the Hart Ward (which includes the proposed development area) is not one of the top five wards with the highest rates of crime and asb per 1000 population.

4. During the previous 12 month date period (01.01.15 – 31.12.15) the Unit has not received any reports of young people gathering in the local area / planned development area. Due to this the Unit has not needed to deploy its Targeted Outreach Project team to the area.

The Targeted Outreach Project team consists of trained youth workers who deploy to areas of the town where the Community Safety Team and its partners identify that groups of young people are gathering. Workers from the Targeted Outreach Project then, engage with young people, make them aware of youth centres and young person related activities in their area, signpost young people to support and advice

services where necessary, identify, protect and safeguard any young people who are vulnerable due to their own behaviour or current circumstances, and challenge, and where necessary, report to the police any anti-social behaviour and/or inappropriate behaviour by a young person that they witness.

### **HBC Education**

We have no objections to the development, however we would require a S.106 Education Contribution to be agreed and duly signed.

### **Durham County Council**

Further to your neighbouring authority consultation of 23 September 2015 in regard to the above proposal, firstly I must apologise for the length of time it has taken for you to receive a response.

While the acceptability of this proposal is a matter for the determining authority, I offer the following comments in regard to the potential for any element to affect County Durham, which is considered to be limited to highway impact.

The B1280 at its junction with the A19 and A179 is the nearest part of the public highway network in County Durham that could be affected by the proposed residential development.

The Transport Statement (TS) has been prepared based on the proposed development having 60 dwellings, whereas the planning description proposals refer to up to 70 dwellings being constructed on this site. However, the increase in the number of dwellings has limited impact on the predicted traffic generated by the proposed development, which would see the AM outbound trip generation increase from 35 to 41 and the PM outbound trip generation increase from 21 to 24. The original predicted traffic generation is shown in Table 5.2 of the TS. This would have the net effect of increasing the AM generated traffic from 14 to 17 and increasing the PM generated traffic from 8 to 10 towards the A179, and then potentially onto the A19/A179/B1280 road junction.

The original AM and PM traffic assignments are shown in Figs 3 and 4 respectively of the TS. The AM inbound trip generation would increase from 17 to 20, with the PM inbound trip generation increasing from 33 to 39.

The impact of the proposed development generated traffic is therefore deemed to be negligible in relation to the A19/A179/B1280 road junction and as such the proposals would be deemed to have little or no impact on the public highway network in County Durham. On the basis of the above the proposals would be deemed to be acceptable from a highways point of view.

Accordingly, no objection is raised to this application.

### **Health and Safety Executive**

The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.



### **Northern Powergrid**

(summarised)

No objections providing that our rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

### **Northern Gas Networks**

I have checked the Northern Gas networks records and can confirm that there is no gas infrastructure within the area of the application.

### **Cleveland Emergency Planning Unit**

After reviewing the documents we don't have any objections to the proposal.

### **Hart Parish Council**

This proposal while having a separate outlet from the adjoining estate, is simply an add-on to a sprawling collection of dwellings. The designs are no different to those found everywhere in each new opportunity for unnecessary developments. The inclusion of garages, which will be unlikely to have sufficient area to accommodate a family sized car, and which will no doubt be subjected to a change of use to another downstairs room, with or without planning permission. This is evidenced on many of the estates, which have evolved over the past twenty or so years. Developers continue to produce patterns of accommodation that have not radically altered over the past 50 years or more, other than to reduce the footprint and hence increasing density.

Three bedroom semi detached house with two acceptable size of bedrooms plus a mini version sat on top of the garage to keep the footprint as small as possible is not really suitable in the real world. The current requirement in this communication age should be to provide space that allows families with teen age and even younger children sufficient space for keeping their clothes tidy; space for a small desk in addition to a bed or bunk beds. All houses, at the development stage, should be wired for Ethernet throughout to meet the needs of cross the board media access. This is cheaper than having residents/owners to later add repeaters throughout the house. Fibre optic connection to the telephone system should also be a must in the twenty first century, together with solar panels. The same thoughts should be applied to all levels of houses.

The area is overloaded with similar residential properties that are difficult to sell. While the proposal includes 10% affordable of the 70 dwellings it clearly has a let out as the *“Cost creating the wildlife ponds and pathways would be high. This would need to be the subject of a more detailed assessment. If the scheme can support affordable housing it will.”* See page 10 para. 26, Planning, Design & Access Statement.

Access. Hart Lane is a winding and undulating carriageway along which there is a poor line of sight from both directions to the proposed outlet onto Hart Lane. This is already a high density route into and out of the numerous estates it serves in the west of Hartlepool and additional traffic introduced to this route would be unacceptable particularly as it runs onto the A179 which is already at gridlock levels at several times of the day. The 70 houses proposed will undoubtedly generate in a relatively short time at least three vehicles per household to be added to the current high traffic

movements. The suggested extension of the present 40 mph from the roundabout to the south of the site, is not sufficient in view of the limited lines of sight and the undulation of Hart Lane.

In common with all recent planning applications the roadways proposed are narrower than that which the Parish Council consider adequate. It has become the norm that parking of vehicles on the pavement takes place to allow emergency vehicles and other large delivery vehicles access. It is considered that at least 5m roadway widths should be a requirement in all future planning applications.

Flooding Issue. The reservoirs, which originally supplied water to the industrial area of the dockland, have been redundant for some time and are now fed by rainwater. The locations of these two reservoirs were carefully chosen to contain the supply of water collected with any overflow directed into the beck that flows to the east. The contour lines on the included map clearly shows this. Apart from the original feeds, now terminated, from Hurworth Reservoir and Hart Beck the natural run off from the land remains.

In the document *Planning, Design & Access Statement*, page 4 paragraph 4 they claim to have isolated the water supply (does this include rain water?). Water also runs to the north edge of the reservoirs from the beck running through Hart then south to the reservoirs. This beck is known to quickly flood when there is heavy rain in the area, and like the reservoirs, it is fed from the ground water run off from its surrounds, a continuous flow from the area that has for some time enjoyed a high water plane level. Flooding around Hart has been a problem and continues to be a cause for concern. The concept of stopping natural water flows is a doubtful area.

Education. Primary schools in the immediate area are already at capacity and we cannot find any indication in this application that seeks to address this problem. Previous developers in the north west of Hartlepool, the adjacent Throston Grange estate, had included school and community facilities. These have not materialised.

Health and Safety. The intention is to fill in the lower reservoir from which the beck, previously mentioned, flows. The material intended for the purpose of filling this area should be carefully considered, as surface water drainage would surely find its way into the beck to the east. It is essential that this waterway is not contaminated.

The depth of water at 2m, with a periphery sloping down to 1m before reaching the 2m area is not acceptable. Children are naturally drawn to water and with a newly established housing area on its doorstep it would increase the number of children likely to play in this area. The reduction in depth will no way reduce the activity of children recorded in the report. How will the area be monitored to ensure the safety factor?

In a recent inquiry into the provisions for Gypsy and Travellers held in Hartlepool by a Government Inspector, the inspector was at pains to point out the location of Hart Quarry and his concern that developments were getting too close to it and be affected by the blasting, a necessity to bring down stone. This proposal is much closer than his recommended limits.

Public Transport.

Hart Parish Council opposes this application.

Further comments received 14.01.2016:

Further to our letter of objection dated 14<sup>th</sup> October 2015; Hart Parish Council continue to oppose this development. However this proposal is dressed up it is not a safe outcome

There seems to be some confusion between the developers and their associated experts. The original application stated “about 70 dwellings”; the Planning, Design and Access Statement (PDAS) as amended refers to “52 dwellings”; the Transport Statement (which has been submitted but is somewhat dated) states “up to 60 houses.” The latter rests heavily on data from the 2001 Census and a lower than 2 cars per residence which is a more likely value.

There is a dramatic change in the application which now retains part of the Lower, or eastern, reservoir as a water feature surrounded by houses with the water at the end of the back gardens.

In the PDAS the umbrella statement re. Affordable housing is virtually unchanged, resting on the costs of developing the water features. This is not acceptable, there is either going to be affordable houses or there is not. This should be made clear, not covered by ifs or buts.

The more recent maps show the proposal for splitting the Hart Lane carriageway to provide a right turn (coming from Merlin Road) into the development. The existing problems which the PC have with regard to lines of sight have not changed. See p.14; para 42 of PDAS

There is no suggestion that the road infrastructure would be improved other than the split lane referred to above. Durham County Council have their heads in the sand and do not raise objection as the area is outside their problem area A179/A19 junction. The lines of sight along this road are not the best, due to its curves and undulating nature. Our concern is the already overloaded A179.

The figures in table 5.2 p12 of Transport Survey are far too conservative, and should at least be based on 2 cars per residence. The experience gained from similar sized estates show that this is realistic and during the evolution of these estates rise to 4 vehicles per residence within 10 to 15 years as the children pass through teenage years. Hence the need to develop an improved infrastructure at the time of the development. The future is the problem, not only the present time. The survey was taken on 8<sup>th</sup> July 2014 between 0730 – 0930 and 1500 – 1830.

Hart Lane already carries a heavy traffic load and sections are notably worse near to the quarry from which there is a regular movement of rock and sand in HGV vehicles. Hart Parish Council cannot find any reference to the quarry work and the effect on residents brought about by necessary blasting. The direction of the effects of these explosions are determined by the underlying geology rather than just the sound of them.

The residents on the adjacent estate have cause to worry, and have expressed this already, as some infill will be needed and the transport of this, plus that associated with the building of the estate will be heavy. Concern is that the anti-social behaviour

which the creation of the wildlife pond(s), park and footpaths will bring, would be on a par with that found at Bishop Cuthbert Park.

With regard to bus services the Transport Statement includes data for the service 65. This service is currently supported by grants obtained by Elwick PC and the future of it is very uncertain. The statement refers to a bus stop near the estate and the fact that it is a hail and stop service, but we cannot find anything to support a service along Hart Lane at that point. The bus stop signs are reminders of a long gone service. The nearest in use bus stops are those adjacent to the Medical Centre in Wiltshire Way. Education. We are aware of the shortage of school places particularly at primary level in our area. No developer of late has taken this into consideration, simply flippantly passing it off as there being nearby schools.

### **HBC Waste Management**

No comments received

### **Canal and River Trust**

No comments received.

### **RSPB**

No comments received.

### **Tees Valley Wildlife Trust**

No comments received.

## **PLANNING POLICY**

### **NATIONAL PLANNING POLICY FRAMEWORK**

3.27 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:

<b>Para</b>	<b>Subject</b>
002	Introduction
007	Achieving sustainable development

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

170	Conserving and enhancing the natural environment
175	Habitats and biodiversity

### ADOPTED TEES VALLEY MINERALS AND WASTE DPD 2011

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

Policy	Subject
MWP1	Waste Audits

Planning Policy note that a site waste management plan should be submitted as part of the application.

### **HARTLEPOOL LOCAL PLAN (ADOPTED MAY 2018) and HARTLEPOOL RURAL NEIGHBOURHOOD PLAN (ADOPTED DECEMBER 2018)**

3.29 The application was originally received as the Local Plan was developing, however was not a site that was selected as an allocation at Preferred Options Stage. It should however be noted that as part of the evidence base development for the emerging Local Plan this site was put forward for consideration as a housing site as part of the SHLAA. This site was ruled out and not considered appropriate as a housing site. This was on a couple of grounds - the primary reason was that Hartlepool has very few significant water bodies and the reservoirs were seen as important to protect. It was also considered that the area was a key feeding ground for bats and this was another reason it was not considered appropriate. As such, this site was not considered appropriate for housing and therefore no further investigations took place in terms of considering the site as an allocation in the Local Plan.

3.30 When the application was submitted further extensive discussions took place with various parties and the scheme was adapted to retain the majority of the two water bodies and discussions took place with the ecologist to resolve concerns from that perspective. Following that, and given that the applicant had agreed to pay the required contributions the scheme was minded to approve by planning committee, the development limits to the town were amended in the Publication version of the Local Plan to include the areas identified for housing within the development limits as white land. This is the status of the site within the adopted Hartlepool Local Plan and the principle of the housing development on this site is therefore considered acceptable.

3.31 The following policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy

CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
CC3	Renewable and Low Carbon Energy Generation
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG9	Affordable Housing
Rur2	New Dwellings Outside of the Development Limits
HE1	Heritage Assets
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges

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

<b>Policy</b>	<b>Subject</b>
GEN1	Development limits
GEN2	Design Principles
H2	Affordable Housing
H5	Housing Development on the Edge of Hartlepool
T2	Improvement and Extension of the public and permissive rights of way network
PO1	Planning Obligations

3.33 The Rural Plan sets out development limits around the villages and also reflects, on the Policies Map, the development limits of the Local Plan where they sit within the boundary of the Rural Plan area. The location of this application is one such area and as such the proposal is in accordance with Policy Gen1 of the Rural Plan. As the site sits within the limits to development of the Local Plan area it is considered that the affordable housing and planning obligations policies of the Local Plan are the relevant policies within the Development Plan to use in the determination of the application. As the site is an extension of the urban area it is not considered that elements of the Design Principles policy are relevant and the proposal has not therefore been assessed against the working groups assessment within Appendix 4. However, in considering the proposal in light of the other criteria in the policies within the Rural Plan it is considered compliant given that the scheme has managed to retain significant elements of the water bodies and helped to create walkways around them, helping the development to blend with the countryside as

well as operating as a SUDS area for the development to minimise the likelihood of flooding occurring.

## PLANNING CONSIDERATIONS

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

## PRINCIPLE OF DEVELOPMENT

3.35 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.36 The site lies within the limits to development within the adopted Hartlepool Local Plan, although it is not designated as a housing site (it is designated 'white land'). Consideration is also given to the site's location, immediately adjacent to the existing housing to the south and east (with 500 dwellings also approved to the north of the site at Upper Warren) where the site is not considered to result in an obtrusive extension to existing residential development (for the reasons set out below). It was previously reported that the site does not appear to be regularly served by public transport links (bus routes are questioned by Hart Parish Council), consideration is given to the required highway works to improve the site connection and that the existing and proposed footpaths around the proposed nature reserve (upper reservoir) will be permissive allowing members of the public to use these routes. The submitted supporting information indicates that the site also lies within 2km of a local centre, schools and services. The principle of residential development in this location is therefore considered to be acceptable.

3.37 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. It is acknowledged that developments may have both positive and negative impacts in respect of the three broadly accepted strands of sustainable development – environmental, social and economic – and these must be balanced in coming to a conclusion about the overall sustainability of proposals.

3.38 The main benefits and adverse impacts arising from the scheme are outlined below;

### *Benefits*

- Boost to the supply of housing (economic)



- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social)
- The provision of 5 bungalows on site, which are identified as being in short supply in Hartlepool (social)
- It will potentially deliver beneficial ecological impacts (environmental)
- The development would secure obligations for the developer to provide on-site facilities including public open space and recreation facilities (in the form of the nature reserve, footpaths and on site play facilities), and contributions towards built sports facilities, primary and secondary education contributions creating a more sustainable community with social benefits. This can be afforded a small degree of weight in the planning balance (social and environmental)
- Potential New Homes Bonus and increased Council Tax (economic)

#### *Adverse Effects*

- Potential adverse ecological impacts (environmental)
- Loss of agricultural land (environmental + economic)
- Potential highway impacts (environmental)
- Potential loss of/impact on setting of archaeological and heritage assets (environmental)
- Potentially place pressure on school capacity as a result of not securing the full secondary education contribution (social + economic)
- It will not provide a completely self sustaining community in terms of comprehensive health and community facilities including shops, public transport links etc or provide any affordable housing (social)
- The proposal does not secure all of the planning obligations, as detailed below (social + economic)

#### *Planning Obligations*

3.39 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, consideration should be given to the need to improve the overall site where possible by providing facilities on site to reduce the need to travel by private car. Where this is not possible however, off site provision or financial contribution may be considered an appropriate alternative. The following contributions reflect those that were required at the time the application was previously considered by the Planning Committee (06.02.2019) and as were agreed by the applicant;

- £18,000.00 towards the provision of renewable energy infrastructure (i.e. solar panels on 10% of the dwellings, in this case rounded up to 6 dwellings, secured by a planning condition),
- £153,780.00 towards primary education,
- A reduced secondary education contribution of £51,119.00,
- £13,000.00 towards built sports,
- Green Infrastructure to be included on site (footpath around the reservoir and play facilities – to be secured by condition),

- An obligation relating to the provision and implementation of ecological mitigation measures (householder information packs and provision of onsite SANGS),
- An obligation relating to securing a training and employment charter/local labour agreement,
- The provision and maintenance of highways, public open space and play facilities, landscaping (including water bodies) to an adoptable standard,
- The long term maintenance and management of the nature reserves/footpaths, car park and reservoir structures and provision for permissive footpaths.

3.40 The applicant no longer agrees to the inclusion of a large proportion of what was previously agreed to be the on-site SANGS being secured for that purpose within the section 106 legal agreement. Without this, the site could not be said to be adequately addressing the ecological impact of the development, notably the potential disturbance at the coast from recreational visits by future occupants.

3.41 Following consultation with the Council's Ecologist it has been agreed that the impacts of the development could instead be addressed through securing the remaining SANGS by obligation whilst making a financial contribution of £100 per dwelling to address the shortfall. This approach has been agreed by the applicant. On this basis, the application is deemed to be in line with local and national requirements with regards to planning obligations/contributions.

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

3.42 The NPPF is clear that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. It is acknowledged that the proposal, taken in isolation, has its shortcomings. Furthermore, paragraph 12 of the NPPF states that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed*'.

3.43 Taking into account the considerations set out in the report, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability and that there are material considerations that allow the proposals to be considered as sustainable development, despite the reduced contributions now proposed and subject to satisfying other material planning considerations as detailed below.

## ECOLOGY AND NATURE CONSERVATION

3.44 The application is accompanied by an ecology report which has been considered by the Council's Ecologist. Advice has also been provided by Teesmouth Bird Club and Natural England.

3.45 The application site is deemed to be within or in close proximity to a European designated site and therefore has the potential to affect its interest features. In considering the European site interest, Natural England has advised the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010, should have regard for any potential impacts that a proposal may have and undertake a stage 2 Appropriate Assessment (stage 1 was provided by the applicant's ecologists in the form of a Screening Report).

3.46 The Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question.

3.47 Since the previous consideration of the application, Natural England have granted the Local Authority, as competent authority, powers to determine such applications without referring the matter back to them. The Council's Ecologist has updated the Appropriate Assessment to reduce a large proportion of the on-site SANGS previously agreed (from approx. 3ha down to approximately 2.33ha) but to include instead a financial contribution and concludes these measures would still prevent adverse effects on protected sites. The mitigation measures in question relate to:

- a) The provision of some Suitable Alternative Natural Green Space (SANGS); the proposed scheme includes areas which fall into the SANGS definition and provides outdoor recreational opportunities.
- b) A financial contribution of £5,200 (£100 per house) towards the Hartlepool HRA Mitigation Strategy and Delivery Plan.
- c) The provision of householder information packs with the intended aim of reducing disturbance to birds at the Teesmouth and Cleveland Coast SPA/ Ramsar.

3.48 These measures would be secured by a planning obligation within a section 106 legal agreement.

3.49 With regard to any impact on protected species, the submitted ecological assessment includes a bat survey, which shows that the upper reservoir is of high importance on a local scale for bats throughout the entire season when bats are active. By contrast the submitted bat surveys show that the lower reservoir is of relatively low importance for bats.

3.50 Following the submission of amended plans to retain the lower reservoir, the Council's Ecologist has confirmed that he supports the retention of both reservoirs as a nature reserve, particularly due to the importance for bats of the upper (western)

reservoir. Furthermore, the proposed scheme would make good use of on-site and adjacent habitats such as woodland, hedges, trees and former reservoir slipways, etc, to create meaningful wildlife corridors. The proposal also includes the planting of native species of tree to provide screening and wildlife habitat.

3.51 With respect to the proposed works to make both reservoirs shallower, the Council's Ecologist considers that this will not adversely impact upon the wildlife interest and deciduous woodland (priority habitat).

3.52 Appendix 1 to the submitted Design and Access Statement lists a series of measures to convert the upper reservoir into a wildlife pond, to enhance biodiversity through habitat creation and enhancements, and to prevent harm to bats (such as control over the type of lighting). The Council's Ecologist considers that these measures are, in principle, suitable to achieve those purposes. The final details of such measures can be secured by a planning condition, which is proposed.

3.53 In line with NPPF, the LPA should require development to enhance biodiversity where possible. The submitted indicative plans show the conversion of the upper reservoir into a wildlife pond whilst providing a reduced amount of SANGS, which is considered to have the potential to achieve an enhancement for biodiversity for this site. The provision of bat and bird boxes will also be secured by a further planning condition.

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

## IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

3.55 Following the initial assessment of the application and submitted transport statement, the Council's Traffic and Transport section requested the provision of a right hand turn facility on Hart Lane, opposite the site entrance. Other works requested included the requirement to provide requisite visibility splays, additional street lighting, amendments to the junction radii and an extension to the reduced speed limit (from 60mph to 40mph) along the appropriate section of Hart Lane. The requisite works can be secured by pre-commencement planning conditions.

3.56 Highways England have raised no objection to the proposal but have highlighted general concerns about the potential for additional traffic to cause increased queues on the A19 at the Elwick junctions although they *"do not believe that the amount of additional traffic generated could warrant a different response"*. They have advised that they *"expect a very small number of extra movements at these junctions from this development that will not be severe"*.

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

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

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

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

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

3.61 Both the Council's Landscape Architect and Arboricultural Officer have assessed the proposal and their respective comments are set out in full in the consultation section of this report.

3.62 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is fundamental to what the planning and development process should achieve and is therefore key to sustainable development.

3.63 The Hartlepool Local Plan 2018 specifies that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should therefore 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, as well as ensuring the development respects its surroundings (Policy QP4).

3.64 It is considered that the proposed density of the site is acceptable and is reflective of the surrounding area (also taking into account approved applications for residential development). Whilst the proposal is in outline, the separation distances proposed between dwellings within the indicative layout are likely to accord with and in many instances exceed the distances set out in Policy QP4 of the Hartlepool Local Plan 2018.

3.65 The Council's Landscape Architect has also considered the submitted information and has commented that the retention of the lower reservoir is an improvement in terms of retaining existing landscape character and site context whilst the reduction in housing numbers is also an improvement in terms of

landscape character and general site arrangement. He has commented that enhancement opportunities to the reservoirs remain and the detail of such proposals should be secured by a planning condition, in addition to external finishing materials. The retention and enhancement of existing landscaping, particularly to the west of the site/upper reservoir will be important given that some of the most prominent views into the site are achieved when viewing the site from west to east (along Hart Lane).

3.66 As set out above, the proposed scheme would provide 5 bungalows. It is noted that there is a specific need identified highlighted within the 2015 Strategic Housing Market Assessment (SHMA). The SHMA noted bungalows are in short supply in Hartlepool and therefore this is something that new developments should look to provide as a small element of the overall scheme. This provision can be secured by a planning condition.

3.67 Overall, it is considered that a development can be brought forward that would not have a significant detrimental impact on the character and appearance of the area or result in an over development of the site. However it is noted that this application is in outline to establish the principle of development and full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed. In view of the setting of the site, it is considered necessary to control through a number of planning conditions; i) a height restriction on the proposed dwellings ii) details of ground and finished floor levels and iii) landscaping protection and enhancement, a view supported by the Council's Landscape Architect.

3.68 Subject to these conditions, it is considered that the proposed development would not result in an adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area.

#### LANDSCAPING & PUBLIC OPEN SPACE

3.69 A general indication of the landscaping of the development has been provided. The submitted amended plans indicatively show additional soft landscaping around the site perimeter to the west and to the north of the site, as recommended by the Council's Landscape Architect.

3.70 The Council's Arboricultural Officer has advised that existing hedgerows on the field boundary of the northern portion of the site and the hedgerow that runs along the eastern boundary of the site should be retained and incorporated into the proposed site layout which again is indicated on the indicative layout.

3.71 As set out above, the proposed indicative layout details the provision of a larger parcel of open space to the north east corner of the site, in addition to the nature reserve (converted upper reservoir), which are considered to assist in creating a sustainable form of development. It is, however, noted that a small parcel of public open space (children's play) is indicatively shown within a cramped parcel of land which may raise a number of issues; the final design and layout (and any means of enclosure) can be secured by condition and would be considered further as part of any reserved matters application.

3.72 It is acknowledged that this is an outline application and further details of landscaping (and tree and hedge protection) and details of public open space can be conditioned and provided at the reserved matters stage, which is supported by the Council's Arboricultural Officer.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.73 The indicative layout has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it from surrounding existing properties. The existing property adjacent to the site (Hart Reservoirs Cottage) would front onto a number of proposed properties within the northern section of the site. In the indicative layout the amended layout shows the nearest proposed dwellings at an oblique orientation to the front elevation of this property whilst the requisite minimum separation distances could be achieved.

3.74 Beyond the site boundaries, the closest existing neighbouring properties are to the south and to the east of the application site with 500 approved dwellings to the north on the Upper Warren site. The proposed dwellings would achieve the minimum requisite separation distances from the nearest elevations of the existing and proposed neighbouring properties with the presence of the retained hedge and tree planting in between providing screening.

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

3.76 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents. No objections have been received from the Council's Public Protection team subject to conditions securing a construction management plan and a condition limiting hours of construction/deliveries, relevant conditions are proposed.

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

#### HERITAGE AND ARCHAEOLOGY

3.78 In accordance with the provisions of the NPPF and for the reasons set out above within the Council's Conservation and Heritage Manager's comments, Hart Reservoirs is considered eligible to qualify for nomination to be locally listed (which is classed as a 'non-designated' heritage asset).

3.79 The originally submitted proposal would have resulted in the loss of one of the lower reservoirs; the Council's Conservation and Heritage Manager commented that the isolation of some of the existing reservoir structures within the proposed residential development without the wider context provided as part of the reservoir would mean they would be likely to become lost and difficult to interpret. As such, the proposal would have resulted in an identified harm to the non-designated heritage asset.

3.80 Amended plans were subsequently submitted detailing both the retention of the lower reservoir and reservoir features, to which the Council's Conservation and Heritage Manager has confirmed that the amended proposals address the previous concerns and that the proposed alterations to the existing reservoirs are not considered to cause harm (to the non-designated heritage asset). The provision of interpretation boards (to highlight the reservoirs' heritage) on the site is also welcomed and can be secured by a planning condition which is proposed.

3.81 With respect to the impact on the non-designated heritage asset of archaeological interest, the application was accompanied by a field evaluation and building recording survey, which Tees Archaeology have confirmed is acceptable subject to the recommendations of the evaluation being implemented, namely a scheme for archaeological recording. This can be secured by a planning condition. In view of the above considerations, it is considered that the proposal's impact on heritage and archaeological assets is acceptable and the proposal therefore accords with the provisions of the NPPF.

## FLOODING AND DRAINAGE

3.82 As set out above, matters of drainage and flooding have been considered in detail by both the Council's Engineering Consultancy, and the Environment Agency. The applicant has been required to submit a number of Flood Risk Assessments (FRA) at the request of technical consultees.

3.83 The submitted FRA(s) briefly refer to potential drainage options but confirm that there are no formal proposals at this stage. The Council's Engineering Consultancy has provided initial comments on matters of surface water and works to the upper reservoir, and has urged the developer to make use of Sustainable Urban Drainage System (SUDS) techniques to control surface water run off. The Council's Engineers conclude that detailed designs will be required to provide additional information and therefore recommends planning conditions relating to a) details of surface water drainage (including SUDS) and b) a scheme relating to the modification of the lower reservoir.

3.84 Both the Environment Agency and Northumbrian Water have also requested that details of surface water (and foul sewerage) be secured by a planning condition.

3.85 The Environment Agency (including their national Modelling and Forecasting team) consider that the amended FRA (version 5.0) has confirmed the submitted hydrology information is now at a standard appropriate for the FRA. Furthermore, the entire site is recognised as having a low probability of flooding and has been identified as being located in Flood Zone 1. The Environment Agency therefore raise



no objections in principle to the proposed scheme subject to the imposition of a number of planning conditions (detailed within their comments set out above) and informatives/advice regarding the need for licenses separate to planning, which can be secured accordingly.

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

## OTHER PLANNING MATTERS

### *Waste*

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

### *Contaminated land*

3.88 Both the Council's Principal Engineer and the Environment Agency have requested that further site investigation works into contaminated land are secured by appropriate planning conditions. Subject to these conditions it is considered that the proposal is acceptable in this respect.

### *Education*

3.89 As indicated above, the development would secure through a planning obligation, a contribution (albeit reduced) towards both primary and secondary education in the main urban area of Hartlepool. The Council's Child and Adult Services Department has raised no objections to this approach. The scheme is, on balance, considered to be acceptable in this instance.

### *Agricultural land*

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

### *Public Right of way*

3.91 The Council's Countryside Access Officer has requested that a planning contribution be sought for 'breakthroughs'/connections from the existing footpath network running along the full length southern and eastern boundaries. This contribution was previously agreed, however has been reduced to an agreement that the existing and proposed footpaths around the proposed nature reserve (upper

reservoir) will be permissive allowing members of the public to use these routes. This can be secured within the s106 legal agreement.

3.92 The applicant has provided amended plans in respect of a proposed pedestrian footbridge over the spillway. The final details of this can be secured by a planning condition.

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

### *Public Safety*

3.94 The Council's Landscape Architect has commented that landscape and boundary treatments should fully consider the health and safety aspects of the close proximity of the water body to the indicative layout of the proposed dwellings, garden space and public open space. The Council's Countryside Access Officer has also provided comment on the routing of the proposed footpaths through the site in respect of public safety; the applicant has provided amended plans to show minor changes to the path route and the provision of a bridged crossing over an existing spillway. The final details of the footbridge and appropriate means of enclosure can be secured by planning conditions.

3.95 The applicant has confirmed in writing that the management and maintenance of the nature reserve (reservoirs) and car park would be undertaken by a private company, which can be secured by a planning obligation within the section 106 legal agreement.

### *Anti-social behaviour*

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

3.97 The applicant has indicated within the supporting information that such matters currently affect the reservoir and that the proposed development of the site would in effect address these issues.

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

3.99 Cleveland Police's Architectural Liaison Officer (ALO) has assessed the proposal and has raised no objections to the proposed scheme subject to some advisory comments in respect of adopting appropriate crime prevention measures as outlined in Secured by Design guidelines, primarily relating to boundary treatments. The applicant has been made aware of these comments, which can be appended as an Informative.

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

3.101 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Policy QP4 and would accord with the guidance in the NPPF, in this respect.

## RESIDUAL MATTERS

3.102 Objections/concerns are raised with respect to existing properties and proposed dwellings being affected by vibrations/blasting from the nearby Hart Quarry and that both a noise assessment and ground survey should have been submitted to accompany the application.

3.103 The Council's Environmental Health Manager has noted these concerns and has commented that there are restrictions on blasting at the quarry including maximum vibration levels, which are set below the level that would cause cosmetic damage to existing properties and this would apply to the application site. The scheme is therefore considered to be acceptable in this respect (including separation distances to the quarry) and no such assessments are considered to be necessary.

3.104 With respect to the concerns regarding maintaining an access to Hart Reservoir Cottage, whilst this is a civil matter, it is noted that the proposed plans indicatively show that the access to the Cottage will be retained.

3.105 In terms of the impact on overhead lines and services to existing residential properties, in particular Hart Reservoir Cottage, no objections have been received from the relevant technical consultees in this respect. The applicant has been made aware of these comments/requirements, which can be secured by an informative.

3.106 Hartlepool Water has confirmed that it has sufficient capacity in the local network to supply the proposed development however significant off-site works could be required, which would be at the cost of the developer. These comments are noted and can be appended as an informative for the applicant's consideration.

3.107 The site is not Green Belt and therefore legislation relating to Green Belts is not applicable.

3.108 Matters of litter would not be controlled by this current application. Notwithstanding this, details of all street furniture including the provision of waste bins can be secured by a planning condition.

3.109 With respect to the planning conditions requested by objectors, it is considered that the request for timescales for both the completion of the development and establishment of the nature reserve before the dwellings are brought into use would fail the tests of the NPPF (para 55) in respect of such conditions not being reasonable or necessary to planning. A timetable for the implementation of the works to facilitate the nature reserve is to be secured by a planning condition.

3.110 Objectors comment that the reservoir water levels have been drained. Within the applicant's submitted supporting statement (paragraph 4), it is noted that "*the water supply to the reservoir has been isolated. They (the reservoirs) are only fed by rainwater from what is a small catchment. They would be better described as deep stagnant ponds*". Works will be required to re-profile the banks of the reservoirs (in particular the upper reservoir/proposed nature reserve) and no objections have been received from technical consultees subject to the final details of such works being agreed with the Local Planning Authority, which can be secured by a planning condition. With respect to the relocation of any fish stock, this would be covered by separate legislation/license.

3.111 The request by an objector for the reservoirs to be retained/turned into fishing ponds, and property devaluation are not material planning considerations.

3.112 Objections have made reference to the loss of views, which is 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. 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.

3.113 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. 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 by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

3.114 The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

## PLANNING BALANCE AND OVERALL CONCLUSION

3.115 The development is not an allocated site, however it is located within development limits (as 'white land'), as identified by the Hartlepool Local Plan 2018, and as such the principle of development is broadly acceptable subject to an assessment of the relevant material considerations.

3.116 In terms of the benefits arising from the development these are considered in the report above and include the development's contribution to the Borough's housing supply, including bungalows for which there is an identified need within the Borough, the creation of jobs during construction, additional council tax revenue and the creation of public open spaces within the development.

3.117 There are also a number of identified 'disbenefits' to the scheme as set out in the previous report to planning committee, primarily the scheme being unable to deliver/contribute towards a number of planning contributions. Concerns are therefore raised by HBC Planning Policy that the development of this site will not lead to the creation of a truly sustainable community.

3.118 Taking into account the matters set out in the report, it is not considered that changing the SANGS obligation to include a financial contribution to address the shortfall of removing a large area of onsite provision materially alters the benefits the development would deliver.

3.119 The proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability and on balance the scheme would deliver sustainable development within the overall meaning of paragraph 8 of the NPPF. It is considered that there are material benefits arising from the proposed development and that there are no adverse impacts that would significantly or demonstrably outweigh these benefits when assessed against the policies in the Framework taken as a whole including paragraph 12 of the NPPF.

3.120 In view of the above, it is considered that, on balance, the application represents a sustainable form of development and therefore officer recommendation is to approve.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.121 There is no evidence of equality or diversity implications.

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

3.122 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.

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

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE** subject to the completion of a legal agreement securing contributions and obligations towards primary education (£153,780) and secondary education (£51,119), built sports provision (£13,000), the provision of renewable energy infrastructure (up to a value of £18,000, to be secured by a planning condition), requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs, provision of SANGS and £5,200 towards Hartlepool HRA Mitigation Strategy and Delivery Plan); securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve/footpaths, car park, public open space, landscaping, waterbodies, play facilities, reservoir structures and permissive footpaths, and subject to the following planning conditions;

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

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

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

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

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

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

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

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

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

10. No development shall take place until a detailed design scheme for the provision of the proposed internal highway network including roads, footpaths,

verges and bridges and associated street furniture and infrastructure has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the internal highway network has been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

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

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

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

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

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

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

14. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - i) all previous uses
    - ii) potential contaminants associated with those uses
    - iii) a conceptual model of the site indicating sources, pathways and receptors
    - iv) potentially unacceptable risks arising from contamination at the site.



2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

15. Prior to the occupation of the dwellings hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure any site contamination is satisfactorily addressed.

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

dwelling shall be occupied until the modification works to the lower reservoir have been completed in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented as approved and shall be retained for the lifetime of the development hereby approved.

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

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

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

19. No development shall take place until a detailed scheme and timetable for ecological measures (in respect of the works to convert the upper reservoir to a nature reserve) has been submitted to and approved in writing by the local planning authority. The scheme shall take into account the ecological recommendations set out within Appendix 1 of the submitted Planning, Design and Access Statement Revision B, reference HL/13/001, date received by the Local Planning Authority 18th December 2015 (with an amendment to point 4 where in respect to the lower reservoir a smaller water body will be retained as agreed as part of the scheme) and shall include biodiversity enhancement through habitat creation and enhancement, and to prevent harm to protected species including bats. No dwelling shall be occupied until the ecological measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority or unless an alternative timescale for implementation is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

20. No dwelling shall be occupied until a scheme for the provision of bat and bird roosting features within each dwelling or its associated garage, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

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

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

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

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

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

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

appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

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

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

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

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

26. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

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

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

To ensure a satisfactory form of development.

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

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

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

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

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

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

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

1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest.

32. Prior to the commencement of development, details of proposed interpretation panels/boards (providing information on the retained features of the reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.

In the interests of visual amenity and heritage assets.

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

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

34. Prior to the commencement of the development hereby approved, details of solar panels (or alternative on-site renewable energy infrastructure/equipment) to be installed to a minimum of 6no. dwellings shall be first submitted to and approved in writing by the Local Planning Authority. Following the written approval of the Local Planning Authority, the development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the identified dwellinghouses (minimum of 6no. dwellings) to which the solar panels (or other agreed infrastructure) is to be installed.

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

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

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

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

In the interests of visual amenity.

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

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

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

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

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

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

## **BACKGROUND PAPERS**

3.125 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=108108>

3.126 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.

## **CONTACT OFFICER**

3.127 Tony Hanson

Assistant Director of Environment & Neighbourhood Services  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523400

E-mail: [tony.hanson@hartlepool.gov.uk](mailto:tony.hanson@hartlepool.gov.uk)

## **AUTHOR**

3.128 Laura Chambers

Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523273

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



## LAND AT HART RESERVOIR



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>12/12/18</b>
	SCALE <b>1:4,000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2015/0354</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>

**ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS**

<b>Material Planning Considerations</b>	<b>Non Material Considerations</b>
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> <li>Local and National planning policy</li> </ul>	<ul style="list-style-type: none"> <li>Political opinion or moral issues</li> </ul>
<ul style="list-style-type: none"> <li>Visual impact</li> </ul>	<ul style="list-style-type: none"> <li>Impact on property value</li> </ul>
<ul style="list-style-type: none"> <li>Loss of privacy</li> </ul>	<ul style="list-style-type: none"> <li>Hypothetical alternative proposals/sites</li> </ul>
<ul style="list-style-type: none"> <li>Loss of daylight / sunlight</li> </ul>	<ul style="list-style-type: none"> <li>Building Regs (fire safety, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>Noise, dust, smells, vibrations</li> </ul>	<ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>Pollution and contaminated land</li> </ul>	<ul style="list-style-type: none"> <li>Private access disputes</li> </ul>
<ul style="list-style-type: none"> <li>Highway safety, access, traffic and parking</li> </ul>	<ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>Flood risk (coastal and fluvial)</li> </ul>	<ul style="list-style-type: none"> <li>Private issues between neighbours</li> </ul>
<ul style="list-style-type: none"> <li>Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Heritage and Archaeology</li> </ul>	<ul style="list-style-type: none"> <li>Loss of trade / business competition (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Biodiversity and Geodiversity</li> </ul>	<ul style="list-style-type: none"> <li>Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Crime and the fear of crime</li> </ul>	
<ul style="list-style-type: none"> <li>Planning history or previous decisions made</li> </ul>	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

## PLANNING COMMITTEE

2<sup>nd</sup> September 2020



**Report of:** Assistant Director (Environment & Neighbourhood Services)

**Subject:** APPEALS AT 68 GRANGE ROAD, HARTLEPOOL, TS26 8JF  
APPEAL REFS: APP/H0724/C/19/3241624 & APP/H0724/W/19/3242923  
Retrospective installation of a roof and change of use to HMO

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of two related appeals – the leading enforcement appeal made against an enforcement notice served by Hartlepool Borough Council in respect of the retrospective replacement of roof tiles and the change of use to a HMO at the above referenced property at 68 Grange Road, Hartlepool; and the appeal against the refusal of planning permission in respect of the change of use to a HMO and the replacement of the roof.
- 1.2 In respect of the enforcement appeal, the appeal was dismissed on 30<sup>th</sup> July 2020 and the enforcement notice upheld. A copy of the Inspector's decision letter is attached.
- 1.3 In respect of the related planning appeal, the appeal was allowed in part and dismissed in part on 6<sup>th</sup> August 2020 insofar as the appeal for the change of use to a HMO was allowed (as per subsequent planning permission H/2019/0490 which was approved under delegated powers); whilst the appeal for the retrospective installation of a roof was refused.
- 1.4 A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of these appeals.

**3. CONTACT OFFICER**

- 3.1 Tony Hanson  
Assistant Director of Environment and Neighbourhood Services  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523400  
E-mail: [Tony.Hanson@hartlepool.gov.uk](mailto:Tony.Hanson@hartlepool.gov.uk)

**4. AUTHOR**

- 4.1 Stephanie Bell  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523246  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)

---

## Appeal Decisions

Site visit made on 30 June 2020

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2020

---

### Appeal A: APP/H0724/C/19/3242924

68 Grange Road, Hartlepool TS26 8JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Flora Russo, Forso Limited, against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 27 November 2019.
- The breach of planning control as alleged in the notice is Without planning permission, the installation of a replacement composite roof.
- The requirements of the notice are (i) Remove the existing composite roof tiles; (ii) Restore the roof to its condition before the breach took place.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice upheld.**

---

### Appeal B: APP/H0724/W/19/3242923

68 Grange Road, Hartlepool TS26 8JF

- 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 Ms Flora Russo, Forso Limited, against the decision of Hartlepool Borough Council.
- The application Ref H/2019/0169, dated 28 March 2019, was refused by notice dated 5 September 2019.
- The development proposed is Change of use to house in multiple occupation, installation of replacement windows and replacement roof (part retrospective).

**Summary of Decision: The appeal is allowed in part and is dismissed in part as set out below in the Formal Decision.**

---

### Procedural Matters

1. With regard to Appeal B, I have taken the description of development from the Council's decision notice as reflected on the appeal form.
2. The Council has previously granted planning permission for the House in Multiple Occupation (HMO) use, subject to conditions<sup>1</sup>. There is no dispute that both the plans and the Council's suggested conditions before me, relate to the same use. The Council does not seek to resist the HMO use, subject to these conditions, and I find no reason to take a contrary view. I shall therefore grant planning permission for this element of the Appeal B proposal.

---

<sup>1</sup> Ref H/2019/0490 – dated 15 January 2020

Appeal Decisions APP/H0724/C/19/3242924, APP/H0724/W/19/3242923

---

3. The appellant confirms that they no longer seek planning permission in relation to the replacement uPVC windows at the property. As such, I shall treat this element of proposed development as having been withdrawn. Accordingly there is no reason for me to consider the Council's decision to refuse planning permission for the windows. The appeal will therefore be dismissed with regard to this element of Appeal B.

### **Appeal A on ground (a) and Appeal B**

#### Main Issue

4. Having regard to the above, the main issue is the effect of the replacement roof tiles on the character and appearance of the Grange Conservation Area (GCA).

#### Reasons

5. Policies HE1 and HE3 of the Hartlepool Local Plan 2018 (LP) are collectively concerned with conserving or enhancing the distinctive character of Conservation Areas; securing high quality design and ensuring that where development would lead to less than substantial harm to the heritage asset this will only be permitted where the harm would be outweighed by the public benefits of the proposal.
  6. Policy HE3 refers, amongst other things, to the importance of the use of materials which are sympathetic to the character and appearance of the Conservation Area. It states that particular regard will be given to guidance in relevant Conservation Area appraisals.
  7. The GCA is characterised by linear streets of predominantly housing. The appeal site forms part of a terrace of relatively uniform design and height, featuring two storeys with roof gables and attic rooms, buff coloured facing brick and ground floor bay windows. This gives rise to a strong sense of visual rhythm along the street.
  8. In terms of the roofscape, The Grange Conservation Area Character Appraisal 2009 (GCACA) states that two traditional coverings predominate, namely Welsh slate and clay tiles, though recognises that artificial replacement slates have been used on a number of buildings. Nevertheless it draws a distinction between the qualities of natural Welsh slate and artificial replacement materials, noting the variations in the texture, shade and tone of the slate in contrast to the more monotone and reflective appearance of non-natural substitutes, which serves to harm the character.
  9. From my visit it was apparent that the roof of the appeal property is prominent from the opposite side of Grange Road. Although similar to natural slate in terms of scale and colour, the introduction of the artificial roof tiles, with their uniform texture and shinier appearance, serves to erode the representation of natural roofing material in the GCA. It appeared to me that natural slate continues to be well represented on properties along Grange Road and remains a prominent feature in the appeal site terrace.
  10. Furthermore, the shinier appearance of the artificial tiles in this case is at odds with, and disrupts the continuity of, the duller natural appearance of roof coverings on adjoining properties either side. When taking into account the significance of the GCACA in terms of adopted conservation policy for this area,
-



Appeal Decisions APP/H0724/C/19/3242924, APP/H0724/W/19/3242923

---

I do not consider the appellant has provided a compelling argument that the development would conform with guidance therein. Indeed the appellant acknowledges at paragraph 3.7 of their statement that there would be harm to the heritage asset albeit that, in their view, this would be limited in nature.

11. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the GCA. For the reasons set out above, I conclude that the development causes less than substantial harm to the character and appearance of the GCA. However in terms of the guidance in the National Planning Policy Framework (the Framework), there is still real and serious harm which is a consideration of significant weight.
12. In such circumstances, where harm is identified to the significance of a designated heritage asset, in this case the GCA, the Framework requires that this harm is weighed against the public benefits of the proposal. The appellant states that the previous slate roof covering was damaged and that the tiles were replaced in order to secure the building and ensure that it did not become uninhabitable. This in turn would bring the building back into use, allowing for increased surveillance and an improvement to the visual appearance of the building and street scene, therefore resulting in public benefits.
13. Whilst, I accept that the replacement tiles would inevitably have made the building more secure, it cannot be the case that this was the only way to achieve this objective. There is no reasonable explanation as to why the roof covering could not have been with natural slate whilst still achieving the same goal of securing the building and addressing the visual appearance of the roof. I therefore give very limited weight to this point. A convincing case has not been made that there would be public benefits from the scheme sufficient to outweigh the harm I have identified.
14. The appellant has also suggested that the cost of replacing the artificial tiles would be at the expense of replacing the existing windows with timber sash windows. However even if such a proposal was considered to have merit, there is no such proposal before me for timber window replacement or accordingly a means of ensuring that it was implemented. I therefore attach no weight to this consideration.
15. For the aforementioned reasons the development would be in conflict with the Framework and also with Policies HE1 and HE3 of the LP, insofar as they seek to conserve or enhance the distinctive character of Conservation Areas, including through the use of sympathetic materials.

#### **Appeal A on ground (g)**

16. The ground of appeal is that the time given to comply with the requirements is too short. The appellant requests six months in order to allow time for the determination of the s.78 appeal. However this argument is obviated by the fact that both appeals are being decided concurrently. This aside I am not persuaded that the 3-month compliance period given would be unreasonable. The ground (g) appeal therefore fails.
-

Appeal Decisions APP/H0724/C/19/3242924, APP/H0724/W/19/3242923

---

## **Conclusions**

### Appeal A

17. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

### Appeal B

18. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part. I am satisfied that the part of the development to be allowed, namely the HMO, is clearly severable from those elements that are to be dismissed.

### *Conditions*

19. I have considered the Council's suggested conditions. Confirmation of the relevant plans and clarification that the permission does not include window and door alterations is required in the interests of certainty; details of a noise insulation scheme and refuse storage arrangements need to be agreed and implemented and the number of occupants of the HMO limited, in the interests of protecting the living conditions of neighbouring residents.

## **Formal Decisions**

### **Appeal A**

20. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Appeal B**

21. The appeal is dismissed and planning permission is refused for installation of replacement windows and replacement roof (part retrospective) at 68 Grange Road, Hartlepool TS26 8JF.
22. The appeal is allowed insofar as it relates to the proposed change of use of the property and planning permission is granted for Change of use to house in multiple occupation at 68 Grange Road, Hartlepool TS26 8JF in accordance with the terms of the application, Ref H/2019/0169, dated 28 March 2019 and subject to the conditions in the schedule below.

*Roy Merrett*

INSPECTOR



## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with plans Site Location Plan (scale 1:1250), Drwg. No MA/290519(00)01 'Existing Elevations', 'Existing (Ground Floor)', 'Proposed (Ground Floor)', 'Existing (First Floor)', 'Proposed (First Floor)', 'Existing (Second Floor)', and 'Proposed (Second Floor)' received by the Local Planning Authority on 19th November 2019.
- 3) Prior to the development hereby approved being brought into use a scheme demonstrating appropriate noise insulation between the application site and adjoining neighbouring properties at 66 Grange Road and 70 Grange Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
- 4) Notwithstanding the submitted information and prior to the occupation of the HMO hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to occupation of the HMO.
- 5) The use of the property as a house in multiple occupation (Sui Generis Use) shall not exceed 7 residents at any one time.
- 6) Notwithstanding the submitted information and in accordance with the details agreed in the appellant's 'Enforcement Appeal Statement', date received by the Local Planning Authority on 19th December 2019, the granting of permission for the development hereby approved does not include any alterations to the windows or doors.

## **END OF SCHEDULE OF CONDITIONS**

# PLANNING COMMITTEE

02 September 2020



**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

## 1. PURPOSE OF REPORT

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

1. The erection of a high fence to the front and side of a residential property in Goshawk Road.
2. The erection of a high fence to the front and side of a residential property in Flint Walk.
3. Non-compliance with a condition relating to working hours at a residential development site at land off Coniscliffe Road.
4. A residential development at land off Wynyard Woods not built in accordance with the approved plans.
5. The erection of an outbuilding at the rear, and the installation of hard surfacing at the front of a residential property in Park Road.

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

1. The change of use of a shop to a hot food takeaway at a commercial premises in Murray Street. It was found that a change of use to hot food takeaway had not occurred and that the premises remains a shop.
2. Running a welding and fabrication business at a residential property in Sandringham Road. It was found that the welding and fabrication is a hobby activity not carried out on a commercial basis, is low level and domestic in scale, and did not lead to a material change of use of the property.

3. Commencement of the demolition of a former licensed premises on Raby Road. It was found that no demolition works had taken place.
4. The installation of accommodation pods at an industrial premises on Tees Road. The accommodation pods have since been removed.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

- 3.1 Tony Hanson  
Assistant Director (Environment and Neighbourhood Services)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 523596  
E-mail [tony.hanson@hartlepool.gov.uk](mailto:tony.hanson@hartlepool.gov.uk)

## **AUTHOR**

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