

PLANNING COMMITTEE

AGENDA



Wednesday 4 November 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 16 September, 2020
- 3.2 To Confirm the Minutes of the Meeting held on 7 October, 2020 (to follow)

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Director for Neighbourhood and Regulatory Services*

- 1. H/2019/0473 Land at Wynyard Park (page 1)
- 2. H/2020/0048 Land South of Elwick Road, High Tunstall (page 39)
- 3. H/2020/0308 2 The Front (page 81)

4.2 Planning Committee Site Visits – *Assistant Director (Place Management)*

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. ITEMS FOR INFORMATION

5.1 Update on Current Complaints – *Assistant Director (Place Management)*

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 Action (paras 5 and 6) – *Assistant Director (Place Management)*

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

The next meeting of the Committee will be held on Wednesday 2 December commencing at 9.30 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

16th September 2020

The meeting commenced at 9.30 am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Mike Young (In the Chair)

Councillors: James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Carl Richardson and Cameron Stokell

In accordance with Council Procedure Rule 4.2 Councillor Tony Richardson was in attendance as substitute for Councillor Stephen Akers-Belcher and Councillor Christopher Akers-Belcher was in attendance as substitute for Councillor Marjorie James

Also present: Councillors Brenda Harrison, Helen Howson and Karen King

Officers: Jim Ferguson, Planning and Development Manager
Kieran Bostock, Interim Assistant Director (Place Management)
Sylvia Pinkney, Interim Assistant Director (Regulatory Services)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Coast, Countryside and Heritage Manager
Penny Thompson, Head of Service – Children's Hub and Partnership
Lynda Igoe, Principal Housing Advice Officer
Laura Chambers, Senior Planning Officer
Stephanie Bell, Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

53. Apologies for Absence

Apologies were submitted on behalf of Councillors Stephen Akers-Belcher and Marjorie James.

A member objected to the attendance of Councillor Tony Richardson as a substitute at the meeting.

54. Declarations of interest by members

Councillor Cameron Stokell advised that he had spoken to the applicant for item H/2020/0102 (Land adjacent to Elwick House) but had not made a final decision.

Councillor Karen King declared a personal interest in all planning applications put forward by Home Group as her husband was employed by them.

55. Confirmation of the minutes of the meeting held on 19th August 2020.

Minutes approved

56. Confirmation of the minutes of the meeting held on 2nd September 2020.

Minutes deferred

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

Number:	H/2020/0154
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE
Date received:	04/05/2020
Development:	Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of porch and access door to front
Location:	43 WARREN ROAD HARTLEPOOL

A member noted that additional papers had been sent out to them in support of this application. They queried whether this was acceptable as decisions on this and all the Home Group applications had previously been adjourned and questioned whether today's decisions should be based on the same information as had been available on 5th August 2020. The Legal Representative advised that as Planning Committee was not quasi-judicial criminal case law was not relevant therefore the receipt of additional information was acceptable. The Chair commented that members were better informed than they had been previously.

A member queried the decision to approve 14 similar planning applications since the meeting on 5th August. The Chair advised that as there had been no objections these had been approved under delegated powers as per the Council's scheme of delegation. The member queried whether residents had been informed of these decisions. The Planning Officer confirmed that anyone who had registered an interest had been informed.

The Head of Service (Children's Hub and Partnership) gave details of the current need for properties in Hartlepool. Forty percent of people registered as homeless were in need of single person accommodation and these applications would go toward matching that demand. A member queried how much of a gap these applications would help to plug. The Head of Service (Children's Hub and Partnership) confirmed that 700 applications had been made the previous year so 25 conversions into 50 flats did not meet current demand. The demand for single person accommodation was unprecedented. She also noted loss of employment and an increase in domestic violence due to Covid-19 and the resultant demand for more accommodation to support victims.

A representative of Home Group spoke in favour of the application. He explained the Move On programme was aimed at people in Hartlepool in particular housing need including those impacted by Covid-19, those fleeing domestic abuse and those with mental health needs (among other issues). He advised that his letting information showed the properties in question were in low demand but there was a high demand for single person accommodation. The properties were for Hartlepool residents with low to medium support needs who would receive individual housing management support based on their individual needs.

A member queried why the buildings in question had not been tidied prior to this application coming before committee. The representative advised that the lockdown had led to challenges with their contractors but also acknowledged that they would prefer to secure funding and planning permissions before committing resources. Should the applications be approved they were committed to keeping up with maintenance on all their properties.

A member expressed concerns that by placing vulnerable people in one area they would be easily identifiable particularly if the houses were of a uniform design.

A member queried how neighbours could contact Home Group with any complaints or problems. The representative advised that while the contact hub would not be available 24 hours there would be an office contact number which would be available at all hours. In response to a further question the representative confirmed that as per building regulations all the properties under consideration would be sound proofed and alarmed and there would be technology in place to assist with noise nuisance problems.

Councillor Karen King, speaking as a Ward Councillor, urged members of the committee to reject the applications put forward by Home Group for the De

Bruce Ward. She had been contacted by a number of residents with concerns around parking issues, noise and disturbance and a loss of privacy. She urged members to give these concerns serious consideration and said that by rejecting these applications members would be sending a message that they were listening to the people of Hartlepool and respecting their wishes.

Councillor Helen Howson, speaking as a Ward Councillor, commented that numerous residents were concerned about these proposed developments. There was the potential of criminal damage to the properties and legitimate concerns around vulnerable people being housed in easily identifiable properties.

Councillor Brenda Harrison, speaking as a Ward Councillor, concurred with her colleagues comments in terms of the De Bruce Ward. She was in favour of the scheme generally but not in the way proposed. Residents had a lack of trust in the Home Group and they needed to work hard to build that trust up again. She was also concerned that some applications had been approved due to a lack of objections, advising that residents had objected to the applications generically rather than on an individual property basis.

The Chair expressed his full support for the proposals put forward by Home Group saying they would help members of the community who were in need and give them hope.

A member acknowledged these comments and was in support of the scheme in general but objected to the location of the properties and the intention to place vulnerable people together particularly in areas with existing anti-social behaviour problems. This could lead to a ghetto situation and they moved that the Home Group applications be rejected.

A member felt rejection of these applications would send a message that Hartlepool had no regard for the vulnerable members of society. Decisions should not be made based on what might happen when there was an actual need as the Head of Service (Children's Hub and Partnership) had articulated. Those who supported the scheme generally but did not want it near them were showing a lack of empathy and sending a strong message that they did not care for the marginalised.

A member queried whether all the properties under consideration would be for the vulnerable. The Head of Service (Children's Hub and Partnership) indicated that all of those who would be housed by approval of these applications would not necessarily be in the vulnerable category and might not all need high or intensive support. These applications would not lead to a high level of vulnerable persons moving into these communities.

A member was concerned at the allegations that by objecting generically residents' concerns may not have been taken into account sufficiently. The Chair disputed this comment saying that by bringing these applications before Committee and having these conversations residents' concerns were being heard.

Other members expressed support for these proposals which would help take care of single and vulnerable people in Hartlepool and might regenerate the areas involved.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor Carl Richardson

Those abstaining:

None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeM/01 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) and Drg. No. BS/19/90/TypeM/02 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 6th May 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 41 Warren Road and 45 Warren 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.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.

For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

5. Prior to the occupation of the 2no. flats hereby approved, a 1.8m high (taken from the given ground level) closed boarded fence shall be erected along the full length of the adjacent rear boundary (east) with No 41 Warren Road and shall thereafter be maintained for the lifetime of the development hereby approved.
In the interests of the amenities of the occupants of the neighbouring property.

The Committee considered representations in relation to this matter.

Number:	H/2020/0128
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE
Date received:	28/04/2020
Development:	Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of porch and access door to front and alterations to chimney
Location:	9 GREENWOOD ROAD HARTLEPOOL

A member clarified that while they supported this application in principle they felt it was placing vulnerable people in an inappropriate area.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor Carl Richardson

Those abstaining:

None

Decision: Planning Permission Approved**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeA/O2 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 29th April 2020; and Drg. No. BS/19/90/TypeA/O1 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) received by the Local Planning Authority on 4th May 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 7 Greenwood Road and 11 Greenwood Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number:	H/2020/0129
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE
Date received:	28/04/2020
Development:	Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including

installation of porch and access door to front and alterations to chimney

Location: 25 GREENWOOD ROAD HARTLEPOOL

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor Carl Richardson

Those abstaining:

None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeA/04 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 29th April 2020; and Drg. No. BS/19/90/TypeA/03 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) received by the Local Planning Authority on 4th May 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 23 Greenwood Road and 27 Greenwood Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-

enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number:	H/2020/0137
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE
Date received:	28/04/2020
Development:	Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of an access door and canopy to the front, and bricking up of a door and installation of a window to the rear
Location:	74 MIDDLETON ROAD HARTLEPOOL

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Those against:

None

Those abstaining:

None

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeD/04 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local

Planning Authority on 29th April 2020; and Drg. No. BS/19/90/TypeD/03 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) received by the Local Planning Authority on 4th May 2020.

For the avoidance of doubt.

3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 72 and 76 Middleton Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number:	H/2020/0139
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE
Date received:	28/04/2020
Development:	Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of porch and access door to front
Location:	3 HENDERSON GROVE HARTLEPOOL

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:
Councillor Carl Richardson

Those abstaining:
None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeA/O1 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) and Drg. No. BS/19/90/TypeE/O2 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 29th April 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 1 Henderson Grove and 5 Henderson Grove shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number:	H/2020/0143
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE

Date received: 11/05/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of porch and access door to front and replacement of window to front

Location: 6 HENDERSON GROVE HARTLEPOOL

A Councillor requested that the hard standing area at the front of the property be retained for cars. The representative agreed that this made sense.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor Carl Richardson

Those abstaining:

None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeE/O4 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 29th April 2020; and Drg. No. BS/19/90/TypeE/O3 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) received by the Local Planning Authority on 20th May 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 4 Henderson Grove and 8 Henderson Grove shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the

development.

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

4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number: H/2020/0144

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH
PARK WAY GOSFORTH BUSINESS PARK
NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2
DIAMOND COURT KENTON NEWCASTLE
UPON TYNE

Date received: 28/04/2020

Development: Change of use from 1no. dwellinghouse to 2no.
flats with associated external alterations including
the replacement of the canopy to the rear

Location: 52 ARKLEY CRESCENT HARTLEPOOL

A member queried whether Home Group owned this property, noting the state of disrepair it had been left in. It was confirmed that they did own the property and previous comments around the pandemic were highlighted.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor Carl Richardson

Those abstaining:

None

Decision: Planning Permission Approved**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeF/02 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 29th April 2020; and Drg. No. BS/19/90/TypeF/01 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) received by the Local Planning Authority on 20th May 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 1 Warren Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number:	H/2020/0148
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE
Date received:	04/05/2020
Development:	Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of a canopy to the side
Location:	51 BRUCE CRESCENT HARTLEPOOL

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor Carl Richardson

Those abstaining:

None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeH/03 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) received by the Local Planning Authority on 4th May 2020; and Drg. No. BS/19/90/TypeH/04 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 15th July 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring property at 53 Bruce Crescent shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number: H/2020/0149

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH
PARK WAY GOSFORTH BUSINESS PARK
NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2
DIAMOND COURT KENTON NEWCASTLE UPON
TYNE

Date received: 04/05/2020

Development: Change of use from 1no. dwellinghouse to 2no.
flats with associated external alterations

Location: 99 WINTERBOTTOM AVENUE HARTLEPOOL

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor Carl Richardson

Those abstaining:

None

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/Type1/01 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500), and Drg. No. BS/19/90/Type1/02 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 6th May 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring property at 61 Warren

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.

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

4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number: H/2020/0151

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH
PARK WAY GOSFORTH BUSINESS PARK
NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2
DIAMOND COURT KENTON NEWCASTLE
UPON TYNE

Date received: 04/05/2020

Development: Change of use from 1no. dwellinghouse to 2no.
flats with associated external alterations including
installation of an access door and canopy to side

Location: 184 JESMOND GARDENS HARTLEPOOL

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Those against:

None

Those abstaining:

None

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Drg. No. BS/19/90/TypeL/02 Rev A 'Floor Plans and Elevations Existing and Proposed' received by the Local Planning Authority on 29th April 2020; and Drg. No. BS/19/90/TypeL/02 Rev A 'OS Site Location Plan (scale 1:1250) and Block Plans (scale 1:500) received by the Local Planning Authority on 20th May 2020.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the application site and the adjoining neighbouring properties at 186 Jesmond Gardens shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as 2no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

Number:	H/2020/0104
Applicant:	BARRATT DAVID WILSON HOMES NE MRS AMY WARD THE WATERMARK GATESHEAD
Agent:	BARRATT DAVID WILSON HOMES NE LTD MRS AMY WARD BARRATT HOUSE THE WATERMARK GATESHEAD
Date received:	12/05/2020
Development:	Section 73 application for amendments to planning permission H/2019/0352 (for approval of reserved matters of planning permission H/2015/0528 (outline planning permission for up to 220 residential dwellings with associated access)) comprising house type substitutions to 92no. plots and associated amendments to plot hard and soft

landscaping, and minor alterations to site
landscaping and bin stand locations.

Location: LAND AT QUARRY FARM ELWICK ROAD
HARTLEPOOL

A member requested an update on the Elwick Bypass. The Interim Assistant Director (Place Management) advised that negotiations were ongoing with the landowners but the details were commercially sensitive. The member expressed concern at the decision to include only one access point into the site. The Planning and Development Manager acknowledged this but this matter had been considered and agreed when the application for outline planning permission was granted and could not be reconsidered today. It was acknowledged complaints from residents on this matter had been addressed proactively however these issues would take time to settle down.

The agent advised urged members to support this amendment which was a result of the developer updating their housing portfolio. The changes were simple but the benefit would be improvements to the properties internal layout. The houses had been carefully designed based on customer feedback and would be delivered quickly to a good standard. They were the same square footage as those properties previously approved.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be approved:

Those for:

Councillors Christopher Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young

Those against:

None

Those abstaining:

Councillor Tony Richardson

Decision: Planning Permission Approved

CONDITIONS AND REASONS

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

RES/732 LP/01 Rev A (Location Plan)
BRAD 00CD (Radleigh Classic (det))
BALD 00CD (Alderney Classic (Det))
BKNR 00CD (Kennford Classic (Det))

BKEY 00HD (Kingsley Classic (Det - Hipped))
 SSG1H8 (SINGLE - ELEVATIONS)
 SSG1H8 (SINGLE - SETTING OUT PLANS)
 SSG1H8 (SINGLE - FLOOR PLAN)
 SSG1H8 (SINGLE - ROOF PLAN)
 SDG1H8 (DOUBLE - ELEVATIONS)
 SDG1H8 (DOUBLE - SETTING OUT PLANS)
 SDG1H8 (DOUBLE - FLOOR PLAN)
 SDG1H8 (DOUBLE - ROOF PLAN)

received 30th July 2019 by the Local Planning Authority;

BMMS 00CE (Moresby Classic (End))

received 15th November 2019 by the Local Planning Authority;

BMMS 00CD (Moresby Classic (Det))

received 18th November 2019 by the Local Planning Authority;

BLLE 00HE (Ellerton),

BDNF 00HE (Denford),

BDBY 00HD (Denby),

received 13th March 2020 by the Local Planning Authority;

1588-1-1 Rev N (Landscape Strategy Plan),

RES732-BHA-B1-ZZ-DR-A-SL01 Rev Q (Proposed Site Layout),

RES731-BHA-B1-ZZ-DR-A-BTP01 Rev N (Proposed Site Boundary Treatment),

RES732-BHA-B1-ZZ-DR-A-MP01 Rev K (Proposed External Material on Site Plan),

RES732-BHA-B1-ZZ-DR-A-PP01 Rev I (Proposed Parking Site Plans),

RES732-BHA-B1-ZZ-DR-A-SL03 Rev A (Site Layout - 2020 Housetype Plot Substitutions), received 28th April 2020 by the Local Planning Authority;

BDNF 00CI (Denford Classic (Mid)),

BMAI 00CI (Maidstone Classic (Mid)) Rev F,

BMAI 00HE (Maidstone Classic (End-Hipped)) Rev A, received 11th May 2020 by the Local Planning Authority.

For the avoidance of doubt.

2. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the occupation of the dwellings hereby approved, 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 to Local Planning Authority standards. 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.

3. The boundary enclosures hereby approved shall be implemented in accordance with the following plans and details; RES731-BHA-B1-ZZ-DR-A-BTP01 Rev N (Proposed Site Boundary Treatment) received 28th April 2020 by the Local Planning Authority, prior to the occupation of the dwellings(s) or completion of the development, whichever is the sooner.

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

4. Prior to the commencement of development above ground level, a scheme for the obscure glazing and restricted opening (max. 30 degrees) of the following proposed windows (plot numbers as identified on plan RES732-BHA-B1-ZZ-DR-A-SL01 Rev Q (Proposed Site Layout) received 28th April 2020 by the Local Planning Authority) shall be first submitted to and approved in writing by the Local Planning Authority;

Plot 2 - 1no. first floor east facing side elevation en-suite window

Plot 8 - 1no. first floor south facing side elevation en-suite window

Plot 21 - 1no. first floor north facing side elevation en-suite window

Plot 45 - 1no. first floor south facing side elevation bathroom window

Plot 48 - 1no. first floor north facing side elevation bathroom window

Plot 61 - 1no. first floor north-west facing side elevation en-suite window

Plot 66 - 1no. first floor south-west facing side elevation en-suite window

Plot 93 - 1no. first floor north-east facing side elevation en-suite window

Plot 108 - 1no. first floor south facing side elevation en-suite window

Plot 121 - 1no. first floor east facing side elevation en-suite window

Plot 125 - 1no. first floor south facing side elevation en-suite window

Plot 127 - 1no. first floor south west facing stairwell/landing window

Plot 141 - 1no. first floor north facing side elevation bathroom window

Plot 142 - 1no. first floor south facing side elevation bathroom window

Plot 151 - 1no. first floor south facing side elevation bedroom window

Plot 153 - 1no. first floor south facing side elevation bathroom window

Plot 192 - 1no. ground floor north facing side elevation wc window

Plot 193 - 1no. ground floor south facing side elevation wc window

The windows shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter the windows shall be installed in accordance with the approved details and prior to the occupation of each respective plot and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

To prevent overlooking in the interests of the privacy of future occupiers.

The Committee considered representations in relation to this matter.

Number:	H/2020/0102
Applicant:	MR G REDHEAD THE GREEN ELWICK HARTLEPOOL
Agent:	MR G REDHEAD ELWICK HOUSE THE GREEN ELWICK HARTLEPOOL
Date received:	27/04/2020
Development:	Erection of two storey dwelling with detached garage (resubmitted application)
Location:	LAND ADJACENT TO ELWICK HOUSE THE GREEN ELWICK HARTLEPOOL

A member queried the status of the trees that might need to be removed as a result of this application. The Senior Planning Officer indicated that the trees were protected. She clarified that the request to remove a section of the wall might possibly require the removal of these trees but as the applicant had provided no detail of how the wall section would be removed this could not be confirmed as it was unclear if the work could be carried out with the trees in situ. She also confirmed that the cost of re-siting the speed limit signs would be met by the applicant as part of any approval conditions.

A member queried the reference to 'substantial harm to a non-designated heritage asset'. The Coast, Countryside and Heritage Manager reported that Elwick House was a locally listed building with significant architectural details. Erecting a substantial property next to it would alter the character of that plot and the hierarchy of those buildings. The garden setting to the right would

also be lost. All of this needed to be weighed up against the public benefits of this application but the applicant had not demonstrated any public benefit.

A member raised concerns at the apparent lack of dialogue there had been between planning officers and the applicant. The Senior Planning Officer disputed this saying there had been a substantial amount of officer time spent with the applicant, including site visits. Suggestions of a smaller dwelling had been made but it was not the role of planning officers to design the scheme. Advice had been provided and it was up to the applicant to work with an architect however 3 similar schemes had been put forward so the recommendation to refuse had not changed.

The Applicant gave a brief presentation on his proposal. He highlighted that the proposed dwelling was outside the conservation area and disputed the claims that it would harm Elwick House. There was a difference of opinion between himself and the Senior Planning Officer regards whether the property was subservient to Elwick House (he believed it was) and whether it competed with Elwick House in terms of size (he believed it did not).

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be refused:

Those for:

Councillor James Brewer

Those against:

Councillors Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson and Cameron Stokell

Those abstaining:

Councillors Tony Richardson and Mike Young

A member moved to approve the application subject to the concerns around access being conditioned. The Legal Representative suggested that these be delegated to the Planning and Development Manager. He also asked if members wished to invite a 106 agreement for future protection of Elwick House. Members wished the conditions to be delegated to the Planning and Development Manager in consultation with the Chair but did not feel it was necessary to include a 106 agreement. The Legal Representative noted that the reasons for going against the officer recommendation seemed to be that (i) members did not consider the development caused less than substantial harm to the heritage asset and was therefore acceptable ii) they considered that other concerns (trees & access details) could be addressed by conditions. In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the motion to approve this application:

Those for:

Councillors Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Those against:

Councillor James Brewer

Those abstaining:

None

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

Conditions delegated to Planning & Development Manager in consultation with the Chair.

The Committee considered representations in relation to this matter.

Number:	H/2020/0084
Applicant:	MR E ARMSTRONG REGENT SQUARE HARTLEPOOL
Agent:	MR E ARMSTRONG 10 REGENT SQUARE HARTLEPOOL
Date received:	23/04/2020
Development:	Installation of composite front entrance door and UPVC frame (retrospective application)
Location:	10 REGENT SQUARE HARTLEPOOL

Members queried why this property was being singled out when other properties nearby also appeared to be out of character for the conservation area. The Planning and Development Manager advised that this was a listed building with national protection so a higher standard applied. He also noted that the conservation area was at risk and the lowest common denominator should not be applied. Members acknowledged that there were other properties that were out of character but felt that to allow this would be to chip away at the town's heritage. The number of successful appeals against previously refused applications was also highlighted. The Coast, Countryside and Heritage and Manager was always able to offer advice to residents wishing to make home improvements in conservation areas.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be refused:

Those for:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Those against:

None

Those abstaining:

None

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, it is considered that the composite door to the front of the property causes less than substantial harm to the Grade II listed building of No. 10 Regent Square and the Headland Conservation Area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the listed building and the Headland Conservation Area, contrary to policies HE1, HE3, HE4, HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2019.

Number:	H/2020/0123
Applicant:	MR E ARMSTRONG REGENT SQUARE HARTLEPOOL
Agent:	MR E ARMSTRONG 10 REGENT SQUARE HARTLEPOOL
Date received:	23/04/2020
Development:	Listed building consent application for the installation of composite front entrance door and UPVC frame (retrospective application)
Location:	10 REGENT SQUARE HARTLEPOOL

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings a recorded vote was taken on the recommendations set out in the report that this application be refused:

Those for:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Those against:

None

Those abstaining:

None

Decision: Listed Building Consent Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, it is considered that the composite door to the front of the property causes less than substantial harm to the Grade II listed building of No. 10 Regent Square by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the listed building and its setting within the Headland Conservation Area, contrary to policies HE1, HE3, HE4, HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2019.
-

58. Update on Current Complaints (*Assistant Director (Environment and Neighbourhood Services)*)

Members were given information on 5 ongoing investigations and 4 which had been completed.

Decision

That the report be noted.

59. Any other items which the Chair considers are urgent

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

Elected member site visits

Officers were asked to provide an update and confirmed that risk assessments had been progressed. However legislation was changing. Notably the recent national guidance regards the 'rule of 6'. A number of members expressed some reluctance at taking part in 'in person' site visits given both the national guidance and personal health concerns. The Legal Representative confirmed that a site visit was allowable legally however it may not be advisable from a common sense perspective. However a decision had been made previously that 2 'in person' site visits should take place and he did not think these decisions could be revisited. The Chair suggested that officers investigate a possible way forward and bring options to the next meeting. Members were happy to approve this course of action.

60. Local Government (Access to Information) (Variation Order) 2006

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

Minute 60 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that

the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 61 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 62 – (Enforcement Options) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

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

Members were asked to consider whether it was expedient to issue an enforcement notice. Further details are provided in the closed minutes

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

Members were asked to consider whether it was expedient to issue an enforcement notice. Further details are provided in the closed minutes

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

Members were asked to consider enforcement options available to them. Further details are provided in the closed minutes

The meeting concluded at 12.10pm

CHAIR

PLANNING COMMITTEE

4 NOVEMBER 2020



Report of: Director for Neighbourhood and Regulatory Services

Subject: PLANNING APPLICATIONS

No: 1.
Number: H/2019/0473
Applicant: Countryside Properties PLC
Agent: Krishna Mistry, Pegasus Group, Pavilion Court, Green Lane, Garforth, Leeds, LS25 2AF
Date valid: 12/12/2019
Development: Residential development comprising erection of 186 dwellings and associated works including access and landscaping
Location: Land at Wynyard Park

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 applications are currently being considered and are in the vicinity of the application site:

H/2015/0332 – Outline application with all matters reserved for the erection of up to 383no. residential dwellings (Use Class C3) and a local centre (Use Class A1, A2, A3, A4 and/or A5) with associated landscaping, highways and infrastructure works (AMENDED PLANS RECEIVED + DESCRIPTION UPDATED TO REFLECT REDUCED NUMBER OF DWELLINGS. ADDENDUM TO ENVIRONMENTAL STATEMENT INCLUDED)
Pending consideration

H/2017/0150 – Outline application for the erection of up to 13 no. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved (AMENDED RED LINE SITE BOUNDARY)
Pending consideration.

H/2019/0226 - Residential development comprising 243 houses including associated access, link road connection, infrastructure and open space
Pending consideration.

H/2019/0365/FUL – Residential development of 67 dwellings at land at Wynyard Park North, Wynyard
Permitted 18.03.20

PROPOSAL

1.3 Full planning permission is sought for residential development comprising erection of 186 dwellings and associated works including access and landscaping.

1.4 The application has been referred to the planning committee due to the number of objections received (more than 2), in line with the Council's Scheme of delegation.

SITE CONTEXT

1.5 The site is greenfield and measures approximately 6.86 hectares in area. Part of the site is in agricultural use. The site is bound to the south by a man-made earth bund with Hartlepool Road (A689) lying beyond. To the north and east land is in agricultural use with recent housing developments to the west.

1.6 The site is allocated for housing by policy HSG6c in the Hartlepool Local Plan 2018.

PUBLICITY

1.7 The application was advertised by way of a site notice: to date, 1 letter of objection have been received from a neighbouring land owner and 3 letters of comment.

1 letter of objection has been received raising the following issues;

- The Council should be demonstrating how it will provide critical infrastructure such as shops and health facilities for the current residents rather than allowing more housing and adding to the existing problem.

3 letters of comment has been received raising the following issues;

- The revised plans have decreased the number of trees. This will significantly increase road noise to the properties at this end of Poppy Close.
- There is a 3m wide access track around the perimeter of the basin storage which seems excessive.
- As a resident of Wynyard Park, I would like to see Section 106 funds from this developer used to create woodland walks which link Wynyard Park with existing rights of way footpaths including the nearby Castle Eden Walkway.

- Although Wynyard Park is surrounded by beautiful woodland it is a large inaccessible to residents who have to travel by car to access walks.
- It is so important that this developer includes a designated footpath and cycle way for the safety of all residents.
- A wheel wash should be required to prevent the surrounding roads becoming dirty and creating problems of dust.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134979>

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

HBC Traffic and Transport – In order to be consistent with other Wynyard Park developments the requirement to provide a cycleway and have no frontage properties on Primary Boulevard Streets has been removed. Comments are as follows. Principle of Development - The proposed development at Wynyard Park, which includes the application site, is now subject to an approved Masterplan which includes a Strategic Framework, Green Infrastructure Framework, Movement Framework and Place making Framework. Within each Framework are several elements of shared infrastructure such as the Primary Vehicular Movement network and key locations of Green Infrastructure that must also be delivered. It is therefore incumbent on the land owners and developers to ensure that development is not only in line with the approved Masterplan, but that the shared infrastructure is delivered in a timely and expedient manner. Transport Modelling/ Major Road Network – Transport modelling carried out for the Local Plan showed that the proposed level of development could only be accommodated if mitigation was provided on the A19 / A689 interchange, which involved the construction of a 3 lane overbridge and associated pedestrian/ cycle bridge. This ensured that the previously agreed 10 minute maximum queueing time between the A19 and the Meadows roundabout was not exceeded. The developer would need to provide the necessary pro-rata contribution (as all other subsequent phases will be required to do so) as part of the Pan Wynyard agreement in order to part fund the provision of the required mitigation, which is an essential requirement of this application. The remaining funding is being sought from other developers looking to construct housing in the Local Plan allocation. Due to the imminent commencement of the planned A19 Norton to Wynyard widening scheme, the A19 overbridge mitigation is unable to commence until the estimated completion of this scheme in 2022. Based on current build out rates it is anticipated that the level of queuing on the A689 at Wynyard will minimally exceed the severe level for a short duration. It is therefore considered that it would be acceptable for this development to proceed prior to the proposed mitigation coming forward in 2022/23. Given the major safety implications and the number of complaints received regarding the lack of a safe crossing on the A689, it is important that the proposed safe pedestrian links are implemented at the earliest opportunity. These include the provision of a footbridge immediately west of the

Hazard Drive roundabout, and a controlled crossing on The Meadows roundabout as part of the signalisation works. It has now been confirmed that these schemes will be funded through Tees Valley Combined Authority capital funding, the roundabout scheme is currently under construction.

Internal Layout – The amended layout now shows the driveways at the correct length, I have no further objections to the proposed layout.

All roads and footpaths should be constructed in accordance with the HBC Design Guide and Specification under a Section 38 advanced payment code. The use of surfacing materials in residential areas which are to be adopted other than 10mm DBM will require a commuted sum to cover future maintenance costs.

Public Transport. This site should contribute to the extension of the current Shuttle Bus Service for a further 5 years commencing May 2021.

HBC Public Protection – The noise environment at the application site is characterised by road traffic on the A689 Hartlepool Road to the south, with no other significant noise sources noted. The application site is currently screened from the road by an existing 5-metre-high earth bund, and noise measurements made during the baseline noise survey were undertaken behind the bund.

It is now understood that a gap in the bund will be required in order to accommodate an existing services easement, and, as a result of the gap in the bund plots 14-17 will be exposed to the A689.

In order to protect ground floor windows and gardens a 2.1 metre high close boarded timber fence is to be provided to the gardens of plots 14-17. However, it is not possible to provide localised screening to first floor windows and therefore consideration is given to the glazing/ventilation specification at the upper floors of these plots.

In relation to the relevant planning history in the vicinity of the application site, it is noted that (retrospective) Planning Application ref: H/2017/0262 for the bund is currently pending decision.

A noise assessment report has been submitted by WYG as part of this planning application and includes computer modelling for noise levels at a previous residential scheme in the western portion of the application site, taking into account the screening provided by the bund.

With the provision of the bund, the modelled daytime and night time noise levels at 40 metres from the nearside kerb of the A689 (representative of the southern development footprint) are < 56 db LAeq (0700-2300) and <50 db LAeq respectively. For reference, these levels are consistent with the measured daytime and night time levels at ENS monitoring position MP1 (behind the bund), which confirms the validity of the modelling. Both noise assessment specified standard thermal glazing with trickle vents.

To the west of the application site (with no bund in place) the modelled daytime and night time noise levels at 40 metres from the nearside kerb of the A689 were <63 bB LAeq and <58 dBLAew (2300-0700) respectively. These levels are considered representative of noise levels at the upper floors of Plots 14-17, which may have line-of-sight to the A689.

The sound insulation requirements of the glazing and ventilation can be calculated using the Building Research Establishment (BRE) building envelope insulation calculation tool. This is based on the calculation methodology advocated in BS 8233 and allows input of external noise levels, room dimensions and reverberation time together with parameters for the various elements of the building envelope and calculates the internal noise level in terms of the external noise level metric.

Daytime and night time ambient noise levels 63 dB LAeq (0700-2300) and 58 dB LAeq (2300-0700) respectively are adopted for the upper floors of Plots 14-17, which may have line-of-sight to the A689.

Upper floor bedrooms in these plots should be provided with enhanced double glazing rated at least 32 dB. In order to maintain the sound insulation properties of the facade, any trickle vents should be rated at least 38 dB such as the Greenwood 5000EAW.AC1 or equivalent.

HBC Ecology – I am now in receipt of up-to-date bat survey information. This includes the likely absence of roosting bats from the surveyed trees. Standard measures to avoid the residual risk to roosting bats have been recommended within the report. I support this and advise that 'sectional fell' of all trees with identified bat roost potential is included in the Construction Environmental Management Plan (CEMP) to be secured through a pre-commencement condition based on the model wording with BS42020. Information provided pursuant to this condition will also need to secure the recommendations of the EcIA report.

Biodiversity Net Gain

I am satisfied that the revised calculations using the Biodiversity Metric 2.0 is representative of the effect of the proposal on area habitats. However, the calculation shows a reduction in biodiversity units as a result of the proposals. The proposals do not achieve a biodiversity net gain.

Farmland Birds

As set out in my previous response, the proposals will result in significant harm to farmland birds at a scale of Hartlepool Borough. It is appropriate, given the habitat requirements of the species to be affected, to compensate for harm to farmland birds in an offsite location, which is preferable should be in a location within or adjacent to the wider masterplan area.

It has been suggested that a Farmland Bird Strategy can be used to provide long term compensation for the effects of this scheme on farmland birds. Such a strategy could inform that basis of a consistent approach to farmland bird compensation of other schemes within the wider masterplan, helping to provide certainty for both applicants and the LPA at an early stage in scheme design. Such a strategy will need to be secured through an appropriate means to ensure it can be used to inform

the wider masterplan and provide compensation in respect of this scheme. The strategy should be delivered within 18 months of permission. A commuted sum has also been offered in respect of the effects that will occur in the short term, until such time that the compensation set out in the strategy comes into effect.

The content of the strategy and the amount of the commuted sum will need to be agreed. However, I am satisfied that the above approach is capable of securing the necessary compensation.

Close Wood Complex LWS

No further information is available in relation to impacts to the adjacent Local Wildlife Site. I advise that, in accordance with policy NE1, a strategy for visitor management will be required to mitigate impacts resulting from increased visitor pressure. Again, this should be secured through a suitable means and available to inform the wider masterplan.

Overall

The proposals will result in a net loss of biodiversity. Significant harm as a result of the proposals has also been identified in respect of farmland birds and Close Wood Complex LWS (which also includes the 'irreplaceable habitat' ancient woodland. Other pathways for significant harm have also been identified within the supporting ecological information (summarised in Table 6.2 of the Ecological Impact Assessment). The proposals will also need to provide ecological enhancement in accordance with NPPF and NE1, suggestions for which are outlined within the ECIA.

In order to ensure the proposals are acceptable in relation to NPPF section 15 and policy NE1 the following condition/obligations will be needed.

- Construction Environment Management Plan (CEMP) condition based on the model wording within BS42020, to incorporate the measures identified within the ECIA and Bat Survey Report.
- Biodiversity Management Plan (BMP) condition based on the model working within BS42020, to incorporate measures identified within the ECIA.
- Farmland Bird Strategy and commuted sum.
- Visitor Management Strategy, in respect of Close Wood Complex LWS.

HBC Economic Regeneration – From an economic development perspective the issue of developing on employment land is still of primary concern. Therefore my previous comments stand in relation to the revised plans.

HBC Countryside Access Officer – No objections.

HBC Engineering Consultancy [Flood Risk Officer] – No comments to make in respect of the amended landscape plans. I have no objection to proposals in respect of contaminated land and request that you include our standard condition for unexpected contamination on any decision notice.

The Flood Risk Assessment and Surface Water Management Strategy (FRA) section 10.1 proposes adoption of pipe drainage network by Northumbrian Water which is satisfactory and with respect to the attenuation pond, section 6.6 proposes

maintenance of “non-adoptable” SuDS assets by management company and notes the potential for adoption by Northumbrian Water. Due to the nature of proposed landscaping at Wynyard and the relatively intensive maintenance proposed we can accept at this location that attenuation assets are not adopted by the statutory undertaker Northumbrian Water and are maintained by management company.

The FRA proposes surface water discharge to watercourse, infiltration being unsuitable due to geology.

It is proposed to provide surface water attenuation for the 1% AEP rainfall event to include for climate change and urban creep, however note the comments in point 4 below.

It is proposed to restrict surface water discharge to 4.15l/s/h (Qbar) which is acceptable.

The FRA section 10.15 explores the attenuation basin design. With reference to point 1 above the basin design is to be in accordance with Northumbrian Water’s adoption requirements, see also Sewers from Adopted Eighth Edition and CIRIA SuDS Manual chapter 22.

The FRA section 6.4 determines the net developed area of the site to be 6.51 ha, however section 10.12 uses an area of 3.58 ha to calculate surface water storage requirements. It is not satisfactory that a positively drained area of 3.58 ha can have a surface water discharge rate of a site area of 6.51ha. The permitted surface water discharge rate of a positively drained area of 3.58 ha is $3.58 \text{ ha} \times 4.15 \text{ l/s/ha} = 14.9 \text{ l/s}$. The runoff volume from the developed site for the 1 in 100 year 6 hour rainfall event must not exceed the greenfield runoff volume for the same event. Calculations must include an allowance for urban creep where required and climate change. For a whole or part brownfield site, greenfield runoff volume and or 60% of demonstrable existing positively drained runoff volume for those rainfall events will be permitted however greenfield runoff volume should be achieved where possible. Should infiltration methods not be suitable and it is not possible to achieve greenfield runoff volume then it must be demonstrated that the increased volume will not increase flood risk on or off the site.

In terms of climate change an allowance of 40% is proposed,

In terms of urban creep an allowance of 10% is proposed.

The FRA section 10.16 considers exceedance flow routes in a preliminary manner and proposes further development as design progresses.

Highway Drainage is to be agreed with the highway authority.

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

Damage caused during the construction phase has the potential to prevent SuDS functioning as required, for example contamination by sediments generated during construction. As such appropriate planning must be applied to surface water management during the construction phase. I will expect this requirement to be addressed as part of the construction management plan for the development.

I have no objection in principle to the proposals in respect of surface water management and request that you include our standard detailed drainage condition on any decision notice issued for proposals.

HBC Conservation – The application site is not adjacent to or within a conservation area, nor would any listed or locally listed assets be affected, for these reasons I do not wish to comment on the proposals.

HBC Landscape Officer – With regard to the application full details of enclosure, surfacing and planting have been provided which are acceptable. It should be noted that, as yet, no lighting layout has been provided. The semi mature street tree planting to the spine road is critical to the success of the structural landscaping and this should not be impacted by any subsequent lighting scheme.

HBC Arboricultural Officer – The proposed landscaping layout appears appropriate for the development to me and I cannot see any trees that may become a problem at a later date. I note the likes of copper beech and lime are to be located within the public open space and it is important that this is adhered to as both eventually get to a large size and create shading problems.

HBC Public Health – Overall no specific objections or comments. Just to reiterate the importance of access to appropriate levels of accessible green space for future residents and access to appropriate walking and cycling facilities (which will be picked up by transport colleagues).

HBC Waste Management – The street layout is fine for refuse collections, but we would expect assistance from developers during the construction phase (e.g. pulling bins out at areas we cannot access with a refuse collection vehicle whilst building work is underway). We usually get around this by having bins presented at an easily accessible location that is mutually agreeable to either HBC and residents or HBC and the developer. Once building work is complete, we will be able to undertake regular collections from these properties.

HBC Building Control: I can confirm a Building Regulation application will be required for the works as described.

Tees Archaeology – The area has already been subject to evaluation which indicated that it was of low archaeological significance. Further archaeological work is not required.

Highways England – No objection.

Natural England – No comments.

Northumbrian Water – We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Flood Risk Assessment and Surface Water Management Strategy.” In this document it states that the foul flows shall discharge to the sewerage network located in the existing highways, whilst all surface water shall discharge into the watercourse.

We would therefore request that the Flood Risk and Surface Water Management Strategy form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

Northern Gas Networks – No objections.

NHS Tees Valley Clinical Commissioning Group – It is currently very cramped and I am trying to assist the Practice with the development of an extension. This application will bring the total number of dwellings applied for in the area to 390 with associated potential of around 660 patients. The CCG supports the Masterplan for this area and would wish to have a plot of land safeguarded for Health purpose on the site. Seeking a contribution of £39,741 towards health improvements.

The Coal Authority – No comments.

Cleveland Police – The proposed residential development is location in an area which has lower than average rates of crime and disorder. I have no concerns with the proposed layout of the development and see no reason why the development should not achieve Secured by Design accreditation. In relation to boundaries it is always important to deter access to the rear of properties. I would always recommend boundaries to the rear and side should be a min. 1.8m in height where they back onto open ground or public areas can be particularly vulnerable. Use of trellis to fence or planting of spiky plants to these boundaries will provide increased security.

Cleveland Emergency Planning Unit – No objections.

Cleveland Fire Brigade – No comments.

Stockton Borough Council – Subject to the required highways mitigation being secured via a S106 Agreement, has no objections to the proposals. The proposed site falls within Local Plan allocation HSG6c which is one of the two sites within the borough of Hartlepool, identified in the Hartlepool Local Plan that necessitate the need for improvements at the A19 junction including an additional lane for eastbound traffic to allow two lanes of traffic heading onto the A19 and also the need for a pedestrian bridge adjacent to the main road junction. There are no landscape and visual comments regarding the proposals. Officers at Stockton-on-Tees Borough Council welcome the continued joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard.

Elwick Parish Council – Object. The proposed development is over dense. Some of the driveways are not big enough which will inevitably result in parking issues as street parking is not allowed in Wynyard. There is one small area of green space for children to play which will be insufficient for the expected number of children who will live there.

One of the boundaries of the development will be part of the arterial road and it is very unclear whether or not the developers intend to include the footpath/cycleway

which will be imperative to the safety of the residents. The amount of traffic on the arterial road will increase in volume over the years as more building occurs and cyclists and pedestrians should not be exposed to unnecessary danger.

There is still not mention of the amended plans of who is going to adopt the SUDS once the developers have left the site which is a concern.

Highways England have quite rightly stated that this development should not go ahead until the improvements are carried out to the A19/A689. Elwick Parish Council agrees with these concerns and would also like to see the pedestrian crossing installed at the Meadows roundabout before this development goes ahead. The primary school in Wynyard is in the Stockton Borough Council and will very shortly be oversubscribed. Priority will be given the children who live in Stockton, meaning children living in Hartlepool will not get a place. It is therefore very important that we have our own primary school in Wynyard as soon as possible, before these homes are occupied. Wynyard also needs its own secondary school. Elwick Parish Councillors are happy to support the request from the Countryside Access Officer for Section 106 funds from this developer to improve footpaths and cycle ways connecting Wynyard with public rights of ways including the Castle Eden Walkway. It is currently very difficult to take a walk into the surrounding countryside without taking the car which is not good for the environment. In addition, research has shown that walking in natural surroundings enhances both physical and mental health.

The planning department is still waiting for a full breeding bird survey to quantify the effects of this development to bird life and inform off-site mitigation. The Parish Council would like to stress the importance of this survey, as this spring, councillors have witnessed a number of skylarks in the area as well as yellow hammers, bullfinches, owls and woodpeckers.

Wynyard Park is still without any amenities despite hundreds of houses being built here already. Residents need shops, a café, pub health centre and a community centre.

Elwick Parish Council would expect to see as a condition of planning permission, the requirements for all construction vehicles on this development to use a wheel wash before leaving the site.

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change

CC2: Reducing and Mitigating Flood Risk

HSG1: New Housing Provision

HSG2: Overall Housing Mix
 HSG6: Wynyard Housing Developments
 HSG9: Affordable Housing
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 INF4: Community Facilities
 LS1: Locational Strategy
 MWP01: Waste Audits
 NE1: Natural Environment
 NE3: Green Wedges
 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
 SUS1: The Presumption in Favour of Sustainable Development

National Policy

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

PARA 002: Permission determined in accordance with the development plan
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 034: Developer Contributions
 PARA 038: Decision-Making
 PARA 047: Determining Applications
 PARA 054: Planning conditions and obligations
 PARA 055: Planning conditions and obligations
 PARA 056: Planning conditions and obligations

PARA 057: Viability Assessments
 PARA 058: Enforcement
 PARA 062: Delivering a sufficient supply of homes
 PARA 091: Promoting healthy and safe communities
 PARA 098: Open Space and Recreation
 PARA 108: Considering Development Proposals
 PARA 109: Considering Development Proposals
 PARA 110: Considering Development Proposals
 PARA 111: Considering Development Proposals
 PARA 124: Achieving well-designed places
 PARA 127: Achieving well-designed places
 PARA 130: Achieving well-designed places
 PARA 150: Planning for Climate Change
 PARA 153: Planning for Climate Change
 PARA 163: Planning and Flood Risk
 PARA 165: Planning and Flood Risk
 PARA 170: Conserving and enhancing the natural environment
 PARA 175: Habitats and Biodiversity
 PARA 212: Implementation

Planning Policy Comments

1.14 Local Plan policy LS1 *Locational Strategy* identifies Wynyard as a location for new housing development. Within the Housing chapter of the Local Plan, policy HSG6 *Wynyard Housing Developments* sets out the specific housing allocations at Wynyard, including “Wynyard Park South”, which is the location of the proposed development. The principle of housing in this location is therefore in accordance with the Local Plan. This is on the basis that the residential development would not encroach into the allocated employment land adjacent to the east.

1.15 A masterplan for the wider Wynyard site has been produced and endorsed by the Council (along with Stockton Council given the strategic, cross boundary issues which need to be addressed), with Local Plan policy HSG6 making it clear that development should be in accordance with the masterplan. The proposal’s conformity with the Masterplan is discussed further in the sections below. It is noted however that the proposal does, quite significantly, propose housing on areas identified for employment within the north east and south east corners of the site. This is illustrated on the plans below. The first plan shows the endorsed masterplan and extent of employment land required to conform with Policy Emp1 of the adopted Local Plan in terms of providing sufficient employment land to satisfy the policy. In the preparation of the Local Plan Housing Targets jobs numbers from employment land were a crucial element in justifying the housing need. Reduction in employment land has the impact of reducing the housing need and is not something that is justified or evidenced by the application, nor is it something that should be supported as it undermines the Local Plan and ability to defend it.

1.16 It is noted that against the Local Plan Policies Map the site sits on an area shown fully for housing, however as the masterplan developed and in order to accommodate housing in the west of the Wynyard Park area the area for employment changed slightly as the Masterplan developed.

1.17 Economic Development have outlined their concerns to the current application and the encroachment into the employment land and have noted that the levels of employment land within the Local Plan were justified through evidence in the Employment Land Review, taking account of the aspirations of the Tees Valley Strategic Economic Plan to create 25,000 new jobs across the Tees Valley. As part of the development of the Local Plan Hartlepool agreed to taking 2,900 of those jobs to grow the Hartlepool Economy. This jobs growth was inextricably linked to the proposed housing growth/allocations within the Local Plan. There is no evidence in terms of a refreshed Employment Land Review to justify the loss of employment land as proposed above and the current proposal would not accord with the endorsed Wynyard masterplan, which it is required to do by Policy Hsg6 of the Local Plan.

Development density

1.18 The Wynyard Masterplan supposes that site WPC is capable of housing approximately 150 dwellings. Local Plan policy HSG6 sets appropriate densities for each of the housing allocations at Wynyard through specifying the quantum of land for housing development and the approximate dwelling yield. At Wynyard Park South, 11.1ha is identified as being acceptable for housing development, with an approximate yield of 232 dwellings. However, as noted above, with the re-orientation of land uses within the Masterplan the Wynyard Park South allocation is only shown in the Masterplan for approximately 150. The proposed development would involve the development of 186 dwellings over 6.8ha; this would be an approximate development density of 28 dwellings/ha. The proposed density is higher than that anticipated within Masterplan for this site. It is also noted that part of the site identified in the Local Plan is now shown on the masterplan for a community hub (likely to incorporate a shop and public house) which will impact on the area available for housing development on the Local Plan allocation. For some reason this application has left an area of land identified for housing in the masterplan without any development on it. Using this area of the land and removing the housing on the employment site would allow the developer to produce an acceptable scheme in the region of 150-165 dwelling perhaps.

Housing mix

1.19 Policy HSG6 sets out that Wynyard Park South will be developed for a full range of house types. Local Plan policy HSG2 *Overall Housing Mix* advises that new housing provision will be required to deliver a suitable range and mix of house types that are appropriate to their locations and local needs. New housing should contribute to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future. The proposed development of semi-detached and detached homes with a variety of offerings with different bedroom numbers is considered an appropriate mix for this location. The most recent Strategic Housing Market Assessment for Hartlepool identified a shortage of bungalows in the town – it is disappointing that the developer has not proposed any bungalows in the scheme.

1.20 Affordable housing must be provided on new housing developments of 15 or more dwellings. Local Plan policy HSG9 *Affordable Housing* states that an affordable

housing target of 18% will be sought on all sites above this 15 dwelling threshold. Planning Policy would advise that in cases where the affordable housing figure is calculated as a decimal, the Council would require the applicant to provide either:

- the number of units equal to the full amount of whole numbers calculated, plus a financial contribution equal to the remaining amount; or
- the number of units rounded up to the next whole number.

1.21 18% of the proposed 186 dwellings is 33.48. However, given the house prices within this area of the Borough it is often the case that Registered Providers can't afford on-site units even at the discounted price and so in this instance, an offsite contribution is deemed acceptable for this scheme and further information is detailed in the planning obligation section of these comments.

Development design

1.22 The Residential Design SPD contains guidance and best practice relating to several aspects of design including density, local distinctiveness, accessibility, safety and energy efficiency. The development should, where possible, respond positively to the guidance set out in the SPD.

1.23 As detailed above, there are concerns over the density of the scheme and layout due to its encroachment into the employment area. The provision of the green space in the eastern part of the development and the relocation of the SUDS pond to the west of the scheme has helped with the design of the development and has created a focal point within the scheme, having a positive impact on the visual amenity on site, alongside providing residents with informal places to gather and for children to play although it is noted that this area does sit within land allocation for employment.

1.24 Within the Wynyrd Masterplan, this site falls within zone WP-C, with particular criteria that any development on this site is expected to meet:

- Strong street-scape character to be provided to the Primary Boulevard Street and Primary Arterial Road.
- Mix of medium and lower density housing.
- Appropriate screening of the development to the A689 frontage.
- Layout and screening in relation to the commercial land to the north west.
- Layout and screening in relation to the employment land to the east.

1.25 Whilst noting the issue with the employment land above, if it were to be determined in its current form, it is not deemed that the proposals have done enough to provide appropriate screening of the commercial land or the employment land which is a requirement of the Masterplan and is identified on the Strategic Framework within the Masterplan. There will be natural screening provided as a result of fencing to the rear of the properties however it falls short of the requirements of the masterplan for landscaping between the housing and employment development areas. Alongside this, although the frontages of houses face on to the roads, the proposed streetscape does not appear to be of a strong character. The house frontages intertwined with occasional tree planting is a start however, it would be expected that there should be a combination of hard and soft

landscaping to provide an attractive route as one makes their way through the site. For example, where the services easement runs north/south through the site, incidental open space could have been included in the design, making maintenance easier if necessary, as well as improving visual amenity. The design as proposed shows driveways across the easement which could create issues in terms of maintenance.

1.26 The Primary Boulevard Streets are expected to be grand, wide, green spines with active frontages, boulevard tree planting and generous cycle footpaths. From the plans it would appear that a road of just under 7m wide is proposed and this is considered acceptable. The design also incorporates green verge on both sides of the road and a footpath and this is in line with the expectations of the masterplan. It is however noted that no cycleway has been shown. The Masterplan also requires that they should be designed to have the potential to accommodate on-carriageway bus stops. These issues are important for this element of the masterplan area as it is one of two ways into the employment area and sustainable travel. The views of Highways should be sought on this matter.

1.27 The Residential Design SPD encourages developers to consider adopting the Government's Nationally Described Space Standards in their proposals. Previously, it was noted that some of the proposed house types fall short of the recommended standards, and it was encouraged that consideration was given to meeting these standards more closely. It is acknowledged that the developer wishes to provide a variety of house types to meet the needs of different market sectors, however it is disappointing to see the presence of houses that don't meet the standards.

1.28 The SPD also recognises the importance of creating housing areas which are both locally distinctive and aesthetically pleasing. The design of a development should be considered in a way which reflects good architectural design and the surrounding densities considering the amount of open space and spaces between dwellings, alongside having regard to the densities within the relevant housing policy. Some of the houses incorporate positive design features such as porches, canopies and detailing of feature brickwork etc. which provide elements of uniqueness and interest to the dwellings.

Green infrastructure

1.29 Local Plan policy HSG6 requires that development at Wynyard Park South will be expected to incorporate green infrastructure and informal open space. The submitted layout plan shows the inclusion of an area of open space with play equipment included and this is a positive addition to the design of the proposed development (however it does sit within the employment allocation). Whilst there is also a SuDS pond in the west of the scheme (the primary purpose of this is to manage drainage/flooding) and a large swathe of green space along the southern boundary (which acts as a noise attenuation/screening buffer) there is otherwise little public green infrastructure throughout the site. It would be beneficial to reconsider the green infrastructure elements within the scheme, and consider the dispersal of public green space throughout the site. Notably, the areas furthest away from the green space to the west, north and south would benefit from a design point from the addition of incidental open space.

1.30 The proposed use of trees throughout the site is noted and it will help to provide an attractive street scene. The views of the Council's Arboricultural Officer should be sought to understand the suitability of the proposals.

1.31 An area of woodland sits to the west of the proposed development. The area is also protected by Policy NE3 (Green Wedges) of the Local Plan. The Wynyard Masterplan (page 26) notes that a 15m buffer to existing woodland is maintained. The Council's Ecologist has noted in this location there is not a requirement to maintain a 15m buffer and Policy NE3 does allow for alternative uses which are compatible with the function of a green wedge. As a SuDS pond would be acceptable within a Green Wedge this element is therefore considered acceptable given there are no ecology concerns to the principle of the loss of the woodland.

Highway impact

1.32 As noted above, the views of the Council's Highway section should be sought on the lack on cycleway provision along the main primary boulevard route running through the site. The lack on a cycleway means that the development is not in accordance with the Wynyard Masterplan and as such is a departure from Policy Hsg6 which requires development to accord with an approved masterplan.

1.33 The levels of car parking should be considered by the Highways to ensure they meet the expected standards.

1.34 Local Plan policy QP3 *Location, Accessibility, Highway Safety and Parking* seeks to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

1.35 Local Plan Policy Hsg6 notes that sites B and C at Wynyard Park (with this site being site C, Wynyard Park South) are linked to the provision of off-site road infrastructure improvements as identified in the Local Infrastructure Plan and as agreed with Highways England. The Policy notes that any development at sites B and C which exceeds the agreed cumulative trigger will not be committed to commence prior to the installation of the highway works. As such the development, along with others coming forward at Wynyard, both within Hartlepool and Stockton, are required to make pro-rata contributions towards the off-site improvement works at the A19/A689 junction as detailed below in the Planning Contributions section. This requirement is also set out within the approved Wynyard Masterplan.

1.36 The Council's Access Officer's views will be important in understanding the development's possible effect upon any established paths or rights of way through the site, and to explore the potential for creating effective links to the local area, in accordance with the requirements of policy HSG6.

Climate change including flood risk

1.37 Local Plan policies CC1 *Minimising and adapting to climate change* and QP7 *Energy Efficiency* requires that for major developments, 10% of the energy supply

should be from decentralised and renewable or low carbon sources. It does not appear that the application is proposing any form of renewable energy, such as solar panels. As it is feasible for new dwellings to incorporate solar panels if the application does not provide them it would not meet the requirements of Policy CC1. The proposed 10% fabric first approach is not acceptable in terms of meeting CC1. The application should also provide opportunities for electric vehicle charging points. Clarity on what the developers are doing to enable residents to connect in the future if they want is needed.

1.38 In the associated energy statement, it has been demonstrated how the CO2 emissions (measured by the Dwellings Emission Rate) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations and this is welcomed and helps to ensure the application is compliant with Policy QP7.

Planning Obligations

1.39 Within the wider Wynyard site, and identified throughout the Wynyard Masterplan, there is a variety of infrastructure which is required in order to make the development sustainable and provide facilities to the local residents. Appendix 1 (Infrastructure Delivery Plan) and Appendix 2 (Infrastructure Delivery Schedule) of the Wynyard Masterplan set out what infrastructure is required across the Wynyard area to make Wynyard into a sustainable community. This will be secured through developer contributions and delivery of the infrastructure through the developers/landowners. The following contributions are expected across the Wynyard Park site and will need to be secured through S106 legal agreements on applications. A recent agreement at Director level across the two authorities and with Wynyard Park discussed the next application securing a Pan wide Wynyard legal agreement. Work is currently being progressed in terms of agreeing appropriate contributions/requirements for infrastructure from the sites identified within the masterplan. It is noted that some requirements relate to land which may not be in the applicant's ownership or control, however these are required to be secured and the relevant landowner will need to be party to any relevant part of the legal agreement.

1.40 The associated legal agreement will need to include suitable clauses that are likely to be based upon timescales and require occupation restrictions/triggers relating to various stages in the procurement process (e.g. reservation of land, marketing, submission of planning application to agreed spec, commencement/completion of development and opening of the facility). The below is a summary of all of the infrastructure required across Wynyard Park. Where a financial contribution is noted below the development will be expected to pay that. In terms of the other elements there will be a need for the developer to be tied, through a legal agreement, to contribute towards, deliver or secure other elements. (As the work mentioned above progresses the exact requirements will be finalised).

- Primary School: There is a requirement to secure an accessible, fully serviced primary school site, alongside securing the community use of facilities. There is also a requirement for the developer to pay a financial contribution of **£559,003.20** which will be allocated towards the new school.

- Secondary Education: There is the requirement to secure an accessible, fully serviced site for a secondary school (if this is required in the future). There is also a requirement for the developer to pay a financial contribution of **£365,241.80** towards secondary education.
- Wynyard Park Local Centre: There is the requirement to secure and build a Local Centre to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
 - o Community Centre: Within the Local Centre, there is the requirement to secure the provision of community facilities to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
 - o Health Facilities: The masterplan requires the delivery of Health Facilities. There is a requirement to safeguard land. The CCG has noted that they wish to see land safeguarded for a potential future GP's service and have requested a contribution towards the facility of **£39,741** from this development.
- Wynyard Public House: There is the requirement to secure a Public House to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Sports Hub: There is the requirement to secure a Sports Hub (pitches, changing facilities, parking and ancillary items) to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Wynyard Park Green Corridor: There is the requirement to secure a Green Corridor to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
 - o Urban Park Play: There is a requirement to secure an Urban Park within the green corridor, within the timescales identified in the Infrastructure Delivery Schedule, the primary phase should contain elements of play. (Note: this element will now be secured through the Duchy application - there would be a requirement for the PAN Wynyard agreement to secure the central and southern elements)
- Play Provision: The site proposed an onsite play facility within the central open space. The design of this should be agreed with the Council prior to its installation. The park should be delivered by the completion of the 80th dwelling on site.
- Castle Eden Walkway: This application is required to contribute **£46,500** (£250 per dwelling) towards providing links to the Castle Eden Walkway.
- Woodland Footpath Connections: There is the requirement to deliver and maintain the on-site footpaths which will be set out within the Woodland Footpath Strategy. This will also include linkages through Wynyard Park.
- Highways: There is the requirement for a submission of series of planning applications which cover the internal road network e.g. the primary boulevard and the arterial route and details phasing plan, to the timescales identified in

the Infrastructure Delivery Schedule within the masterplan. The legal agreements will secure the internal road network.

- A19 Widening: It has been acknowledged that there is a requirement for all development at Wynyard to secure the widening of the A19 junction. This is a requirement of Policy Hsg6 and the Masterplan. Recent work between officers and Hartlepool and Stockton have identified that there are 1,345 identified on land at Wynyard Park which can contribute towards the £5 million cost for the works to the A19/A689 on a pro rata basis. This gives a per dwelling cost of £3,717 which on this proposal equates to **£691,362** (£3,717x186).
- Shuttle Bus: There is a requirement to secure a public bus service for the Wynyard residents, to an agreed specification.
- East to West Footway/Cycleway: This application is required to pay a cost per dwelling towards delivery of this footway/cycleway. It is noted that previous applications have contributed £992 per dwelling to meet the costs of the cycleway and this application is expected to pay the same. This will therefore work out at **£184,512**.
- Affordable Housing: Policy HSG9 of the Local Plan requires on-site affordable housing provision of 18%. In this instance, it is deemed that due to the values of the properties that it doesn't lend itself to affordable housing as RPs are generally unable to afford the units even at a 40% discount, and so a contribution towards the delivery of affordable housing off-site in the borough is deemed acceptable. This equates to a financial contribution of **£1,822,150.66**.
- Planning Policy would expect a Local Employment and Training Agreement to be attached to the application to give opportunities within the development for local workers as well as training and apprentice opportunities. The economic development team will give further information on this element.

Conclusion

1.41 Despite previously advising that a significant proportion of the development was on Employment Land within the Wynyard Masterplan and that the scheme should be redesigned to use the element of white land to the north which they have excluded from the scheme, nothing has been done to address this issue. As such approximately 54 houses are proposed on land that is employment land. The development is therefore a departure from the Hartlepool Local Plan as it does not accord with the approved masterplan as required in Policy Hsg6 of the Local Plan.

1.42 It is not possible to locate the lost employment land elsewhere on the site as the other areas are identified for other uses which are necessary to create a sustainable community. The only way would be to use an element of housing land elsewhere in the development but it is not seen as practicable or desirable to break up the employment land into separate parcels.

1.43 Other issues required by the Local Plan, but not proposed include the use of renewable energy as required by Policy CC1 in terms of addressing climate change. This is crucial in terms of enhancing the sustainability of Wynyard. This development is approximately a quarter of the housing allocated in the Local Plan and not secure renewable energy on the scheme would be a departure from the Local Plan Policy CC1. Given the government brought into law in June 2019 a requirement to bring greenhouse gas emissions to net zero by 2050 the authority has a duty in ensuring that new developments help to move towards this target.

1.44 Wynyard Park agreed with Directors of Hartlepool and Stockton earlier in the year to develop a PAN Wynyard agreement which would secure the community facilities and infrastructure required by both Hartlepool and Stockton Local Plans and by the Wynyard Masterplan. To date nothing has been developed by Wynyard Park to this effect. The delivery of these facilities and infrastructure is crucial to the development of a sustainable community. These elements are even more needed now to meet the principles of a garden village. The PAN agreement needs to be agreed with this development.

PLANNING CONSIDERATIONS

1.45 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle, impact on the character and appearance of the site and the surroundings, whether sufficient living conditions would be provided for future occupiers and the impact on highway safety.

PRINCIPLE OF DEVELOPMENT

1.46 Paragraph 11 of NPPF states that when applying the presumption in favour of sustainable development proposals that accord with an up-to-date development plan should be approved without delay.

1.47 Local Plan Policy LS1 identifies Wynyard as a location for new housing development. Policy HSG6 sets out specific housing allocations at Wynyard, including this site known as “Wynyard Park South (HSG6c) and includes land to the south west noted as a Local Wildlife Site (NE1c).” The principle of housing in terms of on the allocated housing site is acceptable in accordance with Local Plan.

1.48 The Wynyard Masterplan (WMP) has been formally adopted by the Council in 2019 following the adoption of the Local Plan in 2018. Local Plan policy HSG6 expects amongst other matters for development to accord with an approved masterplan. The Masterplan is different to the Local Plan and proposes housing on areas identified for employment in the Masterplan in the north east and south east corners of the site. The Masterplan also states, ‘it is important to recognise that this stage of the Wynyard Masterplan should not be seen as a rigid blueprint for development and design, but rather a document that sets out the context and development principles within which individual projects come forward.’ In addition following Wynyard being granted ‘Garden Village Status’ this will require the fundamental revision of the Masterplan. Therefore as it is subject to change the weight it can be afforded needs to be reduced.

1.49 The proposal does comply with the Local Plan and planning law requires that application for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would not accord with the Wynyard Masterplan, however this is not part of the development plan.

1.50 The proposal does not conflict with Policy EMP1, given that it is not allocated for employment purposes in the Local Plan. It cannot be reasonably argued that this land is required to ensure sufficient employment land is available. Ensuring a sufficient amount of employment land is achieved through the Local Plan and the Proposals Map, which are up-to-date and not the responsibility of subsequent Masterplans to re-allocate land. As the Local Plan does not allocate this site for employment, it cannot be reasonably argued that it is required for that purpose. Therefore there is no reduction in employment land according to the Local Plan. This proposals does not undermine the Local Plan, but supports it and is in accordance with it.

CHARACTER AND APPEARANCE

1.51 Local Plan policy HSG6 sets out appropriate densities for each of the housing allocations at Wynyard. At Wynyard Park South 11.1ha is identified as being acceptable for housing development with an approximate yield of 232 dwellings. The development proposes 186 dwellings over 6.8ha, which is an approximate density of 27 dwellings per hectare, which is a medium density. The Wynyard Masterplan accepting that it is a document not to be seen as a rigid blueprint for development states that this site is capable of housing approximately 150 dwellings.

1.52 The proposed density is higher than that anticipated in the Masterplan, however this in itself is not harmful. The issue is whether the density is appropriate and whether it would adversely affect the character and appearance of the surroundings.

1.53 Policy HSG6 sets out that Wynyard Park South will be developed for a full range of densities. Local Plan Policy HSG2 advises that new housing will be required to deliver a suitable range and mix of house types that are appropriate to their locations and local needs and aspirations. The proposed development of semi-detached and detached homes with a variety of different bedroom numbers is considered an appropriate mix for this location.

1.54 The Residential Design SPD (2019) contains guidance on issues such as density, local distinctiveness, accessibility, safety and energy efficiency. The provision of the green space in the eastern part of the development and the SUDS pond to the west help with the layout creating a focal point, which has a positive impact, alongside providing residents with informal places to gather and for children to play.

1.55 Within the Wynyard Masterplan, this site falls within zone WP-C, with particular criteria that any development is expected to meet such as;
-Strong street-scape character to be provided to the Primary Boulevard Street and Primary Arterial Roads.

- Mix of medium and lower density housing;
- Appropriate screening of the development to the A689 frontage
- Layout and screening in relation to the employment land to the east.

1.56 The layout proposes a Primary Boulevard Street passing through the site and linking from the roundabout at the site access and linking to the allocated employment land to the east. A public area of open space is also proposed to the eastern end of the site and would have houses around it providing for natural surveillance. The new homes will be two and two and a half storey's in terms of height. The proposal would provide a medium density, which is considered appropriate. This will be viewed within the wider context of Wynyard where there are also large self-build plots, which provide a much lower density and ensure a mix across the Wynyard Park site as a whole. Feature buildings provide a focal point and visual stops at key junctions within the site. All dwellings face onto the street with articulation of corners achieved by the use of distinctive materials, bays and additional windows to habitable rooms which ensure that blank gables to the street are avoided.

1.57 The proposal would not provide screening in relation to the employment land. Although the Masterplan itself acknowledges that it is not to be seen as a rigid blueprint, the indicative drawings in the Design and Access Statement show that screening could be achieved if and when the employment site to the east comes forward. Whilst this would reduce the amount of available employment land, this is an inevitable consequence of seeking the buffer. It has to be provided somewhere and would impinge either on the housing allocation and reduce the land available for housing or reduce the employment allocation.

1.58 Appropriate screening of the development to the A689 frontage would be achieved by being set to the north of existing acoustic bund.

1.59 The Residential Design SPD also places a large emphasis on ensuring that any scheme has local distinctiveness and architectural interest. This scheme achieves both.

1.60 In terms of style the proposed dwelling would be traditional. The predominate materials used in the existing houses around Wynyard Park are red brick with render with grey roof tiles with elements of red roofs and buff brick. The proposed materials will be a light red brick, red multi-brick and buff multi brick with selected plots being partially rendered (white) or tile hanging to provide further variety within the street scene. The roofs would be interlocking red and grey tiles. The proposed materials and style of properties are considered to be acceptable both in relation to the site and the surrounding area.

RESIDENTIAL AMENITY

1.61 When assessing the scheme against the main characteristics highlighted within the Residential Design SPD, it must be ensured that each house benefits from sufficient daylight. Sunlight and privacy alongside appropriate parking and in-curtilage amenity space.

1.62 Policy QP4 of the Local Plan sets out separation distances between windows. These require a separation of at least 20m between habitable room windows and a separation distance of at least 10m between habitable room and non-habitable room windows and/or gable end. There are a small number of properties within this development with windows that do not meet this separation distance.

1.63 The dwellings are set to the north of an acoustic bund which separates the development site from A689.

1.64 There a small number of properties within the development with windows that would not meet the separation requirement. In terms of plot 7 there would be a separation distance of 14.5m to the rear of plot 9 and 18.77m to the rear of plot 10.

1.65 However, plot 7 is set at an angle to both of these properties and it is considered to be acceptable.

1.66 The separation distance between plot 18 and 17 would be 13.28m at first floor level. However plot 18 would be set at an angle and therefore would not result in direct overlooking and is considered to be acceptable.

1.67 Plot 50 would be set approximately 18.25m away from the rear of plot 52. It would also be set at an angle and therefore would not have an adverse impact upon the amenities of future occupiers.

1.68 Plot 67 would be set approximately 17.5m away from the rear of plot 80 and also at an angle.

1.69 Finally, plot 183 would be set approximately 18.4m away from plot 180 and also at an angle.

1.70 Ultimately these are all private dwellings and therefore future owners and occupiers have a choice as to whether the accommodation would met their needs. Notwithstanding this, given the orientation of the plots, it is considered that the properties would ensure a satisfactory living conditions for future occupiers.

1.71 HBC Public Protection have been consulted and state that the noise environment at the application site is characterised by road traffic on the A689 Hartlepool Road to the south west with no other significant noise sources noted.

1.72 The application site is currently screened from the road by an existing 5m high earth bund. There is a gap in the earth bund due to an existing service easement and therefore plots 14-17 will be exposed to noise from A689. In order to protect the ground floor windows of plots 14-17 it is considered necessary to require a 2.1m high close boarded wooden fence to the rear of those plots facing A689. It is not possible to provide localised screening to the first floor windows and therefore acoustic glazing or improved ventilation may be required to ensure an acceptable residential living environment. This can also be conditioned.

1.73 Subject to conditions, it is considered that the proposal would provide a satisfactory living environment for future occupiers.

HIGHWAY SAFETY AND PARKING

1.74 Policy LS1 allocates approximately 732 new dwellings at Wynyard. Policy HSG6 states that any development at site B (Wynyard Park North) and site C (Wynyard Park South) which exceeds the agreed cumulative trigger of 2,263 dwellings across Wynyard Park, Wynyard Village and the South West Extension will not be permitted to commence prior to the installation of the highway works.

1.75 The Council's Traffic and Transport team have commented that modelling carried out as part of the Local Plan has demonstrated the need for mitigation measures on the A19/A689 to allow the allocated housing sites to come forward and to prevent a severe impact on the highway network. Transport Modelling/ Major Road Network – Transport modelling carried out for the Local Plan showed that the proposed level of development could only be accommodated if mitigation was provided on the A19 / A689 interchange, which involved the construction of a 3 lane overbridge and associated pedestrian/ cycle bridge. This ensured that the previously agreed 10 minute maximum queueing time between the A19 and the Meadows roundabout was not exceeded. The developer would need to provide the necessary pro-rata contribution (as all other subsequent phases will be required to do so) as part of the Pan Wynyard agreement in order to part fund the provision of the required mitigation, which is an essential requirement of this application.

1.76 This mitigation would involve the construction of a 3 lane overbridge and associated pedestrian/cycle bridge. Due to the imminent commencement of the planned A19 Norton to Wynyard widening scheme, the A19 overbridge mitigation is unable to commence until the estimated completion of this scheme in 2022. Based on the current build out rates, it is anticipated that the level of queueing on the A689 at Wynyard will minimally exceed the severe level (in excess of 10 minutes) for a short duration. The Council's Traffic and Transport Team conclude that it would be acceptable for the development to proceed prior to the proposed mitigation coming forward in 2022/23. The applicant has agreed to provide the pro-rata contribution for the necessary highways works.

1.77 Stockton Borough Council do not object subject to the required highways mitigation being secured.

1.78 Highways England have been consulted and do not object.

1.79 The Countryside Access Officer does not object.

1.80 Elwick Parish Council object. They state that some of the driveways are not big enough, which will result in additional on-street parking. This concern was shared by the Council's Traffic and Transport Team, but amended plans have been submitted demonstrating that the driveways are now shown at the correct length and that they have no further objections to the proposed layout.

ECOLOGY

1.81 The site is within 15km of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site and therefore additional testing is required to assess where development is likely to have a significant effect on this site. The Council's Biodiversity Officer states that the proposed development requires an Appropriate Assessment under the Habitat Regulations due to increased recreational disturbance to the Teesmouth and Cleveland Coast SPA and Ramsar Site. This Appropriate Assessment concludes by stating that this housing development would not have an adverse impact on the integrity of internationally designated sites.

1.82 There are three locally designated sites within 2km of the site, these being Close Wood Complex, High Newton and Burn Marsh.

1.83 The applicant has carried out an Extended Phase 1 Habitat Survey. The site comprises a parcel of recently disturbed ground, which is part of a wider strategic redevelopment area and much affected by ground works. It also supports growing arable crops (barley) in those areas as yet unaffected by construction machinery.

1.84 Five off-site ponds have been investigated for Great Crested Newts, which are a protected species. All five waterbodies returned negative results and therefore it is concluded that the risk of Great Crested Newt being present on site is negligible and no further survey or specific mitigation is considered necessary.

1.85 The site is devoid of features that would attract bats to commute or forage in significant numbers and development is unlikely to have any notable effects on bats.

1.86 The site is of low value for birds, however it is strategically positioned within a vast landscape of predominantly arable and woodland habitat and there are records for common but declining farmland birds, which include Section 74 Species of Principal Importance.

1.87 The Council's Ecologist states that the proposal will result in a net loss of biodiversity. Paragraph 175 of NPPF states that local planning authorities should avoid significant harm to biodiversity and encourage net gain. If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated for or as a last resort compensated for, then planning permission should be refused.

1.88 The Council's Ecologist states that significant harm as a result of the proposal has been identified in respect of farmland birds and Close Wood Complex Local Wildlife Site (LWS). However, this harm can be mitigated and compensated for. Further details are set out in the Planning Obligations section of the report. Subject to securing the mitigation and compensation, it is considered that the proposal would accord with the advice in NPPF and policy NE1 of the Local Plan.

1.89 Natural England do not object.

TREES AND LANDSCAPING

1.90 Local Plan policy HSG6 requires that development at Wynyard Park South will be expected to incorporate green infrastructure and informal open space. The submitted layout plan shows the inclusion of an area of open space with play equipment included and this is a positive addition to the design of the proposed development. There is also a SuDS pond towards the western end of the site, which although its main purpose is for drainage, it would still contribute towards the general amenity of the new housing estate.

1.91 The proposed landscape masterplan shows that the main estate road would be a tree lined boulevard. Additional trees are proposed in the front garden of the majority of plots and also within the incidental areas of general amenity open space that will make a positive contribution to the character and appearance of the site and its surroundings.

1.92 The Council's Arboricultural Officer has been consulted and states that the proposed landscaping layout appears appropriate and that they cannot see any trees that may become a problem at a later date. The Council's Landscape Officer states that full details of enclosure, surfacing and planting have been provided which are acceptable. He goes on to state that no lighting layout has been submitted, but this can be conditioned. He considers the semi-mature street trees along the main spine road running through the site to be critical to the scheme's success.

FLOOD RISK AND DRAINAGE

1.93 A Flood Risk Assessment (FRA) has been submitted to accompany this application. This assessment has been considered by Northumbrian Water and the Council's Flood Risk Officer. The site is located in Flood Zone 1, which is the lowest risk. Surface water will be controlled so that it is no greater than greenfield runoff rate and this can be controlled by conditions.

1.94 The proposal would provide a Sustainable Urban Drainage (SuDs) Basin towards the western edge of the site. Storage would be provided for the 100 year flood event plus 40% for climate change and 10% urban creep.

1.95 The Council's Flood Risk Officer states that the pipe drainage network would be adopted by Northumbrian Water and the SuDs by a management Company. Both of which are acceptable. He raised no objection subject to the standard detailed drainage condition. Northumbrian Water do not object and request that the Flood Risk and Surface Water Management Strategy are added to the list of approved documents as part of a planning condition.

GROUND CONDITIONS

1.96 The applicant has submitted a Geo-Environmental Statement. The Council's Engineering Consultancy has no objections in respect of contaminated land and requests the standard condition for unexpected contamination.

ARCHAEOLOGY

1.97 The Tees Archaeologist has been consulted and states that the area has already been subject to evaluation which indicated that it was of low archaeological significance. No further archaeological work is required.

DEVELOPER OBLIGATIONS

1.98 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

1.99 The Local Plan identifies a number of elements of infrastructure to be delivered at Wynyard in order to develop a sustainable community including green space, community facilities such as a school, playing pitches, local centre and play areas. The Masterplan and associated Infrastructure Delivery Plan and Schedule give further information on the required infrastructure and delivery timescales which will be tied to development as schemes on site come forward. Following the designation of Wynyard as a Garden Village the Masterplan is now being reviewed to ensure that the elements of a Garden Village can be delivered. However, in order to be in accordance with policy QP1 of the Local Plan, the proposal is expected to contribute towards the required facilities in the area.

1.100 Policy HSG9 seeks 18% affordable housing on sites where 15 or more new dwellings are proposed. The requirement for this site would be to ensure that 36 of the dwellings are affordable housing. However, given the house prices within this area of the Borough it is often the case that Registered Providers cannot afford on-site units even at the discounted price and so in this instance, an off-site contribution is deemed acceptable.

1.101 The Council's Planning Obligations Supplementary Planning Document (SPD) (2015) states that it is a material consideration in the determining of planning applications and if development proposals do not comply, the SPD may be used as a basis for the refusal of planning permission.

1.102 The Council is seeking the following contributions;

- **Primary School:** There is a requirement to secure an accessible, fully serviced primary school site, alongside securing the community use of facilities. There is also a requirement for the developer to pay a financial contribution of **£559,003.20** which will be allocated towards the new school;
- **Secondary Education:** There is the requirement to secure an accessible, fully serviced site for a secondary school (if this is required in the future). There is also a requirement for the developer to pay a financial contribution of **£365,241.80** towards secondary education;
- **Health Facilities:** The masterplan requires the delivery of Health Facilities. There is a requirement to safeguard land. The CCG has noted that they wish to see land safeguarded for a potential future GP's service and have

requested a contribution towards the facility of **£39,741** from this development;

- **Castle Eden Walkway:** This application is required to contribute **£46,500** (£250 per dwelling) towards providing links to the Castle Eden Walkway;
- **A19 Widening:** It has been acknowledged that there is a requirement for all development at Wynyard to secure the widening of the A19 junction. This is a requirement of Policy Hsg6 and the Masterplan. Recent work between officers and Hartlepool and Stockton have identified that there are 1,345 identified on land at Wynyard Park which can contribute towards the £5 million cost for the works to the A19/A689 on a pro rata basis. This gives a 'per' dwelling cost of £3,717 which on this proposal equates to **£691,362** (£3,717 x 186);
- **Shuttle Bus:** There is a requirement to secure a public bus service for the Wynyard residents, to an agreed specification;
- **East to West Footway/Cycleway:** This application is required to pay a cost per dwelling towards delivery of this footway/cycleway. It is noted that previous applications have contributed £992 per dwelling to meet the costs of the cycleway and this application is expected to pay the same. This will therefore work out at **£184,512**; and
- **Affordable Housing:** Policy HSG9 of the Local Plan requires on-site affordable housing provision of 18%. In this instance, it is deemed that due to the values of the properties that it doesn't lend itself to affordable housing as RPs are generally unable to afford the units even at a 40% discount, and so a contribution towards the delivery of affordable housing off-site in the borough is deemed acceptable. This equates to a financial contribution of **£1,822,150.66**
- Training and Employment – a training and employment charter will be agreed with the applicant to ensure that some employment opportunities are provided to local residents.

1.103 The applicant states that if they were to provide all of the contributions sought by the Council this would make the scheme unviable. To support this position, they have submitted a viability assessment. This has been subject to an independent assessment. This assessment concludes that the scheme would not be viable if all of the contributions sought were provided. The Council is also required to secure a sustainable development and with this in mind seeking the following contributions;

- **Primary School:** Contribution of **£559,003.20** which will be allocated towards the new school;
- **Secondary Education:** Contribution of **£365,241.80** towards secondary education;
- **Health Facilities:** Contribution of **£39,741** towards a future GP service;
- **East to West Footway/Cycleway:** Contribution of **£184,512** towards delivery of this footway/cycleway; and
- **A19 Widening:** Contribution of **£691,362** towards the junction improvement works.
- **Biodiversity:** Contribution of **£18,600** towards off-site mitigation for farmland birds and farmland bird strategy to be included within the S106 Agreement.
- **Training and Employment – Charter** to be agreed and appended to the S106 Agreement.

1.04 These contributions are considered to meet the CIL tests and are necessary to ensure that the site is socially and environmentally sustainable.

OTHER MATTERS

1.105 Elwick Parish Council object. Their concerns are noted. They consider the proposed development is overly dense, that driveways are not big enough. They also ask who would adopt the SuDS. They raise concern regarding a lack of capacity within existing schools, as well as access to the Countryside and improvements to the Castle Eden Walkway.

1.106 The scheme of not considered to be overly dense. It would be a medium density and would be seen in the context of the rest of Wynyard, which includes a variety of housing layouts from estates similar to this, to large self-build houses set within large plots. The driveways have been amended and now meet the Council's recommended length. The SuDS would be managed by a management company and this is acceptable to the Council's Flood Risk Officer. The Council has secured both primary and secondary education contributions to ensure that sufficient spaces are available for the children living in these houses. Although a contribution has not been secured to the Castle Eden walkway a contribution would be provided to the East/West Footway/Cycleway. The Council's Countryside Access Officer does not object.

RENEWABLE ENERGY

1.107 It is positive to see that the developer has already taken steps to meet the criteria of policy QP7 which seeks to ensure high levels of energy efficiency, as the developer has worked to provide 10% betterment of building fabric over the requirements of the most up to date Building Regulations.

1.108 Policy CC1 requires that major development must secure, where feasible and viable a minimum of 10% of their energy from decentralised and renewable or low carbon sources. Roof mounted photo-voltaic systems are proposed on 10% of the total number of dwellings on the site. Each dwelling will be provided with a blanking plate, to enable them to install an electric vehicle charging point and this can be controlled by a condition.

1.109 In terms of going 10% above Building Regulations the documents show that overall (when averaged), the development is making an improvement of 10.5% improvement on the emission rate (TER to DER). There are 4 housetypes which do not meet 10% improvement, those being the New Ashbourne and Oakham (which only just miss the 10% by less than 1%) and the Dunham and Lymington which both make over 6% improvement on Building Regulations. Planning Policy have confirmed that this has overcome their previous concerns on this matter.

PLANNING BALANCE AND OVERALL CONCLUSION

1.110 Planning law requires that application be determined in accordance with the development plan unless material considerations indicate otherwise. This application seeks to develop and allocated housing site in the Local Plan for housing.

It would not be in accordance with the Wynyard Masterplan, however the Local Plan is considered to take precedence, especially following the decision to grant Wynyard Garden Village status that will require a new Masterplan to be produced. The proposal is considered to be acceptable in principle.

1.111 The proposal would result in an acceptable layout and the proposal would not adversely affect the character and appearance of the surrounding area.

1.112 Although the proposal would not meet the requirements of policy QP4 and the minimum separation distances, it is considered that given the orientation of the dwellings that it would not adversely affect the living conditions of future occupiers.

1.113 Sufficient car parking and access have been provided.

1.114 Although the proposal would not secure biodiversity net gain this is not a requirement. Subject to a S106 Agreement the proposal would avoid significant adverse harm to biodiversity and on balance is considered to be acceptable.

1.115 Finally, the proposal would provide the necessary planning obligations to make the development acceptable in planning terms. It would therefore result in a sustainable development. Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This proposal would do that. It is therefore recommended that planning permission should be granted subject to a S106 legal agreement and conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.116 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.118 The final scheme will be designed with the reduction of crime and anti-social behaviour in mind.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the completion of a Section 106 Agreement securing primary education contribution (£559,003.20), secondary education contribution (£365,241.80), health facilities contribution (£39,741) footway/cycleway contribution (£184,512) highway contribution (£691,362), a biodiversity contribution (£18,600), a farmland bird's strategy and a Training and Employment Charter.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with the following plans and reports:
 - a. Drawing no. SKY001-PL-01, Rev A (Location Plan)
 - b. Drawing no. SKY001-PL0-01, Rev N (Planning Layout)
 - c. Drawing no. SKY001-SC-03 (Site Cross Sections)
 - d. Drawing no. 5013-C-D10-01, Rev B (Engineering Feasibility Sheet 1)
 - e. Drawing no. 5013-C-D10-02, Rev B (Engineering Feasibility Sheet 2)
 - f. Drawing no. 5013-C-D10-03, Rev B (Engineering Feasibility Sheet 3)
 - g. Drawing no. SKY001-BP-01, Rev D (Boundary Plan)
 - h. Drawing no. SKY001-EX-01, Rev A (External Finishes Sheet 1)
 - i. Drawing no. SKY001-EX-02, Rev A (External Finishes Sheet 2)
 - j. Drawing no. SKY001-EX-03, Rev A (External Finishes Sheet 3)
 - k. Drawing no. SKY001-EX-04, Rev A (External Finishes Sheet 4)
 - l. Drawing no. SKY001-EX-05, Rev A (External Finishes Sheet 5)
 - m. Drawing no. SKY001-EX-06, Rev A (External Finishes Sheet 6)
 - n. Drawing no. SKY001-EX-07, Rev A (External Finishes Sheet 7)
 - o. Drawing no. SKY001-EX-08, Rev A (External Finishes Sheet 8)
 - p. Drawing no. SKY001-EX09, Rev A (External Finishes Sheet 9)
 - q. Drawing no. SKY001-EX10, Rev A (External Finishes Sheet 10)
 - r. Drawing no. 101. Rev B (Landscape Masterplan)
 - s. Drawing no. 102 (LAP Layout)
 - t. Drawing no. 201 Planting Plan (1 of 7)
 - u. Drawing no. 202 Planting Plan (2 of 7)
 - v. Drawing no. 203 Planting Plan (3 of 7)
 - w. Drawing no. 204 Planting Plan (4 of 7)
 - x. Drawing no. 205 Planting Plan (5 of 7)
 - y. Drawing no. 206 Planting Plan (6 of 7)
 - z. Drawing no. 207 Planting Plan (7 of 7)
 - aa. Housetype Drawing Pack Issue V4 dated 13.05.20
 - bb. Energy Statement Wynyard Park Hartlepool, received by the Local Planning Authority 11.06.20
 - cc. Document ref: NIA/8572/19/8514/v3/ Hartlepool Road, Noise Impact Assessment dated 01.04.20.
 - dd. Document ref: ER-4130-01A (Preliminary Ecological Appraisal Report) dated 17.02.20.
 - ee. Document ref: ER-4130-02 (Ecological Impact Assessment – Wynyard Park) dated 14.02.20.
 - ff. Flood Risk Assessment and Surface Water Management Strategy for a Proposed Residential Development at Wynyard Park dated 29.09.19.

3. Prior to commencement of development, full details of the tree protection measures recommended in the Arboricultural Survey, reference number MC, received by the Local Planning Authority 01/11/19 shall be submitted to and approved in writing by the Local Planning Authority, thereafter the approved details shall be put in place prior to commencement of development. Nothing

shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interest of tree protection.

4. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, garden levels, car parking levels, and the areas adjoining the site boundary any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
To take into account the position and levels of the buildings and car parking areas and the impact on adjacent residential properties.

5. Notwithstanding the submitted information and the measures outlined within the submitted Flood Risk Assessment, 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. 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 from any sources in accordance with the NPPF and ensure future maintenance of the surface water drainage system.

6. Notwithstanding the submitted information, development shall not commence until a detailed scheme for the disposal of foul water from the development 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.
In the interests of badger protection and in accordance with the submitted Preliminary Ecological Appraisal.

7. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. In the interests of the amenities of the area.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and implemented in accordance with the approved details and programme of works.
In the interests of visual amenity and biodiversity enhancement.
9. All planting, seeding or turfing comprised in the approved details of landscaping 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.
- 10 No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
- 11 Prior to occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.
- 12 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 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 objective. 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.

In the interests of a satisfactory form of development.

- 13 No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the employment of neighbouring occupiers of their properties.
- 14 Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds.
- 15 Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter the street lighting shall be provided in accordance with the approved details.
In the interests of amenity and biodiversity.
- 16 Plots 14-17 (inclusive) shall not be constructed above damp proof course until details of a 2.1m high close boarded wooden fence have been submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall be installed prior to first occupation of these plots and maintained/retained thereafter.
To protect plots 14-17 from road noise to ensure a satisfactory living environment.
- 17 Plots 14-17 (inclusive) shall not be constructed above damp proof course until details of enhanced double glazing rated at least 32 dB for upper floor bedrooms has been submitted to and approved in writing by the Local Planning Authority. In order to maintain the sound insulation properties of the facade, any trickle vents shall be rated at least 38 dB such as the Greenwood 5000EAW.AC1 or equivalent. Thereafter noise attenuation shall be provided and maintained in accordance with the manufacturer's details.
To protect plots 14-17 from road noise to ensure a satisfactory living environment.

- 18 No development shall take place until details a Construction Environment Management Plan (CEMP) based on the model wording within BS42020 and incorporating the measures identified within the EclA and Bat Survey Report, has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall only be carried out in accordance with the approved CEMP.
In the interests of biodiversity.
- 19 No development shall take place including any vegetation or tree removal until details of a Biodiversity Management Plan (BMP) based on the model working within BS42020, to incorporate measures identified within the EclA. Thereafter the development shall only be carried out in accordance with the approved BMP.
In the interests of biodiversity.
- 20 Prior to first occupation of any of the dwellings hereby permitted a Visitor Management Strategy, in respect of Close Wood Complex Local Wildlife Site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Visitor Management Strategy will be implemented in accordance with the approved details and maintained.
In the interests of biodiversity.
- 21 The Local Area of Play (LAP) shown on drawing number 102 (LAP Layout) received by the Local Planning Authority on 24.07.20 shall be constructed in accordance with this plan and fully open and available for use prior to first occupation of the 80th dwelling hereby permitted.
To ensure the play area is available for use by children who are living on the development.
- 22 Prior to any development above ground level details of a blanking plate for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the blanking plate shall be provided in each property prior to that property being first occupied.
In the interests of the environment.

BACKGROUND PAPERS

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

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HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 20.10.2020
	SCALE 1:5,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0473	REV

No: 2.
Number: H/2020/0048
Applicant: STORY HOMES LTD ASAMA COURT NEWCASTLE
 BUSINESS PARK NEWCASTLE UPON TYNE NE4 7YD
Agent: STORY HOMES LTD AMANDA STEPHENSON
 PANTHER HOUSE ASAMA COURT NEWCASTLE
 BUSINESS PARK NEWCASTLE UPON TYNE
Date valid: 27/03/2020
Development: Approval of reserved matters relating to access,
 appearance, landscaping, layout and scale for the
 erection of 162 no. residential dwellings and associated
 engineering works pursuant to outline planning permission
 H/2014/0428.
Location: LAND SOUTH OF ELWICK ROAD HIGH TUNSTALL
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

2.3 **H/2014/0428** – Outline planning permission with all matters reserved was granted on 14th March 2019 for *residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting on land to the south of Elwick Road, High Tunstall, Hartlepool.*

2.4 This outline planning permission is subject to a number of conditions, which shall be discussed in further detail below, as well as a legal agreement securing developer obligations/contributions towards the Elwick bypass and Grade Separated Junction (£14,400,000); a financial contribution towards improvements to the local road network (£1,075,000); a financial contribution towards ecological mitigation (£300,000); an obligation requiring the provision and implementation of a Conservation and Habitat Management Plan (including the delivery of 15ha of SANGS, the annual provision of a spring cereal/ autumn-winter stubble plot for twenty years and household information packs); the provision, maintenance and long term management of play facilities, community facilities, landscaping, open space (including SANGS) and permissive paths; the provision, maintenance and long term management of SuDS; an obligation relating to the provision of a suitable landscape buffer along the western boundary; an obligation to safeguard land for a 2-form

primary school and playing pitches which will be for community use; an obligation to make provision of footpaths/cycle links/access to Summerhill Country Park; an obligation to safeguard land for the future provision for a link road between this site and the South West Extension; an obligation relating to securing a training and employment charter/local labour agreement; an obligation to deliver and implement a travel plan (the s106 legal agreement will be flexible enough to “capture” any potential uplift in property sales values over the lifetime of the development which could result in more planning obligations being provided for items such as affordable housing, built sports and education provision, the agreement will also allow the specific contributions identified above to be recycled and used to meet the other obligations identified in this report should they not be required to meet the original purpose (in whole or part)).

2.5 H/2020/0108 – A Section 96A (‘non-material amendment’) application to outline planning permission H/2014/0428 for changes to the wording of conditions 10 (Elwick Road roundabout junction and secondary accesses), 11 (Elwick Road speed limits), 12 (Elwick Road street lighting) and 13 (connections to public highway) to reflect proposed phasing of development was granted approval on 17th April 2020.

2.6 The wider site for up to 1200 dwellings is subdivided into 8 phases by virtue of the agreed phasing plan required by condition 4 of the outline planning permission (H/2014/0428). The first phase of the development (for 208 dwellings) is thereafter further subdivided into phase 1a and phase 1b.

2.7 The current application under consideration is for approval of reserved matters details in respect of the phase 1a. This first phase of the development therefore remains bound by any conditions and obligations applied to the outline planning permission, in so far as they relate to this phase.

2.8 Other Planning Applications within the Local Plan ‘High Tunstall Strategic Housing Site’ Area (Policy Hsg5)

WITHDRAWN APPLICATION

2.9 H/2015/0551 – A hybrid planning application was made valid on 22nd January 2016 for *the erection of up to 153 dwellings (in detail) and up to 55 self-build dwellings (in outline, all matters reserved), a sales area (in detail to include cabin and car parking) and associated access, landscaping and engineering works* on land South of Elwick Road, High Tunstall. This application was located in the same area as the current reserved matters application under consideration. The application was reported to Planning Committee on 9th May 2018 when Members were ‘minded to approve the application subject to the completion of a s106 legal agreement. However the application was subsequently withdrawn on 23rd November 2018.

OTHER RELEVANT PLANNING APPLICATIONS WITHIN THE VICINITY OF THE APPLICATION SITE

Quarry Farm Phase 1

2.10 H/2014/0215 – Outline planning permission was allowed on appeal (Appeal Ref APP/H0724/A/14/2225471) on 18th February 2015 for *the erection of 81 dwellings with all matters reserved except for the access* on land at Quarry Farm (phase 1), Elwick Road.

2.11 H/2015/0351 – Planning permission was granted on 3rd November 2015 for details of reserved matters (in respect of pedestrian access and internal highway layout, appearance, landscaping, layout and scale) pursuant to outline planning permission H/2014/0215.

2.12 The site lies to the immediate north of the current application site beyond Elwick Road. This neighbouring development is now complete and occupied.

Quarry Farm Phase 2

2.13 H/2015/0528 – Outline planning permission was granted on 12th October 2018 for *up to 220 residential dwellings with associated access, all other matters reserved* on land at Quarry Farm (phase 2), Elwick Road.

2.14 H/2019/0352 – Planning permission was granted on 23rd January 2020 for details of reserved matters (in respect of appearance, landscaping, layout (including internal roads) and scale) pursuant to outline planning permission H/2015/0528.

2.15 H/2020/0104 - A Section 73 application to vary approval H/2019/0352 to allow for *house type substitutions to 92no. plots and associated amendments to plot hard and soft landscaping, and minor alterations to site landscaping and bin stand locations* was granted on 18th September 2020.

2.16 This site is currently under construction and lies to the north of the Quarry Farm Phase 1 site. The site is accessed from Reedston Road.

PROPOSAL

2.17 Approval is sought for reserved matters of planning permission H/2014/0428, for the erection of 162 no. residential dwellings and associated engineering works, relating to access, appearance, landscaping, layout and scale.

2.18 The proposed access to the site is taken from the adopted highway on Elwick Road. Whilst this will initially form the sole access into the development's first phase, the approved High Tunstall Masterplan (adopted by the Council in December 2018) and approved phasing plan for the outline planning permission (which future adjacent phases of the development must accord with) indicate that a second access will be formed with the adjacent phase to the west, that will continue into the wider development. This is articulated on the submitted plans for phase 1a, with this road currently stopping at the western site boundary of phase 1a. However, for clarity, the

approved phasing plan stipulates that Phase 2 and 3 will not be able to utilise the 'link road' through Phase 1 until the main distributor road and access is in place (to be taken from the north west corner of the overall site).

2.19 With respect to the layout of the development, the scheme comprises a number of cul-de-sacs branching out from the main internal access road leading from Elwick Road at the north of the site, through to the southern end of the site, where it meets the proposed SUDS pond. The built area of the phase is concentrated to the north-west of the site, with a landscaping strip to the east and SUDS pond to the south providing a natural buffer to adjacent existing and proposed developments, respectively.

2.20 With respect to the landscaping proposals, as above, there is a substantial amount of green open space provided on site, primarily comprised of a large contiguous strip of Suitable Accessible Natural Green Space (SANGS) along the eastern boundary of the site (delineating the extent of an existing gas pipeline easement), a SUDS pond to the south of the site, and two smaller pockets of open space within the centre of the site, running along an existing public right of way, and to the north of the site, providing a landscaped buffer and frontage onto the adopted highway on Elwick Road.

2.21 With respect to the scale of the development, the application provides details for 162 dwellings, within the parameters set out by the outline planning permission, policy HSG5 (High Tunstall Strategic Housing Site) of the Hartlepool Local Plan 2018 and the adopted High Tunstall Masterplan document. Whilst it is noted that the current application proposes a lower number of dwellings than those set out in the approved Masterplan document for phase 1 (208), the details submitted to discharge condition 4 (Phasing Plan) of the outline planning permission indicate that phase 1 will now be subdivided into phase 1a and phase 1b, with phase 1a (current application) featuring c.160 dwellings, and each sub-phase subject to separate reserved matters approval. All of the proposed dwellings are 2 storeys however there are a mix of house types / sizes providing 3, 4 and 5 bedroom dwellings across the site.

2.22 With respect to the appearance of the development, the proposed dwellings are largely traditional in form and appearance, featuring a mixture of red and buff brick, buff stone and white render facades with contrasting feature brickwork. The house types feature predominantly dual pitched roof forms with side facing gables, albeit front facing gable features are a characteristic of the development. Other design elements such as stone quoins, projecting bays, canopies, timber framing and decorative stones/brickwork are also used throughout the site.

2.23 The application has been referred to the Planning Committee due to the number of objections received, in line with the Council's scheme of delegation for planning applications.

SITE CONTEXT

2.24 The application site relates to an approx. 11 hectare parcel of land to the south of Elwick Road.

2.25 The site is primarily agricultural land serving the existing High Tunstall farm (east of the site boundary) with some ancillary outbuildings. Beyond the farm buildings to the east are existing residential properties and a primary school. A site is currently under construction for the erection of 39 dwellings on land off Coniscliffe Road to the south east.

2.26 Beyond the northern boundary (and the proposed access) is Elwick Road with the 81 dwellings on land at Quarry Farm (north) and a number of existing properties (Quarry Farm/Quarry Cottages, north west). Existing residential properties are also present to the north east beyond Elwick Road. Beyond the south and western boundary of the application site is further agricultural land which is defined by field boundaries and hedgerows. As detailed above, the site forms part of the approved High Tunstall development (H/2014/0428) which is a strategic allocated housing site in the Local Plan (HSG5).

2.27 The topography of the sites slopes from the highest point in the north west corner down towards the southern boundary with the land undulating east to west. A major hazardous gas pipeline runs along the northern and eastern boundaries of the site (as discussed within the main body of the report). A public right of way also runs from north to south beyond the eastern boundary of the application site/Tunstall Farm down to Duchy Road (Footpath No. 25, Hartlepool) and a public right of way cuts through the middle of the application site, running from east to west (Footpath No 7, Hartlepool).

PUBLICITY

2.28 The application has been advertised by way of neighbour letters (275), site notices and press advert. To date, there have been 8 objections received.

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

- Impact on highway and pedestrian safety locally due to poor access and increased traffic (in particular, lack of capacity for Elwick Road to handle additional traffic and absence of Elwick bypass)
- Impact on strategic road network (including A19/A179 junction)
- Impact on ecology (including existing trees and bats)
- Outdated house types / design is out of keeping with area
- Overdevelopment
- Impact on landscape
- Landscape maintenance
- Loss of green areas / gaps between settlements
- Loss of daylight to neighbours
- Construction disruption (noise, traffic, dust and dirt etc.)
- Impact of affordable homes on 'exclusivity' of surrounding area
- Lack of evidence of housing need
- Lack of housing need/demand
- Pressure on primary and secondary schools (incl. West Park Primary School)
- Impact on surface water drainage / increased flood risk
- Impact on existing foul drainage infrastructure

- Loss of agricultural land
- Loss of access to footpaths from existing farm to Elwick and Dalton Piercy.
- Previously advised by estate agent no further homes would be built
- Loss of Green Belt

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136579>

2.31 The period for publicity has expired.

CONSULTATIONS

2.32 The following consultation replies have been received:

HBC Public Protection – I would have no objections to this application subject to the following conditions;

Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Effectively control dust emissions from the site

No open burning at any time

UPDATE 18/09/2020: I have no objections to the amended plans. My previous comments still apply.

HBC Traffic & Transport – Under the Council's Design Guide and Specification the maximum number of properties allowed on a shared drive is 5. The applicant has shown that 6 properties (plots 37 - 42) coming off a private drive. To resolve this I would suggest that plots 37 - 39 come off a separate access from plots 40 - 42. This may require losing a couple of visitors parking bays for the additional drive access point.

The applicant has shown a number of visitor parking bays when there are no footways near them, they are

- opposite plots 11 and 22
- opposite plots 134 to 149
- opposite plots 117 to 119
- opposite plots 106 and 107

Footway links should be provided next to these visitor parking bays to allow pedestrians to exit onto a solid surface.

The applicant has shown visitors parking bays coming off the turning heads at the southern end of the site. I have concerns that vehicles will not be able to manoeuvre

in and out of the bays due to the width of road being 4.8 metres. A minimum width of 6 metres should be provided to accommodate this type of parking. The width of the turning head will need to be increased to 6 metres for 'end on parking' or alternatively these bays can be removed.

The entrance to private drives should be no wider than 4.8 metres. It appears that the width for a number of private drives are wider than 4.8 metres, these should be reduced to 4.8 metres in the interest of pedestrian safety.

Plots 144 -146 and 150 - 162 the private drives are longer than 25 metres which is the suggested maximum length for a private drive. The adopted highway could be extended into the private drive to reduce the length.

A couple of street lights have been located in land which will not be adopted. These are LC 33 and 36. The applicant may be required to add a service strip for the street lights.

UPDATE 01/10/2020: I can confirm that the amended layout is now acceptable.

Highways England – Highways England have already formerly responded to the Outline Application H/2014/0428 for the residential development of 1200 dwellings of up to 2.5 storeys including local centre, distributor road and primary school open space and planting, Land south of Elwick Road, HARTLEPOOL TS26 0QN.

This response covers any issues that may be dealt with beyond our original response at Outline application stage. As such it is not a formal response.

As part of permission H/2014/0428 we secured the following conditions:

Prior to the occupation of the dwellings hereby approved, a scheme for
i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and

ii) the closure of the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England.

Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed and following this but not before, and again prior to the occupation of the dwellings hereby approved, the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall have been closed to prevent right hand turn manoeuvres, in accordance with the details and timetable for works embodied within the agreed scheme.

For the avoidance of doubt such a scheme for the gap closures could include temporary works ahead of permanent works, however any change from temporary to permanent measures for the closure of the gaps must be contiguous and ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed. In the interests of highway

safety and to accord with the provisions of policies HSG5 and INF2 of the Local Plan.

Therefore as long as the gap closures and Sheraton are completed and signed off we would have no objection, however, if they haven't been signed off yet, they can still start building houses but cannot occupy them until the works are all signed off.

Another condition for more than 209 homes is also in place on H/2014/0428. If in future a further phase is brought forward, when the number of homes exceeds 209 this condition will need to be complied with.

UPDATE 24/09/2020: We require that the following conditions be implemented for reasons of Highway Safety.

1. Prior to the occupation of development of the dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic, to the satisfaction of the Hartlepool BC, Durham BC and Highways England. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision to be concluded simultaneously with this application). (For the avoidance of doubt the completion of the gap closures on the A19 would not constitute commencement of the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 for the purposes of this condition).
2. Prior to commencement of construction of the 209th house, a Construction Transport Management Plan addressing any outstanding issues affecting the Strategic Road Network (SRN) should be agreed with Hartlepool Borough Council in consultation with Highways England.

We responded as such previously.

Our conditions states that prior to construction of the Elwick Pass should be operating before the 209th home is occupied. This application forms part of the quantum of the 1200 homes that form part of the original condition Reference H/2014/0428.

We do not wish to change our position on this, we can support this development as long as the homes are built before the 209th home overall is built on permission ref H/2014/0428 or if the Elwick Bypass condition is delivered.

If there is phased development where building / occupation occurs on other Reserved Matters permissions to this one but within the Outline application, we do not wish this to exceed 208 homes in total before the terms of the conditions are met. That is such that if 46+ elsewhere. The number to build out here should be adjusted.

HBC Engineering Consultancy – In response to your consultation on the above application, I have no objection to the approval of the reserved matters of access, appearance, landscaping, layout and scale in respect of contaminated land or surface water management.

UPDATE 24/09/2020: As above

Environment Agency – We do not have any comments to make regarding this reserved matters application.

UPDATE 07/10/2020: We have assessed the submitted application and have no objection to the planning application.

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

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

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Section 104 – Sheet 1 of 2” and “Proposed Section 104 – Sheet 2 of 2”. In these documents it states the foul flows shall discharge to the public sewerage network at manhole 2402 via a private sewer network currently undergoing a Section 104 agreement. The developer should seek permission from the asset owner to agree a connection. The surface water flows shall discharge directly to the watercourse.

We would therefore request that the “Section 104 – Sheet 1 of 2” and “Proposed Section 104 – Sheet 2 of 2” form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

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

UPDATE 01/10/2020: In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water’s network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any

construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

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

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted documents entitled “Section 104 - Sheet 1 of 2” and “Proposed Section 104 Sheet 2 of 2”. In these documents it states the foul flows shall discharge to the public sewerage network at manhole 2402 via a private sewer network currently undergoing a Section 104 agreement. The developer should seek permission from the asset owner to agree a connection. The surface water flows shall discharge directly to the watercourse.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted documents entitled “Section 104 - Sheet 1 of 2” and “Proposed Section 104 Sheet 2 of 2” dated “17/09/2020”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2402 via a private sewer network currently undergoing a Section 104 agreement. The developer should seek permission from the asset owner to agree a connection. All surface water flows shall discharge directly to the existing watercourse.

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

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

Hartlepool Water – No representation received.

HBC Heritage and Countryside Manager – No representation received.

Tees Archaeology - Thank you for the consultation on the reserved matters application. I have no objection to the alterations and the archaeological condition (H/2014/0428) still applies.

UPDATE 01/10/2020: As you are aware geophysical survey and trial trenching has identified archaeology which will be addressed through the implementation of an archaeological condition. I have no comment on the alterations and no objection to them.

HBC Countryside Access Officer – Having double checked the legal line of Public Footpath No.7, Hartlepool, against the detailed plan, you supplied, of Phase 1 of

High Tunstall housing development; I am satisfied that the two elements match sufficiently to suggest that no alterations are required either through a legal diversion or amendment of the development plans.

There is sufficient room to accommodate the legal line within the parameters of the plan and their suggested route for the path to take through the housing and open space.

UPDATE 21/09/2020: No further comments.

Ramblers Association – No representations received.

HBC Landscape Architect – Sufficient information has been received to approve landscaping reserve matters.

HBC Arboricultural Officer – Providing that the work is carried out in accordance with the Arboricultural Impact Assessment (document 14973503) and the “Reserved matters” statement, Section 3.8 Landscaping and Open Space together with Section 6.24 “Open Space and Landscaping” (document 14974236) I have no objections to make on this development proposal. The schedule and specification to the landscape drawings is included on document reference 14974206 and gives extensive detail of the planting proposals.

HBC Ecology (summarised) – Given that the Ecology was comprehensively dealt with at outline stage, I was not expecting an Ecology report specific to this phase (phase 1a).

I agree that the wider phasing plan matches the submitted landscaping details. The submitted details for the SANGS for this phase are satisfactory.

The pipeline corridor is approx. 500m in length. I believe that the author of the [outline application's] Naturally Wild Report envisaged an outer boundary hedge and a wooded belt consisting of native trees (at the margins) and shrubs (in the middle) of the pipeline, with a path winding through. Deep rooted trees along the margins are acceptable with regard to the underground pipe. What the landscape drawings show is a boundary hedge and an open area of wildflower meadow with a path winding through. I would like to see 80 native deciduous trees planted as 'standard/extra heavy' along the margins and appropriately protected with guards. The ones on the eastern side can be incorporated into the hedge if necessary. The locally important species of pedunculate oak (*Quercus robur*) and wych elm (*Ulmus glabra*) should be selected. Hornbeam (*Carpinus betulus*) is also acceptable.

I require an amendment to the submitted landscaping details for this phase.

The submitted tree/ hedge protection details (for this phase) are satisfactory.

The landscaping details (for this phase) are not satisfactory and I require an amendment as detailed above.

I am satisfied that the proposed buffer zones, as shown on the submitted plans, provide the beneficial corridor that is sought and are acceptable.

UPDATE 02/10/2020: Having reviewed the amended information in light of comments provided by Graham Megson I am satisfied that the landscaping information provided is suitable for areas where detail is shown. However, I note that no detail is provided for the area within the 'eastern buffer', with the exception of the eastern most hedge line. . If detail of the landscaping in this area is to be secured through conditions on the outline permission I am satisfied that overall the proposed landscaping is suitable. However, if this is not the case further detail is needed.

UPDATE 07/10/2020: It appears that the tree planting requested by Graham has been included along the eastern boundary hedge. As such I'm satisfied that the proposed landscaping is adequate.

Natural England – Natural England currently has no comment to make on the reserved matters application.

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

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

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

UPDATE 21/09/2020: As above.

HBC Public Health – No representations received.

HBC Building Control – No representations received.

HBC Waste Management – No representations received.

HBC Housing Services – No representations received.

HBC Property Services – No representations received.

HBC Economic Development – Do not object.

HBC Community Safety and Engagement – No representations received.

Cleveland Police – Police have no objections to this application and have no major concerns with the general layout but would advise the proposed footpath between plots 089 and 090 be re directed between plots 089 and frontage of plots 85-89 to provide natural surveillance from these properties to help reduce any potential misuse of the footpath.

I would always recommend that all roads and footpaths are well lit and comply to requirement of BS5489 2013 and all doors are provided with dusk dawn lighting. I would also expect all entrance doors and accessible windows deter unauthorised entry doors and window certified to PAS 24 2016 would achieve this.

I would always recommend that residential developments look to achieve Secured by Design accreditation to achieve a safe and secure place for people to live in which I believe can be achieved with regard the proposed layout and design but would be subject to the required physical security standards met. If the developer wishes to discuss this please contact me.

UPDATE 13/10/2020: I have no further comments

Cleveland Fire Brigade – Cleveland fire Brigade offers no representations regarding the development as proposed.

However Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

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

Cleveland Emergency Planning Officer – Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

The site is in close proximity to the Northern Gas Networks Gas Pipeline but I can see they have been consulted on already.

Health & Safety Executive (HSE) - HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Pipelines

7820_2077 Northern Gas Networks

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline.

Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

Northern Gas Networks – Following our objection to the proposed planning application at Land South of Elwick Road High Tunstall Hartlepool TS26 0LQ we are now willing to rely on our statutory powers and so withdraw our objection.

UPDATE 05/10/2020: Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location.

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

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

Northern Powergrid – No representations received.

National Grid – No representations received.

Hartlepool Rural Neighbourhood Plan Group – Whilst recognising this application is in respect of reserved matters the deep concerns within the Rural area require Hartlepool Rural Neighbourhood Plan Group to make the following comments.

Elwick by-pass is an essential requirement for the sustainability of the proposed development and the whole Borough. Elwick Road is a route to the A19 serving not only the proposed development but a large area of Hartlepool. This country lane passes through the heart of Elwick village which already suffers greatly due to the volume of traffic already using the road. Other routes in the rural area such as that through Dalton Piercy and Worset/Hart Back Lane, which are single lane roads, are also already experiencing increasing traffic. These roads, essential to the rural area, are not suitable for the volumes of traffic now using them to access the A19. The closure of the A19 central reservation crossings at Elwick and Dalton Piercy, as well as greatly inconveniencing residents and businesses in the rural area, have only served to add to the volumes of traffic on these narrow lanes. The required by-pass at Elwick is therefore overdue.

Permission for 32 bungalows at Dalton Piercy was granted, against planning advice and the objections of Dalton Piercy Parish Council and the Neighbourhood Rural Plan Group, on the grounds that Hartlepool desperately needed more bungalows. The development which is the subject of this application offers no bungalows at all. Should there not be a minimum requirement for bungalows (true bungalows not dormer properties) included in every housing development application – particularly developments closer to urban facilities that are completely missing from Dalton Piercy.

No affordable housing is to be included in this proposed development. Instead it is Greatham village, where the Rural Neighbourhood Plan identified a need for houses that residents might purchase due to an existent oversupply of rented/affordable housing, that 36 affordable homes are currently being built and Hartlepool Borough Council itself proposes to build a further 18 new council houses to rent. Precious village sites are being used to meet urban shortfalls. This denies rural communities the ability to meet their own needs identified in the Rural Neighbourhood Plan. Urban-centric policies/decisions betray and damage the smaller rural communities within the Borough. Neighbourhood planning was presented as a powerful set of tools for local people to plan for the types of development to meet their communities' needs. It appears that this is being hijacked to serve the needs of an entirely different kind of community – that of the town of Hartlepool. Surely the urban population would be better served by having their needs met within the town, not displaced into a rural environment where facilities they are accustomed to do are not available.

Developments, including the subject of this application, are being allowed to fail to meet the needs of the town of Hartlepool whilst causing increasing damage to the rural part of the Borough.

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

Whilst we recognise that Hartlepool Borough Council has already given outline planning permission for the development of 1200 residential dwellings on the site,

never-the-less we wish to lodge our on-going objection to any development here before the proposed Elwick by-pass is open.

The applicant states that Elwick Road is a route to the A19, thus indicating they have taken no cognisance of the limitations of the current road infrastructure. This narrow and winding road passes through Elwick village and now gives access only to the A19 southbound carriageway. The village is already overwhelmed by the volume of traffic using the road at peak travel times; the current Quarry Farm development will raise the volume of traffic even more and a further potential 300+ vehicles every day is just not acceptable. Access to the A19 northbound, heading west from the site, can only be achieved by using Hart Back Lane, a single lane road in a deplorable condition, with few passing places. This road was intended to be used by farm vehicles, nor the large number of cars and heavy vehicles that now use it due to the closure of the A19 crossings at Elwick and Dalton Piercy.

The Borough Council gave permission for a development of 32 bungalows at Dalton Piercy on the grounds that Hartlepool needed more bungalows. These have now been built as dormer bungalows; (NB: a dormer bungalow is not a bungalow, but a house - a bungalow has no stairs!) There are NO bungalows in this development; if the Council is so keen to have bungalows that they are prepared to overturn their own officers' objections to an application, then we would expect to see a minimum number of bungalows included in every housing development application.

There is no mention of affordable housing - where is this?

Elwick Parish Council would therefore expect the Borough Council to:

- Ban all construction traffic from accessing the site from the west. That is, no construction vehicles may use either Elwick Road through Elwick, Dalton Piercy or via Hart Back Lane. All such traffic should enter from the Hartlepool end of Elwick Road.
- Ban the sale of any of housing on this development until the Elwick by-pass is open.
- Require the developer to include a minimum of 10% bungalows within the development. Real bungalows, not dormer bungalows!).
- Require the developer to identify affordable housing within the development.

UPDATE 05/10/2020: As above.

Hart Parish Council – No representations received.

Dalton Piercy Parish Council - No representations received.

PLANNING POLICY

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

Hartlepool Local Plan

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
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
HSG5	Tunstall Farm
HSG9	Affordable Housing
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges

Adopted Tees Valley Minerals And Waste DPD

2.35 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.

2.36 The following policies in the TVMW are relevant to this application:

Policy	Subject
MWP1	Waste Audits

National Planning Policy Framework

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

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

Para	Subject
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)
034	Developer Contributions
038	Decision making
047	Determining applications
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
072	Strategic size housing sites
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
076	Conditions to ensure timely start of development
077	Rural housing
078	Rural housing
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
104	Mix of uses across large sites including providing any large scale transport infrastructure
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
212	NPPF is a material consideration

HBC Planning Policy comments (summarised) - Policy HSG5 allocates the High Tunstall site for a total 1200 dwellings and the principle of development was established in the approval of H/2014/0428. Criterion 8 in the HSG5 Policy requires the development to accord with an approved masterplan, which was formally adopted by the Council in December 2018.

The proposed density is acceptable and in line with policy requirements. The site will be of a good quality design and a similar scale and density to nearby residential areas. Consideration has been given to the landscaping of the site, which helps to achieve the aspirations relating to sufficient green spaces set out in both the Council's Residential Design SPD and the approved Masterplan. The applicant should also consider adopting the Nationally Described Space Standards (NDSS).

The submitted details demonstrate the proposals comply with policy QP7 of the Local Plan with respect to Energy Efficiency. Policy CC1 of the Local Plan requires decentralised/renewable energy provision and electric vehicles charging points however these do not appear to have been addressed.

It is disappointing to see that the proposed scheme does not intend on delivering bungalows, which has previously been highlighted as an aspiration through the outline application.

There is no requirement for affordable housing provision within the first 208 dwellings on the wider site, as set out in the legal agreement secured through the outline planning permission. There is also no requirement for any developer contribution/planning obligations in this instance, as these have been secured against the wider site through the outline planning permission.

The case officer should be satisfied that a suitable site waste management plan is in place.

UPDATE 23/07/2020: I am satisfied with regards to the comments on NDSS, and although disappointing with regards to bungalow provision, I do accept the point of the developer.

It is worth noting that although compliant with policy QP7, they still need to meet the requirements of CC1. This will need to be addressed or it would be a departure from Policy.

UPDATE 03/09/2020: I am satisfied that what is proposed will provide just over 10% of the predicted energy for the site.

UPDATE 07/09/2020: It is considered in this instance that charging points are not required, as this matter should have been sought through the outline application, and Planning Policy should not be adding financial obligations/requirements at reserved matters stage.

PLANNING CONSIDERATIONS

2.38 The principle of residential development has already been established through the extant outline planning permission (H/2014/0428). The application site is an allocated housing site within the Hartlepool Local Plan (2018) as identified by Policy HGS5. The principle of development remains acceptable and therefore the main issues for consideration in this instance are the impact of the proposals on highway and pedestrian safety, the amenity and privacy of existing and future occupiers of the application site and neighbouring properties, the visual amenity of the application site and the character and appearance of the surrounding area, landscaping and tree protection, ecology and nature conservation, heritage assets and archaeology, public rights of way, land contamination and flood risk and drainage. These and all other planning and residual matters are set out and considered in detail below.

HIGHWAY AND PEDESTRIAN SAFETY

2.39 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group and Elwick Parish Council with respect to the impact on the local highway network and in particular on traffic through nearby country lanes, Elwick village and at the A19 junction(s). These objections also maintain that the bypass road around Elwick village is required before any development commences.

2.40 Similar objections have also been received from neighbours, citing concerns including the impact on highway and pedestrian safety locally due to poor access to the site and increased traffic (in particular, lack of capacity for Elwick Road to handle additional traffic and absence of an Elwick bypass), as well as the impact on the strategic road network (including the A19/A179 junction).

2.41 Matters with respect to the impact of the development on the strategic and local road networks were considered in detail and, where appropriate, mitigation was secured by virtue of planning conditions and obligations within the s106 legal agreement associated with outline planning permission H/2014/0428.

2.42 The outline planning permission for the wider site is subject to a number of conditions relating to highway and pedestrian safety, including;

- Condition 8 – requiring that a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic prior to the occupation of the 209th dwelling.
- Condition 10 – requiring that no phase commences until a scheme and phasing programme for the provision of access from Elwick Road to serve that phase is provided.

- Condition 11 – requiring that no phase is occupied until the existing speed limit on Elwick Road has been assessed and mitigation measures for that phase are identified and thereafter implemented in accordance with the agreed phasing programme.
- Condition 12 – requiring that no phase is occupied until a scheme for street lighting along Elwick Road relevant to that phase and a phasing programme for its implementation are agreed.
- Condition 14 – requiring a Construction Traffic Management Plan to be submitted and agreed prior to commencement of each phase.
- Condition 29 – requiring a Construction Management Plan to be submitted and agreed prior to commencement of each phase.

2.43 In addition to the above, the Section 106 legal agreement which the outline planning permission is subject to includes the following planning obligations;

- £12,000 per dwelling towards the Elwick Bypass/Grade Separated Junction and A19 Gap Closures work
- Travel Plan to be submitted and agreed prior to occupation of any unit.

2.44 This reserved matter application, by virtue of its association to the outline planning permission, remains bound by these conditions and obligations and, these matters cannot be revisited through this application, which relates solely to the proposed access, layout, appearance, landscaping and scale of phase 1a of the development.

2.45 The approved outline phasing plan stipulates that *“access to the wider site will be principally taken via the new distributor road passing through the site and linking to Elwick Road at the North West corner of the site in the form of a three-leg roundabout. A secondary access [serving phase 1a] will be taken from Elwick Road towards the north east corner of the site, with roads continuing into the wider development.”*

2.46 As above, the proposed access to the phase 1a site is taken from the adopted highway on Elwick Road. Whilst this will initially form the sole access into the development's first phase, the approved masterplan and approved phasing plan for the outline planning permission, which future adjacent phases of the development must accord with, indicate that a second access will be formed with the adjacent phase to the west, which will continue into the wider development. This is articulated on the submitted plans for phase 1a, with this road currently stopping at the western site boundary of phase 1a. However, for clarity, the approved phasing plan stipulates that Phase 2 and 3 will not be able to utilise the 'link road' (and access to Elwick Road) through Phase 1 until the main distributor road and access is in place.

2.47 The Council's Highways, Traffic & Transport section has not raised any concerns with respect to the proposed access proposals, however initially highlighted a number of minor highway issues with the proposed layout and areas where this contravened the Council's Highway Design Guide and Specification.

2.48 The applicant has worked with the Council's Highways, Traffic & Transport section and has tweaked the layout in parts of the site to address the issues highlighted. The Council's Highways, Traffic & Transport section has reviewed the

amended plans and has subsequently advised that the amended layout is now acceptable.

2.49 In addition to the above, Highways England has been consulted and has provided comments to the effect that this phase of the development must comply with the original conditions to which the outline planning permission was subject. As above, this reserved matter application remains bound by the conditions and obligations of the outline planning permission and these must be complied with where relevant, as set out above, and as such there is no requirement for any of these conditions to be re-applied in the event this application is approved.

2.50 In view of the above, the proposals are considered to be acceptable with respect to matters of highway and pedestrian safety, in accordance with the relevant paragraphs of the NPPF (2019), the relevant policies of the Hartlepool Local Plan (2018).

AMENITY AND PRIVACY OF EXISTING AND FUTURE OCCUPIERS OF THE APPLICATION SITE AND NEIGHBOURING PROPERTIES

Policy Context

2.51 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.

2.52 As above, policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

2.53 The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

2.54 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.

Amenity and Privacy of Future Occupiers

2.55 As above, the layout of the scheme comprises a number of cul-de-sacs branching out from the main internal access road leading from Elwick Road at the north of the site, through to the southern end of the site, where it meets the proposed SUDS pond.

2.56 Whilst a few instances of inadequate separation distances were initially identified by the case officer through the course of the application process, the applicant has since tweaked the layout to address these and the proposals are now considered to be in conformity with the minimum separation distances set out in policy QP4 of the Local Plan, across the site. It is noted that there are instances of gable elevations with bathroom or landing (non-habitable room) windows facing one another at limited separation distances, however as above there are no minimum separation distance policy requirements with respect to these relationships, and as these are non-habitable room windows it is considered this would not have a significant impact on the privacy of future occupiers.

2.57 In addition to the above, it is noted that plots 89 and 90 feature additional (secondary) windows in the ground floor of their south and north facing gable elevations, respectively, which front onto the retained public right of way. These windows were installed in view of comments from Cleveland Police with respect to natural surveillance of the footpath in this area. Whilst these windows both serve habitable rooms (lounge) and are at a distance of just 6.5m (approx.) from one another (on opposite sides of the footpath), it is noted that the window in plot 89 sits behind a proposed 1.8m high brick wall (with timber panels) to the side of this plot and therefore any potential direct views between the two will be screened. Furthermore, the secondary nature of the windows is noted and the purpose of the windows in providing natural surveillance is supported and therefore obscure glazing is not required in this instance.

2.58 The case officer also highlighted to the applicant through the application process a few instances where the relationships between dwellings could be detrimental to the amenity of future occupiers, such as one dwelling sitting forward significantly and/or at a higher level to another. The applicant has worked with the case officer to amend these relationships to negate any detrimental impacts on the amenity of future occupiers as far as practicable. Whilst no further changes to the proposed levels of the site were made, it is acknowledged that due to the sites topography this would not be feasible without having a detrimental impact on levels elsewhere on site, and ultimately it is considered that, combined with the amendments to the layout in parts of the site to address previous concerns, on balance the proposed levels details are acceptable with regard to the impact on the amenity of future occupiers.

2.59 In addition to the above, the Council's Planning Policy section has highlighted that the applicant should consider adopting the Nationally Described Space Standards (NDSS), as advocated in the Council's adopted Residential Design SPD. The applicant has responded confirming that the development proposals includes a wide range of family dwellings which are typically larger than their competitors, and

the homes offer open planned, spacious living with generous sized rooms. The applicant has advised that consideration to the SPD has been taken, however this is not currently a formal policy requirement and the applicant believes the mix of houses selected for this development still provide sufficient internal space and therefore no formal NDSS house types have been proposed. The Council's Planning Policy section has confirmed they are satisfied with this response.

2.60 The Council's Planning Policy section has concluded that the proposed density is acceptable and in line with policy requirements and the site will be of a good quality design and a similar scale and density to nearby residential areas.

2.61 The Council's Public Protection section has confirmed that they have no objections to the application subject to construction hours restrictions and the effective control of dust emissions and open burning on site. These matters are controlled by conditions 29 (Construction Management Plan) and 41 (construction hours) of the outline planning permission, which this phase of the development will remain subject to, if approved. Furthermore, it is noted that condition 14 requires a Construction Traffic Management Plan to be agreed prior to commencement, and condition 30 requires details of noise insulation measures for dwellings adjacent to the access and spine roads of the development. There is therefore no requirement for any further such conditions in this instance.

2.62 In view of the above, it is considered that the proposals would not have a significant detrimental impact on the amenity of future occupiers and are therefore acceptable in this respect.

Amenity and Privacy of Neighbouring Land Users

2.63 Concerns have been raised by objectors that the proposals will result in undue noise, traffic, dust and dirt during construction and a loss of daylight to neighbouring properties once completed.

2.64 As set out above, the built area of the phase is concentrated to the north-west of the site, with a landscaping strip to the east and SUDS pond to the south providing a natural buffer to adjacent existing and proposed residential developments, respectively. In addition, the site is separated from the adjacent residential areas to the east at Fewston Close and Chelker Close, and from West Park Primary School, by the existing agricultural land and buildings at High Tunstall Farm. A strip of landscaping along the northern boundary of the site, abutting Elwick Road, provides a further buffer between the site and the residential areas to the north on Woodhouse Lane and Fontburn Close ('Quarry Farm phase 1' / 'Elwick Grove').

2.65 In view of the above, satisfactory separation distances of approximately 60 metres or greater are maintained between the front elevations of the proposed dwellings to the north of the site and the rear and side elevations of existing dwellings on the opposite side of Elwick Road at Fontburn Close and Woodhouse Lane.

2.66 To the east/south-east significant oblique separation distances of approximately 100 metres or greater are maintained from the proposed dwellings to the nearest

existing dwellings in the residential areas at Fewston Close, Chelker Close to the east and Mayfair Gardens ('Coniscliffe Rise') to the south-east. Satisfactory separation distance of approximately 80 metres are also maintained from the proposed dwellings to the two agricultural dwellings located at High Tunstall Farm to the east.

2.67 To the south, the adopted High Tunstall Masterplan (2018) indicates that future phases of the development will include a school site and further residential area on the opposite side of the proposed SUDS pond / open space. There are currently no reserved matters details for the phase(s) to the south of the current application site, however given the size and location of the proposed SUDS pond, it is evident from the proposed layout plans and Masterplan documents that adequate separation distances in excess of 70-100 metres can be maintained to neighbouring development to the south.

2.68 To the west, as above, the adopted High Tunstall Masterplan (2018) indicates that phases 1b and 3, both comprising further residential development, will abut the application site. Similarly however no reserved matters details are available for these adjacent phases at this time. Notwithstanding this, it is clear from the proposed layout plans that those dwellings with principal (front and rear) elevations abutting the western boundaries of the site are set back sufficiently from the site boundary (10 metres or more) to ensure a reasonable distance can be maintained between the proposed dwellings and any future development to the west of the site. Furthermore, landscaping and boundary screening proposed as part of this phase will further protect the privacy of future occupiers of both the current phase and future phases to the west, and future phases of the development will be required to take into account the relationships to dwellings in phase 1a through the subsequent applications for those phases.

2.69 The above separation distances in all instances meet or exceed the minimum separation distance requirements set out in the Local Plan and Residential Design SPD, and it is considered will therefore safeguard the amenity and privacy of existing and future neighbouring land users to the north, east, south and west of the proposed development.

2.70 As above, the Council's Public Protection section has confirmed that they have no objections to the application subject to construction hours restrictions and the effective control of dust emissions and open burning on site. These matters are controlled by the relevant conditions of the outline planning permission, which this phase of the development will remain subject to, if approved. Furthermore, it is noted that condition 14 requires a Construction Traffic Management Plan to be agreed prior to commencement. There is therefore no requirement for any further such conditions in this instance.

2.71 In view of the above, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users and are therefore acceptable in this respect.

Conclusion

2.72 The proposals are considered to be acceptable with respect to the impact on the amenity and privacy of existing and future occupiers of the application site and neighbouring properties, and the applicant has worked proactively with the local planning authority to iron out the minor issues identified through the application process. It is considered therefore that the application is in accordance with the relevant paragraphs of the NPPF (2019), the relevant policies of the Hartlepool Local Plan (2018), and the Council's adopted Residential Design SPD (2019), as set out above.

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

Policy Context

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

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

2.75 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Character and Appearance of the Surrounding Area

2.76 Concerns have been raised by neighbouring objectors with respect to the impacts of the proposal on the rural landscape setting, including concerns that the proposals constitute overdevelopment of the site.

2.77 The application site is currently agricultural land and is situated on the urban/rural fringe of the main urban area of Hartlepool, with the site adjacent to

existing residential areas to the north, east and south-east, albeit separated by a landscape buffer, SUDS pond and narrow strip of farmland, which is to be retained.

2.78 The immediate area is characterised by relatively contemporary suburban housing developments, with the housing site to the north ('Quarry Farm phase 1' / 'Elwick Grove') having only recently been completed by Bellway Homes. To the north-east of the site lies a large late 20th century (c. 1980s) housing development ('Naisberry Park'), and to the east a more recent (c. 2000) housing development ('Elwick Rise'). South-east of the site is a currently under construction residential development of 39 dwellings ('Coniscliffe Rise') and beyond this the West Park area of the town, comprising a large number of executive size homes. These neighbouring areas comprise predominantly of detached and semi-detached dwellings of varying sizes and designs, largely arranged in cul-de-sacs branching out from a main estate road and are mainly 'open plan' in character. As above, to the south and west of the site is currently agricultural land reserved for future phases of the wider High Tunstall development.

2.79 Building materials locally are mixed although predominantly brick in various shades of red, brown and buff, with secondary elements of render appearing throughout. The urban area adjacent therefore does not have a uniform or unambiguous character, although it is undeniably suburban in nature, and is perforated by pockets of incidental open space, landscaping and footpaths.

2.80 Further to the west/south-west of the site (approx. 2km) lies the village of Elwick. The village comprises a mix of 18th, 19th and 20th century dwellings, branching out from a village green, with those older properties in the centre and southern parts of the village sitting within the Elwick Conservation Area. The earliest dwellings in the village are single and two storey, mostly constructed in rubble or stone, often white washed or rendered subsequently. Later 19th Century terraced dwellings in Elwick are constructed in brick (with contrasting brick detail) with roofs of welsh slate.

2.81 It is inevitable that the introduction of an urban extension to the west of Hartlepool will change the character of the area somewhat, however given that the site is currently bounded by existing residential areas to the north and east (and will eventually be surrounded on all sides by residential development), and landscaped buffers to the north, south and east are to be maintained; in this context it is considered that the development would represent a logical extension of the urban area and that a residential development on this site would not necessarily appear unduly incongruous.

2.82 It is also noted that the amount of built development proposed for the site is in general conformity with the requirements of policy HSG5 (High Tunstall Strategic Housing Site) of the Hartlepool Local Plan (2018), the indicative details agreed by virtue of outline planning permission H/2014/0428 and the adopted High Tunstall Masterplan (2018). To this effect, the change in character of the land from agricultural land to residential development is anticipated and has been accepted.

2.83 That being said, whilst it is considered that a residential development could be accommodated on this site without significant detrimental impacts on the visual

amenity of the site or the character and appearance of the surrounding area, the current application is to consider, amongst other reserved matters, the appearance, scale and layout of this particular proposal, which is set out in detail below.

Scale and Appearance of the Development

2.84 With respect to the appearance and scale of the proposed dwellings in this instance, the house types include a range of 3, 4 and 5 bedroom properties, all of which are 2 storey. The proposed dwellings are largely traditional in form and appearance, featuring a mixture of red and buff brick, buff stone and white render facades with contrasting feature brickwork. The house types feature predominantly dual pitched roof forms with side facing gables, albeit front facing gable features are a characteristic of the development. Other design elements such as stone quoins, projecting bays, canopies, timber framing and decorative stones/brickwork are also used throughout the site.

2.85 The submitted Design and Access Statement stipulates that the elevational treatment and design of the dwellings are a considered and contextual design response allowing the scheme congruence with existing built form, and consistent with the aspirations and requirements of the Residential Design SPD. The Design and Access Statement maintains that the proposed dwellings provide a rich and varied streetscene representative of the locality and the use of stone facing and render for proposed dwellings will allow congruency with surrounding built form.

2.86 Concerns have been raised by objectors that the proposed house types are outdated and the design is out of keeping with the area. Whilst it is not immediately clear how the proposed house types reflect local vernacular, particularly as they appear to be standard house types of the developer, it is noted that the immediate adjacent built up area is suburban in nature and does not have a strong local character. Furthermore, given the wide variety of house type sizes, designs and materials proposed, elements of the scheme inevitably reflect some of the characteristics of adjacent areas, such as the use of stone and render in nearby Elwick village, as well as the more contemporary forms and brick finishes of the adjacent residential areas.

2.87 Ultimately, the proposed house types are considered to be of good design, with a number of positive design elements that will distinguish the development from other housing developments in the Borough, and it is considered that the appearance and scale of the dwellings is not significantly out of keeping with those of the existing residential areas adjacent.

Layout and Appearance of the Development

2.88 The scheme comprises a number of cul-de-sacs branching out from the main internal access road leading from Elwick Road at the north of the site, through to the southern end of the site, where it meets the proposed SUDS pond. The development is 'open plan' in character, with each dwelling featuring an unenclosed area of private amenity space and/or driveway to the front. There is a substantial amount of green open space provided on site, primarily comprised of a large contiguous strip of SANGS along the eastern boundary of the site (delineating the extent of an existing

gas pipeline easement), a SUDS pond to the south of the site, and two smaller pockets of open space within the centre of the site, running along an existing public right of way, and to the north of the site, providing a landscaped buffer and frontage onto the adopted highway on Elwick Road.

2.89 The submitted Design and Access Statement states that the retention of landscape features throughout the site will create development which will comprise of several distinctive residential enclaves set within an attractive framework of open space and landscape. Furthermore, it is a driver of the design that these smaller development sections have their own identity and character through careful placement of development and dwelling design.

2.90 Whilst concerns have been received from objectors that the proposals constitute overdevelopment of the site, the Council's Planning Policy section has commented that the proposed density is acceptable and in line with policy requirements. The Council's Planning Policy section also considers that the site will be of a good quality design and a similar scale and density to nearby residential areas, and notes that consideration has been given to the landscaping of the site, which helps to achieve the aspirations relating to sufficient green spaces set out in both the Council's Residential Design SPD and the approved Masterplan.

2.91 As above, a number of minor issues with respect to separation distances and relationships between dwellings in some places, which could ultimately impact on the visual amenity of the development, were highlighted to the applicant through the application process and the applicant has addressed these through minor tweaks to the layout. Whilst no further changes to the proposed levels of the site were made, the reasons for this are accepted and, combined with the amendments to the layout in parts of the site to address previous concerns, the proposed levels details are considered to be acceptable with respect to the visual amenity of the development, and it is acknowledged variations in levels through the site can add to the development's character.

2.92 It is noted final details/samples of finishing materials and hard standing will be secured by virtue of condition 33 of the outline planning permission.

2.93 It is ultimately considered that the sequence of open spaces around the edge and within the centre of the site, the arrangement of streets to ensure the dwellings face onto these public spaces where appropriate, the variety of carefully located house types and the materials palette will create a positive sense of place and add character to the development.

Conclusion

2.94 In view of the above, the proposals are considered to be acceptable with respect to the impact on the visual amenity of application site and character and appearance of surrounding area. The application is considered to be in accordance with the relevant paragraphs of the NPPF (2019), the relevant policies of the Hartlepool Local Plan (2018), and the Council's adopted Residential Design SPD (2019), as identified above.

LANDSCAPING AND TREE PROTECTION

2.95 Objections have been received from neighbours citing concerns that the proposal will have a detrimental impact on the landscape and will result in the loss of green areas and gaps between settlements, and potential issues with respect to the ongoing maintenance of landscaping on site. Concerns have also been raised by objectors that the proposals result in the loss of Green Belt land.

2.96 In the first instance, it should be noted that the application site is not designated Green Belt land (with no designated Green Belt in or around the Hartlepool area), nor does the site in its entirety constitute a protected area of green infrastructure in the Council's adopted Hartlepool Local Plan, with the majority of the site allocated as housing land in the Local Plan.

2.97 Policy QP5 (High Tunstall Strategic Housing Site) of the Local Plan relates to the wider outline site and stipulates that approximately 12.00ha of multifunctional green infrastructure shall be provided, including the required level of Suitable Accessible Natural Green Space (SANGS). The policy also requires a landscape buffer to be created between the site and Elwick Road.

2.98 Policy NE3 (Green Wedges) of the Local Plan does however allocate the area of SANGS along the eastern boundary of the site as 'green wedge', protecting this area from any further development that would harm its integrity.

2.99 The application is accompanied by detailed landscaping proposals, as well as an Arboricultural Impact Assessment and Arboricultural Method Statement. The submitted plans show a substantial amount of green open space provided within the red line boundary of the site, including a large contiguous strip of SANGS along the eastern boundary of the site, a SUDS pond to the south of the site, and two smaller pockets of open space within the centre of the site, running along an existing public right of way, and to the north of the site, providing a landscaped buffer and frontage onto the adopted highway on Elwick Road.

2.100 As above, it is inevitable that the introduction of an urban extension to the west of Hartlepool will change the landscape character of the area somewhat and reduce the gap between the main urban area of the town and neighbouring rural villages. However, the amount of built development proposed for the site is in general conformity with the requirements of policy HSG5 (High Tunstall Strategic Housing Site) of the Hartlepool Local Plan (2018), the indicative details agreed by virtue of outline planning permission H/2014/0428 and the adopted High Tunstall Masterplan (2018). To this effect, the change in character of the land from agricultural land to residential development is anticipated and has been accepted and it is ultimately considered that the development would represent a logical extension of the urban area, and that a residential development on this site would not necessarily appear unduly incongruous.

2.101 The Council's Landscape Architect has been consulted and has confirmed that they are satisfied with the submitted landscaping details. Similarly, the Council's Arboricultural Officer has advised that they have no objections to the proposals,

provided the works are carried out in accordance with the submitted details, which shall be conditioned accordingly.

2.102 The Council's Planning Policy section has also advised that the proposed landscaping helps to achieve the aspirations relating to sufficient green spaces set out in both the Council's Residential Design SPD and the approved Masterplan.

2.103 Details of proposed soft landscaping works will also need to be secured by virtue of partial discharge of condition 19 of outline planning permission H/2014/0428. Furthermore, the agreed tree protection measures will also be secured by virtue of condition 21 of outline planning permission H/2014/0428.

2.104 In respect of landscape maintenance, it is noted that condition 20 of the outline planning permission requires that any trees, plants or shrubs which die are removed or become seriously damaged or diseased within 5 years of completion of the phase must be replaced, as is standard. Furthermore, the signed Section 106 legal agreement requires a Phase Landscaping and Open Space Management Plan and Phase Conservation and Habitat Management Plan to be submitted and agreed with the Local Planning Authority prior to occupation of any unit.

2.105 In view of the above, the proposals are considered to be acceptable with respect to matters of landscaping and tree protection and in accordance with the relevant paragraphs of the NPPF (2019) and the relevant policies of the Hartlepool Local Plan (2018).

ECOLOGY AND NATURE CONSERVATION

2.106 Concerns have been raised by objectors with respect to the impact of the proposals on local wildlife and ecology (including existing trees and bats).

2.107 The impact of the wider proposals on ecology were comprehensively considered during the outline planning application stage. The signed Section 106 legal agreement also secures £250 per dwelling to mitigate the ecological effects of the recreational disturbance (from future occupants) on The Teesmouth and Cleveland Coast SPA/Ramsar sites, in accordance with the Hartlepool Local Plan Mitigation Strategy and Delivery Plan. In addition, 15ha of SANGS is required to be provided as part of the Conservation and Habitat Management Measures. The legal agreement also requires a Phase Landscaping and Open Space Management Plan and Phase Conservation and Habitat Management Plan to be submitted and agreed with the Local Planning Authority prior to occupation of any unit.

2.108 In addition to the above, bat and bird mitigation features are required to be provided by virtue of conditions 25 and 26 of the outline planning permission, respectively. Condition 28 requires details of hedgehog access holes within dividing garden fences. Tree protection measures and ecological buffers will be secured by virtue of conditions 21 and 24 of the outline planning permission, respectively. Condition 27 of the outline planning permission protects against clearance of vegetation during the bird breeding season, unless agreed by the Local Planning Authority.

2.109 As above, the proposals include the provision of a large stretch of SANGS along the eastern boundary of the site. The application is also accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement, a plan to demonstrate ecological buffer zones around hedges and SUDS, and a plan demonstrating bat, bird and hedgehog mitigation measures, as agreed at outline stage.

2.110 The Council's Ecologist has reviewed the submitted details and, whilst they had initially requested some alterations to the site landscaping which the applicant has subsequently provided, they are now satisfied that the proposals are acceptable with respect to the impact on ecology and nature conservation.

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

2.112 In view of the above, the proposals are considered to be acceptable with respect to matters of ecology and nature conservation and in accordance with the relevant paragraphs of the NPPF (2019) and the relevant policies of the Hartlepool Local Plan (2018).

Heritage Assets and Archaeology

2.113 The application site is not within a conservation area and is not in proximity to any known heritage assets. The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted on the application. No objections have been received from either.

2.114 It is noted that condition 16 of the outline planning permission requires a programme of archaeological works for each phase to be submitted to and agreed by the Local Planning Authority prior to commencement of development on that phase.

2.115 In view of the above, the proposals are considered to be acceptable in this respect.

FOOTPATHS AND PUBLIC RIGHTS OF WAY

2.116 Concerns have been received from objectors that the proposals will result in the loss of access to existing footpaths from the existing farm to Elwick and Dalton Piercy.

2.117 The agreed Phasing Plan stipulates that public rights of way through the site will be retained, subject to any appropriate legal diversion procedures, enhanced and incorporated within the green infrastructure framework. Accordingly, the submitted plans for phase 1a demonstrate that the proposals include the retention of public footpath no.7, which runs from east to west across the site, from the adjacent farm at High Tunstall. This route will be enhanced through the site as a 2m wide tarmac footpath with dropped kerbs at highway crossing points and will run alongside the proposed area of open space within the centre of the site before exiting to the west of the site (into phase 3).

2.118 The Council's Countryside Access Officer has reviewed the submitted proposals and has confirmed that they are satisfied with the application.

2.119 In view of the above, the proposals are considered to be acceptable with respect to the impact on public rights of way and in accordance with the relevant paragraphs of the NPPF (2019) and the relevant policies of the Hartlepool Local Plan (2018).

LAND CONTAMINATION

2.120 The Council's Engineering consultancy has confirmed that they have no objections to the application in respect of contaminated land. The Environment Agency has also advised that they do not have any comments to make on the application.

2.121 It is noted that condition 15 of the outline planning permission requires a scheme to deal with any risks associated with contamination of the site is submitted to and approved in writing by the Local Planning Authority, prior to commencement of development.

2.122 In view of the above, the proposals are considered to be acceptable in this respect.

FLOOD RISK & DRAINAGE

2.123 Concerns have been raised by objectors with respect to the impact of the proposal on flooding and in particular potential increases in surface water run-off. Concerns have also been raised in respect of the impact of the proposals on existing foul drainage infrastructure.

2.124 At the time of writing, the application site sits within Flood Zone 1 (low probability of flooding), with a very low risk of flooding from rivers, and a limited risk of flooding from surface water.

2.125 The submission includes surface water drainage layout plans, including details of the proposed attenuation pond to the south of the site, forming part of the Sustainable Drainage System (SUDS). Final details of surface water drainage measures are required to be provided and agreed prior to commencement of development by virtue of condition 18 of the outline planning permission. The long term maintenance and management of the SUDS is secured by virtue of the Section 106 legal agreement associated with the outline planning permission.

2.126 In addition to the above, final details of foul water drainage is required to be provided and agreed by virtue of condition 17 of the outline planning permission.

2.127 Notwithstanding the above, the Council's Flood Risk Officer has been consulted and has confirmed that they have no objections with respect to surface water management. The Environment Agency has confirmed they have no comments to make on the application.

2.128 Northumbrian Water has also been consulted and have confirmed that they have no objections to the application provided the works are carried out in accordance with the submitted details, which shall be secured by virtue of the outline planning conditions.

2.129 In view of the above, the proposals are considered to be acceptable with respect to the impact on flood risk and drainage and in accordance with the relevant paragraphs of the NPPF (2019) and the relevant policies of the Hartlepool Local Plan (2018).

OTHER PLANNING MATTERS

Housing Mix and Affordable Housing

2.130 Objections have been received citing concerns that the provision of affordable housing on site will impact on the 'exclusivity' of surrounding areas. This is not a material planning consideration and therefore would hold no weight in the consideration of this application. Notwithstanding this, for clarity, this application for phase 1a of the development does not include any affordable housing provision.

2.131 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group and Elwick Parish Council with respect to the absence of affordable housing in this phase of the development.

2.132 The requisite planning obligations (including affordable housing provision/contributions) and the overall viability of the scheme were considered in detail through the outline planning application, and this was set out in the associated committee report. The Council's Planning Policy section has clarified that there is no requirement for affordable housing provision within the first 208 dwellings on the wider site, owing to viability constraints, and this is stipulated within the Section 106 Legal Agreement signed through the outline planning permission.

2.133 Elwick Parish Council and the Hartlepool Rural Neighbourhood Plan Group have also raised concerns that the proposals do not include the provision of any bungalows on site. This was also highlighted by the Council's Planning Policy section, and these concerns were relayed to the applicant for a response.

2.134 The applicant has advised that detailed market research and assessment was undertaken to ascertain a suitable mix of housing and demand within a specific area and as such it was felt that bungalows weren't as in demand as family housing. The applicant maintains that the mix within the development provides a range of family dwellings from starter homes suitable to first time buyers through to larger family properties. The applicant has also highlighted that their previously withdrawn application from 2018 had not proposed bungalows, which aligns with the above assumptions that the need was unable to be demonstrated and those proposals were deemed acceptable. The Council's Planning Policy section has since confirmed that whilst it is disappointing there are no bungalows proposed within this phase, they accept the justification provided by the applicant.

2.135 In view of the above, the application is considered to be acceptable in this respect.

Energy Efficiency and Renewable Energy

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

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

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

2.139 The applicant has submitted a supporting Energy Report. The Council's Planning Policy section has confirmed that they are satisfied this complies with the policy requirements above. Whilst it is noted the scheme will not provide electric vehicle charging points, the Council's Planning Policy section has confirmed that in this instance charging points are not required, as this requirement was not sought through the outline application, and additional financial obligations/requirements should not be applied at reserved matters stage.

2.140 In view of the above, the proposals are considered to be acceptable in this respect.

Waste Management

2.141 No comments or concerns have been received from the Council's Waste Management section. A waste audit for the phase is required to be submitted and approved prior to commencement by virtue of condition 34 of the outline planning permission. Final details of waste storage will be secured by virtue of planning condition 35 of the outline planning permission. In view of this, the proposals are considered to be acceptable in this respect.

Safety and Security

2.142 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 91 of the NPPF states “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”.

2.143 No comments or concerns have been received from the Council’s Community Safety and Engagement team. Cleveland Police has also confirmed that they have no objections to the application or major concerns with the proposed layout. Cleveland Police did request amendments to the location of the public footpath between plots 89 and 90 to improve natural surveillance, however it is noted that the layout of the footpath is reflective of the legal line of the public right of way. The applicant has however amended plots 89 and 90, either side of the PROW, to provide additional windows in the side elevations to provide further natural surveillance. Cleveland Police has been re-consulted following these amendments and have confirmed they have no further comments.

2.144 Cleveland Police has also provided advice for the application with respect to physical security of windows and doors etc. and this advice shall be appended to any decision as an informative note.

2.145 In view of the above, the proposals are considered to be acceptable in this respect.

Health and Safety

2.146 A Northern Gas Networks Gas Pipeline runs through the eastern side of the site and thereafter along the northern boundary adjacent to Elwick Road. In both instances, landscaping has been used to safeguard these areas from development and create a suitable buffer from the pipeline. Cleveland Emergency Planning Unit (CEPU) has been consulted and has confirmed that they have no objections to the proposals. Similarly, the case officer has ran the proposals through the Health and Safety Executive’s (HSE) web app, which has concluded that HSE does not advise, on safety grounds, against the granting of planning permission.

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

2.148 In addition to the above, no comments or objections have been received from the National Grid or Northern Powergrid.

2.149 In view of the above, the proposals are considered to be acceptable in this respect.

RESIDUAL MATTERS

Fire Safety and Access

2.150 Cleveland Fire Brigade has advised that they offer no representations regarding the development as proposed.

2.151 Cleveland Fire Brigade has commented that access and water supplies must comply with the relevant section of the Building Regulations. Similarly, the 'shared driveways' and 'emergency turning head' areas should meet the minimum carrying capacity requirements of the relevant section of Building Regulations.

2.152 A suitable informative note will be appended to any decision notice to notify the applicant of this advice, however these matters would ultimately be considered through the Building Regulations approval process.

Non-material objections

2.153 Additional concerns have been raised by a number of objectors that are non-material to this application (i.e. they do not relate to planning, they are not material considerations, they are subject to separate legislative control or they were considered as part of the outline planning permission and therefore are not relevant to this application), namely;

- Lack of evidence of housing need
- Lack of housing need/demand
- Pressure on primary and secondary schools (incl. West Park Primary School)
- Loss of agricultural land
- Previously advised by estate agent no further homes would be built
- Loss of Green Belt

CONCLUSION

2.154 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019) and the Hartlepool Residential Design SPD (2019). The development is therefore recommended for approval subject to the conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.155 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.156 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.

2.157 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
SD100 – External Plot Finishes – Issue (01) (Standard Construction Details) drawing pack

House Type Butler (A) drawing pack (including elevations and floor plans)
House Type Charlton (A) drawing pack (including elevations and floor plans)
House Type Ferguson (A) drawing pack (including elevations and floor plans)
House Type Harrison (A) drawing pack (including elevations and floor plans)
House Type Hewson (A) drawing pack (including elevations and floor plans)
House Type Lawson (A) drawing pack (including elevations and floor plans)
House Type Masterton (A) drawing pack (including elevations and floor plans)
House Type Pennington (A) drawing pack (including elevations and floor plans)
House Type Robinson (A) drawing pack (including elevations and floor plans)
House Type Sanderson (A) drawing pack (including elevations and floor plans)
House Type Spencer (A) drawing pack (including elevations and floor plans)
House Type Wilson (A) drawing pack (including elevations and floor plans)
House Type Garage Booklet drawing pack (including elevations and floor plans)

ARB/AE/1231 (Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan)

Reserved Matters Statement (dated January 2020)
received 3rd February 2020 by the Local Planning Authority;

SH.30012.SS (Substation – Plans and Elevations)
received 13th March 2020 by the Local Planning Authority;

SH.30012.SLP (Site Location Plan)
SH.30012.STS (Street Sections)
received 27th March 2020 by the Local Planning Authority;

Energy Report (dated September 2020)
received 1st September 2020 by the Local Planning Authority;

PNN-ETR1/21 Revision B (Pennington (A) Elevation Treatment 1/31
Additional Gable Window)
HRN-ETR1/32 Revision B (Harrison (A) Elevation Treatment 1/32 Additional
Gable Window)
30012.PLN.GA Revision A (General Arrangement)
30012.PLN.BT Revision A (Boundary Treatment Plan)
30012.PLN.ST Revision A (Surface Treatment Plan)
30012.PLN.ET Revision A (Elevation Treatment Plan)
30012.PLN.SEP Revision A (Site Execution Plan)
30012.PLN.NOI Revision A (Noise Attenuation Plan)
30012.PLN.ECO Revision A (Ecology Plan)
30012.PLN.GEL Revision A (Easements and Buffers Layout)
30012.PLN.SPP Revision A (SANGS Phasing Plan)
30012.PLN.HRP Revision A (Hedge Retention Plan)
30012.SH.EFBT Revision G (External Finishes and Boundary Treatments)
received 8th September 2020 by the Local Planning Authority;

1504 11 P12 (Drainage Layout – Sheet 1 of 4)
1504 12 P12 (Drainage Layout – Sheet 2 of 4)
1504 13 P12 (Drainage Layout – Sheet 3 of 4)
1504 14 P13 (Drainage Layout – Sheet 4 of 4)
1504 05 P9 (Proposed Levels – Sheet 1 of 3)
1504 06 P9 (Proposed Levels – Sheet 2 of 3)
1504 07 P12 (Proposed Levels – Sheet 3 of 3)
1504 61 P4 (Section 104 – Sheet 1 of 2)
1504 62 P4 (Proposed Section 104 Sheet 2 of 2)
1504 51 P4 (Proposed Section 38 and S278 Sheet 1 of 2)
1504 52 P4 (Proposed Section 38 Sheet 2 of 2)
1504 31 P5 (Proposed Surface Finishes and Kerb Layout Sheet 1 of 2)
1504 32 P6 (Proposed Surface Finishes and Kerb Layout Sheet 2 of 2)
received 18th September 2020 by the Local Planning Authority;

SD-10.03 Revision E (Masterplan as Proposed Colour Layout)
received 23rd September 2020 by the Local Planning Authority;

c-1507-10 Revision C (Detailed landscape proposals Sheet 1 of 4)
c-1507-11 Revision C (Detailed landscape proposals Sheet 2 of 4)
c-1507-12 Revision C (Detailed landscape proposals Sheet 3 of 4)
c-1507-13 Revision C (Detailed landscape proposals Sheet 4 of 4)
received 6th October 2020 by the Local Planning Authority.

For the avoidance of doubt.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136579>

2.160 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.

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Land South of Elwick Road, High Tunstall, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 20.10.2020
	SCALE 1:5,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0048	REV

No: 3.
Number: H/2020/0308
Applicant: MR P CHARLTON FULLER CRESCENT NORTON
STOCKTON ON TEES TS20 1HB
Agent: PYRAMID ARCHITECTURAL DESIGNS MR B WEARS
UNIT 8 LEXINGTON BUILDINGS MARSKE BY THE SEA
TS11 6HR
Date valid: 28/08/2020
Development: Change of use of land to form enclosed beer garden
Location: 2 THE FRONT HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/2016/0382 - Change of use from florist shop to micro pub and external alterations including installation of door to rear, replacement window to side, and rendering. Approved 15th December 2016.

PROPOSAL

3.3 This application seeks planning permission for the change of use of public open space to the northern side of 2 The Front, known as the 9 Anchors, to provide a beer garden space for the establishment. The area measures approximately 16.5m in length by 6.5m in width and adjoins the existing brick wall running along the eastern side (adjoining the main host building to the south), with the proposed installation of rope and timber barriers along the northern and western sides. Within the proposed beer garden the application proposes the installation of fixed barrel tables and chairs.

3.4 The application proposes the replacement of an existing window in the side (north) of the host building with 1no. external timber door, with an external staircase comprised of timber. The external staircase would measure approximately 2m in projection by approximately 1.7m in width, and would include banisters with an approximate total height of approximately 1.2m, with the steps being a total height of approximately 0.6m above the ground. The application indicates that hardstanding would match the surrounding areas.

3.5 The application refers to lighting and signage, although no specific details of these are included and it may be that additional consents are required in respect of those elements. As such they are not considered as part of this application.

3.6 The application has been referred to be determined in the planning committee at the request of a local ward councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.7 The application site relates to an area of land to the northern side of 2 The Front, which is an end of terrace two storey building, currently occupied by a micro pub, known as 'The 9 Anchors'. The area of land is on the south western corner of the junction with Station Lane (west) and The Front (south) with The Cliff continuing to the north. To the east, beyond the main highway of The Front is the sea front of Seaton Carew. To the rear (west) is a car park with Seaton Park to the south and west, including a children's play area and playing fields beyond. To the north, beyond the main highway of Station Lane are residential properties including 2 Station Lane, 10-14 (evens) Station Lane and Belgrave Court is set to the northwest, with No. 1 Belgrave Court the closest property.

PUBLICITY

3.8 The application has been advertised by way of 8 neighbour letters, site notice and press advert. To date, there have been 8 objections. In addition, a local ward councillor has expressed concerns regarding the proposed development.

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

- Applicant is not in ownership of the land and other parties have expressed an interest in it;
- Host premises has recently sited seating to the front which has resulted in increased noise;
- Toilet facilities not suitable for more patrons; insufficient sanitary provision results in people urinating in the street;
- Discrepancy in seating on plans;
- Loss of landscaping and sculptures within and around the site;
- Plans for existing street art;
- Hours of use not acceptable;
- Existing window replaced by a door opposite windows of residential property which would impact on their privacy;
- Noise and litter; these would not be reduced by proposed rope barriers;
- Poor location, proximity to Seaton Park and on a junction, passing pedestrians including children;
- Parking, traffic generation, visibility and other highways matters;
- Proposed plan is not clear as the existing wall is not part of the application site but part of the proposed site;
- Previous alleged licensing issues, including existing anti-social behaviour, including noise, fighting,

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140061>

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Heritage and Countryside Manager: The application site is located in Seaton Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

Further to this 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 special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street.

The conservation area is considered to be ‘at risk’ under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area.

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 change of use of land to form enclosed beer garden.

The land is currently highway with incidental planting and sculptures providing a link between The Front and a pedestrian access to Seaton Park which is clearly defined. The loss of this land and in particular the existing planting areas and sculptures is disappointing. Whilst it is not considered that the works would harm the significance of the conservation area, it is considered that the loss of space, planting area and sculptures would have a detrimental impact on Seaton Park reducing the visibility of the connection it has with The Front.

HBC Landscape Architect: The proposed development will result in the loss of some public open space that currently functions as part of the entrance space Seaton Park. Should the proposed development be approved, full details of all hard materials should be provided. This information can be controlled by condition.

HBC Public Protection: These premises are in close proximity and overlooked by residential properties on Station Lane. Due to the type of business there is considerable potential for noise nuisance and an impact on the amenity of the residents. The proposed beer garden would also be insecure when the premises are closed and have the potential to invite anti-social behaviour. I would therefore have serious concerns and wish to object to this application.

Cleveland Police: I have carried out a search on Police Data for the past 12 months which shows no incidents reported to Police in relation to these premises. However I am aware have some concern regard the proposed outside drinking area in relation to impact on nearby residents and potential misuse of the facility.

If this application is approved I would expect that time restrictions are put in place in relation to use of the facility a limit of use not beyond 21.00hrs would help to reduce impact on nearby residents I would also expect CCTV coverage of the area and the area is well managed. The proposed area will be required to deter easy access by non-customers when not in use and have fixtures and fittings secure and vandal resistant.

HBC Community Safety: There are no community safety concerns associated with the proposed change of use.

Tees Archaeology: I note the proposed development, this will not have an impact on any archaeological remains and I have no objection to it.

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

HBC Estates: The land is currently owned by the Council. In addition to any planning permission terms would need to be agreed for a sale or lease of the land.

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

HBC Flood Risk Officer: In response to your consultation on the above application, I have no objection in respect of surface water management or contaminated land.

HBC Economic Development: The Economic Growth and Regeneration Team are aware of the proposal to change the use of land to form an enclosed beer garden at 2 The Front, Hartlepool TS25 1BS. The team have no objections to the proposal – Hartlepool will benefit economically from this development as it is allowing a successful local business to expand its premises, thus facilitating business growth and potentially creating new job opportunities for local people. However, we would like some clarification as to what is happening with the street art (the bird statues) that currently sit on this piece of land.

HBC Arboricultural Officer: No comments received.

Civic Society: No comments received.

HBC Parks and Countryside: No comments received.

HBC Public Health: No comments received.

HBC Building Control: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

3.14 The following policies in the Hartlepool Local Plan (2018) are relevant to the determination of this application:

- HE1: Heritage Assets
- HE3: Conservation Areas
- HE6: Historic Shopping Parades
- HE7: Heritage at Risk
- LS1: Locational Strategy
- LT3: Development of Seaton Carew
- QP3: Location, Accessibility, Highway Safety and Parking
- QP4: Layout and Design of Development
- QP5: Safety and Security
- QP6: Technical Matters
- RC1: Retail and Commercial Centre Hierarchy
- RC16: The Local Centres
- SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF) (2019)

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

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 080: Building a strong, competitive economy

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for climate change

PARA 180: Noise

PARA 184: Conserving and enhancing the historic environment

PARA 189: Proposals affecting heritage assets

PARA 190: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 193: Considering potential impacts

PARA 212: Implementation

3.16 HBC Planning Policy comments: Planning Policy have no concerns regarding the principle of pavement cafes/drinking areas within this location, however the comments of the council's public protection team and heritage and countryside manager are paramount in the determination of this application. Given the view put forward by the aforementioned officers Planning Policy considers that the proposal could have a detrimental impact upon the residential amenity of surrounding residents and the visual link between Seaton Park and The Front.

PLANNING CONSIDERATIONS

3.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and in particular the principle of the development; the impact on the visual amenity of the character of the surrounding area (including the impact on

heritage assets); the impact on the amenity and privacy of neighbouring land users; and the impact highway and pedestrian safety. These and any other planning matters are considered in full below.

PRINCIPLE OF THE DEVELOPMENT

3.18 The application site (and the land that the current application site relates to) is situated within a mixed use, conservation area including both residential and commercial use. The area is identified on the Policies Map as Policy LT3 which supports proposals for tourism and leisure developments within Seaton Carew where they complement the character of the area and are in keeping with the development of Seaton Carew as a seaside resort. It is also of note that the land in question lies adjacent to designated open space in the form of Seaton Park and children's play area but ultimately is outside of this area and therefore the provisions of Policy NE2(b and c) do not apply in this instance.

3.19 Policy HE3 also requires that proposals demonstrate that they will conserve or positively enhance the character of the conservation areas, in this instance the Seaton Carew conservation area, which is discussed in further detail below.

3.20 The Council's Economic Regeneration section have no objections to the proposal and have commented on the application to state that the proposal is considered to facilitate business growth and potentially creating new job opportunities for local people. It is also noted that the Council's Planning Policy section raise no objections to the principle of development and in view of the above policy matters, the provision of an external seating area as proposed would be acceptable in principle. However it is necessary to ensure that there is no potential for neighbouring residents to be affected by the commercial facilities in the surrounding area (and vice versa) and that the development would not result in any adverse visual impacts, and these are considered in further detail below.

VISUAL AMENITY AND CHARACTER OF SURROUNDING AREA (INCLUDING CONSERVATION AREA)

3.21 The application site lies within the Seaton Conservation Area. When considering any application for planning permission that affects a conservation area, section 72 of the Town and Country Planning 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. Policies HE3 and HE7 of the Hartlepool Local Plan (2018) concludes that development of heritage assets which will positively conserve and enhance these assets and addressing issues of neglect, decay or other threat will be supported. Paragraphs 185, 194 and 200 require Local Planning Authorities to take account of the impacts of development on the significance of the area and, where possible, to enhance them.

3.22 The preamble to Policy LT3 notes that "improvements to public open space, connectivity within Seaton Carew, use of the beach and wider natural environment, to meet its full potential, and greater appreciation of the historic environment will build on and enhance the existing assets and provide key opportunities for enhancing the overall visitor offer of the town that exists at Seaton Carew".

3.23 Whilst the Council's Heritage and Countryside Manager considers that the proposed change of use of the area and associated infrastructure would not create any appreciable impact on significance of the conservation area, the Heritage and Countryside Manager does raise concerns regarding the loss of this land which provides a link between The Front and a pedestrian access to Seaton Park which is clearly defined with incidental planting and sculptures. The loss of this land and in particular the existing planting areas and sculptures is considered to be disappointing. As such, the Heritage and Countryside Manager concludes that that the loss of space, planting area and sculptures would have a detrimental impact on Seaton Park reducing the visibility of the connection it has with The Front.

3.24 Such concerns are also echoed by the Council's Landscape Architect, who has commented that the proposed development would result in the loss of some public open space that currently functions as part of the entrance space Seaton Park. As such, he considers that further details would need to be provided for further consideration, to ensure that any adverse impact on the entrance to the park would be mitigated. Whilst these comments are noted, it is considered that the provision of additional landscaping would not address or overcome the substantial concerns regarding the enclosure of this land as proposed and its detrimental impact on the visual amenity of this area.

3.25 As such the proposal is considered to be contrary to the provisions of Policies LT3, QP3 and QP4 of the Hartlepool Local Plan (2018). Furthermore, the proposal is considered to be contrary to the provisions of paragraphs 124, 127 and 130 of the NPPF (2019) which attach great importance to the design of the built environment and indicate that good design should contribute positively to making places better for people.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.26 The application site is adjoined to No. 3 The Front, a commercial property, with a residential flat above (3A), with a separation distance of approximately 5.5m between the proposed beer garden on the northern side of the host premises and this adjoining building to the south. To the north the area comprises predominantly residential properties (beyond the highway), with a separation distance of approximately 24.5m remaining to 2 Station Lane, approximately 25.5m remaining to 1 Belgrave Court and approximately 38.7m remaining to the No. 10 Station Lane from the proposed beer garden at the host premises.

Noise and general disturbance

3.27 It is acknowledged that a number of neighbour objections have been raised with respect to noise pollution at the application site. These objections make reference to the existing levels of noise and disturbance at the application site, and express concerns that these matters would be significantly exacerbated as result of the proposal.

3.28 The Council's Public Protection section have been consulted in respect of the proposals and have objected to the proposal on the grounds of the potential for the proposal to result in an increased noise and disturbance for neighbouring properties.

3.29 Paragraph 180a of the NPPF (2019) states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*.

3.30 Furthermore, it is considered that the proposed timber and rope barriers would not provide any sound insulation or protection for nearby residential properties from the potential noise and disturbance that may emanate from the beer garden sited adjacent to public house establishment. Given the above mentioned separation distances it is considered that the proposed barriers (timber and rope) would not be sufficient to prevent noise occurring in the open air from potentially resulting in an adverse impact on the amenity of these neighbours in terms of noise disturbance.

3.31 Given the proximity of residential properties and that an objection has been received from HBC Public Protection, it is considered that the potential adverse noise impacts would be so significant as to warrant a further refusal of the application in this instance.

3.32 Notwithstanding the above, it is noted that an objection has been received in respect of the hours of use of the proposed beer garden. The applicant has indicated that the opening hours are not relevant (on the application form). No comments have been received from the Council's Public Protection section in respect of this matter whilst Cleveland Police have suggested that the use of the area be restricted to 21:00 hours. However and fundamentally, the Council's Public Protection section have objected to the application for the reasons detailed above and that any hours of use restriction would not overcome or address such concerns given the proximity of residential properties.

Amenity and privacy

3.33 The proposal includes the replacement of a window in the north facing side elevation of the host building with a door, as well as the installation of several structures in order to facilitate the proposed change of use of the land to a beer garden: namely, a boundary comprised of timber posts with rope barriers along the northern and western sides, fixed timber seating and an external staircase from which access to the premises could be attained.

3.34 To the south, the nearest neighbours are occupiers of the upper floor flat of the building adjoining the host building, being a separation distance of approximately 5.5 metres from the northern side of the host building, from which the proposed beer garden would be accessed. Given the relationship between the host premises being such that the host building is positioned between the proposed beer garden and neighbouring occupants to the south (in both residential and commercial properties), it is considered that these elements of the proposal would not result in any adverse impacts on the neighbour in terms of loss of light, overbearing impression, loss of outlook or overlooking.

3.35 To the west, there is a separation distance of approximately 24.5m between the proposed beer garden and the closest residential property along Station Lane (No. 2, with distances set out above). It is noted that the proposed glazed door in the side elevation would replace a window and would not extend the property or otherwise change its proportions or reduce separation distances from those already established. Owing to these separation distances which accord with the requirements of Policy QP4 of the Hartlepool Local Plan (2018), it is considered that these elements of the proposal would not result in adverse impacts on the amenity or privacy of occupants of residential properties at 2 Station Lane or other properties (including 10-14 Station Lane and 1 Belgrave Court) in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

3.36 Notwithstanding this and for the reasons set out in the paragraphs above, the proposal is not considered to be acceptable with respect to the impact on the amenity of neighbouring land users for reasons of increased noise and disturbance that may be generated from the application site, including the potential for an increased anti-social behaviour when the host premises is closed, and therefore the proposal is not considered to be in accordance with policies LT3 and QP4 of the Hartlepool Local Plan (2018) or paragraph 180a of the NPPF (2019).

SAFETY & SECURITY (INCLUDING ANTI-SOCIAL BEHAVIOUR)

3.37 It is noted that a number of neighbour objections make assertions of existing anti-social behaviour at the application site, raising concerns such as fighting and general rowdiness and increased litter; and express concerns that these issues would be worsened through a planning approval for the proposed beer garden. The Council's Public Protection section, in their response to consultation (above), consider that the proposed beer garden could have the potential to result in an increased anti-social behaviour in the general vicinity, particularly when the existing premises would be closed (e.g. late at night).

3.38 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 91 of the NPPF states "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*".

3.39 Notwithstanding these concerns, anti-social behaviour must be evidenced by incidents reported to the police or other relevant agencies. The Council's Community Safety section have responded to consultation on the proposal to state that there are no community safety concerns associated with the proposed change of use. In addition, Cleveland Police have responded to consultation on the proposal to confirm that there have not been any instances of anti-social behaviour reported to the police within the previous 12 month period.

3.40 Cleveland Police have requested that should the application be approved time restrictions could restrict the use of the beer garden to not beyond 9pm. Furthermore, CCTV coverage of the area should be installed to ensure it would be

well managed, in order to deter easy access by non-customers when not in use. Finally Cleveland Police have requested that the premises have secure and vandal-resistant fixtures and fittings in place.

3.41 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 light of the above responses from technical consultees and in this instance, whilst objections detailing concerns that the scheme would lead to an increase in anti-social behaviour (particularly if not managed appropriately) are noted, it is considered that the potential for anti-social behaviour would not be so significant as to warrant an additional reason for refusal of the application in its own right.

HIGHWAY AND PEDESTRIAN SAFETY

3.42 The Council's Traffic and Transport section and the Council's Countryside Access Officer have both confirmed that there would be no concerns with the proposal in terms of its impact upon highway and pedestrian safety or car parking. The application is therefore considered to be acceptable in respect of these matters.

OTHER PLANNING MATTERS

3.43 The Council's Flood Risk Officer has been consulted in respect of the application and considers that there are no issues in respect of flood risk, surface water management or contaminated land. The proposal is therefore considered to be acceptable in these respects.

3.44 An objection has been received that raises concerns regarding the plans submitted with the application. In terms of the brick wall to the northern side of the host building (running between the area of the application site and the footpath along The Front to the east). It is acknowledged that this wall is in situ, however the applicant is proposing that this wall would form the eastern boundary of the proposed beer garden. There is a discrepancy between the amounts of tables shown on plans – it is understood that the proposed tables are shown on the floor plan, whilst those on the elevations drawing are an indication of how the area would appear (including the heights of the proposed timber seating). Had the application been considered acceptable in all respects then a planning condition would have been necessary to secure final layout of the fixed timber furniture would be acceptable.

3.45 In addition, it is noted that a number of neighbour objections as well as the Council's Economic Regeneration section have raised concerns regarding the sculptures within the area of the application site. Clarification from the applicant has been sought in respect of these queries, however the applicant has not provided any response (at the time of writing the report, 21.10.2020). Ultimately, the scheme has been considered based on the submitted information and as detailed above, it is disappointing that the applicant's proposals would appear to indicate the removal of the sculptures (notwithstanding land ownership matters).

OTHER MATTERS

3.46 A local ward councillor as well as objections from neighbouring residents have raised concerns that the land is not owned by the applicant. The applicant has indicated on the relevant section of the application form (ownership certificates) that they (the applicant) are not the owner of the land in question but indicate that they have served appropriate notice on the land owner (in this instance Hartlepool Borough Council). Furthermore, the Council's Estates section have responded to the application to state that separate to the planning process, the applicant would need to purchase or lease the area of land from HBC, the owner. Notwithstanding this, on the understanding that the correct land ownership certificates be signed and notices served, ownership of the application site is not a material planning consideration and therefore this matter cannot be considered in the determination of this application.

3.47 It is noted that neighbouring objectors refer to licensing issues. Specific matters related to licensing of the existing premises which are beyond the remit of planning control and as such cannot be considered in the determination of this application. With respect to objections raised regarding the apparent use of part of the land to the front of the property as an external seating area, this is understood to be covered by separate licensing legislation introduced in response to the covid-19 restrictions to which such 'street cafes' are deemed permitted development in planning terms and are regulated by the licensing regime (it is understood that a license has been granted by HBC Licensing to this effect).

3.48 A number of objections have raised concerns regarding sanitary provision at the premises. This is a matter for building regulations and licensing and is beyond the remit of planning control.

CONCLUSION

3.49 With regard to the above material planning considerations, it is considered that the proposed change of use to the area to the north of 2 The Front to a beer garden to serve the host premises is not acceptable due to its potential adverse impact on neighbour amenity (by way of noise and disturbance) and its adverse visual impact, in particular on the link between The Front and the recreational grounds to the rear (west). The proposal is therefore considered to be contrary to the provisions of Policies LT3, QP3 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 11, 47, 124, 127 and 180a of the NPPF (2019).

EQUALITY AND DIVERSITY CONSIDERATIONS

3.50 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.51 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.

3.52 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE, for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its siting and scale, would result in an unacceptable loss of amenity for surrounding neighbouring properties in terms of an increase in noise and disturbance, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 127 and 180a of the National Planning Policy Framework (2019).
2. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would result in a detrimental visual impact on the character and appearance of the area, in particular by reducing the visibility of the connection it has with The Front and Seaton Park, contrary to Policies LT3, QP3 and QP4 of the Hartlepool Local Plan (2018) and paragraph 130 of the NPPF (2019) which 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.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140061>

3.55 Copies of the applications are available on-line:

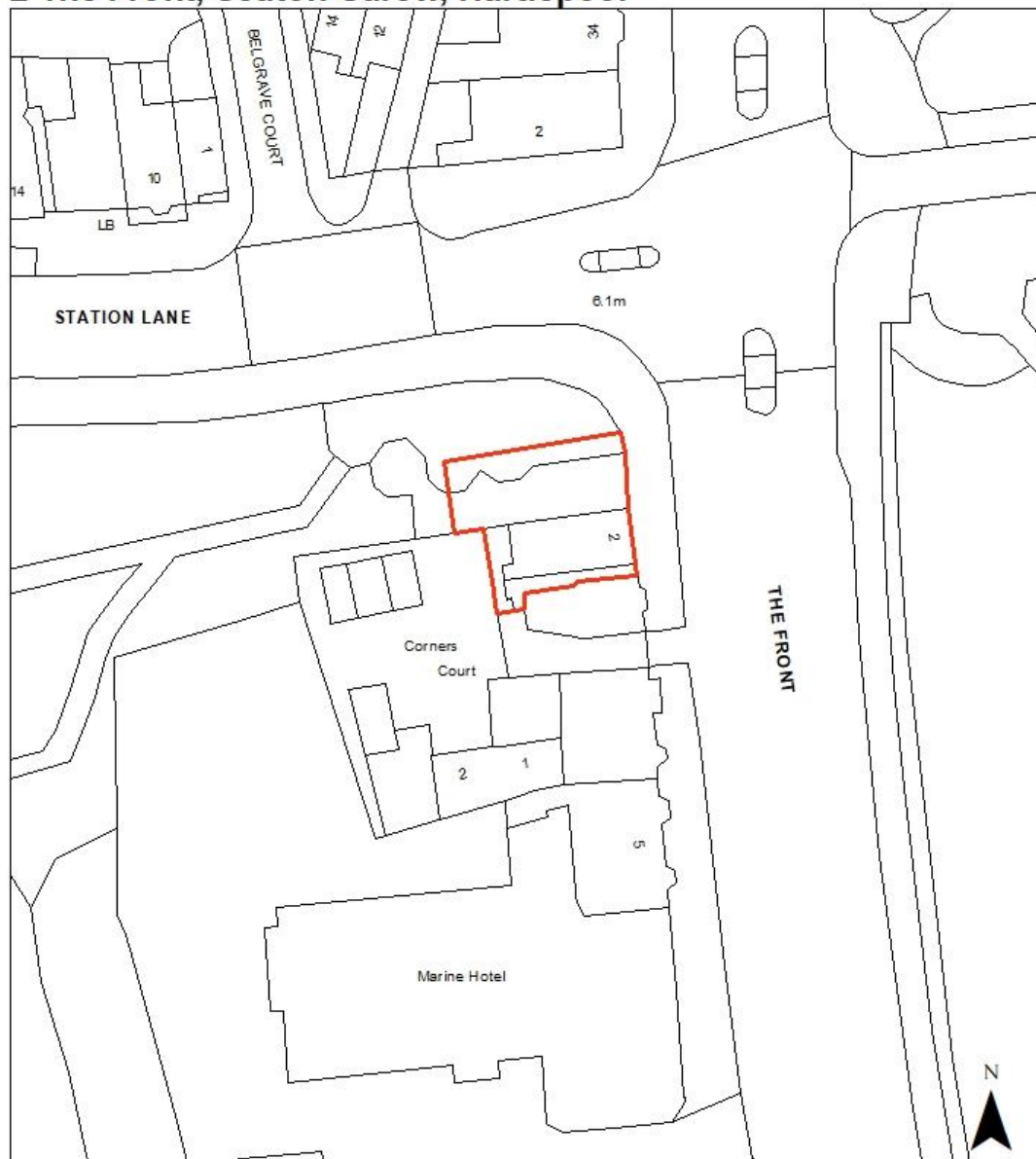
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>
except for such documents that contain exempt or confidential information.

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2 The Front, Seaton Carew, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 20.10.2020
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0308	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

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

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

MATERIAL PLANNING CONSIDERATIONS IN DECISION MAKING

Material Planning Consideration	Non Material Planning Consideration
<i>Can be used as reasons to make a decision to grant or refuse a planning application</i>	<i>To be ignored when making a decision on a planning application</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Precedent (individual merits of each case)
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Applicants personal circumstances
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Problems arising from construction period
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Loss of trade / business competition
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Loss of a view
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Alternative proposals
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Retention of existing use
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> There is a better site for the development
<ul style="list-style-type: none"> Crime and the fear of crime 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Economic impact 	<ul style="list-style-type: none"> Changes from previous approved schemes
<ul style="list-style-type: none"> Planning history or previous decisions made 	<ul style="list-style-type: none"> Building Regs (fire safety, land stability etc.)
<ul style="list-style-type: none"> Economic viability of the scheme 	

PLANNING COMMITTEE

4th November 2020



Report of: Assistant Director (Place Management)

Subject: Planning Committee Site Visits

1. PURPOSE OF REPORT

- 1.1 To advise Members of the options available in respect to Committee site visits in light of the ongoing Covid-19 pandemic.
- 1.2 To seek approval on the preferred method for undertaking site visits.

2. BACKGROUND

- 2.1 The Planning Code of Practice sets out practices and procedures in respect to the operation of the planning system in the Borough.
- 2.2 Chapter 16 of the Code of Practices provides the option for Planning Committee Members to decide to visit a site prior to the determination of an application.
- 2.3 Any request should be justified in relation to material planning considerations.
- 2.4 The code also acknowledges that site visits cause delay and add costs for the applicant and Council and should only be used where there are substantial benefits.
- 2.5 The current Covid-19 pandemic has made the prospect of accommodating physical site visits challenging.
- 2.6 Following Planning Committee on September 2nd 2020 two applications (H/2019/0457 and H/2020/0096) were deferred pending physical site visits. These applications are currently unable to be determined until the site visit procedure is reviewed.

3. LEGAL POSITION

- 3.1 The legal position in respect to physical site visits in the current emergency (at the time of writing) is set out below.
- 3.2 On 14 September 2020 the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 4) Regulations 2020 came into force. These regulations implemented what has become known as the “rule of six”. In general the regulations serve to prevent groups of more than six persons from gathering in a private dwelling or in public outdoor spaces. The “rule of six” has remained following the introduction of the Covid-19 tier system introduced on 14th October 2020.
- 3.3 The regulations do not prevent a gathering taking place for the purpose of a properly organised physical business meeting. However, the decision whether or not a gathering should (as opposed to could) take place must be based upon the assessment of risk and the implementation of mitigation measures. The Council also have a moral obligation to be consistent in its messaging regarding group gatherings. The Police should also be consulted so that they agree the proposed gathering can proceed prior to any site visit.
- 3.4 It should be noted that the regulations and the health guidelines are subject to change at short notice and the position would need to be reviewed prior to any physical site visit taking place.

4. PROPOSED OPTIONS

- 4.1 Officers have reviewed the options for site delivering site visits based on the current guidance and practices adopted by other Local Authorities.
- 4.2 Option 1: All site visits cease with immediate effect.
- 4.3 Option 2: All site visits cease with immediate effect. Members will be able to request a ‘Virtual site visits’ by utilising photographs, video and google earth or similar applications. This option has been used successfully in the Borough recently with a remote site visit taking place on 16th July 2020 in respect to several development sites. Sites not yet on Google Earth or with challenging or restricted access could benefit from a live stream back to Committee should network coverage allow. The virtual package would be considered and tailored for each application.
- 4.4 Option 3: Undertake a physical site visit. This would need to be undertaken in accordance with a relevant risk assessment which would require various measures to be adhered to seek to reduce the risk. This could involve individuals travelling to the site separately, social distancing protocols, use of face coverings etc. There is a risk that should guidance change and further restrictive measures be enforced then this option may become unviable.
- 4.5 All of the options have advantages and disadvantages. In respect to Options 1 and 2, these would remove the risk to health and ensure that the Council is consistent with the national message about preventing gatherings however

Members may feel that this option would not allow them to give adequate scrutiny to a proposal.

- 4.6 In respect to Option 2 this would allow Members to view the site virtually but Members may have concerns that this may not give them a clear picture of the impacts of a development at site. This could be further enhanced with a live video feedback option, where technically feasible that would allow Members to request the camera focus on specific elements of the site.
- 4.7 In respect to Option 3, there is an inherent risk to health notwithstanding the adherence to measures to seek to ameliorate risk. Individual Members with underlying health problems would need to follow relevant medical advice in respect to their condition and the risk the site visit would represent. This could effectively exclude Members from the site visit. There is also the risk that the site visit might be disrupted by members of the public putting Members and staff at risk. Further there is also the consideration as to the impact on the reputation of the Council if Members of the public observe meetings taking place without clearly understanding the regulations which can be complex, or, worse should an outbreak be traced to a site visit. There is also the risk that regulations can change quickly making it difficult to predict if physical site visits will be able to continue indefinitely.

5. RECOMMENDATION

- 5.1 It is recommended that Members approve Option 2.
- 5.2 It is recommended that the matter be referred to Constitution Committee and then to Full Council as it will require a change to the *Planning Code of Practice*.

6 REASON FOR THE RECOMMENDATION

- 6.1 To allow Members to continue to receive the benefit of a site visit whilst minimising the risk to health.

1.

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PLANNING COMMITTEE

4 November 2020



Report of: Assistant Director (Place Management)

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. Groundworks involving the creation of new hardstandings for caravans at a caravan park on Easington Road.
2. The raising of ground levels as a result of the resurfacing of courts at a tennis club in Granville Avenue.
3. The change of use to a bed and breakfast of a residential property in Montague Street.
4. The erection of a warehouse building at the rear of a commercial premises on Oakesway Trading Estate.
5. Non-compliance with the construction management plan (relates to delivery timings) at a residential development site at land off Elwick Road.
6. The erection of an outbuilding in the rear garden of a residential property in Gala Close.
7. The erection of an outbuilding in the rear garden of a residential property in Goldsmith Avenue.
8. The erection of an outbuilding/workshop in the rear garden of a residential property in Merlin Way.
9. The erection of an extension to the side of a residential property in Elizabeth Way.
10. Running a dog breeding business and rescue centre at a residential property in Hart Lane.
11. The erection of timber outbuildings at the front of a residential property in Harvester Close.

12. The erection of timber outbuildings on land at The Maltings.

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

1. The erection of an outbuilding in the rear garden of a residential property in Butterstone Avenue. Permitted development rights apply in this case.
2. The erection of front and rear extensions at a residential property in Brierton Lane. The development benefits from planning permission.
3. The erection of a timber outbuilding in the rear garden of a residential property in Ashwood Close. The height of the outbuilding has now been reduced in accordance with permitted development.
4. The erection of a shed and extension of an existing building at an industrial premises on Thomlinson Road. A retrospective planning application seeking to regularise the development has since been approved.
5. The provision of outdoor seating not in accordance with the approved details at a licensed premises in Church Square. The unauthorised seating has been removed, and the replacement seating now accords with the approved details.
6. Non-compliance with a condition requiring the removal of advertising signs from land adjacent to a residential development site at The Wynd, Wynyard. The signs have now been removed.
7. Non-compliance with the approved plans (relates to the locations of houses and garages) at a residential development site at land off Coniscliffe Road. It was found that the development is being built in accordance with the approved plans
8. Groundworks involving amendments to existing retaining walls in the rear garden of a residential property in Padstow Close. A retrospective planning application seeking to regularise the development has since been approved.
9. The extension of the seating area and change of use to café at a commercial premises on Victoria Road. A retrospective planning application seeking to regularise the development has since been approved.
10. The change of use to a gym of a light industrial unit at Park View Industrial Estate. A planning application in respect of the change of use has since been approved.
11. The provision of outdoor seating at the rear of a licensed premises on Warrior Drive. The outdoor seating at the rear of the premises has since been removed.

12. The erection of retaining walls and the raising of ground levels at the rear of a residential property in Grassholme Road. The ground levels have now been reinstated to their condition prior to the breach taking place.
13. The use of land at a leisure complex on Tees Road as a caravan site. Permitted development rights apply in this case.
14. The display of advertising signs at a residential development site on Elwick Road. The signs have since been removed.
15. The use of the footway to the front of a commercial premises in Stockton Road for the display of goods. The display of goods on the footway has since ceased.
16. Non-compliance with approved plans and conditions attached to a grant of planning permission (relates to the submission of a scheme for the disposal of foul and surface water) and non-compliance with conditions attached to a further grant of planning permission (relating to contamination, surface water and external materials) at an industrial premises on Burn Road. A planning application seeking to regularise all aspects of the development has since been approved.

2. RECOMMENDATION

- 2.1 Members note this report.

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