

PLANNING COMMITTEE

AGENDA



Wednesday 13th January 2021

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 2 December, 2020 (to follow)

4. **ITEMS REQUIRING DECISION**

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

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|----|-------------|---|
| 1. | H/2020/0372 | Land at Hill View, Greatham (page 1) |
| 2. | H/2020/0300 | Former Garden Centre, Tanfield Road (page 59) |
| 3. | H/2020/0381 | 6 Tintagel Close (page 91) |
| 4. | H/2020/0386 | 4 Radcliffe Terrace (page 99) |
| 5. | H/2020/0403 | 8 Gala Close (page 109) |
| 6. | H/2019/0456 | 6 Mayfair Gardens (page 123) |
| 7. | H/2015/0209 | Rear of Millbank Close, Land at the Fens, Hart Village (page 139) |

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 Notice (paras 5 and 6) – *Assistant Director (Place Management)*
7.2 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*

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

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

Any site visits approved by the Committee at this meeting will take place on a date and in a manner to be agreed by the Chair of the Committee that is compliant with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 and other relevant legislation.

The next meeting of the Committee will be held on Wednesday 10 February commencing at 9.30 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

2nd December 2020

The meeting commenced at 10.00am 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: Stephen Akers-Belcher, James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson and Cameron Stokell

Also Present Councillor Tony Richardson

Officers: Jim Ferguson, Planning and Development Manager
Kieran Bostock, Assistant Director (Place Management)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Coast, Countryside and Heritage Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning (DC) Team Leader
Scott Parkes, Engineering Team Leader (Environment)
Ryan Cowley, Senior Planning Officer
Stephanie Bell, Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

84. Apologies for Absence

None

85. Declarations of interest by members

Councillor Mike Young declared a prejudicial interest in items H/2020/0060 and H/2020/0061 (Meadowcroft, Elwick Road) and confirmed that he would leave the meeting during consideration of these items.

Councillor Stephen Akers-Belcher confirmed he was aware of the applicant for H/2020/0373 (32 Chaucer Avenue) but did not consider this to be a prejudicial interest.

Councillor Brenda Loynes confirmed she was aware of the application for H/2020/0096 (19 Cropston Close) through the Residents Association but did not consider this to be a prejudicial interest.

Councillor Marjorie James confirmed she was aware of the applicant for H/2020/0373 (32 Chaucer Avenue) but did not consider this to be a prejudicial interest.

86 Confirmation of the minutes of the meeting held on 7th October 2020

Minutes confirmed

87 Confirmation of the minutes of the meeting held on 4th November 2020

Minutes confirmed

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

Following his earlier declaration of interest the Chair departed the meeting during consideration of the following items.

Councillor Tim Fleming in the Chair

Number:	H/2020/0060
Applicant:	MR MRS L GATE ROSEDALE AVENUE HARTLEPOOL
Agent:	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
Date received:	04/06/2020
Development:	Erection of 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments.
Location:	MEADOWCROFT ELWICK ROAD HARTLEPOOL

A member queried the proposed height of the dwelling house and whether this would cause problems with traffic visibility. The Senior Planning Officer advised that Highways Officers had raised no concerns around highway or pedestrian safety.

A supporter of the applicant addressed the Committee, urging them to approve the application. He acknowledged the officer recommendation and their concerns but felt that the architect had produced a contemporary design which would complement the adjacent Grade 2 listed building following principles laid down by English Heritage. He also noted that National Trust properties had similarly contemporary properties located in close proximity to them.

Members expressed their support for the proposed development which they felt would be sustainable and enhance the area. No evidence had been provided of potential traffic issues and members considered that it would not be a problem in terms of visibility. They pointed to contemporary extensions at the BiS. Officers commented that this was a listed building the setting of which should therefore be conserved and advised that they considered that the proposed development would be visible and prominent as part of the existing street scene as evidenced by the applicant's plans. Members acknowledged this advice.

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 recommendation that the application be refused:

For:

Councillors Bob Buchan, Marjorie James and Jim Lindridge

Against:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Tim Fleming, Brenda Loynes, Carl Richardson and Cameron Stokell

Abstaining:

None

Members recorded the following reasons for departing from the officer recommendation.

- i) Site secluded
- ii) Contemporary design acceptable in terms of its impact on the Listed Building & Conservation 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 a motion (proposed by Councillor Akers-Belcher and seconded by Councillor Loynes) that the application be approved:

For:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Tim Fleming, Brenda Loynes, Carl Richardson and Cameron Stokell

Against:

Councillors Bob Buchan, Marjorie James and Jim Lindridge

Abstaining:

None

Decision: **Planning Permission Approved with formulation of planning conditions and issuing of decision notice delegated to the Planning and Development Manager in consultation with the (Vice) Chair of Planning Committee.**

The Committee considered representations in relation to this matter.

Number:	H/2020/0061
Applicant:	MR MRS L GATE ELWICK ROAD HARTLEPOOL
Agent:	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
Date received:	04/06/2020
Development:	Listed building consent for the erection of 2 storey detached dwellinghouse with associated hard and soft landscaping and works to existing boundary treatments
Location:	MEADOWCROFT ELWICK ROAD HARTLEPOOL

Members reaffirmed their previous comments that they felt this application would not be harmful to the listed building or conservation 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 recommendation that the application be refused:

For:

Councillors Bob Buchan, Marjorie James and Jim Lindridge

Against:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Tim Fleming, Brenda Loynes, Carl Richardson and Cameron Stokell

Abstaining:

None

Members recorded the following reasons for departing from the officer recommendation.

- iii) Site secluded
- iv) Contemporary design acceptable in terms of its impact on the Listed Building & Conservation 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 a motion (proposed by Councillor Akers-Belcher and seconded by Councillor Loynes) that the application be approved:

For:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Tim Fleming, Brenda Loynes, Carl Richardson and Cameron Stokell

Against:

Councillors Bob Buchan, Marjorie James and Jim Lindridge

Abstaining:

None

Decision:	Listed Building Consent Approved with formulation of planning conditions and issuing of decision notice delegated to the Planning and Development Manager in consultation with the (Vice) Chair of Planning Committee.
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The Committee considered representations in relation to this matter.

Councillor Mike Young returned to the meeting.

Councillor Mike Young back in the Chair.

Number: H/2019/0457

Applicant: MR MRS S COCKRILL MEADOWCROFT
ELWICK ROAD HARTLEPOOL

Agent: GAP DESIGN MR GRAEME PEARSON
EDENSOR COTTAGE 1 BLAISE GARDEN
VILLAGE ELWICK ROAD HARTLEPOOL

Date received: 05/11/2019

Development: Section 73A application for the variation of conditions no. 15 and no. 17 of planning approval H/2014/0163 (for the erection of fourteen unit retirement village, access road, entrance and enclosure details) to allow for the provision of sheds within each plot and privacy screen/fencing between plots, provision of 1.8m high and 1.05m high brick walls to side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of footpath to rear of plots 5 - 9 (part-retrospective application)

Location: 1-14 MEADOWCROFT MEWS ELWICK ROAD
HARTLEPOOL

A virtual site visit had taken place for this application immediately prior to the meeting. Members requested information on a more suitable placement for the proposed sheds. The Senior Planning Officer indicated that there were a number of options available to the applicant (smaller lower sheds, sentry style sheds adjacent to the buildings) but the applicant had chosen not to amend the application. Officers had not been made aware until the sheds had been installed and proposals to make changes had not been taken up. A member requested clarification as to whether the tarmaced areas were permeable. The Senior Planning Officer responded that he was not aware they were.

The applicant urged members to support the variation which would allow residents safe storage in the absence of garages. They felt that the inclusion of the sheds and proposed privacy screening would not detract from the woodland setting.

Members felt it was reasonable for residents to wish to have a safe place to keep items such as garden furniture, lawnmowers and bikes separate to their dwellings. However a member felt that the privacy screening as it had been erected was unacceptable and asked if it would be possible to take a split vote on this matter. Officers advised that this would not be possible to make a split decision.

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 recommendation that the application be refused:

For:

Councillors Marjorie James and Carl Richardson

Against:

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

Abstaining:

None

Members recorded the following reasons for departing from the officer recommendation.

- i) It was reasonable for residents to wish to have a safe place to keep items such as garden furniture, lawnmowers and bikes separate to their dwellings.
- ii) The proposal was not harmful or detrimental to the Conservation 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 a motion (proposed by Councillor Akers-Belcher and seconded by Councillor Loynes) that the application be approved:

For:

Councillors Stephen Akers-Belcher, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Cameron Stokell and Mike Young

Against:

Councillors Marjorie James and Carl Richardson

Abstaining:

None

Councillor James indicated her vote against the application was due to concerns around the fencing.

Decision:

Minor Material Amendment Approval with formulation of planning conditions and issuing of decision notice delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee..

The Committee considered representations in relation to this matter.

Number:	H/2020/0096
Applicant:	MR T SANGER CROPSTON CLOSE HARTLEPOOL
Agent:	MR T SANGER 19 CROPSTON CLOSE HARTLEPOOL
Date received:	19/03/2020
Development:	Provision of hardstanding to front of property (retrospective)
Location:	19 CROPSTON CLOSE HARTLEPOOL

A virtual site visit had taken place for this application immediately prior to the meeting. A member queried whether there was a flooding issue in the area and if so could any modifications be made to the hardstanding to alleviate this. The Assistant Director (Place Management) advised that the pavement was not permeable and there was no simple way to address the flooding issues that could result. The main issue however was not with this single hardstanding area but concerns around the precedent allowing it would set and the cumulative problems which might be caused if other residents decided to take similar action. Members queried what rights homeowners had in terms of installing tarmac to their property. The Planning and Development Manager indicated that they could install 5 square metres of hardstanding at the front or back of their property. This must be permeable. Anything more required planning permission. The Legal Advisor confirmed that the hardstanding must be permeable or a sustainable drainage solution provided. A member queried whether the applicant had been aware of this guidance at the time of installation. The Assistant Director (Place Management) confirmed that this information was contained within local policy and national guidance and it was for applicants to source this information themselves. The flood risk from this one area was probably not significant – it was about the cumulative effects. A member queried the objection relating to the applicant using private land to access/egress the parking area. The Planning Officer pointed out the triangle of land which she believed this objection referred to.

The applicant urged members to support his retrospective application which had been unwittingly constructed out of non-permeable material due to his lack of knowledge around the SUDS 2008 regulations. His property was built on a modern estate with a modern drainage system. There had previously been periods of sustained heavy rainfall with no discernible difference in the amount of surface water on the road and surrounding area, either before or after the hardstanding area had been in place. The officer recommendation was to refuse his application on the grounds of precedent however members should consider this application on its own merits and flood risk. Any flooding concerns were hypothetical, particularly as the property was at the top of a hill

Members were divided on this application with some feeling that concerns around creating a precedent were valid while others felt that the work had been carried out tastefully and in keeping with the style of the area to help alleviate parking issues which were prevalent in the area. The Assistant Director (Place Management) agreed that the paving served a legitimate purpose however it had not been built using appropriate materials and could cause a flood risk should other residents take similar action, specifically at the bottom of the hill the property was located on. It was possible that a plastic drain could be retrofitted but this was not certain and the concerns were around the cumulative impact approving this application might have. Another member pointed out they were aware of other examples the Council could be busy policing this. The Assistant Director (Place Management) also highlighted concerns around current officer capacity in terms of new legislation. Members asked that training be provided to members of Planning and Regeneration Services Committee as soon as possible.

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 recommendation that the application be refused:

For:

Councillors Marjorie James and Carl Richardson

Against:

Councillors Stephen Akers-Belcher, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, Cameron Stokell and Mike Young

Abstaining:

Paddy Brown

Members recorded the following reasons for departing from the officer recommendation.

- i) In itself the hardstanding was not likely to lead to flooding issues
- ii) In terms of visual amenity the hardstanding was acceptable

A member suggested that the vote to approve this application be deferred to allow the addition of a condition that a retrospective drainage system be fitted. The Legal Advisor advised that the addition of such a condition would not be appropriate while the Planning (DC) Team Leader indicated that officers had requested information regarding the permeability of the material multiple times but it had not been forthcoming. Following further discussions a member suggested that rather than defer such a condition could be delegated to the officers and Chair. The Assistant Director (Place Management) reported that the hardstanding could not be retrofitted porously however drainage issues could be dealt with through surface water conditions. Should this be a stumbling block the application would need to come back to the Committee. The motion to defer was therefore withdrawn.

In accordance with Rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded vote was taken on a motion (proposed by Councillor Akers-Belcher and seconded by Councillor Lindridge) that the application be approved subject to the discussed conditions:

For:

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

Against:

None

Abstaining:

None

Decision: **Planning Permission Approved with formulation of planning conditions including a drainage condition and issuing of decision notice delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.**

The Committee considered representations in relation to this matter.

Number:	H/2020/0051
Applicant:	Mr & Mrs S Cockrill
Agent:	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
Date received:	12/06/2020
Development:	Demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments.
Location:	MEADOWCROFT ELWICK ROAD HARTLEPOOL

The Applicant urged members to support the application which would bring additional Council Tax contributions into the town. This was a high quality development which would not impede on the nearby listed building which would retain substantial grounds of 2 acres. It was a new build in a

conservation area but there had been no objections by neighbours or the greater public. The Legal Advisor noted that Council Tax payments were not a material planning consideration.

Members were broadly happy to approve this application which they felt would successfully contrast the old with the new and be an asset to the town.

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 recommendation that the application be refused:

For:

Councillors Marjorie James

Against:

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

Abstaining:

None

Members recorded the following reasons for departing from the Officer recommendation.

- i) The proposal had an acceptable impact on heritage assets including the reuse of historic features (the wall)
- ii) The development was considered sustainable.

In accordance with Rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded vote was taken on a motion (proposed by Councillor Lindridge and seconded by Councillor Loynes) that the application be approved:

For:

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

Against:

Councillor Marjorie James

Abstaining:

None

Decision: **Planning Permission Approved with formulation of planning conditions and issuing of decision notice delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.**

The Committee considered representations in relation to this matter.

Number: H/2020/0052

Applicant: Mr/Mrs S Cockrill ELWICK ROAD HARTLEPOOL

Agent: GAP DESIGN MR GRAEME PEARSON
EDENSOR COTTAGE 1 BLAISE GARDEN
VILLAGE ELWICK ROAD HARTLEPOOL

Date received: 12/06/2020

Development: Listed Building Consent for demolition of existing stables, part-demolition of and amendments to existing garage block, creation of new access and erection of detached bungalow (including retention and incorporation of existing wall) with associated hard and soft landscaping and works to existing boundary treatments.

Location: MEADOWCROFT ELWICK ROAD HARTLEPOOL

A member raised concerns around the number of separate planning applications which had been made for a single site at this meeting meaning that the cumulative effect was lost. The Planning & Development Manager advised this issue was considered in the Officer's reports which recommended refusal but Members in approving the previous applications had taken a different view.

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 recommendation that the application be refused:

For:
Councillors Marjorie James

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

Abstaining:
None

Members recorded the following reasons for departing from the Officer recommendation.

- iii) The proposal had an acceptable impact on heritage assets including the reuse of historic features (the wall)
- iv) The development was considered sustainable.

In accordance with Rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded vote was taken on a motion (proposed by Councillor Lindridge and seconded by Councillor Loynes) that the application be approved:

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

Against:
Councillor Marjorie James

Abstaining:
None

Decision:	Listed Building Consent Approved with formulation of planning conditions and issuing of decision notice delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.
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The Committee considered representations in relation to this matter.

Number: H/2020/0312

Applicant: MR PAUL BARTLEY MOORHEN ROAD
HARTLEPOOL

Agent: MR PAUL BARTLEY 39 MOORHEN ROAD
HARTLEPOOL

Date received: 06/10/2020

Development: Incorporation of land into curtilage and
retrospective erection of boundary fences

Location: 39 MOORHEN ROAD HARTLEPOOL

A member requested information on the ownership of the fenced-off land. The Planning Officer confirmed that it was owned by the developer (Leebell) and had so far not been adopted by the Local Authority. It was not considered derelict and was designed to provide landscaping to enhance the development and encourage wildlife.

The Applicant urged members to support his application. The trees had consistently blocked light into his property over the past 20 years meaning he had found it necessary to remove these trees over a 15 year period. There was disagreement between Leebell and the Council over who was responsible for the land so he was forced to maintain it himself. Nobody had objected to this application.

Members acknowledged the frustrations which must be felt by the applicant in terms of the land maintenance but felt it was unacceptable for him to destroy this green strip which had been created purposely as a living environment for birds and other wildlife. The Assistant Director (Place Management) confirmed that if the land were adopted the Council trees would be kept at an acceptable height.

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 recommendation that the application be refused:

For:

Councillors Stephen Akers-Belcher, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Carl Richardson, Cameron Stokell and Mike Young

Against:

Councillors Brenda Loynes

Abstaining:

Councillor James Brewer

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the change of use (and enclosure) of land to form residential curtilage would result in the loss of designated Incidental Open Space to the detriment of the visual amenity, function and loss of ecological habitat of the surrounding area. The development is therefore contrary to the provisions of Policies NE1, NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 170, 174 and 175a of the NPPF (2019) and there are no material considerations that would outweigh the harm to the protected green infrastructure and associated adverse ecological impacts.

The Committee considered representations in relation to this matter.

Number:	H/2020/0373
Applicant:	MR P SOUTHGATE CHAUCER AVENUE HARTLEPOOL
Agent:	MR P SOUTHGATE 32 CHAUCER AVENUE HARTLEPOOL
Date received:	02/11/2020
Development:	Erection of a single storey extension at the side (retrospective application)
Location:	32 CHAUCER AVENUE HARTLEPOOL

A member requested information on the safety issues around this retrospective application and why they could not be dealt with by building control. The Legal Advisor advised that building control could only take action during the 12 months from the end of construction. In this case building control had thought the matter was being looked at retrospectively through the planning process. The safety concerns were around the stability of the structure and fire containment/escape access.

The Applicant urged members to support his application which he had understood was exempt from building regulations. The extension had been built robustly by a licensed contractor and there had only been 1 objection from a neighbour. He had tried to talk to her about the development but she had refused to meet him face to face and had failed to provide information regards which building materials she would be prepared to accept. He also noted that there was at least 3 fire exits from his property with this development in place.

An objector spoke against the application. Whilst she didn't want to fall out with the neighbour she felt it encroached upon her property and privacy.

A gentleman spoke in support of the applicant noting the efforts he had made to work with the Council to carry out this development correctly.

Members felt that so long as appropriate conditions regards safety were put in place they would be happy to support this application provided a happy medium was reached between the neighbours. The Planning and Development Manager was concerned that this could result in a design that was unfeasible.

Councillor Carl Richardson left the meeting

Members asked that consideration of this application be deferred to allow for exploratory discussions around solutions to the safety issues and visual amenity raised and possible changes to the structure to address these

In accordance with Rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded vote was taken on a motion (proposed by the Chair and seconded by Councillor James) that the application be deferred:

For:

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

Against:
None

Abstaining:
None

Decision: **Deferred to explore the addition of bricks slips to the external appearance of building and to explore ways to address fire safety concerns**

The Committee considered representations in relation to this matter.

89. Update on Current Complaints *(Assistant Director (Place Management))*

Members were advised of 11 complaints currently under investigation and 12 which had been completed.

Decision

That the report be noted.

The Chair and Councillor Stephen Akers-Belcher left the meeting

Councillor Tim Fleming in the Chair

90. 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 91 – (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 92 – (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 93 – (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 94 – (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 95 – (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.

- 91. Enforcement Notice** (*Assistant Director (Place Management)*) 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 take enforcement action. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes

- 92. Enforcement Notice** (*Assistant Director (Place Management)*) 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 take enforcement action. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes

- 93. Enforcement Notice** (*Assistant Director (Place Management)*) 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 take enforcement action. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes

- 94. Enforcement Notice** (*Assistant Director (Place Management)*) 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 take enforcement action. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes

- 95. Enforcement Notice** (*Assistant Director (Place Management)*) 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 take enforcement action. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes

The meeting concluded at 1pm.

CHAIR

No: 1.
Number: H/2020/0372
Applicant: HARTLEPOOL BOROUGH COUNCIL VICTORIA
 ROAD HARTLEPOOL TS24 8AY
Agent: NORR CONSULTANTS MISS MICHELLE ETHERIDGE
 PERCY HOUSE 8TH FLOOR PERCY STREET
 NEWCASTLE UPON TYNE NE1 4PW
Date valid: 15/10/2020
Development: Residential development comprising the erection of 18 no.
 residential dwellings with associated access,
 infrastructure and landscaping; and provision of a
 temporary construction compound (resubmitted
 application)
Location: LAND AT HILL VIEW GREATHAM HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/2019/0527 – Planning permission was refused on 17th August 2020 (following the decision by Members at the committee meeting of 22/07/2020) for residential development comprising the erection of 18 no. residential dwellings with associated access, infrastructure and landscaping; and provision of a temporary construction compound. The reason for refusal stated:

“In the opinion of the Local Planning Authority, the proposed development would have a detrimental impact on the character and appearance of the area by reason of the high density of the development, contrary to policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) and policies GEN1 (Development Limits), GEN2 (Design Principles) and H1 (Housing Development) of the Hartlepool Rural Neighbourhood Plan (2018).”

1.3 The current application constitutes a re-submission of the above proposal including amendments to the scheme such as a reduction in the overall area covered by development, amendments to the house type mix and provision of a rear ‘ginnel’ / pedestrian access to the rear.

1.4 The following history is relevant to the adjacent site to the north (land at Station Road, Greatham);

H/2019/0139 – Planning permission was granted on 28th November 2019 for residential development comprising the erection of 36 no. residential dwellings and associated access, infrastructure and landscaping.

PROPOSAL

1.5 Planning permission is sought for residential development comprising the erection of 18 no. residential dwellings with associated access, infrastructure and landscaping; and provision of a temporary construction compound.

1.6 The proposed residential development comprises a linear layout with the proposed dwellings sited in a row along a north-south axis, with each property featuring a private access/driveway directly onto the adopted highway at Hill View to the west. The proposed dwellings face into the existing residential estate at Hill View, with front elevations overlooking the highway, with public open space and the gable end of the existing terraced properties beyond. The supporting Design & Access Statement indicates that the layout of the site is dictated by the shape of the site and site constraints.

1.7 The proposed scheme comprises a mix of house types including;

- 6no. 2-bed 2 storey terraced houses,
- 8no. 3-bed 2 storey semi-detached houses,
- 4no. 2-bed 'Tyneside' flats,

1.8 There is variation in the designs and finishing materials to the proposed dwellings, with a predominantly traditional materials palette including facing brick, neutral-coloured render, art stone heads and cills, decorative brickwork and banding and pitched tiled roofs. The row of dwellings consist of semi-detached pairs, with short (3 dwelling) terraces at either end. There are a number of individual dwellings featuring front facing gable roofs, with the central 'Tyneside' flats featuring a slightly higher roof ridge, adding variation to the roof lines.

1.9 The existing footpath to the east side of Hill View sits outside of the site and is therefore to be retained, running along the front boundaries of the plots (albeit will require intermittent dropped curbs to allow access to driveways), and continuing up to the existing open space and playground to the north. A new footpath is also proposed along the eastern boundary of the site, providing access to the rear of the proposed dwellings and the rear gardens of existing dwellings on Saltaire Terrace. The proposed dwellings each accommodate 2 off-street (in-curtilage) car parking spaces to the front, dependent on house type. Areas of amenity open space are retained to the south of plot 1 and to the north of plot 18, within the site boundary.

1.10 All of the proposed dwellings are served by a private garden space to the rear. The majority of rear gardens adjoin the proposed footpath to the rear / east, with the exception of the flats at plots 8 and 10, where the rear gardens are bound by gardens serving the flats at plots 9 and 11. The proposed plans indicate that rear gardens are to be predominantly enclosed by approximately 1.6 metre high closed boarded (no gaps) fencing with 0.2 metre high trellis above to the rear and 1.5 metre high closed boarded fencing to shared boundaries (between plots). 1.8 metre high closed boarded fencing is proposed to the end of patios, along the southern

boundary of plot 1, along the northern boundary of plot 18 and enclosing the private rear garden spaces serving the proposed flats. 1.2 metre high bow top fencing/railings is also proposed to the southern boundary of plot 1 (to the front of plot 1) and to the northern boundary of the site (to the front of plot 18). The proposed rear footpath is to be gated and locked at either end. The applicant has confirmed that a lock with multiple keys will be used, which will be distributed only to those properties who have gates onto the footpath.

1.11 Where possible, the proposed dwellings feature small landscaping strips comprising lawn, ornamental planting, tree planting and/or hedge planting between parking bays. An area of incidental open space is retained to the south of plot 1. The site is also proposed to feature hedge planting to the south of the site, along the side boundary of plot 1, with further hedge planting along the northern boundary of the site (to the side of plot 18).

1.12 The application boundary also includes land to the north-west of the main site which delineates the extent of the proposed temporary construction compound required to serve the development throughout the construction process. Whilst the land for the construction compound is incorporated into this application, it is noted that separate planning permission is not required for; *“the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”* (provided planning permission is granted for those operations), by virtue of the provisions of Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is noted that the site of the proposed compound is currently already occupied by a construction compound, however this is being used to serve the development to the north east (Station Road) and therefore, by virtue of the above referenced legislation, this does not require separate planning permission.

1.13 The application has been referred to Planning Committee owing to the number of objections received in line with the Council’s scheme of delegation.

SITE CONTEXT

1.14 The application site currently comprises a grassed and maintained area of open space situated between Saltaire Terrace and Hill View, Greatham. Greatham derives from its original establishment as a medieval settlement in the 11th to 13th centuries, with residential buildings predominantly comprising of 18th and early 19th century farmhouses, townhouses and cottages to the north and 1960/70’s housing to the south (to the east and west of the application site).

1.15 The site of the proposed development extends to 0.32 hectares and is bounded by the rear gardens of the existing properties on Saltaire Terrace to the east, the adopted highway on Marsh House Lane and Hill View to the south and west, respectively, and existing open space, a public footpath and a play park to the north/north-east and north-west. As above, to the north of the site (beyond the play park), planning permission has been granted (for land at Station Road) for the erection of 36no. residential dwellings and associated access, infrastructure and

landscaping, which is currently under construction. To the north-west of the site is Greatham C of E Primary School. The existing public footpaths to the north, south and west of the site link into the wider network of footpaths in the area that continue northward and into the village centre.

PUBLICITY

1.16 The application has been advertised by way of neighbour letters (110), 2 site notices and a press notice. To date, there have been 86 objections received, including an objection from the Greatham Residents Association.

1.17 The concerns raised can be summarised as follows:

- Proposals contrary to Local Plan and Rural Plan
- Too many dwellings proposed (above Rural Plan allocation)
- Development density is too high / too many dwellings proposed / overdevelopment of site
- Proposals are out of keeping with the area / impact on village character
- Impact on amenity and privacy of neighbour properties
- Undue noise and disturbance for neighbours
- Construction disruption (incl. from noise, dust, vibration, weekend working)
- Impact on highway and pedestrian safety (incl. increased traffic and parking pressure)
- Inadequate local highway infrastructure
- Poor access to public transport
- Anti-social behaviour / crime and security risk (incl. due to rear 'ginnel' / alleyway)
- Site is unsustainable
- Insufficient amenities / facilities in village
- Lack of school spaces
- Inadequate water supply
- Inadequate sewerage system
- Limited number of internet providers
- Increased flood risk
- Loss of open space for recreational / community use
- Impact on wildlife / ecology
- Loss of trees
- Lack of housing need in this area
- Inappropriate house type / tenure and mix
- Increased litter / fly tipping
- No economic benefit / long term employment for local community
- Lack of consultation / views of public being ignored
- Inadequate pre-application consultation
- Application is a waste of public funds and time
- Impact on property values
- Alternative sites (e.g. Elwick, nearby brownfield sites) should be considered
- Loss of views
- Increased pollution

- Health and safety concerns during construction
- Impact on wellbeing / quality of life of existing residents (incl. due to loss of green / open space)
- Submitted details are inadequate / inaccurate
- Temporary construction compound already in place
- Increase in vermin / rats
- Insufficient street lighting
- Proposals have previously been refused / should not have been resubmitted
- Overwhelming local objection
- Loss of green belt

1.18 Additional consultation was carried out following receipt of amended plans (to include a gated access to the proposed rear footpath and other minor alterations) by way of further neighbour letters (9) to the existing properties on Saltaire Terrace (only) that adjoin the application site (and the areas where the gated access is proposed).

1.19 At the time of writing this report, 5 further objections were received from existing objectors with the following additional concerns;

- Proposed gated access to rear footpath is out of character with village
- Proposed gates will have detrimental visual impact
- Dogs will foul in rear alleyway

1.20 The re-consultation period was still outstanding at the time of writing this report and Members will be verbally updated at the committee meeting should any additional representations be received.

1.21 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140786>

CONSULTATIONS

1.22 The following consultation replies have been received:

HBC Traffic & Transport – 6 properties do not have the required number of off street parking spaces, for a 2 bed property 2 spaces are required and only 1 space has been provided.

The developer should look to provide the required number of parking spaces. It was agreed that only 1 space is provided for the bungalow element of the previous development, however a 2 bed house is more likely to have 2 cars within the family.

I have no other issues with this development.

UPDATE 16/12/2020: I can confirm that the layout is acceptable.

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

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

No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

HBC Environmental Health Manager (Housing) – No comments.

HBC Head of Service (The Children's Hub and Partnership) - Nothing from me from a homeless point of view.

HBC Engineering – In response to your consultation on the above application, further to the previous planning application (H/2019/0527) for development at this site little has changed in respect of surface water management or contaminated land. As such my comments made 28/1/20 for the previous application remain valid in that I have no objection to proposals in respect of surface water management or contaminated land and ask that you include both our standard residential contaminated land condition and our standard detailed drainage condition on any permission issued for proposals.

UPDATE 08/12/2020: In response to your consultation on amended plans for the above application, I have no further comments to make in respect of contaminated land or surface water management.

Environment Agency – No representations received.

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

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/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 document entitled “Drainage Strategy”. In this document it demonstrates the foul and surface water flows shall discharge to the combined sewer upstream of manhole 6101. The surface water discharge rate shall be restricted to 2.8l/sec.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Strategy” dated “07/12/20”. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer slightly upstream of manhole 6101. The surface water discharge rate shall not exceed the available capacity of 3.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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. 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. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

Hartlepool Water – No representations received.

HBC Building Control – I can confirm that a Building Regulation application is required for the works as described.

HBC Heritage and Countryside Manager – The application site is located in Greatham. It is outside the boundary of the conservation area and does not impact on any listed or locally listed buildings. No objections.

Tees Archaeology – Thank you for this consultation, I have no comment on the application and no objection.

HBC Countryside Access Officer – Public Footpath No.8, Greatham Parish, runs alongside the development west boundary line, on the pavement from the north of the site (south of the primary school), down to Marsh House Lane.

I do need to discuss with the developers as to whether they are considering diverting the path for the duration of the proposed development or whether they can accommodate the footpath throughout the house building.

If they can accommodate the public right of way then at no time can it be obstructed by materials, equipment, vehicles or machinery, during the development phase.

This is a legal requirement and does need to be agreed well before any commencement was to begin.

HBC Landscape Architect – The hard and soft landscape details provided are acceptable. There are no landscape and visual objections to the proposed development.

UPDATE 09/12/2020: There are no landscape and visual objections to the proposed amendments.

HBC Arboricultural Officer – My concern is the trees at the front bordering Station Lane including a small oak which need to be protected during any work (notwithstanding the removal of the Crack Willow which has previously been agreed). I have reservations on the long term viability of the ginnel between the proposed houses and the existing properties in Saltaire Terrace as there are areas here where the path has to be constructed within the vicinity of tree roots (See tree numbers T2B, T3C, T4C, T5C, T6B, T7C, T8C, T9C, T10C, T11C, T12C, T13C, T14C, T15B and Group1. Although it is unlikely that the owners of these will want the larger trees to grow to full maturity size they will have a disruptive effect on the path in future years and will lead to a financial burden on the owners of the trees when this happens and any root bulging or deviation in levels will also introduce a trip hazard onto the path.

I would need to see how the ginnel will be constructed where it is shown running in the root protection area on the submitted Arboricultural Method Statement, an extract of which reads as follows:-

4.1 No Dig 'Tree Friendly' Porous Surfacing

4.1.1 The development requires the installation of 'tree friendly' no dig porous surfacing in the areas shown by the green hatching on the TPP adjacent to trees 2-16 and group 1.

4.1.2 The construction method outlined below is suitable for the construction of permeable footpaths, roads and parking bays. It is not intended as a finished engineering solution but as an outline methodology to allow the construction of the above elements without damaging the nearby tree root system. We recommend the Cellweb system by Geosynthetics Ltd for this application as it has been thoroughly tested in the field and scientific data is available to support its use near to retained trees.

4.1.3 If the principles of the 'no dig' construction are followed, no significant permanent damage should occur to the retained trees.

4.1.4 The principal rules of construction are as follows:

- 1) No roots are to be severed (except for hand digging to remove rocks or protrusions taking care not to sever any roots over 2.5cm in diameter).
- 2) The soil must not be compacted
- 3) Oxygen and water must be able to diffuse into the soil beneath the engineered surface
- 4) The construction of the road, footpath or parking bay will have to be above existing ground level and at least 0.5mm away from the trunks of the retained trees.
- 5) Dependent on the landform and underlying soil type, permeable surfacing can result in the soil moisture content remaining at or near field capacity for long periods. Where there is a risk of waterlogging appropriate land drainage should be incorporated into the design. If land drainage is required within the root protection area it must be designed to avoid damage to the tree and the soil structure, for example sand slitting formed by compressed soil displacement (soil pick or air spade) with the slits set radially to the tree.

Although these may seem minor issues at the moment we have numerous footpath issues throughout the town associated with trees next to them and the nearby school is just one example of where a footpath has been laid and is being totally destroyed by tree roots.

UPDATE 11/12/2020: As [tree protection] has been highlighted in the “All About Trees” report namely the need to protect roots of a larger size, that is already covered. My main concern is that the future growth of these trees will buckle and bulge the footpath and result in additional maintenance issues/trip hazards. That said there are widespread examples of trees next to pavements but the larger growing trees do create problems with their surface roots.

To answer your question, the tree protection measures have been covered but by way of condition I would like to see a construction drawing (transverse section) of the pavement/ginnel details within the area of the tree roots highlighted within the Tree Protection Plan submitted which are specific to this site. That way I'll know the work is being carried out in accordance with the submitted Arboricultural recommendations and not just a normal highway construction detail.

HBC Ecology – This application is not supported by ecological information. However, the proposals affect only an area of amenity grassland with existing mature and early mature trees at the eastern and southern boundaries. The ecological effects are therefore easily assessed.

Important Ecological Features and Significant Harm

The amenity grassland habitat is not considered to be an important ecological feature, nor is it likely to support populations of protected or priority species that

would be considered important ecological features. As such, impacts to amenity grassland are unlikely to result in significant ecological harm.

Collectively the mature and early mature trees should be considered an important ecological feature, and individual mature trees could also be considered important ecological features at a smaller geographic scale. The Arboriculture Impact Assessment submitted with the application indicates that the proposals will require the removal of a mature crack willow at the southwest corner of the site. Due to the age of the tree to be removed it should be considered as important feature. Compensation for the loss of this individual will therefore be required (see comments on biodiversity net gain below).

The tree proposed for removal has the potential to support nesting birds during the breeding season. Therefore, there is potential for removal during the breeding season to result in significant ecological harm. However, this potential harm can be readily avoided through measures secured by a standard condition. The tree proposed for removal does not include any features that have the potential to support roosting bats, therefore the proposals are unlikely to result in significant harm to bats.

Biodiversity Net Gain

Paragraph 170 of the National Planning Policy Framework 2019 (NPPF) requires development to secure measurable net gains for biodiversity. Paragraph 22 of the planning practice guidance on the natural environment confirms the definition of biodiversity net gain as an approach that “delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development”. Paragraph 25 of the same guidance also identifies the use of a biodiversity metric as a pragmatic way to calculate changes in biodiversity value.

Considering the above the proposals should be supported by a calculation of change in ecological value using the Biodiversity Metric 2.0, which is an up-to-date metric capable of capturing the effects of specific development proposals within the UK. Government has also indicated that this metric, or an updated version, will form the basis of a mandatory approach to biodiversity net gain in future; to be enacted through the Environment Bill.

It is likely that a calculation using a metric, due to the replacement of some vegetated habitats with buildings and hardstanding, will show a net loss of biodiversity value, which may require offsite compensation if this cannot be accommodated within the site. Compensation should also include trees as replacement for the mature willow to be lost. Further information in the form of a completed Biodiversity Metric 2.0 calculation tool and associated documents will be required to demonstrate that a net gain will be achieved.

Ecological Enhancement

In order to provide an ecological enhancement for protected and priority species, the proposals should include six bat or bird boxes installed integral to the completed development.

Conclusion

Further information is required to demonstrate a biodiversity net gain, which may indicate the need for offsite compensation.

Significant ecological harm to protect and proprietary species can be avoided through appropriate conditions. However, compensation for the loss of a mature crack willow will be needed in line with the ecological mitigation hierarchy (NPPF para. 175(a) and policy NE1(6)).

The proposals will also need to demonstrate an ecological enhancement, which can readily be secured through an appropriately worded condition.

Although further information is needed to demonstrate compliance with biodiversity policy, I see no reason the proposals cannot be constructed in accordance with this policy.

UPDATE 30/11/2020: Further to my previous comments, I am satisfied that the proposed mitigation and conclusions of the Habitat Regulations Assessment undertaken in respect of the previous application for the same site (H/2019/0527) remain relevant to this application. Therefore, subject to the LPA securing a financial contribution of £6,300 towards the established coastal warden scheme, the proposals will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA. As such the LPA can lawfully approve the proposals.

UPDATE 04/12/2020: The [biodiversity] metric shows a roughly 50% loss in biodiversity units. Because the habitats affected are of a lower value there are lots of options for offsite compensation to offset the loss, some more realistic than others. Some examples are:

- Plant 0.5 ha of amenity grassland with native trees
- Plant 750 street trees – just for info, I was interested to see how many would be needed
- Manage 0.3 ha of agricultural grassland to create a grassland of moderate value

Previously, [in respect of other applications] where the applicant wasn't within the council, I've calculated a financial contribution using the Warwickshire metric. But in this case I'm not sure who would collect this, or how we could ensure it is spent quickly on habitat improvements.

In this case I'd be more comfortable with a commitment from the relevant department that a habitat improvement is provided, or that a certain number of biodiversity units will be created within the borough, possibly tying this down to a woodland or grassland project.

I can fairly easily run any proposed compensation through the metric to see if it stacks up against the calculated loss.

UPDATE 10/12/2020: I've based the below [condition wording] on some wording intended to be used for an outline permission, but edited to suit this application. The

wording in the Environment Bill had too many references to the process set out in other parts of the Bill, so turned out to not be very useful.

No development shall commence unless and until a scheme for offsite compensation ("the scheme") to ensure that the approved development provides a biodiversity net gain has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the offsite compensation, shall be measured in accordance with the biodiversity metric 2.0. The scheme shall include:

- a) identification of the compensation site(s);
- b) details of habitat interventions sufficient to provide a biodiversity net gain;
- c) the provision of arrangements to secure the delivery of the habitat interventions (including a timetable for their delivery);
- d) a management and monitoring plan (to include for the provision and maintenance of habitat interventions for a period of at least 30 years).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

Natural England – NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION

This development falls within the 'zone of influence' for Teesmouth & Cleveland Coast, a coastal site designated at a national and international level as a Site of Special Scientific Interest, a Special Protection Area and a Ramsar site. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

Hartlepool Borough Council operates a Coastal Mitigation Scheme to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

Subject to appropriate mitigation being secured in line with the details of this Scheme, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce

the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

HBC Waste Management – No representations received.

HBC Community Safety and Engagement – No representations received.

HBC Property Services – The land is owned by Hartlepool Borough Council.

Cleveland Police - Further to my previous comments I have some concern regard the proposed access to rear of properties for refuse bins for terraced properties the proposed access can increase the risk of incidents of crime and anti-social behaviour.

Footpaths should not be placed to rear of premises if unavoidable they must be gated the gates must be placed to the entrance of the footpath near to the front building line as possible. Street lighting should be designed so the gate is well lit. The gate should be capable of being locked operated from both sides. No climbing aids should be present

In relation to the proposed rear boundaries I would prefer a close boarded fence for privacy reasons

I would advise defensive planting to side of properties 1 and 18.

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.

Health & Safety Executive (HSE) - The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

Office for Nuclear Regulation (ONR) – I have consulted with the emergency planners who are responsible for the preparation of the Hartlepool off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPIR) 2019. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development.

Network Rail – Thank you for your letter of 27 October 2020 providing Network Rail with an opportunity to comment on the abovementioned application.

In relation to the above application I can confirm that Network Rail has no observations to make.

National Grid – No representation received.

Northern Powergrid – Thank you for your enquiry dated 26/10/2020 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

Please note that while all efforts are made to ensure the accuracy of the data, no guarantee can be given. We would refer you to the Health & Safety Executive's

publication HS(G)47 “Avoiding Danger From Underground Services” which emphasises that:

- Plans must only be used as a guide in the location of underground cables. The use of a suitable cable-tracing device is essential and careful hand digging of trial holes must be carried out to positively identify and mark the exact route of the cable. You should also bear in mind that a cable is unmistakably located only when it has been safely exposed.
- Cable depths are not generally indicated on our records and can vary considerably even when shown.
- Great caution must be exercised at all times when using mechanical plant. Careful trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

The Health & Safety Executive have another publication, GS6 “Avoidance of Danger from Overhead Electrical Lines” that you should be aware of if your work is near overhead power lines. Both of these documents provide comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health & Safety at Work Act 1974. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information given. Any damage or injury caused will be the responsibility of the organisation concerned who will be charged for any repairs.

Please note ground cover must not be altered either above our cables or below overhead lines, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleaves agreement, lease or deed or alternatively protected under the Electricity Act 1989. Should any alteration / diversion of our Company’s apparatus be necessary to allow your work to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton On Tees TS18 3TU. Tel: 0800 0113433.

All future works that we may have will be included on the quarterly NRSWA coordination return for discussion at the quarterly meeting of authorities / utilities in order to minimise disruption to the public.

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

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

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information

with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Hartlepool Rural Neighbourhood Plan Group - The Group STRONGLY OBJECT to the above application.

This application by the Borough Council involves hijacking an allocation of land made by the Rural Neighbourhood Plan. The allocation was made to meet a specific need identified during 6 years of consultation with the community. The Borough Council did not see fit to identify this site for housing in their own Local Plan and this application goes against the recommendations of the Rural Neighbourhood Plan. The proposal will rob the village community of the ability to provide housing to meet the need of their community. The fact that this comes from the very Local Authority who we look upon to uphold the Rural Neighbourhood Plan, part of the local development framework, is disappointing in the extreme if not shocking.

The application as presented does not meet local housing need as described in the Rural Neighbourhood Plan.

This application is judged to be contrary to HRNP policies GEN2 (4 & 5), H1; Local Plan policy QP4, HSG2, RUR1; NPPF paras 61, 77, 124, 125, 128.

Policy H1 of Hartlepool Rural Neighbourhood Plan (HRNP) allocates this site between Hill View and Saltaire Terrace for 12 houses. The number of houses allocated being based on the Strategic Housing Land Availability Assessment (SHLAA) undertaken by Hartlepool Borough Council in preparation of Hartlepool Local Plan. The SHLAA notes for this site states, 'developer interest. separation distances mean yield is appropriate'. This application seeks to build 18 homes by use of minimal standards. The Local Authority provided assessments of the quantity of housing suitable for this site and permitted a neighbourhood plan to be made using this assessment, it is astonishing that the same local authority then ignores their own assessment and finds it acceptable to propose a 50% increase in housing density. There is no justification provided as to why this quantity or tenure of housing is required or appropriate.

The reason for refusal of the previous application H/2019/0527 was "In the opinion of the Local Planning Authority, the proposed development would have a detrimental impact on the character and appearance of the area by reason of the high density of the development, contrary to policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) and policies GEN1 (Development Limits), GEN2 (Design Principles) and H1 (Housing Development) of the Hartlepool Rural Neighbourhood Plan (2018). The new application has an increased density by replacing bungalows with two 3 house terraces and including a block of 4 flats. How, a few months later, can this increased density which squeezes 18 homes onto the smaller site now be acceptable?

Hartlepool Borough Council's Strategic Housing Market Assessment (SHMA), quoted in the previous application for this site, identified a need in this area for semi-detached houses with 1 to 2 beds and bungalows. In order to cling to the 18-home plan, this re-application has dispensed with the earlier bungalows, reduced the numbers of semi-detached houses and added flats. The removal of the bungalows is particularly alarming as the shortage of this housing type in the borough was used to push through 31, so called, bungalows at Dalton Piercy against planning advice. Is the Borough Council no longer seeking to meet needs identified by their own SHMA?

The Rural Neighbourhood Plan proposed this site, as detailed in the plan, as being suitable to assist in meeting the rural housing need. The sites were assessed, chosen and deemed to be of an appropriate size and scale, to ensure that they do not impose too much upon each village yet are still deliverable sites. Approximately 50% of properties in Greatham village are already available to rent through the Hospital of God estate, Housing Associations and private letting. In producing HRNP it became evident from working group surveys, the consultation responses and local intelligence of a need for further smaller homes in Elwick, Greatham and Hart. In Greatham, despite there being a good supply of retirement homes to rent, there is a shortage of houses to purchase and for downsizing. Due to a simple lack of available stock there is a shortage of houses to buy (most land in and around Greatham is owned as part of a charitable endowment which makes it unavailable for sale and private development). Greatham residents wishing to purchase a home are forced to leave their community and those seeking to return are unable to do so. This unfortunate state was something the neighbourhood plan sought to address but the Borough Council seems happy to ignore.

Paragraphs 2.6 & 2.7 of the applicants planning statement quotes NPPF para 71 which relates to entry-level exception sites. Para.71 states these are to be on sites NOT allocated for housing. This site is allocated for housing to meet an identified local need by the Rural Neighbourhood Plan. This site does not meet the criteria as stated in the NPPF. If it were the NPPF states they are to be focussed around a lack of housing suitable for first-time buyers or renters in the area, which is an issue that is known to be particularly acute in rural locations – in Greatham the acute issue is a lack of homes to buy. There are more than enough homes to rent in Greatham.

Paragraph 3.13 of the applicants planning statement erroneously suggests this development is 'much needed' and 'will contribute towards housing numbers and mix in general and particularly affordable housing provision within Greatham Village where there is a lack of provision for the type of housing proposed'. This is erroneous and can only be based on an acute lack of knowledge of the village.

NPPF para 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The current application does not reflect local needs in the village of Greatham which are clearly identified by the Neighbourhood Plan. HRNP Policy H1 also states, 'new housing development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should have regard to the latest evidence of housing need applicable at the time'. There is no mix of tenure proposed

nor any evidence of the need in Greatham for the proposed quantity of local authority housing contained in this application.

Local Plan policy HSG2 states “the Borough Council will ensure that all new housing, and/or the redevelopment of existing housing areas, contributes to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future”. In a village with only about 450 houses, some 50% of which are already rented, the addition of 36 affordable homes, currently being built by a housing association, and now 18 proposed HBC council houses in the application under consideration, there can be absolutely no balancing of the housing stock. These two developments are using the only two deliverable sites in Greatham. Local needs and aspirations are being ignored and the imbalance of the past exacerbated and inflicted upon future generations. 18 homes are going to have no noticeable impact toward achieving Hartlepool’s 5-year housing supply but, it will have a catastrophic detrimental impact on the housing balance in the village.

A Housing Needs Survey was carried out as part of the production of the Neighbourhood Plan to provide further evidence on the need for various types of homes in each village (appendix 8 of HRNP). Extract from appendix 8 states - it should be noted that Greatham has much more housing available to rent than other villages, due to The Hospital of God Trust, who own a considerable number of smaller units in the village, used to house mostly older or disabled people. There is however, a shortage of smaller homes to purchase, particularly bungalows, as well as larger family homes.

NPPF para 61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). The need established by the Neighbourhood Plan is in line with the NPPF and to which this application fails to adhere.

NPPF section 12, para 124 & 125 Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Neighbourhood plan identified the special quality of the Hill View site and suggested how this can be reflected in any new development. The applicant has chosen to ignore the Neighbourhood Plan.

HRNP POLICY GEN 2 sets out several design principles which new developments are expected to demonstrate that they have taken regard of. The current application is not considered to have addressed points 4 and 5.

4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas.

In justification specific to this site HRNP (page 24, para 8.31) states the site at Hill View includes, with the aim of securing good design alongside a quality public real and attractive environment, “a strip of land at the south of the site, which fronts the

main road route through the village, with a line of trees which includes an area reserved for the erection of a former salt pump reflecting the history of the location. To the north of the site is a rectangular piece of grass with a children's play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area". The opportunity for the northern open space to become a civic space like others in the village has been ignored.

The requirement to be in accordance with the policies of the Neighbourhood Plan is supported by Local Plan policy RUR1. As outlined above this application is not in accordance with the Neighbourhood Plan. This application is contrary to policies contained in Hartlepool Rural Neighbourhood Plan, Hartlepool Local Plan, and the National Planning Policy Framework. NPPF para 128 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive, and effective engagement with the community should be looked on more favourably than those that cannot. Following the refusal of the previous application there has been no engagement whatsoever with the community. This lack of communication includes the Rural Neighbourhood Plan Group and Greatham Parish Council. The curt statement of community involvement presented by the applicant is little short of insulting. From a Local Authority this is extremely disturbing.

It is time for Hartlepool Borough Council to act like a unitary authority show a responsibility for the smaller communities in its jurisdiction. Too often it acts as nothing more than a town council imposing the needs of a dominant urban area upon surrounding rural communities. The damage and suffering done to those communities ignored. This application is just the latest. Imagine the reaction if Tees Valley were to tell Hartlepool all the largest housing sites identified in Hartlepool Local Plan would be used for affordable homes, and nothing but affordable homes, to serve the needs of the Tees Valley conurbation.

The Rural Neighbourhood Plan Group, which represents the wishes of the rural communities in planning terms, implores the planning committee to uphold its earlier decision and refuse this resubmitted application.

The Rural Neighbourhood Planning Group would like to reserve the right to address the planning committee when they consider this application.

Hartlepool Rural Neighbourhood Plan was 'made' by Hartlepool Borough Council in December 2018 becoming part of the development framework. The Neighbourhood Plan was produced, in close liaison with Hartlepool Borough Council planning department, by the combined efforts of the Parish Councils of Hart, Elwick, Dalton Piercy and Greatham, supported by government grants. The process involved 6 years intensive work including major consultations in 2012, 2014, 2015 and 2017 (the last conducted by the Borough Council itself) and well over 70% approval via referendum in October 2018.

Greatham Parish Council – Greatham Parish Council STRONGLY OBJECT to this resubmitted application.

This application by the Borough Council involves hijacking an allocation of land made by the Rural Neighbourhood Plan to meet a specific need identified during the 6 years of consultation with the community. This application does not meet local housing need which is very clearly identified in the Rural Neighbourhood Plan (the Borough Council did not see fit to identify this site for housing in their own Local Plan). This robs the village community of the ability to provide housing to meet the needs of their community. That this is the same Local Authority which is looked upon to uphold the Rural Neighbourhood Plan, part of the local development framework, is extremely disappointing and worrying.

The Planning Committee voted to refuse of the previous application H/2019/0527. The reason given being “In the opinion of the Local Planning Authority, the proposed development would have a detrimental impact on the character and appearance of the area by reason of the high density of the development, contrary to policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) and policies GEN1 (Development Limits), GEN2 (Design Principles) and H1 (Housing Development) of the Hartlepool Rural Neighbourhood Plan (2018). The new application has an increased density by replacing bungalows with two 3 house terraces and including a block of 4 flats. This equates to an increased density, squeezing 18 homes onto a reduced site – surely this goes against the democratic decision of the planning committee. We trust that the planning committee will hold firm to their previous decision.

The calculation of densities presented in the Planning Statement provide by the applicant is a cause of concern. It appears from the map that the full application site, including the amenity space that is no longer being built on, is being used to calculate the density of the proposed buildings. The density of the existing properties seems to be calculated with a boundary drawn tightly around the existing houses to the exclusion of open spaces that were set out as part of those developments. In Saltaire Terrace there is even a garden attached to one of the properties that is excluded. This is not an accurate comparison.

This application is contrary to HRNP policies GEN2 (4 & 5), H1; Local Plan policy QP4, HSG2, RUR1; NPPF paras 61, 77, 124, 125, 128. Policy H1 of Hartlepool Rural Neighbourhood Plan (HRNP) allocates this site between Hill View and Saltaire Terrace for 12 houses. The number of houses allocated being based on the Strategic Housing Land Availability Assessment (SHLAA) undertaken by Hartlepool Borough Council in preparation of their own Local Plan. The SHLAA notes for this site states, ‘developer interest. separation distances mean yield is appropriate’. This application seeks to build 18 homes using minimal standards. The Local Authority made assessments of the quantity of housing suitable for this site and permitted a neighbourhood plan to be made using this assessment, it is astonishing that the same local authority then ignores their own assessment and finds it acceptable to propose a 50% increase in housing density. There is no justification provided as to why this quantity or tenure of housing is required or appropriate.

This site was only identified by the neighbourhood plan to meet an identified rural housing need. Greatham is essentially an estate village, the vast majority of the old village belonging to The Hospital of God charity. Since the WW2 three streets of council estates were added to the village including Hill View. Saltaire Terrace was built and owned by the Cerebos salt works for their workers before being transferred to the local authority. While much of the local authority housing has been bought under the right to buy and there has been a small number of large self-build properties added, some 50% of properties in the village continue to be rented. A lack of mid-range priced homes to buy means Greatham residents wishing to purchase a home are all too frequently forced to leave their community and those seeking to return are unable to do so.

This situation was identified by the Neighbourhood Plan Group by consulting the community. The Borough Council could have done likewise, however the Borough Council bases its research on wards. In Rural West ward the villages, but especially Greatham, have little in common with West Park (the most affluent part of Hartlepool town). The recurring mistakes in the application quoting a butchers that close 6 years ago, a Methodist Chapel that closed over a year ago and ATMs which the village as never had further illustrate the woeful lack of knowledge and consultation with this community displayed by the Borough Council.

NPPF para 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The current application does not reflect local needs in the village of Greatham which are clearly identified in the Neighbourhood Plan. HRNP Policy H1 also states, 'new housing development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should have regard to the latest evidence of housing need applicable at the time'. There is no mix of tenure proposed nor any evidence of the need in Greatham for the proposed quantity of local authority housing contained in this application.

Local Plan policy HSG2 states "the Borough Council will ensure that all new housing, and/or the redevelopment of existing housing areas, contributes to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future". In a village with only about 450 houses, some 50% of which are already rented, the addition of 36 affordable homes currently being built by Karbon and this application for 18 HBC council houses, there is clearly a lack of balancing of the housing stock. These two developments are using the only two available sites in Greatham. With most land in and around Greatham being part of the charitable endowment to the Hospital of God this is not available for sale and private development. Local needs and aspirations are being thwarted and the imbalance of the past exacerbated and inflicted upon future generations. 18 homes are going to have no noticeable impact toward achieving Hartlepool's 5-year housing supply but, it will have a catastrophic detrimental impact on the housing balance in the village.

Table 7 on page 86 of the Local Plan indicates that in the first 5 years the villages were projected to contribute 67 houses to the housing supply. This is not only being achieved with 31 homes at Dalton Piercy and 36 at Greatham already being built but, adding developments at Hart of 38 houses, the villages have actual exceeded their

expectation for the full 15 years of the Local Plan. Yet still we are being thwarted, in this instance by Hartlepool Borough Council, in meeting the identified needs of each village as laid out in the Rural Neighbourhood Plan.

A Housing Needs Survey was carried out as part of the production of the Neighbourhood Plan to provide further evidence on the need for various types of homes in each village (appendix 8 of HRNP). Extract from appendix 8 states - it should be noted that Greatham has much more housing available to rent than other villages, due to The Hospital of God Trust, who own a considerable number of smaller units in the village, used to house mostly older or disabled people. There is however, a shortage of smaller homes to purchase, particularly bungalows, as well as larger family homes.

NPPF para 61. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). The need established by the Neighbourhood Plan is in line with the NPPF which this application simply ignores.

HRNP POLICY GEN 2 - In the justification specific for this site HRNP (page 24, para 8.31) the site at Hill View includes, with the aim of securing good design alongside a quality public real and attractive environment, “a strip of land at the south of the site, which fronts the main road route through the village, with a line of trees which includes an area reserved for the erection of a former salt pump reflecting the history of the location. To the north of the site is a rectangular piece of grass with a children’s play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area”. The opportunity for the northern open space to become a civic space like others in the village has been ignored.

NPPF section 12, para 124 & 125 Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Neighbourhood plan identified the special quality of the Hill View site and suggested how this can be reflected in any new development. The applicant has chosen to ignore the Neighbourhood Plan.

The requirement to be in accordance with the policies of the Neighbourhood Plan is supported by Hartlepool Local Plan policy RUR1. As outlined above this application is not in accordance with the Neighbourhood Plan. This application is contrary to policies contained in Hartlepool Rural Neighbourhood Plan, Hartlepool Local Plan, and the National Planning Policy Framework.

NPPF para 128 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community.

Applications that can demonstrate early, proactive, and effective engagement with the community should be looked on more favourably than those that cannot. Following the refusal of the previous application there has been no engagement whatsoever with the community. This lack of communication includes Greatham Parish Council. The curt statement of community involvement clearly illustrates the Borough Council's lack of interest in the community or any desire to serve the needs of that community.

Greatham C.ofE. school is a busy school with virtually no space for extra pupils. It will be an outrage if village children (even new ones) are bused out of their community. It would be disastrous for community cohesion.

The road through the village to Hill View is a torturous country lane with several 90 degree bends. Traffic calming and safety improvements have frequently been requested and ignored by the Borough Council.

It is time for Hartlepool Borough Council to act like a unitary authority and show a responsibility for the smaller communities under its jurisdiction. Too often it acts as nothing more than a town council imposing dominant urban needs upon the surrounding rural communities. This is extremely damaging to the social cohesion of these communities. Living in a village is an entirely different prospect to living in a town. Hartlepool Council often complains about the lack of communication between government and local authorities but then behaves exactly the same toward Parish Councils.

Greatham Parish Council urges the planning committee to stand firm and uphold their earlier decision and refuse the resubmitted application.

Elwick Parish Council - Greatham is not in Elwick parish! I should point out that if it were we should be opposing it, as Greatham doesn't need any more homes to rent, unlike Elwick where we would really appreciate them.

Hartlepool Civic Society – No representations received.

PLANNING POLICY

1.23 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

1.24 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
 HSG9: Affordable Housing
 INF1: Sustainable Transport Network

INF2: Improving Connectivity in Hartlepool
LS1: Locational Strategy
NE1: Natural Environment
NE2: Green Infrastructure
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
RUR1: Development in the Rural Area
SUS1: The Presumption in Favour of Sustainable Development

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

GEN1: Development Limits
GEN2: Design Principles
NE1: Natural Environment
C1: Safeguarding and Improvement of Community Facilities
H1: Housing Development
H2: Affordable Housing
PO1: Planning Obligations - Contributions Towards Meeting Community Infrastructure Priorities
T1: Improvements to the Highway Network
T2: Improvement and Extension of the Public and Permissive Rights of Way Network

National Policy

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

PARA 001 : Introduction
PARA 002: Permission determined in accordance with development plan
PARA003: Introduction
PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA038: Decision-Making
 PARA047: Determining Applications
 PARA 054: Planning conditions and obligations
 PARA 055: Planning conditions and obligations
 PARA 056: Planning conditions and obligations
 PARA 057: Planning conditions and obligations
 PARA058 :Enforcement
 PARA059: Delivering a sufficient supply of homes
 PARA062: Delivering a sufficient supply of homes
 PARA 063: Delivering a sufficient supply of homes
 PARA 064: Delivering a sufficient supply of homes
 PARA076: Health and well-being
 PARA077: Rural Housing
 PARA078: Rural Housing
 PARA091: Promoting healthy and safe communities
 PARA092: Promoting healthy and safe communities
 PARA094: Promoting healthy and safe communities
 PARA 096: Open Space and Recreation
 PARA 097: Open Space and recreation
 PARA102: Promoting Sustainable Transport
 PARA108: Considering Development Proposals
 PARA109: Considering Development Proposals
 PARA110: Considering Development Proposals
 PARA122: Achieving appropriate densities
 PARA124: Achieving well-designed places
 PARA127: Achieving well-designed places
 PARA 130: Achieving well-designed places
 PARA 150: Planning for Climate Change
 PARA153: Planning for Climate Change
 PARA163: Planning and Flood Risk
 PARA165: Planning and Flood Risk
 PARA170: Conserving and enhancing the natural environment
 PARA175: Habitats and Biodiversity
 PARA178: Ground Conditions and Pollution
 PARA180: Ground conditions and pollution
 PARA212: Implementation

1.27 HBC Planning Policy comments (summarised) - The principle of residential development is deemed to be acceptable within this location. The site is classed as 'white land' within the Hartlepool Local Plan and as a housing site (approximately 12 dwellings) within the Hartlepool Rural Neighbourhood Plan (HRNP).

1.28 The Hartlepool Local Plan (policy HSG2) and Rural Neighbourhood Plan (policy H1) seek to ensure that a mix of house types are provided on all housing sites and sites above 5 units (HRNP). The 2015 Hartlepool SHMA states that there is a need

for detached houses 1-3 bedrooms properties, semi-detached houses/cottages with 1-2 bedrooms, terraced houses with 1-2 bedrooms and 3+ bedrooms, bungalows and flats. The 2015 SHMA shows there is a borough wide need for bungalows (except in Fens and Rossmere) and a borough wide need for flats (except in Headland and Harbour). Planning Policy consider that there are a variety of house types on site to meet a variety of needs and the offer is aligned with the SHMA. Planning Policy consider the proposal accords with policy HSG2 and rural plan policy H1.

1.29 Planning Policy consider that the layout and design is acceptable and aligned with positive aspects of design within the area. Planning Policy note that there is a path to the rear of the properties and those along Saltire Terrace. The path could be an area that is prone to crime and anti-social behaviour. Consideration should be given to limiting the access to the path with the installation of gates.

1.30 In order to be compliant with policy QP1 it is deemed appropriate to seek planning obligations to ensure that the impacts on local facilities of increased residents can be mitigated.

1.31 The Council expects that all new development will be energy efficient and will minimise and adapt to climate change, and this is enforced through policies CC1 and QP7. Planning Policy are satisfied that the information set out in the energy statement and the proposed installation of solar panels and EV charging points on each dwelling is sufficient to meet with the policy requirement within policy CC1. With regards to policy QP7, Planning Policy request that further information is submitted or that the energy efficiency condition is applied to the decision notice should the application be approved.

PLANNING CONSIDERATIONS

1.32 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the amenity and privacy of neighbouring land users and future occupiers, the visual amenity of the application site and the character and appearance of the surrounding area, landscaping and landscape features, ecology and nature conservation, highway and pedestrian safety, flood risk and drainage and land contamination. These and all other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

Development Limits and Site Allocations

1.33 Objections have been received from neighbouring land users and from the Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council with respect to the proposed number of dwellings and perceived conflict with the NPPF, the Hartlepool Local Plan and the Hartlepool Rural Neighbourhood Plan. Objections from neighbours have also raised concerns regarding the loss of open space

1.34 Both the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018) set development limits, beyond which there is a presumption against development. Development limits tend to be tightly drawn around the Borough's villages. The application site sits within the development limits of Greatham village. Rural Neighbourhood Plan policy GEN1 (Development Limits) advises that within the defined development limits, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

1.35 The application site has no designation or allocation on the Hartlepool Local Plan Policies Map. The Rural Neighbourhood Plan Policies Map however designates the site for housing use, with policy H1 (Housing Development) of the Rural Neighbourhood Plan allocating the site for approximately 12 dwellings. The site therefore does not benefit from any planning policy protection as an area of open space or green infrastructure and is in fact an allocated housing site within the development plan.

1.36 The proposals in this instance include an additional 6 dwellings above the numbers indicated in the Rural Plan site allocation. Objections from the Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council cite concerns that the proposals comprise a higher number of dwellings than set out within the site allocation in the Rural Neighbourhood Plan, which is based on the indicative figures in the Council's Strategic Housing Land Availability Assessment (SHLAA). However, it is noted that policy H1 of the Rural Neighbourhood Plan indicates approximate numbers for site allocations only (as do the figures in the SHLAA), and the policy wording stipulates that these are '*minimum*' figures. The use of the term '*minimum*' was a recommendation of the independent Examiner of the Neighbourhood Plan, as set out in their Report to the Council on the Examination of the Hartlepool Rural Neighbourhood Plan. The Examiner maintained that *"to set a figure as either a maximum figure, or indeed as an approximate figure could frustrate the delivery of additional homes which could legitimately come forward and for which there is an undoubted need."* Having considered the Examiner's Report, the Council (HBC) accepted the examiner's recommendations and proceeded on this basis, with the wording subsequently featuring in the 'made' version of the Neighbourhood Plan.

1.37 The Council's Planning Policy section has further clarified that the allocation of 12 units was not based on any viability testing, as such testing had not been undertaken by the Council when undertaking the SHLAA. When assessing the deliverability of the Hartlepool Local Plan however, generalised viability testing, based on average build costs and revenues was undertaken. The Borough Council took the view that, as factors relating to the house building industry change over time and on a site by site basis, housing figures within the Hartlepool Local Plan were a guide and not maximum figures. The Rural Neighbourhood Plan Group were advised to follow the same approach and it was understood that the housing sites figure could vary depending on circumstances applicable at time of application, including viability (hence the use of the term 'approx.' in policy H1 of the Rural Plan).

1.38 There is therefore no policy constraint forbidding the number of dwellings proposed to be higher (in principle) than those set out in the allocation, nor is there any policy requirement to provide justification for this, provided there are no material

planning considerations that would indicate otherwise, the consideration of which are set out in full in this report.

1.39 Notwithstanding this, the Council's Planning Policy section has also noted that the scheme is for 100% affordable housing. Affordable housing schemes generally have less money within them and thus require a higher number of units to ensure deliverability (i.e. 18 units rather than 12). The Council's Planning Policy section consider that if the number of units were decreased to 12 then the scheme would likely be unviable.

1.40 The Council's Planning Policy section therefore do not object to the proposed numbers, despite the proposal being for 6 more units than set out within the Rural Plan, and are of the view that allowing 18 units is not a significant deviation from the Rural Plan.

Affordable Housing Provision and Housing Mix

1.41 The proposed development would deliver all 18 dwellings as affordable homes. The proposed tenure of the dwellings will consist of 100% affordable rent. They will be owned and managed by Hartlepool Borough Council and let through the Choice Based Lettings System. The proposals comprise a mix of 2-bed terraced houses, 3-bed semi-detached houses, and 2 bed 'Tyneside' flats.

1.42 The Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council have objected on the grounds that the proposed housing types, tenure and mix (100% social/affordable rent) does not reflect local housing need. Objections from neighbours have also raised concerns that there is a lack of need for social/affordable housing or rented accommodation in this area and that the proposed tenure, house types and mix is inappropriate.

1.43 Both Local Plan policy HSG2 (Overall Housing Mix) and Rural Neighbourhood Plan policy H1 (Housing Development) seek to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Both policies advise that regard should be given to the latest evidence of housing need. Local Plan policy HSG9 (Affordable Housing) advises that the Council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold, in line with the Borough-wide identified need. Rural Neighbourhood Plan policy H2 (Affordable Housing) lowers this threshold to six dwellings for developments within the rural area.

1.44 The latest evidence of housing need is set out in the Council's most recent Strategic Housing Market Assessment (SHMA). The 2015 Hartlepool SHMA states that there is a need for detached houses (1-3 bedrooms), semi-detached houses/cottages (1-2 bedrooms), terraced houses (1-2 bedrooms and 3+ bedrooms), bungalows and flats. The 2015 SHMA shows there is a borough wide need for flats (except in Headland and Harbour). The SHMA also highlighted that there was a need for 157 affordable housing units in the Rural West ward, with 86% of those households in the Borough that are in need of affordable housing considering social/affordable renting as the preferred tenure option.

1.45 Notwithstanding this, it is acknowledged that Appendix 7 of Rural Plan (the local Housing Needs Survey) established that *“Greatham has much more housing available to rent than other villages, due to The Hospital of God Trust, who own a considerable number of smaller units in the village, used to house mostly older or disabled people. There is however, a shortage of smaller homes to purchase, particularly bungalows, as well as larger family homes”*.

1.46 Whilst it is acknowledged that the proposals do not provide a mix of tenure, as stipulated in policy H1 of the Rural Plan, it is considered that as a whole they accord with the overall aim of policy H1 and the Rural Plan, and the Council’s Planning Policy section are of the view that a proposal does not have to comply with each section of a policy to be acceptable, especially if the proposal complies with the policy in the main.

1.47 It should also be noted that over time and with the ‘Right to Buy’ some of the units would become owner occupied and thus having these homes in the village does allow those who need more affordable smaller homes to potentially one day become owners of such homes. It is therefore considered that although the housing tenure does not immediately provide a mix, it is anticipated that it will better align with this policy provision in the future.

1.48 Combined with the adjacent site at Station Road, it is acknowledged the two sites do provide a high proportion of affordable homes, however 29 of the units on the Station Road site are ‘Rent to Buy’ properties and thus it is again envisaged that, over time, those who reside in the homes eventually have the chance to buy the home and therefore in effect 29 of the units are considered to be units for sale, albeit at an affordable price and for those that meet specific criteria.

1.49 Ultimately, the Council’s Planning Policy section are of the view that the proposals are a desirable product for the village and an additional 18 affordable units will allow for many more residents with village/rural links to live in the village rather than either elsewhere in the Borough or at home with parents.

1.50 Consequently, the Council’s Planning Policy section has commented that the proposal does provide a mix of house types that caters for the needs of the community and that the proposal is aligned with the most up to date evidence (the 2015 SHLA). It is also considered that the provision of affordable housing at this site would have a positive impact upon meeting the Council’s overall affordable housing targets. It is therefore considered that the proposal accords with policy HSG2 and rural plan policy H1 and is acceptable in this respect.

Renewable Energy and Energy Efficiency

1.51 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.

1.52 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%.

1.53 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).

1.54 The applicant has submitted a supporting Energy Statement and energy performance (SAP) calculations. The Council's Planning Policy section has advised that this details how, following improvements, a 10% reduction in site-wide CO2 emissions can be achieved, which will be beneficial for the carbon footprint of the development and meets the criteria of Local Plan policy QP7. Notwithstanding this, a planning condition is recommended to ensure the works are carried out in accordance with the submitted details and to require the final Building Regulations compliance report to be submitted to and agreed in writing with the Local Planning Authority.

1.55 With respect to Local Plan policy CC1, it is noted that the submitted plans show some dwellings with solar panels, and the Council's Planning Policy section has confirmed they are satisfied that the information set out in the energy statement and the proposed installation of solar panels and electric vehicle (EV) charging points is sufficient to meet with the policy requirement within policy CC1. Notwithstanding this, a planning condition is recommended to secure final details of electric vehicle charging points and implementation of solar panels.

Planning Obligations

1.56 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), Rural Neighbourhood Plan policy PO1 (Planning Obligations - Contributions Towards Meeting Community Infrastructure Priorities) and the adopted Planning Obligations SPD, the Council's Planning Policy section has confirmed that developer contributions will be required based on the current submission, as set out below;

- Green Infrastructure: £4500 (£250 per dwelling) – to be directed towards existing public footpaths to the north and south east of the site.
- Built Sports: £4500 (£250 per dwelling) – to be directed towards Greatham Sports Association
- Play Facilities: £4500 (£250 per dwelling) – to be directed towards the existing play site near Saltaire Terrace.
- Playing Pitches £4199.22 (£233.29 per dwelling) – to be directed towards Greatham Sports Association
- Tennis Courts: £1026.36 (£57.02 per dwelling) – to be directed towards Greatham Sports Association

- Bowling Greens: £89.46 (£4.97 per dwelling) – to be directed toward bowling greens in the borough

1.57 Whilst objections have been received citing concerns that there is insufficient capacity on the local highway network to accommodate additional traffic from the development, the Council's Highways, Traffic & Transport section has not raised any concerns or highlighted any issues with local capacity and there are therefore no financial contributions required towards improvements to the local highway network to accommodate the development.

1.58 Objections have also been received from neighbours and from Greatham Parish Council citing concerns that there is insufficient capacity at local schools to accommodate additional students from the development. The Council's Planning Policy section, in consultation with the Council's School Place Planning, Admissions & Capital Manager, has advised however that no education contribution is required in this instance. It is also noted that through application H/2019/0139 for the adjacent site it was established that both Greatham Primary School and Manor Community Academy both have sufficient capacity. There is therefore no requirement for a financial contribution towards primary or secondary education in this instance.

1.59 In addition to the above, the Council's Ecologist has confirmed that scheme will also be required to contribute £6,300 (£350 per dwelling) to mitigate against indirect adverse impacts on SPA feature birds through recreational disturbance (see ecology section below).

1.60 It is noted that the Council cannot enter into a Section 106 Legal Agreement with itself to secure the abovementioned financial contributions, however the applicant (HBC) has confirmed their agreement to provide the abovementioned contributions as required.

Other Planning Policy Considerations

1.61 It is noted that the applicant's supporting Planning Statement references Paragraph 71 of the NPPF, which stipulates that Local Planning Authorities should support the development of entry-level exception sites (small sites suitable for first time buyers/renters), provided the site is not already allocated for housing, amongst other criteria. The Hartlepool Rural Neighbourhood Plan Group have commented that this paragraph is irrelevant to this application as the site is allocated for housing in the Rural Neighbourhood Plan. This is acknowledged, and the Council's Planning Policy section has confirmed that NPPF paragraph 71 does not apply to this application. The Council's Planning Policy section have not considered or referred to this paragraph when assessing this application.

1.62 Objections have been received citing concerns that the site is in an unsustainable location, or that Greatham itself as a village is unsustainable, as there are insufficient amenities within the village to support future occupants of the proposed development. In the first instance, it should be noted that the development is within the development limits of Greatham in both the Council's Local Plan and the Rural Neighbourhood Plan. Moreover, the site is an allocated housing site in the

Rural Neighbourhood Plan, and therefore considered to be a sustainable site for housing through this document.

1.63 Irrespective of this, it is noted that Greatham contains various village amenities including a general store, community centre, primary school and public house. A playing/sports field is within the vicinity of the site to the north east. A children's play area and an area of amenity open space is immediately adjacent, with a multi-use games area located between Saltaire Terrace and Station Road. There is also a frequent bus service serving the village, accessible from the village centre and within 900 metres of the site. As highlighted by objectors, it is acknowledged that some amenities have closed however vacant commercial units retain the potential to re-open as a previous or new use, and ultimately future occupants of the development would help to support the vitality and viability of village businesses, amenities and services. It is therefore considered that the site is in a sustainable location.

1.64 Objections raise concerns that the proposals do not contribute to the local economy or create local jobs, however, the applicant has confirmed that the Council has agreed to enter into the Targeted Training and Employment Charter, which requires the Council and its contractors to include employment training, equal opportunities and opportunities for local small and medium enterprises in its specification for services and works contracts. It is understood that the use of local suppliers is further enshrined in Council procurement policies wherever possible and appropriate. Notwithstanding these direct impacts on the local economy, it is further considered that the proposals will contribute to meeting the housing needs of the village and the wider rural area, which in turn supports the vitality and viability of the village and its local businesses, amenities and services, as above.

1.65 Concerns have also been raised by objectors that the proposals result in the loss of Green Belt land, however the application site is not designated Green Belt land (with no designated green belt in or around the Tees Valley area).

Principle of Development Summary

1.66 Ultimately, in view of the abovementioned site allocations and considerations, and subject to the identified planning conditions and obligations, it is considered that the principle of the development is acceptable in this instance, subject to the consideration of all other relevant material planning considerations, as set out below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

1.67 Objections have been received from neighbours citing concerns that the proposals will have a significant detrimental impact on the amenity and privacy of neighbouring land users (and in particular neighbours to the east at Saltaire Terrace) through loss of light/overshadowing, overbearing, poor outlook and overlooking.

1.68 Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and Alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not

negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

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

1.70 The following minimum separation distances must therefore be adhered to:

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

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

1.72 As above, the proposed residential development comprises a linear layout with the proposed dwellings sited in a row along a north-south axis, with each property featuring a private access/driveway directly onto the adopted highway at Hill View to the west. The proposed dwellings face into the existing residential estate at Hill View, with front elevations overlooking the highway, with public open space and the blank gable ends of the existing terraced properties at Hill View beyond. The rear elevations of the proposed dwellings therefore face the rear elevations of the existing properties on Saltaire Terrace, with the rear garden areas of the proposed dwellings abutting the proposed rear footpath, with the existing rear garden areas of Saltaire Terrace beyond. The existing rear gardens of Saltaire Terrace abutting the site are currently all enclosed by high boundary fencing and planting.

1.73 To the east/north-east, minimum separation distances of between 22 and 24 metres (approximately) are maintained between the rear elevations of the proposed dwellings and the ground floor rear elevations of the existing dwellings at Saltaire Terrace (including rear offshoots), whilst greater distances of approximately 24-28 metres are maintained between the rear elevations of the proposed dwellings and the original/main rear elevations of the dwellings at Saltaire Terrace.

1.74 The proposed separation distances as set out above are therefore considered to be acceptable and in accordance with the minimum separation distance requirements as set out in policy QP4 of the Local Plan and the Residential Design SPD. In view of the satisfactory separation distances and existing and proposed boundary screening, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north-east/east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.75 To the south/south-east, the gable elevation of the proposed dwelling at plot 1 is set back from the adopted highway on Marsh House Lane by approximately 7-9 metres due to the proposed landscaping strip along the southern boundary of the site. The proposed dwelling features a ground floor w/c window and a first floor landing window in this gable elevation, however there are no sensitive land users to the south/south-east, with only agricultural fields on the opposite side of the road. It is therefore considered that the proposals would not have any appreciable impact on the amenity or privacy of neighbouring land users to the south/south-east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.76 To the west/south-west, as above, the proposed dwellings are set back from the adopted highway on Hill View by approximately 6-9 metres due to the proposed front landscaping and private driveways, and therefore a satisfactory separation distance of approximately 17-22 metres is maintained between the front elevations of the proposed dwellings and the blank gable elevations of the existing dwellings opposite at Hill View, in accordance with the requirements of Local Plan policy QP4 and the Residential Design SPD. In view of the satisfactory separation distances proposed, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the west/south-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.77 To the north/north-west, the gable elevation of the proposed dwelling at plot 18 overlooks the adjacent amenity open space and children's play area. Again, the proposed dwelling features a ground floor w/c window and a first floor landing window in this gable elevation, however a satisfactory oblique separation distance in excess of 40 metres (approx.) will be maintained between these windows and the boundary of the adjacent residential development at Station Road. It is therefore considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north/north-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.78 Objections have also been received from neighbours citing concerns that the proposals will have a detrimental impact on the amenity of neighbouring land users through an increase in noise and disturbance both during the construction period from construction activity, and once the development is occupied, from future occupiers.

1.79 The Council's Public Protection section has been consulted on the application and has confirmed that they have no objections to the application, subject to planning conditions requiring the submission to the Council and subsequent agreement of a Construction Management Plan prior to the commencement of development, as well as standard restrictions on hours of construction, which are recommended accordingly. It is therefore considered that disruption from construction activity can be appropriately controlled and there will therefore not be a significant detrimental impact on the amenity of neighbours from undue noise and disturbance.

1.80 With respect to noise and disturbance from future occupiers, there is no reason to believe that there will be any additional noise and disturbance than might be

expected from a residential development of this size, and any undue noise and disturbance that may arise can be controlled by the Council's Public Protection section by virtue of the relevant environmental protection legislation, which is beyond the remit of this planning application.

1.81 In order to safeguard the amenity of neighbouring properties and future occupiers of the estate, a planning condition is recommended to stipulate that the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.

1.82 In view of the above considerations and subject to the abovementioned conditions, it is considered that the proposals are acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

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

1.83 Objections from neighbouring residents have raised concerns that the proposals are out of keeping with the area and will have a detrimental impact on the visual amenity of the site and the character and appearance of the village due to the design, density and layout of the development.

1.84 Policy QP4 of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. There are a number of ways new development can achieve this, including;

- 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,
- Respect the surrounding buildings, structures and environment
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

1.85 With respect to the impact of the proposals on the visual amenity of the site and the character of the area, policy GEN2 (Design Principles) of the Hartlepool Rural Neighbourhood Plan stipulates that, amongst other requirements, the design of new development should demonstrate, where appropriate:

- how relevant village design statements and conservation area appraisals have been taken into account;
- how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist;
- how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
- how the design helps to reinforce the existing streetscape or green public spaces by facing onto them;
- how the design preserves and enhances significant views and vistas.

1.86 NPPF paragraph 127 stipulates that planning policies and decisions should ensure that developments, amongst other requirements;

- Will function well and add to the overall quality of the area;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

1.87 The application site is outside the boundary of Greatham Conservation Area, with the special character of Greatham predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses, short terraces and late Victorian terraced housing. Peripheral areas of the village beyond the conservation area comprise a mix of mid to late 20th century and more contemporary detached, semi-detached and terraced dwellings with a number of infill developments evident.

1.88 The southern part of the village in the vicinity of the application site is characterised by a mix of primarily semi-detached and terraced dwellings dating from the early-mid 20th century at Saltaire Terrace to the east, and a 1970s housing development comprising short terraces (3-4 dwellings) of houses and bungalows in a geometric arrangement, interspersed with areas of incidental open space, to the west at Hill View. To the north of the site, planning permission has recently been granted (ref H/2019/0139) for a residential development comprising the erection of 36no. dwellings that will provide somewhat of a bridge between the older central part of the village and the more contemporary southern part in which the application site is located. It was considered that this adjacent development's design will reflect characteristics of the existing village and remain sympathetic to the conservation area adjacent, whilst providing a transition in density and design between the two areas.

1.89 As above, the proposed residential development in this instance comprises a linear layout with the proposed dwellings sited in a row along a north-south axis. There is variation in the designs and finishing materials to the proposed dwellings, with a predominantly traditional materials palette including facing brick, neutral-coloured render, art stone heads and cills, decorative brickwork and banding and pitched tiled roofs. The row of dwellings consist of semi-detached pairs, with short (3 dwelling) terraces at either end. There are a number of individual dwellings featuring front facing gable roofs, with the central 'Tyneside' flats featuring a slightly higher roof ridge, adding variation to the roof lines.

1.90 The supporting Design & Access Statement indicates that the layout of the site is dictated by the shape of the site and site constraints. The supporting Planning Statement makes reference to both the Council's Residential Design SPD and the Greatham Village Design Statement. Both documents maintain that the proposals respond positively to the layout of the surrounding area, have been designed to be in

keeping with the scale, proportions and materials of the surrounding properties and are in keeping with the density of surrounding residential properties.

1.91 It is noted that the proposed dwellings feature simpler elevation treatments to that of the adjacent approved site (at Station Road), and is therefore more reflective of the dwellings in the immediate vicinity, whilst continuing to retain some elements that are reflective of the adjacent approved site and the wider village, including decorative brickwork, and a mixture of traditional brick and render finishing materials, which will provide an element of continuity and consistency in the design and appearance of dwellings through this part of the village.

1.92 The Council's Planning Policy section has commented that the layout of the properties is acceptable, the garden sizes appear commensurate to the size of each dwelling and sufficient parking is provided. The Council's Planning Policy section also consider that the provision of on-site landscaping is welcomed as it will assist in enhancing the visual amenity of the site, along with proposals to use a traditional materials palette which supports what can be seen in the wider area. The Council's Planning Policy section has concluded that the design is acceptable and aligned with positive aspects of design within the area.

1.93 Objections have been received citing concerns that the proposals constitute overdevelopment of the site and that there are too many dwellings proposed resulting in an inappropriate density that is out of character with the area. It is also noted that Members refused the previous application due to the density of the previous proposals.

1.94 As above, it is recognised that the Hartlepool Rural Neighbourhood Plan allocation is for 12 dwellings only, and it is also acknowledged that the built area of the development has been decreased while the number of proposed dwellings has been maintained at 18. The average density of the built area has therefore increased, though the density of the overall site (based on the red line boundary) remains the same, with more amenity open space retained to the north.

1.95 As with the previous application, it is considered by officers that the density proposed through the current proposals is not uncharacteristic of the village. In particular, it is noted that this part of the village features a mixture of terraced and semi-detached dwellings. The eastern side of Saltaire Terrace comprises a continuous (approx. 110m long) row of 24 terraced houses, which is demonstrably denser than the current proposals. The western side of Saltaire Terrace however comprises 4 sets of semi-detached dwellings and 1 detached dwelling, which is less dense than the proposals. The estate at Hill View comprises numerous short (3-4 dwelling) terraces of houses and bungalows in a geometric layout, separated by linear pockets of incidental open space.

1.96 In view of the above surrounding context, a row of 18no. houses in a side-by-side arrangement consisting of short (3 dwelling) terraces and semi-detached pairs is not considered particularly out of keeping with the area. Whilst it is acknowledge flats are not necessarily characteristic of the immediate area, it is not considered that the provision of 4 'Tyneside' flats in a semi-detached arrangement, which in terms of their visual impact and form appear much like a pair of larger semi-detached houses,

would have such a significant detrimental impact on the visual amenity of the site or character of the area to warrant refusal of the application.

1.97 It is also noted that the proposals provide adequate separation distances, landscaping, private amenity space and off-street parking, and a significant amount of allocated amenity open space and incidental open space is maintained in the immediate area. It is therefore considered that the proposed density is acceptable.

1.98 The Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council have also raised concerns that the proposed dwellings face toward the adopted highway on Hill View exclusively, rather than onto Marsh House Lane to the south and the existing open space and play area to the north, as advocated in the Neighbourhood Plan. Whilst such an arrangement may have provided improved natural surveillance of the existing open space to the north and a more active frontage to the south, it is noted that the submitted supporting information indicates that the site layout has been dictated by the shape of the site and site constraints and maintains that the orientation of the dwellings responds positively to the layout of the surrounding area, facing out towards the existing residential estate and public areas at Hill View. Furthermore, it is noted that the proposals include elements that will help to increase natural surveillance of adjacent public areas including first floor side elevation landing windows in the proposed end dwellings at plots 1 and 18.

1.99 It is considered that the current layout and dwelling orientations, which are largely in alignment with the existing streets in this area, would not significantly compromise natural surveillance of the existing open space or play area to the north, or the visual amenity of the site when viewed from the south. It should also be noted that alternative approaches to the site layout would also likely have their own challenges, including neighbour amenity, safety and security and highway safety implications (in particular with respect to the siting of parking areas/bays and access to rear boundaries).

1.100 Ultimately, the Local Planning Authority must consider the scheme before it, and it is considered that the proposed layout in this instance would not have a significant detrimental impact on the visual amenity of the site or the character of the area.

1.101 It is noted concerns have also been raised regarding the visual impact of the proposed rear footpath and gates, and that this is not characteristic of the area. Whilst it is noted there are no such gated footpaths in the immediate area, the proposed gates are indicated to be closed boarded and in keeping with the proposed 1.8m high timber fencing and therefore the footpath will be screened from view and the gates will appear similar to a domestic gated access. It is therefore considered that the footpath and gates would not have such a significant detrimental impact on the visual amenity of the site or the character of the area to warrant refusal of the application.

1.102 Notwithstanding this, in order to safeguard the visual amenity of the development and the character of the surrounding area, a planning condition is recommended to stipulate that the dwelling(s) hereby approved shall not be

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

1.103 In view of the above, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, subject to the abovementioned condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

LANDSCAPING AND LANDSCAPE FEATURES

1.104 Objections have been received from neighbours including concerns regarding the loss of trees on the site.

1.105 The application has been accompanied by an Arboricultural Impact Assessment and Method Statement, as well as a detailed planting plan. There are currently a number of existing trees along the southern boundary of the site, with the rest of the site grassed.

1.106 The Arboriculture Impact Assessment submitted with the application indicates that the proposals will require the removal of a mature 'crack willow' tree at the southwest corner of the site. A smaller 'goat willow' tree that is in poor structural condition and unsuitable for retention will also be removed.

1.107 The proposed landscaping strip to the south is to include new hedgerow and lawn (turf) planting, with the site to feature hedgerow along the southern boundary of plot 1 (adjacent to Marsh House Lane). Where possible, the proposed dwellings feature small landscaping strips comprising lawn, ornamental planting, tree planting and/or hedge planting between parking bays. The site is also proposed to be enclosed by hedge planting to the northern boundary of the site (to the side of plot 18).

1.108 Proposed boundary enclosures comprise a mix of 1.5-1.8 metre high timber closed boarded fence and trellis enclosures to rear gardens and 1.2 metre high bow top fencing/railings to site boundaries at the north and south.

1.109 The Council's Landscape Architect has been consulted and has advised that the hard and soft landscape details provided are acceptable and there are no landscape or visual objections to the proposed development. Notwithstanding this, full details of proposed hard surface materials associated with the proposed development are required and a condition is therefore recommended to secure this accordingly.

1.110 The Council's Arboricultural Officer has also been consulted and has not raised any concerns with respect to the proposed tree works or tree protection measures, however has highlighted that there may be long term viability issues for the proposed footpath to the rear due to the proximity to existing trees running along the eastern boundary of the site (within the rear gardens of properties on Saltaire Terrace). In particular, the Council's Arboricultural Officer has advised that the tree roots of these existing trees may have a disruptive effect on the path in future. The

submitted Arboricultural Method Statement indicates that there will be special 'no dig, tree friendly' construction required in these areas. The Council's Arboricultural Officer has however requested to see a construction drawing of the pavement to the rear within the area of the tree roots to ensure the works are carried out in accordance with the arboriculture recommendations, and this I recommended accordingly.

1.111 A planning condition is also recommended to secure the tree and hedge protection measures during construction where appropriate, as set out in the supporting Arboricultural Impact Assessment and Method Statement documents submitted with the application.

1.112 In view of the above, it is considered that the proposals are acceptable with respect to landscaping and the impact on landscape features, subject to the identified planning condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

ECOLOGY AND NATURE CONSERVATION

1.113 Objections have been received from neighbours raising concerns that the proposals will have a detrimental impact on wildlife habitats and ecology.

1.114 The NPPF, Local Plan policy NE1 and Rural Neighbourhood Plan policy NE1 all advise that harm to biodiversity should be avoided. Where a negative impact is unavoidable, mitigation or compensatory measures should be provided.

1.115 As above, the application is accompanied by an Arboricultural Impact Assessment and Method Statement. The area is made up of amenity grassland with existing mature and early mature trees at the eastern and southern boundaries.

1.116 The Council's Ecologist has advised that the amenity grassland habitat is not considered to be an important ecological feature, nor is it likely to support populations of protected or priority species that would be considered important ecological features. As such, impacts to amenity grassland are unlikely to result in significant ecological harm.

1.117 Notwithstanding this, the Council's Ecologist has confirmed that collectively the mature and early mature trees should be considered an important ecological feature, and individual mature trees could also be considered important ecological features at a smaller geographic scale. It is noted that the proposals require removal of a mature crack willow at the southwest corner of the site. The Council's Ecologist has advised that due to the age of the tree to be removed it should be considered as an important feature. Compensation for the loss of this individual tree is therefore required.

1.118 Paragraph 170 of the National Planning Policy Framework 2019 (NPPF) requires development to secure measurable net gains for biodiversity. Paragraph 22 of the planning practice guidance on the natural environment confirms the definition of biodiversity net gain as an approach that "delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development".

Paragraph 25 of the same guidance also identifies the use of a biodiversity metric as a pragmatic way to calculate changes in biodiversity value.

1.119 The Council's Ecologist has therefore assessed the proposals against the Biodiversity Metric 2.0 calculation to identify how a net gain can be achieved, including by accounting for the loss of vegetated habitats and the mature willow tree. The results show that as the habitats affected are of a lower value, there are a number of options for offsite compensation. The Council's Ecologist has agreed that the biodiversity net gain / compensation can be secured by virtue of a planning condition, and this is recommended accordingly.

1.120 In addition, the mature tree proposed for removal has the potential to support nesting birds during the breeding season. However, potential harm can be readily avoided through measures secured by a condition to prevent removal during the bird breeding season, and this is recommended accordingly. The mature tree proposed for removal does not include any features that have the potential to support roosting bats, therefore the proposals are unlikely to result in significant harm to bats.

1.121 The Council's Ecologist has also advised that ecological enhancement in the form of six bat or bird boxes installed integral to the completed development should also be provided, in line with National Planning Policy Framework (NPPF) requirements, and a planning condition to secure this is recommended accordingly.

1.122 Natural England has also been consulted and has advised that they have no objections subject to appropriate mitigation, in line with the Council's Coastal Mitigation Strategy, to address the potential impacts of the proposal on the Teesmouth & Cleveland Coast Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and a Ramsar site through increased recreational disturbance.

1.123 A Habitats Regulations Assessment (HRA) is required for all housing schemes within 11km of the coast and this project is within walking distance (0.9km). The Council has previously prepared a HRA for development of this site, and the Council's Ecologist has in this instance confirmed the mitigation and conclusions of the previous HRA remain relevant to this application. The findings of the HRA are that a financial payment of £350 per house is required to mitigate against the indirect adverse impact on SPA feature birds caused by recreational disturbance. A sum of £6,300.00 is therefore required to be paid towards the Hartlepool Mitigation Strategy and the applicant (the Council) has confirmed their agreement to this.

1.124 In view of the above and subject to the identified conditions and obligations, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

1.125 Objections have been received from neighbours citing concerns that the local highway infrastructure is not adequate enough to support the proposals, there is insufficient street lighting and the proposals will have a detrimental impact on

highway and pedestrian safety including through an increase in traffic, and increased parking pressure. Objectors have also raised concerns that the site has poor access to public transport.

1.126 Objections have also been received from Greatham Parish Council citing concerns that the access to this area of the village, via Station Road, is unsafe, and therefore traffic calming measures and safety improvements should be introduced.

1.127 The village is served by a frequent bus service and the application site is located within 900 metres of a bus stop. As above, each property features a private access/driveway directly onto the adopted highway at Hill View to the west of the site. Notwithstanding this, initial proposals included just 1 parking space for a number of the 2 storey terraced units.

1.128 The Council's Highways, Traffic & Transport section has been consulted and has highlighted that each property should feature 2 off-street parking spaces, as required for 2 bed properties. In view of these comments, the applicant has amended the layout of the site to include 2 off street parking spaces at each property, in line with highway requirements. The Council's Highways, Traffic & Transport section has subsequently confirmed the proposed layout (as amended) is now acceptable.

1.129 In respect of street lighting, it is noted that there are existing street lights on Hill View immediately adjacent to the site and the Council's Highways, Traffic & Transport section has otherwise confirmed they have no other issues with the proposals.

1.130 Notwithstanding this, all the drives require a drive crossings to be installed in accordance with the HBC specification and carried out by a NRSWA accredited contractor, and a suitable informative note is recommended accordingly to make the applicant aware of this.

1.131 In view of the above, it is considered that the proposals (as amended) are acceptable with respect to the impact on highway and pedestrian safety, subject to the abovementioned informative, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

FLOOD RISK AND DRAINAGE

1.132 The application site is located within Flood Zone 1 (low probability of flooding), with respect to rivers and the sea, and is at very low risk of surface water flooding, as shown on the Environment Agency's flood maps. The application is accompanied by a Flood Risk Assessment and Drainage Strategy.

1.133 Objections have been received raising concerns regarding the ability of the existing and proposed foul and surface water drainage systems and water supply to support the development, and the potential increase in flood risk.

1.134 The Council's Flood Risk Officer has been consulted and has advised that they have no objection to proposals in respect of surface water management

however have requested that the final detailed surface water drainage proposals are secured by virtue of a condition, and this is recommended accordingly.

1.135 It is also expected that permeable surfacing will be employed for hardstanding areas where possible, which can provide additional attenuation storage. Final details of hard surfaces can be secured by virtue of a condition (as set out above), and this is recommended accordingly, with the submitted details to be agreed in consultation with the Council's Flood Risk Officer.

1.136 Northumbrian Water has also been consulted and has advised that they have no issues to raise provided the works are carried out in accordance with the submitted details and the foul and surface water flows discharge to the combined sewer upstream. Notwithstanding this, final details of surface water and foul drainage will be secured by appropriate, separate planning conditions.

1.137 Northumbrian Water has also provided advice for the applicant in respect of the presence of private drains and sewers on site, and an informative note to make the applicant aware of this is recommended accordingly.

1.138 No comments or concerns have been received from the Environment Agency or Hartlepool Water with respect to matters of flood risk, drainage and water supply.

1.139 In view of the above, it is considered that the proposals are acceptable with respect to matters of flood risk and drainage subject to the abovementioned condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

LAND CONTAMINATION

1.140 The application is accompanied by a Phase 1 and 2 Geo-Environmental Site Assessment. The Council's Engineers have been consulted and have not raised any concerns with respect to land contamination however have requested a standard residential contaminated land condition to deal with any land contamination on site, and this is recommended accordingly.

1.141 No comments or objections have been received from the Environment Agency.

1.142 The application is therefore considered to be acceptable in this respect, subject to the identified condition, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

Public Rights of Way

1.143 The Council's Countryside Access Officer has advised that Public Footpath No.8, Greatham Parish runs between the two outlined areas of proposed development and continues along the western boundary of the main area of the application site. At no time can the public footpath and public access to this footpath

be obstructed, should the development be approved, by any elements of development, including equipment, materials, vehicles or machinery. If the developer should require periods of time to temporarily close any of the said footpath, they are required to first contact the Council's Countryside Access Officer to discuss these requests and apply for any such temporary closure and/or diversion to them. An informative note to make the applicant aware of this advice is therefore recommended.

Heritage Assets and Archaeology

1.144 The application is supported by an archaeological desk-based assessment.

1.145 The Council's Heritage and Countryside Manager has confirmed the site is outside the boundary of the conservation area and does not impact on any listed or locally listed buildings.

1.146 Furthermore, the site is beyond the historic core of Greatham. Tees Archaeology has also advised they have no comments or objections to make. In view of the above the application is considered to be acceptable with respect to the impact on heritage assets and archaeology.

Waste Management

1.147 Objections have been received raising concerns that the proposed rear footpath will result in additional litter and fly-tipping. There is no reason to believe however that the proposals would result in any additional waste than what could reasonably be expected from a development of this nature. It is also noted that access to the rear footpath will be restricted to residents of the new development and Saltaire Terrace only, and all of the proposed dwellings feature direct access to rear garden areas with ample space to the rear provided for the storage of bins. Furthermore, the Council's Waste Management section has been consulted and have not submitted any comments or objections. The application is therefore considered to be acceptable in this respect.

Crime & Fear of Crime

1.148 Objections have been received citing concerns that the proposals, and in particular the provision of a footpath to the rear of the dwellings, will present a security risk for existing residents of Saltaire Terrace and future occupiers of the proposed dwellings, and will result in an increase in crime and anti-social behaviour.

1.149 Cleveland Police have been consulted and initially raised concerns with respect to the proposed footpath to the rear, and have advised that, if unavoidable, this must be gated and lockable. Furthermore, Cleveland Police advised that closed boarded fencing should be used for privacy reasons.

1.150 In response, the applicant has amended the submitted details to amend the design of the proposed rear boundary enclosures from 1.5 metres high closed boarded fencing with 300mm trellis above to 1.6 metres high closed boarded fencing with 200mm trellis above. It is considered that the retained trellis section of the fence

will provide an element of natural surveillance over the footpath. The applicant has also amended the submitted details to include a lockable gate at either end of the rear footpath, with access provided for residents of the existing properties on Saltaire Terrace that back onto the walkway and future occupiers of the proposed dwellings only.

1.151 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, including no objections or comments from HBC Community Safety, it is considered that the proposed development (as amended) would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Local Plan Policy QP5 and would accord with the guidance in the NPPF, in this respect.

Hazardous Installations & Pipelines

1.152 The Cleveland Emergency Planning Unit, Office for Nuclear Regulation (ONR) and the Health & Safety Executive (HSE) have all been consulted on the application and have confirmed that they have no concerns with respect to matters of health & safety, in the context of the hazardous installations and major accident hazards pipelines to the south of the Borough. The application is considered to be acceptable in this respect.

RESIDUAL MATTERS

Temporary Construction Compound

1.153 Objections have been received from neighbours highlighting that the proposed temporary construction compound to serve the proposed development (and that has been referenced in this application) has already been sited, without planning permission, and therefore is unauthorised. However, as set out above, whilst it is noted that the site of the proposed compound is currently already occupied by a construction compound, this is being used to serve the development to the north east (Station Road). Again, whilst the land for the construction compound is incorporated into this application, it is noted that separate planning permission is not required for; *“the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”* (provided planning permission is granted for those operations), by virtue of the provisions of Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Planning permission is therefore not required for the current compound on site by virtue of the abovementioned legislation, as planning permission has been granted for the adjacent development (ref: H/2019/0139), and the compound is currently serving this development. It is understood that the same compound will thereafter be used to serve this development site, should planning permission be granted, and the site of the compound has therefore been included in this submission for clarity and completeness.

Fire Safety & Access

1.154 Cleveland Fire Brigade has been consulted and has provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note is recommended to make the applicant aware of this advice, however these are principally Building Regulations matters and therefore this will be dealt with through the Building Regulations process accordingly.

Utilities

1.156 Northern Gas Networks has confirmed that they have no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, Northern Gas Networks require the applicant to contact them directly to discuss their requirements in detail. This information has been forwarded to the applicant and an informative note is recommended accordingly.

1.157 Northern Powergrid has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. This information has been forwarded to the applicant and an informative note is recommended accordingly.

1.158 No comments or objections have been received by National Grid.

Network Rail

1.159 Network Rail has confirmed that they have no observations to make with respect to the application, in the context of the rail line and level crossing south of the village.

Pre-application Consultation

1.160 Objections from neighbours and from the Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council have commented that pre-application discussions and consultations with the Parish Council and the local community have been inadequate.

1.161 It is understood that the applicant held a number of pre-application meetings with Greatham Parish Council and also held a pre-application consultation event in the village, prior to the submission of the previous application (ref H/2019/0527). The current application is supported by a further Statement of Community Involvement which indicates that this resubmission is a direct response to the concerns raised previously.

1.162 Notwithstanding this, whilst engagement with the local community and all relevant stakeholders prior to proceeding with a planning application is considered good practice (in line with the Council's Statement of Community Involvement), there

is no legislative requirement for the applicant to do so for this type of application, and this is therefore not a material planning consideration in the determination of this planning application.

Planning Application Consultation and Publicity

1.163 Objections have been received alleging that consultation on this planning application has been inadequate and the views of the public have not been considered.

1.164 In respect of consultation and publicity in respect of this planning application, as set out above, the Local Planning Authority has notified neighbouring properties adjoining the application site (and beyond) by post, put up 2 site notices in the vicinity of the site and advertised the application in the local press and on the Council's website. The initial consultation period ran from mid-October until early December 2020. A subsequent re-consultation of neighbours (by letter) adjoining the site in Saltaire Terrace (in respect of proposed amendments including the provision of gates to the rear footpath, which was considered to be both appropriate and proportionate) was carried out in December 2020.

1.165 The consultation and publicity of this planning application has therefore been in excess of statutory requirements, and it is considered there has been ample opportunity for neighbours, consultees and other interested parties to express their views, which are summarised above and set out in full on the Council's website, and the consideration of these representations is set out in detail within this report

Impact on Wellbeing and Quality of Life

1.166 Objections from neighbours have raised concerns that the proposals will have an impact on the wellbeing and quality of life of existing residents, in particular due to the loss of green / open space. Concerns are also raised with respect to the 'loss of views'.

1.167 In response, it should be noted that the 'right to a view' and 'right to light' operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on their land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

1.168 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the wider community and the need to balance competing interests is an inherent part of the

determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

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

Inaccuracies in Submitted Details

1.170 Concerns have been raised regarding the accuracy or adequacy of the applicant's submitted supporting information, particularly with respect to policy considerations, assessment of local amenities and density calculations. Whilst these comments are noted, this supporting information constitutes the applicant's own assessment of the impacts of their proposals and, irrespective of this, the proposals have ultimately been independently assessed through the planning application process by the planning case officer, in consultation with relevant internal and external technical consultees and in view of representations received through the public consultation, as is set out in detail within this report.

Local Objection

1.171 Objections have been received that maintain that the application should be refused simply based on the level of local objection. Whilst the level of local objection is noted, this in itself is not a material planning consideration and is therefore not a reason for refusal of the application. Objections must be supported by material planning concerns, and the Local Planning Authority is required to weigh the material planning considerations only in reaching a decision. Applications should only be refused on the basis of material planning issues. The material planning concerns highlighted by objectors, and all other relevant material planning considerations, are set out above and considered in detail within this report.

Other Non-material Objections

1.172 Additional concerns have been raised by a number of objectors that are non-material to this application and therefore cannot be taken into account (i.e. they do not relate to planning, they are not material considerations or they are subject to separate legislative control), namely;

- Limited number of internet providers
- Application is a waste of public funds and time
- Impact on property values
- Alternative sites should be considered (e.g. Elwick, nearby brownfield sites)
- Loss of views
- Increased pollution
- Health and safety concerns during construction
- Increase in vermin / rats
- Proposals have previously been refused / should not have been resubmitted

- Dogs will foul in rear alleyway

PLANNING BALANCE & OVERALL CONCLUSION

1.173 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, the Hartlepool Rural Neighbourhood Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.174 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.175 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.

1.176 There are no Section 17 implications.

REASON FOR DECISION

1.177 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 consideration of any additional comments received before the expiry of the publicity (Members to be verbally updated at the meeting), planning obligations/developer financial contributions towards green infrastructure (£4,500); built sport (£4,500); play facilities (£4,500); playing pitches (£4199.22); tennis courts (£1026.36); bowling greens (£89.46); and HRA ecological financial mitigation (£6,300.00) for indirect adverse impacts on SPA feature birds through recreational disturbance; and subject to the following conditions;

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

(00)100 Rev C (SITE LOCATION PLAN),
(00)201 Rev A (2 Bed House – GA Plans),
(00)202 Rev A (2 Bed House – GA Elevations),
(00)315 Rev A (3 Bed House – GA Plans),
(00)480 Rev E (PROPOSED STREET ELEVATION)
received 14th October 2020 by the Local Planning Authority;

(00)316 Rev B (3 Bed House – GA Elevations),
(00)501 Rev B (2 Bed Tyneside Flat – GA Elevations)
received 23rd October 2020 by the Local Planning Authority;

(00)500 Rev B (2 Bed Tyneside Flat – GA Plans)
received 28th October 2020 by the Local Planning Authority;

(00)300 Rev J (PROPOSED SITE PLAN),
(00)320 Rev I (PROPOSED BOUNDARY TREATMENTS PLAN),
(00)330 Rev E (PROPOSED FENCING TYPES AND DETAILS),
(00)340 Rev E (PROPOSED LANDSCAPE PLAN),
AIA TPP Revision D (Retained Trees Shown On Proposed Layout With
Protective Measures Indicated)
AMS TPP Revision D (Retained Trees Shown on Proposed Layout With
Protective Measures Indicated)
N930-ONE-ZZ-XX-DR-L-0201 revision P09 (Detailed Planting Plan)
received 7th December 2020 by the Local Planning Authority.
For the avoidance of doubt.

3. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. The scheme shall also include a timetable for the removal of the temporary construction compound. Thereafter the development shall be carried out in accordance with the agreed scheme.
In the interests of the occupiers of adjacent and nearby premises and highway safety.
4. Notwithstanding the submitted information, 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 accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

5. Notwithstanding the submitted details and prior to the commencement of development, a detailed scheme for the disposal of foul water from the development shall be 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.

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be

given two weeks written notification of commencement of the remediation scheme works.

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development

thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.

8. No development shall commence unless and until a scheme for offsite compensation ("the scheme") to ensure that the approved development provides a biodiversity net gain has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the offsite compensation, shall be measured in accordance with the biodiversity metric 2.0. The scheme shall include:
 - a) identification of the compensation site(s);
 - b) details of habitat interventions sufficient to provide a biodiversity net gain;
 - c) the provision of arrangements to secure the delivery of the habitat interventions (including a timetable for their delivery);
 - d) a management and monitoring plan (to include for the provision and maintenance of habitat interventions for a period of at least 30 years).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery or any variation so approved in writing by the Local Planning Authority.

To provide biodiversity net gain in accordance with paragraphs 8, 170, 175 of the NPPF and policy NE1 of the Local Plan.
9. Prior to commencement of development, construction details (including transverse sections) of the proposed rear footpath ('ginnel') within the area of the tree roots highlighted within plans AIA TPP Revision D and AMS TPP Revision D (received 7th December 2020 by the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. In the interests of adequately protecting adjacent trees and ensuring the longevity of the footpath.
10. Prior to commencement of works above ground level on site, a scheme for the provision, long term maintenance and management of all landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub and hedge planting shall be implemented in accordance with the following plans and details; N930-ONE-ZZ-XX-DR-L-0201 revision P09 (Detailed Planting Plan) received 7th December 2020 by the Local Planning Authority, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling(s) or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 170 of the NPPF.

11. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
12. Prior to the commencement of works above ground level on site, details of a minimum of 6no. bat or bird boxes to be installed integral to the completed dwellings, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the bat or bird features have been installed. The bat or bird boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.
To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.
13. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
14. No part of the development shall be occupied until a scheme for the provision of electric vehicle charging apparatus to serve the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details, prior to the occupation of the dwellings.
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
15. The development hereby approved shall be carried out in accordance with the details provided within the submitted Energy Statement (dated December 2019, revised 08/10/2020) and SAP calculations (SAPS Including Fabric Improvements) received by the Local Planning Authority on 11th December 2020, unless otherwise agreed in writing with the Local Planning Authority. Prior to the occupation of the dwellings, the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.
16. Notwithstanding the submitted details, prior to the installation of any solar PV (Photovoltaic) panels/tiles, details of the proposed solar PV equipment, including the siting, size, design and timetable for implementation, shall be submitted to

and approved in writing by the Local Planning Authority. The solar PV panels shall thereafter be installed in accordance with the approved details and timetable.

In the interests of visual amenity.

17. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Impact Assessment Report (Rev D) and Arboricultural Method Statement Report (Rev D), and plans AIA TPP Revision D (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) and AMS TPP Revision D (Retained Trees Shown on Proposed Layout With Protective Measures Indicated) received 7th December 2020 by the Local Planning Authority, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

18. The boundary enclosures hereby approved shall be installed in accordance with the following plans and details; (00)320 Rev I (PROPOSED BOUNDARY TREATMENTS PLAN), (00)330 Rev E (PROPOSED FENCING TYPES AND DETAILS) received 7th December 2020 by the Local Planning Authority, prior to the first occupation of the dwellings hereby approved.
For the avoidance of doubt and in the interests of visual amenity and the amenity of neighbouring land users and future occupiers.
19. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season (March to August inclusive), unless a competent ecologist has undertaken a careful, detailed check within 48 hours prior to the relevant works taking place and provided written confirmation that no birds will be harmed. Any such written confirmation should be submitted to the local planning authority, prior to the work being carried out.
In the interests of breeding birds.
20. No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.
23. The dwellings hereby approved shall be used as C3 dwellinghouses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140786>

1.179 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.

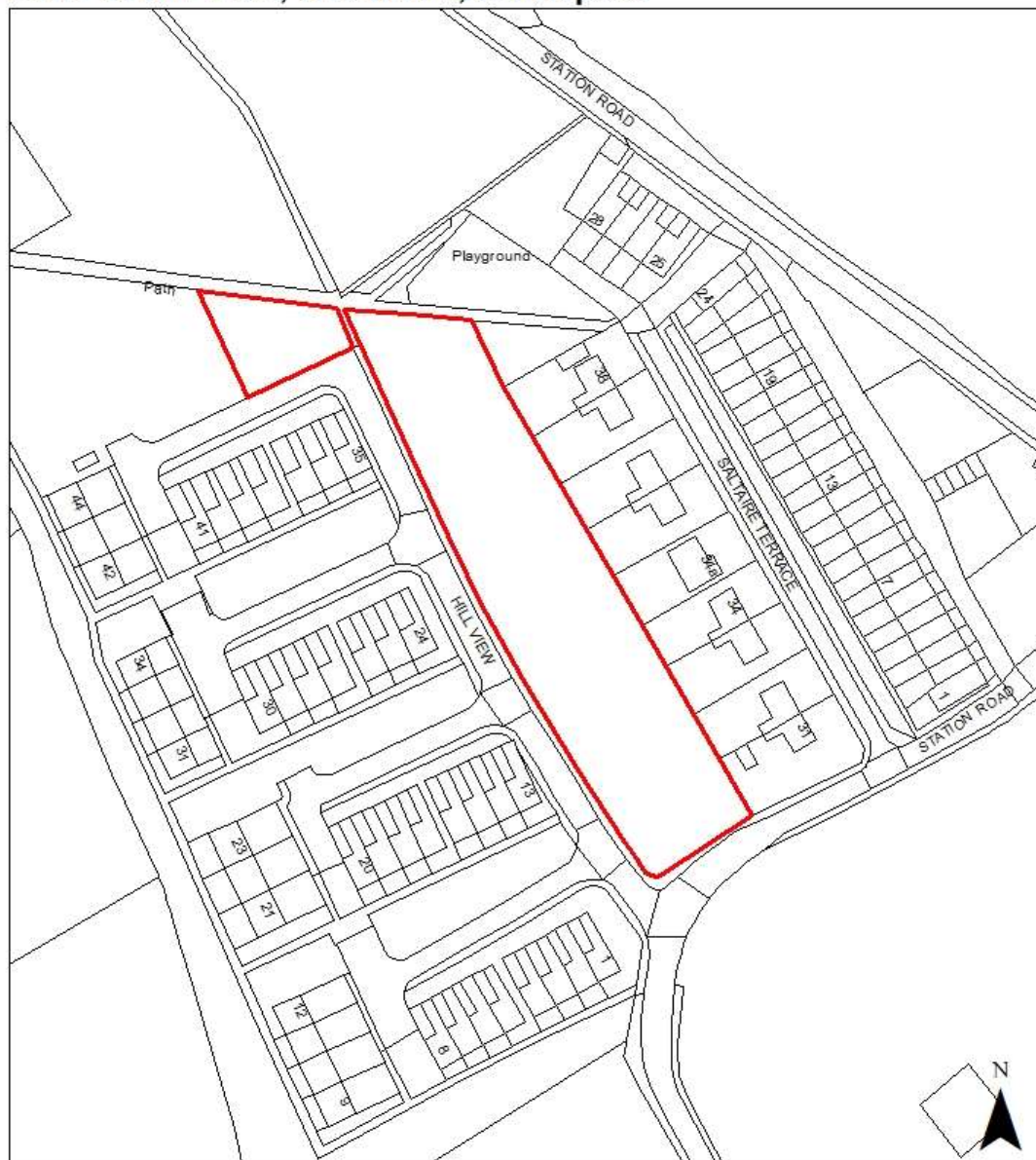
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Land at Hill View, Greatham, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 15.12.2020
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG. NO H/2020/0372	REV

No: 2.
Number: H/2020/0300
Applicant: JOHN WHITAKER NORTH STAR HOUSING GROUP ST MARKS COURT THORNABY STOCKTON-ON -TEES TS17 6QN
Agent: HMH ARCHITECTS DAVID MCKELLAR 26 Enterprise House Team Valley NE11 0SR
Date valid: 16/09/2020
Development: Residential development comprising 17no. bungalows (consisting of 15 x 2 bed, 2 x 2 bed accessible) including car parking, new access road and associated works.
Location: FORMER GARDEN CENTRE TANFIELD ROAD 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 site;

H/HDC/1987/0610 - Erection of security fencing to eastern boundary, approved 16/12/1987.

H/2013/0082 - Demolition of polytunnels and existing glass house shop unit and the erection of a shop and amenity block and greenhouses, covered walkways and associated works including staff car parking, CCTV, modifications to form access and means of enclosure and the additional use of the site for horticultural training and extension of existing opening hours of retail use from 08:30 hrs to 16:30 hrs on Sundays and Bank Holidays, approved 03/10/2013.

PROPOSAL

2.3 Planning permission is sought for residential development comprising the erection of 17 no. residential dwellings and associated access, infrastructure and landscaping. The existing remaining infrastructure and buildings on site would be demolished/removed and the site cleared.

2.4 The proposed residential development comprises 17no. bungalows consisting of 15 x 2 bedroom bungalows and 2 x 2 bedroom accessible bungalows.

2.5 The mix of dwellings are made up of 3 semi-detached bungalows, a terrace of 3 bungalows and 2 terraces of 4 bungalows. There is a variety of finishing materials proposed, with the materials palette including facing contrasting coloured brick, neutral-coloured render, artstone surrounds and concrete roof tiles, final details can be secured by condition.

2.6 All properties are served by a private garden space to the rear, with a garden space and vehicle parking (1 space) to the front of the properties. The development is accessed from Tanfield Road, with plots 1 to 7 being served directly from individual driveways from Tanfield Road, and plots 8 – 17 being served from a shared access road to the west of the site and taken from Tanfield Road (which will continue to extend northwards to access an existing car parking area to the north west and will be reduced in size as a result of the proposed development (namely plots 8-11) and it is understood will continue to be used by members of the public visiting the cemetery). The properties will have a mix of boundary treatments which comprise front railings for the properties which front onto Tanfield Road (1 to 7) the remainder of the properties (8 to 17) being open plan (at the front) and 1.8 close boarded fencing to the rear, with some slight variation to the rear boundaries which are clearly visible. Following concerns raised by officers with the design of some sections of boundary treatment which enclosed the rear boundaries of the property (which where on the access points to the rear), amended details have been provided which show a mix of boundary treatments comprising dwarf brick walls with timber fence panels above between brick pillars with coping stones on top and 1.8m high boundary wall with contrasting brick courses and coping stones and metal railings. These matters will be discussed in further detail below.

2.7 The application has been referred to Planning Committee owing to the number of objections received in line with Council's scheme of delegation.

SITE CONTEXT

2.8 The site extends to approximately 0.53 hectares and is currently a vacant garden centre, with a number of structures remaining in place (to be removed as a part of the proposal). The site is located on the north side of Tanfield Road, which in turn is accessed from Stockton Road to the east. The area is predominately residential in character with a mix of bungalows and two storey dwellings.

2.9 There are public footpaths which link to Stockton Road to the east, with access to public transport. To the west of the site is Stranton Cemetery, and associated crematorium beyond. Immediately west of the site, is an access road (which will be upgraded as part of the proposed development) which currently serves as access to a car parking area, previously used by a coffee shop within the cemetery grounds Stranton Lodge (no longer in use). As noted above, the car park will be reduced in size as a result of the proposal (namely the north eastern parcel of the car park where plots 8-11 are proposed to be sited). To the south of the site are residential properties with Whistlewood Close beyond.

PUBLICITY

2.10 The application has been advertised by way of press notice, site notice and neighbour letters (39). To date, there have been 8 letters of objections citing the following concerns which can be summarised as follows;

- Proposal will result in/worsen car parking, traffic and congestion in Tanfield Road and potential car parking in adjacent streets
- Proposal will remove any free car parking and affect the access to the crematorium
- Proposal should be amended so no driveways access onto Tanfield Road
- Traffic calming measure should be introduced
- How will parking for the cemetery be addressed
- Water pressure is poor
- Storm water drains struggle
- Impact on residents health due to emissions from traffic
- Garden of neighbouring property would be ruined/affected if adjoining fence removed/replaced

2.11 The period for publicity has expired.

2.12 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140019>

CONSULTATIONS

2.13 The following consultation replies have been received:

HBC Building Control – I confirm that a Building Regulations application will be required.

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

HBC Engineering - I have no objection to proposals in this respect. I note that as stated in the geo-environmental appraisal investigation was not possible on the site in areas where buildings/greenhouses were sited so ask that you include our standard residential contaminated land condition on any permission issued for proposals to allow a complete assessment of the whole site.

Surface water management - I have no objection to proposals in this respect and ask that our standard detailed drainage condition is included on any permission issued for proposals.

The applicant is advised that detailed drainage design will be assessed on the basis of the Tees Valley SuDS Design Guidance. This includes the requirement for all SuDS assets to be built to adoptable standard, including attenuation basins.

Furthermore, as part of detailed design we will require detail of the existing drainage on the garden centre site and how it is to be dealt with.

It is noted that, as identified by the applicant, we will not permit surface water discharge to the culverted watercourse north of the site as maintenance of this watercourse is impractical and any additional surface water discharge into this asset will lead to increased flood risk.

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

HBC Heritage & Countryside Manager - The application site is located adjacent to a locally listed heritage asset, namely Stranton Cemetery. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

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

The application is a proposed residential development of 17 bungalows. The proposal will not impact on the significance of the locally listed heritage asset, no objections.

HBC Ecology - For consistency, in line with comments from HBC Ecology at pre-application stage no supporting ecological information is required prior to determining the application. However, the proposals will need to provide an ecological enhancement in accordance with NPPF section 15 and policy NE1. A condition requiring a Biodiversity Management Plan has been suggested below to secure this enhancement. Please note that, as a standard approach and in line with the requirement in NPPF for planning decisions to encourage a net gain in biodiversity, I am requesting information relating to the change in ecological value using the Biodiversity Metric 2.0 for all major applications. However, as pre-application advice from HBC has not identified this as a requirement I am not requesting this information in this case.

Habitat Regulations Assessment - HRA screening has been undertaken at pre-app stage and identified a likely significant effect as a result of the proposals. Therefore I have proceeded to stage 2 of the HRA, i.e. Appropriate Assessment. The appropriate assessment is provided separately, and concluded that a financial contribution to the established warden scheme is sufficient mitigation for identified

recreational impacts. In line with the Hartlepool Local Plan Mitigation Strategy the necessary contribution is £250 per dwelling.

A Biodiversity Management Plan (BMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the BMP shall include the following.

- a. Details (including location and height) of the proposed installation of at least one integral bat and/or bird box per dwelling.
- b. Details of measures to ensure access to garden and public realm spaces by hedgehog.
- c. Details of landscape planting within public realm areas, to include native plant species and those of value to native fauna.

The BMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan will be implemented in accordance with the approved details.
Reason: to ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National Planning Policy Framework.

HBC Cemetery and Crematorium Team Leader - I have had a look at the application there are a couple of areas of concern;

There is a car park to the rear of the cemetery office and what was inspirations café, this car park is the main car park for those attending funerals and cremations and is very well used. The access to this car park in via the road that is proposed to service 10 of the new bungalows this will significantly increase the use of this road and this road already gets congested. If the congestion results in tail backs on to Tanfield Road then this may impact on funeral corteges using the main entrance in to Stranton Cemetery and Crematorium.

The proposed development looks to be taking part of the main car park for the cemetery and crematorium, this is a well-used car park and is often full, if those attending funerals cannot get into this car park they tend to park along Tanfield Road. or go into the cemetery and park there, both of these options create problems. Currently and when the proposed bungalows are built the ones opening onto Tanfield Road will have problems with car parking in front of their properties this in turn could well interfere with funeral corteges using Tanfield Road. If the overflow cars form the reduced car park go into the cemetery they will add to an already well documented problem of cars parking on graves or running over them and damaging memorials etc.

HBC Traffic & Transport - Parking 1 space per plot, this is the agreed standard we have used for other 2 bed bungalow developments.

Plot 7 - A section of the driveway is located within the kerb radii, the full driveway including transitions should be located on straight section of carriageway, there would appear to be scope to reduce the carriageway width at the junction of Tanfield

Road, this would enable the driveway to be accommodated completely on the straight.

Plot 8 – concerns that pedestrians will have restricted visibility if accessing car park from footway, due to 1800 high boundary wall. Footway should continue into car park.

The formation detail of the existing access road to the car park is unclear. Core tests should be undertaken to show the road construction. If the formation is sub-standard the access road will need to be taken up and reconstructed as per the Council's Design Guide and Specification.

Measures to be included to prevent surface water runoff from the proposed development road onto the car park access road and vice versa depending on the incline of the road.

The existing access into the garden centre next to 6 Tanfield Road to be removed and return back to footway. Also the existing footway along this section of the development should be replaced as part of the Section 39/Advanced Payment Code works. i.e. From end of 6 Tanfield Road to Cemetery gates.

All roads and pavings should be constructed in accordance with the HBC design Guide and Specification.

UPDATE 21/10/2020

I would not see that the 10 Bungalows would significantly increase traffic flow on the access road to the car park, the governments TRICS data base allows approximately 0.6 trips per household during the peak hours, this would equate to 6 vehicle trips in the peak hour, or one every ten minutes. It is proposed to construct bungalows in the development. It is anticipated that these properties would attract families with low car ownership this will help reduce the amount of trips further.

The construction of the houses which front onto Tanfield Road will result in the loss of approximately 7 on street parking spaces and the loss of a section of the car park will result in a loss of a further 13 spaces, this will potentially lead to funeral attendees finding alternative parking further afield in the Tanfield Road / Stockton Road / new housing estate / cemetery. This may lead to complaints due to inconsiderate parking. In order to minimise this displacement the developer in conjunction with the Council should look to investigate further parking options.

In order to prevent funeral attendees parking on the access road it will be necessary to extend the existing prohibition of waiting order into the access road and extend into the new estate. This will help maintain access into the car park and maintain an acceptable level of parking in the new estate.

UPDATE 25/11/2020

I can confirm that the amended layout is now acceptable. There will still be a requirement for parking restrictions to be extended into the new estate.

I do not formally object to the partial loss of the car park, however if no alternative parking is provided cemetery users will park within the new estate and further along Tanfield Road to the annoyance of residents.

UPDATE 15/12/2020 (summarised)

There is a loss of parking space, both from the car park and on Tanfield Road itself, but it should also be noted that the car park was for the nursery and coffee shop which are both no longer operational, not for the cemetery.

UPDATE 15/12/2020 in respect of any additional requirements for car parking (Director of Neighbourhoods and Regulatory Services)

A wider masterplan of the Stranton site is proposed and within this, we are proposing to create additional car parking elsewhere on the site.

HBC Arborist - As far as the arboricultural implications are concerned these are described within the report submitted by Dendra Consulting Ltd. in their Arboricultural Impact Assessment (Document Reference 15160028) which shows only one small Sycamore tree that requires temporary protection during the works and caution during construction of the access road although previous road construction to the existing car park has probably negated the need for caution here. The small trees and shrubs running parallel to Tanfield Road are to be removed to accommodate the new design and replacement trees incorporated within the scheme, details of which have yet to be submitted but can be dealt with under a condition.

I am happy with the report mentioned and have no objection to the development however we still need to see species selection for new planting, especially on Tanfield Road.

HBC Public Protection - I would have no objections to this proposal subject to the usual hours restrictions on construction and demolition activities, a construction management plan to cover both demolition and construction and a condition prohibiting any open burning.

HBC Housing – No comments received.

Tees Archaeology - I have checked our records for any heritage assets in the area and while this might have an impact on the setting of Stranton Cemetery (HER No 8268) and the War Memorial at its entrance (HER 8269), I have no objection to the scheme.

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

Northern Gas Network - 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.

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.

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 Appendix H Proposed Drainage Layout. In this document it states the foul and surface water flows shall discharge to the combined sewer at manhole 3501. The surface water discharge rate shall be restricted to 3.5l/sec.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Appendix H Proposed Drainage Layout dated 03/08/2020 the drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 3501. The surface water discharge rate shall not exceed the available capacity of 3.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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. 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. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

Cleveland Police - Police have no objections to this application but would have preferred that footpaths were not located and provided access to rear of properties. The proposed footpath giving access to rear of plots 1-3 and 15-17 if unavoidable

requires to be securely gated as close to the footpath entrance as possible the gate requires the capability of been locked from both sides. The gate should be a min of 1.8m and void of climbing aids. The entrance to the footpath should be well lit with street lighting designed to ensure this. The footpath itself should have some form of lighting.

I would always recommend that all roads and footpaths including private court areas are well lit and comply to requirements of BS5489 2013 with all entrance doors to premises provided with dusk/dawn lighting.

The residents of this proposed development will be some of the most vulnerable of society and would expect that the security standards of premises address this. All accessible windows and doors certified to Pas 24 2016 would help to ensure this.

PLANNING POLICY

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

Local Policy

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

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

INF4: Community Facilities

QP1: Planning Obligations

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

HSG1: New Housing Provision

HSG2: Overall Housing Mix

NE1: Natural Environment

NE2: Green Infrastructure

National Policy

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

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

Paragraph 002: Introduction

Paragraph 003: The NPPF should be read as a whole

Paragraph 007: Achieving sustainable development

Paragraph 008: Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)

Paragraph 009: Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)

Paragraph 010: Achieving sustainable development (presumption in favour of sustainable development)

Paragraph 011: The presumption in favour of sustainable development

Paragraph 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)

Paragraph 038: Decision making

Paragraph 047: Determining applications

Paragraph 054: Use of conditions or planning obligations

Paragraph 055: Use of conditions

Paragraph 056: Statutory tests for planning obligations

Paragraph 057: Development viability

Paragraph 059: Significantly boost the supply of homes

Paragraph 076: Housing development implementation in a timely manner

Paragraph 091: Promoting healthy and safe communities

Paragraph 092: Community Facilities

Paragraph 094: Sufficient choice of school places should be available to meet the needs of existing and new communities

Paragraph 096: Access to a network of high quality open spaces and opportunities for sport and physical activity

Paragraph 102: Promoting sustainable transport

Paragraph 103: Opportunities for maximising sustainable transport solutions

Paragraph 108: Access and impacts of development on the wider highway network and highway safety

Paragraph 117: Making effective use of land

Paragraph 122: Efficient use of land, ability of suitable land to meet needs, availability and capacity of infrastructure and services, well-designed attractive places.

Paragraph 124: Achieving well-designed places

Paragraph 127: Achieving well-designed places

Paragraph 128: Design quality throughout the evolution of development

Paragraph 130: Permission should be refused for development of poor design

Paragraph 150: New development should address climate change

Paragraph 153: New development should address climate change

Paragraph 170: Planning policies and decisions should contribute to and enhance the natural and local environment

Paragraph 175: Avoiding harm to biodiversity

Paragraph 178: Considering ground conditions

Paragraph 180: Impacts of pollution on health, living conditions and the natural environment, and the potential sensitivity of the site or the wider area

Paragraph 212: Policies within the NPPF are a material consideration.

2.17 HBC Planning Policy comments (summarised) - The land is allocated as white land in the 2018 Hartlepool Local Plan; the site is previously developed land within the residential area close to Stranton Cemetery. The principle of residential development within this location is acceptable and given the borough wide need for bungalows, the provision of 17 bungalows is supported.

2.18 With regards to the design and layout of the proposal, Planning Policy consider that, in the main, the proposal is acceptable. Planning Policy trust that the council's highway engineers will comment on the safety of the parking and road arrangement. In the interests of providing sustainable development it is necessary for the applicant to improve the surrounding community facilities and infrastructure that residents are likely to use and/or have the option to use.

2.19 Planning Policy note that the applicant states they are willing to pay for recreational management contributions and HRA mitigation contributions. Planning Policy request that the below obligations are sought.

2.20 The proposal is for 17 bungalows and is likely to home a high percentage of those over 50 then the full education contribution will not be required.

- Built sports facilities - A contribution of £250 per dwelling should be sought for built sports facilities and directed towards Rift House Recreation Ground (£4,250).
- Play facilities - A contribution of £250 per dwelling should be sought for Oxford Road play facility. (£4,250).
- Green Infrastructure - A contribution of £250 per dwelling should be sought for green infrastructure and directed towards the Stranton Cemetery extension (£4,250).
- Playing pitches - A contribution of £233.29 per dwelling should be sought for playing pitches at Rift House Restoration Ground. (£3, 965.93).
- Tennis courts - A contribution of £57.02 per dwelling should be sought for tennis courts at Brierton Sports Centre (£969.34).
- Bowling greens - A contribution of £4.97 per dwelling should be sought for bowling facilities at Rift House Restoration Ground (£84.49).

2.21 Planning Policy has no concerns with regards to the provision of on-site renewable energy. Planning Policy note that the applicant is providing planning obligations, energy efficiency measures and electric charging points. Planning Policy agree with the information and of that discussed with the applicant and agree that requiring the on-site renewable energy infrastructure would be likely to render the scheme unviable. There are no outstanding matters from Planning Policy.

PLANNING CONSIDERATIONS

2.22 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 (including requisite planning obligations) and in particular the impact on the amenity and privacy of neighbouring land users and future occupiers, the visual amenity of the application site and the character and appearance of the surrounding area, heritage assets and archaeology, landscaping and landscape features, ecology and nature conservation, highway and pedestrian safety, flood risk and drainage, land contamination and public rights of way. These and all other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

2.23 The land is allocated as white land in the 2018 Hartlepool Local Plan and within the limits to development; the site is previously developed land within a residential area close to Stranton Cemetery and is considered to be a sustainable location.

2.24 Policy HSG1 seeks to ensure a sufficient supply of housing land will be maintained to ensure the delivery of the overall housing requirement for the borough. The most up-to-date SMHA, identifies that there is an undersupply of bungalows, it is considered that this development would help in the provision of this type of accommodation.

2.25 Policy HSG2 seeks to ensure that all new housing, and/or the redevelopment of existing housing areas, contributes to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future.

2.26 The Council's Planning Policy section considers that the proposed development of bungalows satisfies the relevant policies of the Local Plan and would positively contribute to an overall balanced housing stock within the Borough and therefore the proposal is acceptable in this respect.

Renewable Energy and Energy Efficiency

2.27 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.

2.28 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%.

2.29 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)

2.30 A Sustainability Statement has been submitted setting out the U-Values (thermal efficiency) of the proposed dwellings and the intention to use/install “A” rated materials and appliances. Furthermore, an Energy Statement considering the feasibility of a range of renewable energy types has also been provided and considered. The submitted information indicates that there are no renewable energy schemes that would be feasible for this development, however (as per the requirement in Local Plan Policy CC1), the submitted information identifies how, through fabric and heating improvements, the development would make a saving on the baseline energy usage of approximately 11%. The Council’s Planning Policy section has advised that they are satisfied in this instance that those measures would meet the requirements of the Local Plan in this respect. The applicant has also confirmed that the development will provide 2 electric charging points. This can be secured by a suitably worded condition.

2.31 The applicant’s approach to renewable energy provision and energy efficiency is therefore considered to be acceptable.

Planning Obligations

2.32 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), and the adopted Planning Obligations SPD, the following developer contributions are required based on the current submission;

- *Green Infrastructure*: £4,250 (£250 per dwelling), directed towards the Stranton Cemetery extension.
- *Built Sports*: £4,250 (£250 per dwelling), directed towards Rift House Recreation Ground.
- *Playing Pitches*: £3,965.93 (£233.29 per dwelling), directed towards Rift House Recreation Ground.
- *Tennis Courts*: £969.34 (£57.02 per dwelling), directed towards tennis courts at Brierton Sports Centre.
- *Bowling Greens*: £84.49 (£4.97 per dwelling) to be directed towards Rift House Recreation Ground.
- *Play Facilities*: £4,250 (£250 per dwelling) to be directed towards the maintenance/improvement of Oxford Road play facility.
- *Ecological Mitigation* As identified through the Habitats Regulations Assessment (HRA) £4,250 (£250 per dwelling).

2.33 The applicant has confirmed their agreement to provide the abovementioned contributions and obligations and these can therefore be secured through a Section 106 legal agreement.

Principle of Development Summary

2.34 In view of the above considerations, the overall principle of the development is considered to be acceptable subject to securing the above planning contributions and the consideration of all other material planning considerations, as set out in detail below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

2.35 Paragraph 127 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

2.36 Policies QP4 (Layout and Design of Development) requires, amongst other provisions, 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.

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

2.38 The following minimum separation distances must therefore be adhered to:

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

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

2.40 Beyond the south east corner of the site lies existing residential bungalows fronting onto Tanfield Road. The nearest property to the south east is No 6 Tanfield Road, which shares the eastern boundary of the development site with plot 1. Proposed plots 15, 16 and 17 back onto the rear boundary of this property. It is noted that this property has previously had a single storey side/infill extension approved in 1988 (HFUL/0474/1988) that extends along the boundary to the application site. The approved extension appeared to include 2 windows and an access door in the side/west elevation; the window towards the rear is understood to be the sole window serving the created bedroom; the access door serves a hallway and the window towards the front serves a bathroom. It was observed from the case

officer's site that these windows were still in situ (in addition to a door serving the garage). It was further observed that the existing boundary was a timber fence (approx.) 1.2m in height and that there were shutters on all windows which were closed (possibly to provide privacy from the previous use of the application site).

2.41 There is a stagger between 6 Tanfield Road and the adjacent proposed plot 1 which will be set forward of the neighbour and its attached garage that projects to the front/side of the main bungalow (of 6 Tanfield Road). As a result, the main bungalow of plot 1 would not project alongside the identified bedroom window (habitable room) serving 6 Tanfield Road whilst it would be closer to the bathroom window and hallway/access door (and a door that appears to serve the garage), all of which are classed as not-habitable rooms. It is acknowledged that a 1.8m high fence is proposed along this boundary (and in turn close to the windows in the side of No 6 Tanfield Road) and this would increase the height of the existing low fence. In turn, it is considered that this would result in a degree of overbearing and overshadowing to the bedroom window (that is not understood to be served by any other windows including in the rear/north elevation). Of consideration is the unusual layout of the extended side elevation to No 6 Tanfield Road and the existing shutters on the windows, and that a 2m high enclosure could be erected along this boundary by either the current site owner or occupiers of No 6 without requiring planning permission to which the same resultant impacts would occur. To this effect, it is not considered that the proposal would result in an unacceptable loss of amenity and privacy for these windows (particularly the habitable bedroom window) as to warrant a refusal of the application.

2.42 Proposed plot 1 would incorporate a bathroom window in the side/east elevation. Due to the stagger between no. 6 Tanfield Road and proposed plot 1, this window would primarily look onto a side wall of the garage serving No 6 Tanfield Road (which appears to be served by an access door). Furthermore it is indicated that there would be an approximately 1.8m close boarded fence along this shared boundary (terminating approximately 1m forward of the projecting garage to the front/side of No 6). Of consideration is that there would be an approximately 5m separation between the side gable of plot 1 and 6 Tanfield Road whilst both properties are single storey bungalows. The remainder of windows in the rear elevation of proposed plot 1 would not have any direct views to windows in the side and rear elevations or the amenity/rear garden area of 6 Tanfield Road. Furthermore, the projecting garage element to the front of No 6 Tanfield Road would primarily screen the proposal from windows in the front elevation of No 6 Tanfield Road towards plot 1 and vice versa.

2.43 Concerns had been raised by the resident of 6 Tanfield Road with regard to the replacement of the boundary fence, however it has been confirmed by the applicant that a new fence within the development would abut the existing fence and therefore there would be no apparent need for its removal (in any event, this would be a civil matter).

2.44 As noted above, plots 15, 16 and 17 would back onto the rear garden/boundary of No 6 Tanfield Road (east), the main element of the proposed bungalows being set off the boundary by approximately 11m (at the closest point) with the proposed presence of an approximately 1.8m high fence along the boundary. The proposed

plots would be located at an oblique angle and separation distance of approximately 13m to the side/rear of No 6 Tanfield Road (nearest plot being plot 17). Taking the above into account, the north facing orientation of the garden serving No 6 Tanfield Road, it is considered that the proposal would not result in a significant detrimental impact on the privacy or amenity of this neighbouring property in terms of overshadowing, any overbearing effect, poor outlook or overlooking as a result of plots 15, 16 and 17. In view of the above considerations (para's 2.40-2.44, inclusive), it is therefore considered that the proposed development as a whole, would not have a significant detrimental impact on the privacy or amenity of this neighbouring property in terms of overshadowing, any overbearing effect, poor outlook or overlooking of No Tanfield Road as to warrant a refusal of the application.

2.45 Also adjacent to the eastern boundary are residential properties which front onto Stockton Road (east – No's 178, 180 and 182 Stockton Road). These properties are two storey dwellings with long gardens, approximately 70m in length from the rear elevation of the properties to the shared boundary. It is not considered that the proposals (in particular plots 12-17, inclusive that back onto these boundaries) would have any adverse impact upon the amenity and privacy of the existing dwellings given the significant separation distance.

2.46 It was noted that at the bottom of the gardens of No's 180 and 182 Stockton there are detached structures which appear to be outbuildings (it is understood they are not residential dwellings or annexes). The structure at the bottom of 180 Stockton Road extends the full width of the garden and incorporates a sloping roof (this information is based on observations from google maps, there is no associated planning history for these structures) the structures sits close to the boundary fence. This garden area (and structures) extends across the rear of proposed plots 12 and 13. These proposed properties have the main living accommodation looking onto the rear garden area and to which there is an approximately 9m separation between the rear elevation of these properties and the boundary fence with the detached structures beyond. In view of the above and whilst these distances do not fully accord with the requirements of QP4 and the aforementioned Residential Design Guide SPD (which would require a distance of 10m), it is considered that the proposal would not have a significant detrimental impact on the privacy or amenity of these neighbours or future occupiers of the proposed plots in terms of overshadowing, any overbearing effect, or poor outlook or overlooking to a level that would warrant a refusal of the application.

2.47 The proposed plots (11 and 12) to the north of the application site share a boundary with No's 2, 3 and 4 Westbrooke Grove. No 2 Westbrooke Grove sits at an oblique angle to plot 12 (with an oblique separation distance of approximately 19m). Plot 12 would be located at oblique separation distance of approximately 15m from the main rear elevation of No 3 Westbrooke Grove (approximately 13m to the conservatory to the rear of No 3 Westbrooke Grove). Plot 11 would be located at an oblique angle of approximately 15m from the rear elevation of the nearest property to the north (No 4 Westbrooke Grove).

2.48 No's 3 and 4 Westbrooke Grove have rear elevations facing onto landscaped area/SuDS area and an internal access road beyond. It is considered that the proposal meets separation distances between principal elevations and habitable

rooms as detailed within the Local Plan Policy QP4 and the Residential Design Guide SPD. In view of the above, the single storey nature of the proposals and the proposed boundary treatments, it is considered that the proposal would not have a significant detrimental impact on the privacy or amenity of these neighbours in terms of overshadowing, any overbearing effect, or poor outlook or overlooking as to warrant a refusal of the application.

2.49 The proposed plots to the north (primarily plot 11) which sides onto Westbrooke Avenue (No's 25 and 27) would be in excess of 35 metres (approx.) from the rear elevations of these properties which is in excess of the minimum separation distances set out in Local Plan Policy QP4. Taking this distance and existing/proposed boundary treatments into account, it is considered the proposal would not have a significant detrimental impact on the privacy or amenity of these neighbours in terms of overshadowing, any overbearing effect, or poor outlook or overlooking.

2.50 To the south of the site is an access to Whistlewood Close, with residential properties facing onto the application site. The separation distance between principal elevations exceeds the required minimum separation distance of 20m as detailed within the Local Plan Policy QP4 and the Residential Design Guide SPD. It is therefore considered the proposal would not have a significant detrimental impact on the privacy or amenity of these neighbours in terms of overshadowing, any overbearing effect, or poor outlook or overlooking.

2.51 Stranton Cemetery which is located west of the access road to the development and is considered a locally listed heritage asset. There is fencing and trees which extend along the boundary of the access road, with access into the cemetery taken directly from Tanfield Road. It is considered there is adequate separation between the development and the cemetery to have any significant impact in terms of loss of amenity in terms of privacy, overshadowing, any overbearing effect, poor outlook or overlooking.

2.52 The layout of the development itself adheres to the minimum separation distances between the proposed plots set out in Local Plan Policy QP4 and the aforementioned Residential Design Guide SPD. Whilst plots 13 and 14 have bathroom windows in the side gable elevation facing one another, these are slightly off set and would be screened by close boarded fencing (approx. height 1.2m). However to ensure that adequate privacy is retained between these windows it would be prudent to have a condition that these windows are obscurely glazed and feature restricted opening, in the interests of the amenity and privacy of future occupiers. There are similar relationships between bathroom windows for plots 2, 3, 5 and 6, it would be prudent to impose obscure glazing and restricted opening to these windows also. Subject to the above planning condition it is considered that there would be no significant detrimental impact on the amenity or privacy of future occupiers through overshadowing, any overbearing effect, poor outlook or overlooking.

2.53 Objections have been received from neighbours citing concerns that the proposals, if approved, would lead to dust/dirt and other environmental pollution. In response, the Council's Public Protection section has been consulted on the

application and has confirmed that they have no objections to the application, subject to planning conditions in respect of a Construction Management Plan as well as standard restrictions on hours of construction, which are recommended accordingly.

2.54 In view of the above considerations and subject to the abovementioned conditions, it is considered that the proposals are acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers.

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

2.55 NPPF paragraph 127 stipulates that planning policies and decisions should ensure that developments;

- Will function well and add to the overall quality of the area,
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, amongst other requirements.

2.56 Policy QP4 of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. There are a number of ways new development can achieve this, including;

- 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,
- Respect the surrounding buildings, structures and environment
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

2.57 The proposed dwellings are single storey bungalows which are to be constructed in a mixed palette of materials, this will give a contrasting effect within the development. The immediate area is a mix of bungalow and two storey dwellings which are constructed with a mix of materials (brickwork, render). The proposed development add detail and reflect features of the existing properties in the area, the development will have a positive visual impact upon the area as currently the site is a vacant garden centre and is showing signs of deterioration.

2.58 The existing properties within Tanfield Road have various front boundary enclosures which include brick walls, timber fencing and railings. It is proposed that the properties that front onto Tanfield Road will incorporate 1.2m high metal railings which are in keeping with the immediate area. The properties that will be taken from the existing access road to the car parking area will be open plan, with a mix of rear boundary treatments which will be visible when entering the site, these will include dwarf walls with brick pillars and coping stones on top with timber panels between the brick pillars, 1.8m high boundary wall and 1.8m close boarded fencing. Following discussions with the applicant, it is considered the mix of boundary treatments which are visible when entering the site will create a softer impact, than if they were all on type of material. It is considered that the development will be in keeping with properties within the immediate area and the cemetery entrance which has railing and gates.

2.59 The layout of the properties and their form are reflective of the nature of the wider area, along with the provision of private amenity space to the rear, including space to the front which incorporate soft landscaping and associated hard standing for of street vehicle parking.

2.60 The site is located adjacent to Stranton Cemetery a locally listed heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para 197). The Council's Heritage and Countryside Manager has been consulted on the proposal and considered the proposed development will not impact on the significance of the locally listed heritage asset and raises no objection.

2.61 Overall, the scheme is considered to be of an acceptable design, appropriate to the area, which would not detract from the visual amenities of the area. Final details of finishing materials and boundary treatments can be secured by appropriate planning conditions. As such, the application is considered to be acceptable in this regard.

LANDSCAPING AND IMPACT ON LANDSCAPE FEATURES

2.62 The application has been accompanied by an Arboricultural Impact Assessment and Method Statement including a planting plan. The site has a number of existing trees, which include 6 trees and 1 group of low value trees.

2.63 All of the proposed dwellings are served by private garden space to the rear. The dwellings also feature small open plan garden areas/landscaping to the front, and hard standing parking area. There is a pocket of landscaping in the north/north east corner of the development. This area is part of the Sustainable Drainage System (SuDS).

2.64 The Council's Landscape Architect has advised that they have no landscape or visual objections to the proposed development. The Council's Arboricultural Officer has been consulted and raises no objection to the development, however there are a number of small trees and shrubs which are to be removed to accommodate the development, with replacement trees being incorporated within the scheme, details of which can be secured by appropriate condition, including protection of existing trees during construction.

2.65 Finally, a scheme for the provision, maintenance and long term management of all open spaces and landscaping shall be secured by virtue of the Section 106 legal agreement, which the applicant has agreed to.

2.66 In view of the above, the application is considered to be acceptable with respect to matters of landscaping and tree protection, subject to the identified planning conditions and obligations.

ECOLOGY AND NATURE CONSERVATION

2.67 The NPPF and Local Plan policy NE1 advise that harm to biodiversity should be avoided. Where a negative impact is unavoidable, mitigation or compensatory measures should be provided.

2.68 As part of the Habitat Regulations Assessment (HRA) screening, it identified the development has the potential to result in an ecological impact. The Council's Ecologist has therefore carried out an Appropriate Assessment (Stage 2 of the HRA) to which it is concluded that a financial contribution to the established warden scheme will be sufficient mitigation for identified recreational impacts. In line with the Hartlepool Local Plan Mitigation Strategy, a contribution of £250 per dwelling (£4,250) is therefore required to mitigate against the indirect adverse impact of the Special Protection Area (SPA) feature birds caused by recreational disturbance. The applicant has confirmed their agreement to this (in addition to the planning obligations set out above) and this can also be secured by a virtue of planning obligation in a Section 106 Legal Agreement.

2.69 The Council's Ecologist has also identified that there will be a requirement for a Biodiversity Management Plan (BMP) to include the following;

- Details (including location and height) of the proposed installation of at least one integral bat and/or bird box per dwelling.
- Details of measures to ensure access to garden and public realm spaces by hedgehog.
- Details of landscape planting within public realm areas, to include native plant species and those of value to native fauna.

2.70 The BMP can be secured by an appropriate planning condition. The application is therefore considered to be acceptable with respect to the impact on ecology and nature conservation, subject to the abovementioned planning conditions and planning obligations.

HIGHWAY AND PEDESTRIAN SAFETY

2.71 The site would be served by and existing access which leads from the adopted highway to a car parking area to the north of the site associated with a former café and garden nursery as confirmed by HBC Highways, Traffic and Transport team. As noted above, part of this car park would be removed as part of the proposed development. Access to 10 of the proposed properties would be taken from this access road, with the remainder of the proposed 7 dwellings having direct vehicle and pedestrian access/egress from Tanfield Road.

2.72 Concerns and objections have been raised by objectors with respect to the impact of the proposal on traffic/congestion/parking and highway and pedestrian safety. Concerns have also been raised by the Council's Cemetery and Crematorium Team Leader in respect to the potential impact on the function of the cemetery and crematorium (as detailed in his comments above).

2.73 The development would result in the loss of 13 parking spaces within the existing car park as a result of the proposal. It is understood that this car park was provided for the nursery (garden centre) and coffee shop (as confirmed by HBC Highways, Traffic and Transport) and which are no longer operational. The access to this area will be incorporated into the access for 10 of the bungalows (with improvement works being carried out to this access and footway). The Council's Highways, Traffic and Transport section consider that the 10 bungalows would not significantly increase traffic flow on the access road to the car park based on household trips during the peak hours in the peak hour which would equate to one every ten minutes. Furthermore, it is anticipated that these properties would attract families with low car ownership which will help reduce the amount of trips further. Whilst there is a potential loss of parking spaces on Tanfield Road due to the construction of properties that will front onto Tanfield Road, this would not be to a level that would warrant a refusal of the application.

2.74 As detailed above initial concerns were raised with the initial plans submitted and a number of recommendations have been provided to the applicant by the Council's Highway, Traffic & Transport section with respect to visibility, road construction, and parking. These include an extension to the existing prohibition of waiting order into the access road, by extending into the new development.

2.75 The applicant has sought to address initial concerns through the submission of amended plans and information. The Council's Highways, Traffic and Transport team has been re-consulted on the amended plans and has advised the amended layout is acceptable subject to the extension to the existing parking restrictions as well as ensuring that car parking and the access road are constructed to design guide standard. This can be secured by appropriate planning conditions.

2.76 Whilst the Council's Highways, Traffic & Transport section have raised no objections to the partial loss of the car park as a result of the development, it is understood that there is a wider masterplan of the Stranton site proposed and within this, there are proposals to create additional car parking elsewhere on the site, albeit there is no requirement for such provision as part of this development.

2.77 In view of the above, the application is considered to be acceptable with respect to matters of highway and pedestrian safety, subject to the identified planning conditions.

FLOOD RISK AND DRAINAGE

2.78 The application site is located within Flood Zone 1 (low probability of flooding).

2.79 A Flood Risk Assessment (FRA) and Drainage Strategy, have been submitted. The Council's Flood Risk Officer and Northumbrian Water (NW) have been consulted and have raised no objections to this approach or the content of the FRA, however the Council's Flood Risk Officer has requested further details with respect to the surface water drainage proposals and a condition to secure this prior to commencement is recommended accordingly (long term maintenance can also be secured by a planning obligation).

2.80 Northumbrian Water have also requested a planning condition to ensure the works are carried out in accordance with the FRA and Drainage Strategy with respect to foul and surface water drainage, and this is secured accordingly.

2.81 Objections have been received citing concerns with respect to the potential impact on water pressure being affected by the development. However, both NW and Hartlepool (Anglian) Water raise no concerns with regard to this.

2.82 In view of the above, it is considered that the proposals are acceptable with respect to matters of flood risk and drainage subject to the abovementioned condition(s).

LAND CONTAMINATION

2.83 A Site Investigation report and Geo-environmental Appraisal have been submitted in support of the application. The report has highlighted that part of the site was not included within the appraisal due to existing buildings/greenhouse being sited on these areas. The Council's Flood Risk Officer has been consulted and have not raised any concerns with respect to land contamination. However they have advised that the Council's contaminated land condition be imposed, and this is recommended accordingly.

2.84 In view of the above and subject to the abovementioned condition(s), the proposals are considered to be acceptable with respect to matters of land contamination.

OTHER PLANNING MATTERS

Safety and Security

2.85 Cleveland Police have been consulted and have raised no concerns with respect to the proposals or the general layout of the scheme in relation to crime prevention and community safety, subject to physical security measures to rear garden gates/fences and accessible doors and windows, and appropriate lighting. It has been confirmed by the developer that the development will be carried out with Secure by Design principles. This advice will be appended to any decision notice as an informative note, should the application be recommended for approval. Subject to the abovementioned informative, the application is considered to be acceptable in this respect.

2.86 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to, crime and the fear of crime. As such, it would not be contrary to Local Plan Policy QP5 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

2.87 HBC Public Protection have requested a condition relating to no open burning being carried out on site, however this is not a material planning consideration and can be dealt with under separate environmental legislation. Notwithstanding this, advice can be relayed to the applicant via an informative.

Fire Safety & Access

2.88 Cleveland Fire Brigade has advised that access to the site for emergency services should meet the requirements set out in the relevant section of the Building Regulations. Cleveland Fire Brigade has also provided further advice on the type of fire brigade appliance that they use and that will need to be accommodated on site. An informative note shall be appended to any decision notice to make the applicant aware of this, should the application be approved.

Northern Gas Networks

2.89 Northern Gas Networks has confirmed that they have no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, Northern Gas Networks require the applicant to contact them directly to discuss their requirements in detail. An informative note shall be appended to any decision notice to make the applicant aware of this, should the application be approved.

OVERALL CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

2.91 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.92 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.

2.93 There are no Section 17 implications.

REASON FOR DECISION

2.94 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 planning obligations and contributions towards Green Infrastructure (£4,250), Built Sports (£4,250), Playing Pitches (£3,965.93), Tennis Courts (£969.34), Bowling Greens (£84.49), Play Facilities (£4,250), off-site ecological mitigation (£4,250), maintenance and long-term management of onsite open spaces and landscaping (including biodiversity management), surface water drainage and subject to the following planning conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details:
4002-SK-111 Rev A (Planting Layout)
4002-SK-220 (Bungalows Plots 3-5 - Plans, Elevs & Section)
4002-SK-120 (Site Sections)
4002-SK-230 (Bungalows Plots 6-7 - Plans, Elevs & Section)
4002-SK-250 Rev PO1 (Bungalows Plots 1-2 & 12-13 - Plans, Elevs & Section)
4002-SK-260 (Bungalows Plots 14-17 - Plans, Elevs & Section)
received by the Local Planning Authority on 21st August 2020,
4002-L.01 Rev A (Location Plan)
received by the Local Planning Authority on the 16th September 2020
4002-SK-240 Rev B (Bungalows Plots 8-11 - Plans, Elevs & Section)
4002-SK-110 Rev E (Proposed Site Layout)
4002-AL-0-022 Rev A (Bungalows Plots 8-11 - Plans and Elevs)
TRH-BGP-01-00DR-D-90.4-120 Rev T2 (Section 38/278 Layout)
received by the Local Planning Authority on the 10th November 2020.
For the avoidance of doubt.
3. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.
In the interests of the occupiers of adjacent and nearby premises and highway safety.
4. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site

has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

a. human health,

b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

c. adjoining land,

d. groundwaters and surface waters,

e. ecological systems,

f. archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1

(Site Characterisation) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Notwithstanding the requirements of condition no. 11, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and

subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
7. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
8. No part of the residential development shall be occupied until details of electric vehicle charging apparatus to serve the properties identified on Dwg No. 4002-AI-0-022 Rev A (Plots 8-11-Plans and Elevs) received by the Local Planning Authority 10th November 2020, have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the identified dwellings, the agreed scheme shall be implemented on site.
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
9. Notwithstanding the submitted information and the requirements of condition 12 (BMP), final details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Thereafter the development shall be carried out in accordance with the approved details.
For the avoidance of doubt and in the interests of visual amenity and the amenity of neighbouring land users and future occupiers, and biodiversity enhancement.
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 including the closure of the existing access to the south east corner of the site from Tanfield Road (but excluding any new driveways/access to serve the dwellings hereby approved) and the extension to the footpath to the west of the site as detailed on plan 4002-SK-110 Rev E (Proposed Site

Layout) and TRH-BGP-01-00DR-D-90.4-120 Rev T2 (Section 38/278 Layout) date received by the Local Planning Authority 10th November 2020.

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

11. Notwithstanding the requirements of condition 5, development hereby approved shall be implemented in line with the drainage scheme contained within the submitted document entitled Appendix H Proposed Drainage Layout dated 03/08/2020 the drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 3501. The surface water discharge rate shall not exceed the available capacity of 3.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority and thereafter implemented in accordance with the agreed details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
12. Prior to the commencement of development, a Biodiversity Management Plan (BMP) and timetable for implementation shall be first submitted to and approved in writing by the Local Planning Authority. The BMP shall include the following.
 - a. Details (including location and height) of the proposed installation of at least one integral bat and/or bird box per dwelling hereby approved (17no. minimum);
 - b. Details of measures to ensure access to garden and public realm spaces by hedgehog.
 - c. Details of landscape planting within public realm areas, to include native plant species and those of value to native fauna.
 Thereafter the development hereby approved shall be carried out in accordance with the agreed BMP and timetable for implementation and the measures shall be retained for the lifetime hereby approved.
To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
13. Notwithstanding the submitted details and the requirements of condition 12 (BMP), a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall include provision for planting within the gardens fronting onto Tanfield Road. 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.
In the interest of visual amenity and biodiversity enhancement.

14. Prior to the first occupation of the hereby approved development, a scheme for the provision to extend existing highway restrictions (double yellow lines or other such measures agreed in writing) within vicinity of the application site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed measures shall be implemented before the development hereby approved is occupied.
In the interests of highway safety.
15. Prior to the 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 4002-SK-110 Rev E (Proposed Site Layout) received 10 November 2020 by the Local Planning Authority.) shall be first submitted to and approved in writing by the Local Planning Authority;
Plot 2: 1no. ground floor side elevation bathroom window,
Plot 3: 1no. ground floor side elevation bathroom window,
Plot 5: 1no. ground floor side elevation bathroom window,
Plot 6: 1no. ground floor side elevation bathroom window,
Plot 13: 1no. ground floor side elevation bathroom window;
Plot 14: 1no. ground floor side elevation bathroom window;
The windows shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscurity 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.
16. The development hereby approved shall be carried out in accordance with the details provided within the submitted Sustainability Statement and Energy Statement (dated December 2019) received by the Local Planning Authority on 20th December 2019. Prior to the occupation of the dwellings, the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.
17. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.
18. Prior to the occupation of the development hereby approved, the bin storage areas shown on drawing number 4002-SK-110 Rev E (Proposed Site Layout) shall be implemented and thereafter retained for the lifetime of the development.
In the interests of highway safety and amenities of the area.

19. The development hereby approved shall be used as C3 dwellinghouses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure (other than those hereby approved), shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
22. No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
23. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Impact Assessment (Document Reference 15160028, received by the Local Planning Authority 21st August 2020), unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of adequately protecting the hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140019>

2.96 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.

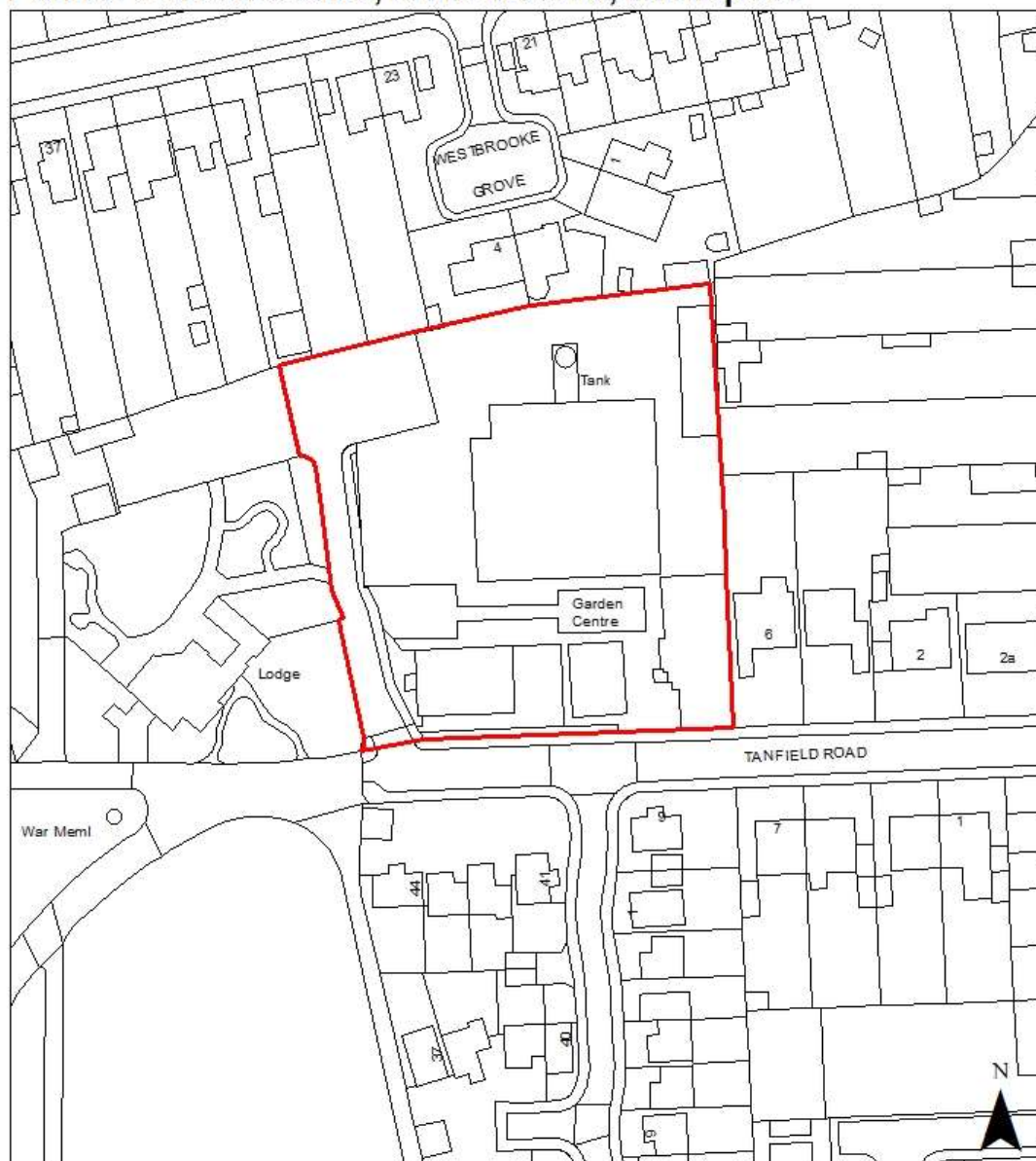
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Former Garden Centre, Tanfield Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 15.12.2020
	SCALE 1:1000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0300	REV

No: 3.
Number: H/2020/0381
Applicant: MISS S CONNOR TINTAGEL CLOSE HARTLEPOOL
TS27 3NA
Agent: MISS S CONNOR 6 TINTAGEL CLOSE HARTLEPOOL
TS27 3NA
Date valid: 17/11/2020
Development: Erection of replacement boundary fence with a height of
approx 1.8m to enclose the garden to the side
(retrospective application)
Location: 6 TINTAGEL CLOSE 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 There is no relevant planning history relevant to the current application.

PROPOSAL

3.3 The application seeks retrospective planning permission for the relocation of the existing boundary fence to enclose a parcel of land to the side of the host property and its rear garden. The area of land enclosed into the garden through the relocated fence measures approximately 3.8m in width by approximately 9.5m in depth (which is approximately 1.8m further out at the front than the previous enclosed side garden, and approximately 3m at the rear than the previous enclosed side/rear garden). The replacement boundary fence replaces the former fence (which had a height of approximately 1.5m and projected approximately 2.0m from the side of the property) and an area of landscaping which was in place previously in this parcel of land between the boundary fence and public footpath and that has since been removed. At the rear, the boundary fence has a graduated stepping down to adjoin the existing boundary fence separating the rear of the host property and the side of the driveway serving No. 8 to the north.

3.4 The application has been referred to be determined in the Planning Committee due to the retrospective nature of the application and officer recommendation, in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.5 The application site relates to 6 Tintagel Close, a two storey detached dwellinghouse in a modern residential estate in the Clavering ward of Hartlepool. The property is sited on the eastern side of Tintagel Close and as such includes

principal elevations on both its southern (front) eastern sides. To the east, the host property is bounded by No. 4, whilst No. 8 abounds the site to the north. Beyond the main highway of Tintagel Close to the west lies No. 5, whilst to the front (south) is an area of open land, beyond which is the main highway of Westwood Way. The application site features a driveway and garden to the front (south) with a rear garden on its northern side.

PUBLICITY

3.6 The application has been advertised by way of letters to four neighbouring properties and to local ward councillors, and the display of a site notice. To date, no responses have been received from members of the public.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140960>

3.8 The period for publicity expires on 23/12/20, to which Members will be verbally updated on any additional representations received at the committee meeting.

CONSULTATIONS

3.9 The following consultation replies have been received:

HBC Traffic and Transport: I have no highway or traffic concerns with this application. The fence is located sufficiently back from both access points as not to restrict sight lines.

HBC Landscape Architect: No comments received at time of writing.

HBC Public Protection: No comments received at time of writing.

HBC Community Safety: No comments received at time of writing.

Cleveland Police: No comments received at time of writing.

PLANNING POLICY

3.10 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)

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
NE6	Incidental Open Space

NPPF (2019)

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

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

3.13 **HBC Planning Policy comments:** Planning policy note that one of the main policies to note with regards to this application is NE6 which refers to incidental open space in the borough. The loss of incidental open space will be resisted except where:

- It can be demonstrated that the area of open space is detrimental to the amenity of neighbours or is too small or difficult to maintain, or
- It does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality.

We note that the area of space which is lost to the new fence boundary is not significant and that the applicant has detailed their reasoning for wanting to erect the fence, and therefore in this instance there are no concerns with regards to policy NE6. However, it is noted that the new fence is higher than what was previously on the site, and there may be concerns from a visual amenity perspective resulting from this alongside the loss of planting. Therefore we have no objections, subject to case officer satisfaction that the proposal is acceptable in amenity terms.

PLANNING CONSIDERATIONS

3.14 The main material planning considerations when considering this application are the impact on the character and appearance of the application site and surrounding area, the impact on the amenity of neighbouring land users and the impact on highway safety. These and any other relevant planning and non-planning matters are considered in full in the paragraphs below.

PRINCIPLE OF DEVELOPMENT AND IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

3.15 The parcel of land that has been enclosed by retrospective relocation of a boundary fence is located on an area of incidental open space within the ownership of a private dwelling. Policy NE6 of the Hartlepool Local Plan (2018) seeks to resist the loss of incidental open space unless it can be demonstrated that the area is detrimental to the amenity of neighbours or too small/difficult to maintain; or it does not contribute to the visual or recreational amenity and where the need and function of the open space is met elsewhere in the locality. Paragraph 130 of the NPPF (2019) states that permission should be refused for development of a 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 and supplementary planning documents.

3.16 In this instance the area of land subject to this application is directly adjacent to the existing curtilage of the application property. Due to the location and size of the open space proposed to be incorporated within the host dwelling (approx. 25-30m²), the Council's Planning Policy section have commented that this would not amount to a significant loss of the overall open space in the area.

3.17 Notwithstanding the above, the host property comprises a two storey detached dwelling within a modern housing estate to the north of the A179 trunk road. By virtue of the layout of plots within the estate, the host property is situated on a prominent corner plot at the end of a cul-de-sac and it is considered that the relocated fence, being set out by approximately 1.8m and being approximately 30cm higher than the previous fence and landscaping delineating this boundary is readily visible on entrance onto Tintagel Close from Westwood Way and from many vantage points throughout the estate. It is also of note that the original approval for the

housing estate landscaping and boundary treatments were intentionally designed so to avoid blind spots, hiding places and to maximise natural surveillance.

3.18 It is considered that the erected fence being sited closer to the main highway results in a prominent and incongruous feature in the street scene and a visual narrowing of the street scene at this section of the street. It is further considered that the grassed area to the side (west) of the host property formed a visual continuation of front garden areas, leading to No. 8 to the north.

3.19 It is considered that the open, green garden areas with intentional landscaping around neighbouring properties to the south, west and north of the host property are a characteristic of the area and the relocated boundary fence at the host property results in a disruption of visual continuity provided by this intentional landscaping and grassed side garden areas.

3.20 Furthermore, it is considered that the former landscaping and grassed areas at the site made an important contribution to the green and open character of the estate, particularly given the siting of the host property on the entrance into the street.

3.21 Overall, it is considered that the erected fence that has been erected in place of landscaping at the side of the host property, due to its design, scale and siting, results in an adverse impact on the character and appearance of the area, which would not comply with Policy QP4 of the Hartlepool Local Plan (2018) or paragraphs 124, 127 and 130 of the NPPF (2019). This would warrant a reason to refuse the application in this instance.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.22 The relocated fence to the side of No. 6 Tintagel Close is approximately 7.7m from the front/side of No. 8 (to the north), approximately 10m from the front/side of No. 5 (west), approximately 14m from the rear of No. 4 (east) and approximately 17.5m from the garages serving No. 7 to the north west.

3.23 Given that satisfactory separation distances would remain as per those already established, it is not considered that the proposed enclosure of the land or erection of boundary fences would have a direct significant detrimental impact in terms of loss of outlook, overbearing impression, overshadowing or overlooking for any neighbouring property, given the location of the land being situated directly adjacent (western side) of the application site, and with the relocated close boarded timber fence of a similar scale and design to existing fences at the host property and throughout the private garden areas in the surrounding street scene (albeit approximately 30cm higher than the former boundary fence at the host property).

3.24 Given that the proposal relates to modest domestic scale works and includes the erection of a fence around the private garden space (as proposed to be extended) of No. 6 Tintagel Close, it is not considered that this would result in any significant impacts in the form of noise disturbance. Furthermore, the Council's Public Protection section have not raised any objections (or provided any comments) at the time of writing.

3.25 On balance, it is considered that the proposal would not result in any adverse impacts on the amenity or privacy of neighbouring properties including Nos. 4, 5, 7 and 8 Tintagel Close.

IMPACT ON HIGHWAY SAFETY

3.26 Notwithstanding the above, the application has been considered by the Council's Traffic and Transportation section who have confirmed that the proposal does not adversely impact upon sight lines, and therefore the proposal is considered acceptable in terms of highway safety.

CONCLUSION

3.27 It is considered that the relocation of the boundary fence in order to enclose a parcel of land to the side of the host property results in a detrimental visual impact by virtue of the design, detailing and use of materials. It is therefore considered the development results in an adverse impact on the visual amenity of the host property and surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 124, 127 and 130 of the NPPF (2019). CAN YOU MENTION THE LINE (FAIL TO IMPROVE)

EQUALITY AND DIVERSITY CONSIDERATIONS

3.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.30 There are no Section 17 implications.

REASON FOR DECISION

3.31 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, subject to the consideration of any additional comments received before the expiry of the publicity (Members to be verbally updated at the meeting), and for the reason below:

1. In the opinion of the Local Planning Authority, it is considered that the relocation of the boundary fence to enclose the side garden of the host property results in an incongruous feature in the street scene, by virtue of the design, detailing and use of materials. It is considered that the loss of the former landscaping at the site detracts from the visual amenity of the application site

and surrounding area be contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 124, 127 and 130 of the NPPF (2019).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140960>

3.33 Copies of the applications are available on-line:

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except for such documents that contain exempt or confidential information

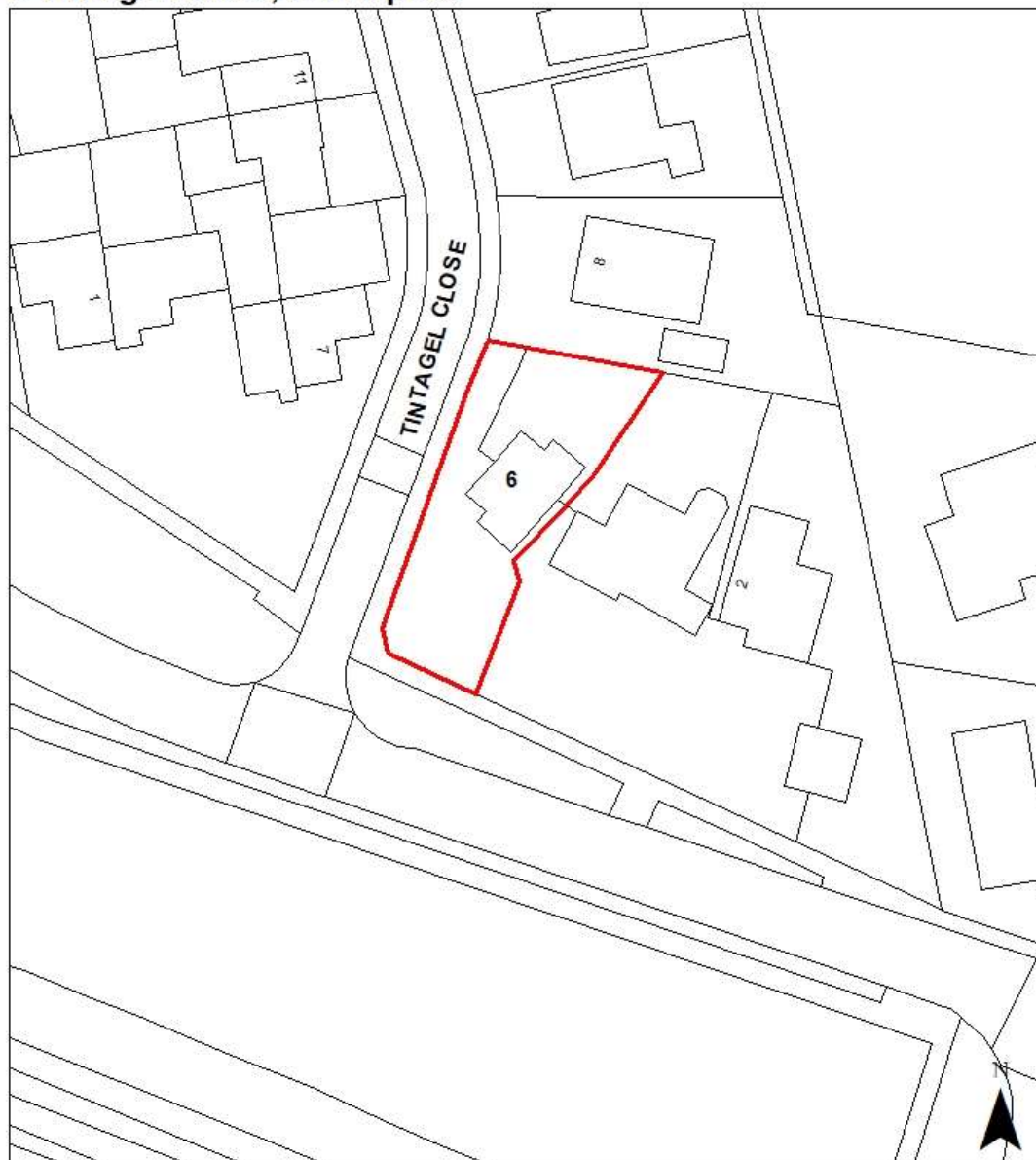
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6 Tintagel Close, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 14.12.2020
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0381	REV

No: 4.
Number: H/2020/0386
Applicant: MR A JOHNSON RADCLIFFE TERRACE
HARTLEPOOL TS24 0QA
Agent: MR RICHARD HUNTER 94 DURHAM STREET
HARTLEPOOL TS24 0HE
Date valid: 09/11/2020
Development: Installation of 7no. PVCu replacement window inserts in
the existing timber frames in the front elevation
Location: 4 RADCLIFFE TERRACE HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL

4.2 The application seeks planning permission for the installation of 7no. uPVC replacement window sash inserts within the 3no. existing timber window frames on the front elevation of the 4 Radcliffe Terrace. The replacements would comprise 3no. window inserts in the ground floor bay window, 3no. window inserts in the first floor bay window, and 1no. single pane window insert in the first floor window. The existing window inserts are timber sliding sash windows.

4.3 The application has been called in to be determined in the Planning Committee by a local ward councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

4.4 The application site is a mid-terraced two storey dwelling situated on the western side of Radcliffe Terrace. The host property is within the Headland Conservation Area and covered by an article 4(2) direction, which removes permitted development rights to alter or extend properties, including replacing windows. The host property adjoins No. 3 to the southeast, whilst No. 5 adjoins to the northwest, with the main highway of Radcliffe Terrace to the east, beyond which is Redheugh Gardens (east) and the Headland War Memorial (north east). To the rear (west) the host property is bounded by the back lane of Catherine Street, beyond which are Nos. 5-9 (odds) Catherine Street.

PUBLICITY

4.5 The application has been advertised by way of letters to five neighbouring properties and to local ward councillors, a site notice and a press notice. To date, no responses have been received from members of the public.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141041>

4.7 The period for publicity expires on 18/12/20, to which Members will be verbally updated on any additional representations received at the committee meeting.

CONSULTATIONS

4.8 The following consultation replies have been received:

HBC Heritage and Countryside Manager: The application site is located in the Headland Conservation Area. 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 Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture. Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The conservation area is considered to be 'At Risk' due to the accumulation of minor alterations, such as changing windows and doors which has impacted on the character of the 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 removal of timber casement windows and the insertion of UPVC sliding sashes to the front of the building. The detail and standard joinery evident on

the Headland contributes to its unique character, which is particularly noticeable within the application site. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier type of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights. UPVC sliding sashes have a different appearance to timber. The framing is usually slightly thicker and there are minor details which differ. A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition as a material it has a smoother more regular surface finish and colour, and the ageing process varies significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time.

Whilst it is noted that the windows have been altered to modern casements it is considered that the replacement windows would cause less than significant harm to the designated heritage asset. This is due to a number of timber windows surviving in this conservation area and therefore contributing to the significance. No information has been provided to indicate that this harm would be outweighed by the public benefits of the proposal.

HBC Building Control: A Building Regulation application will be required if the works are not being carried out by a competent person.

HBC Estates: No comments received.

HBC Parks and Recreation: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE4	Listed Buildings and Structures
HE7	Heritage at Risk

NPPF (2019)

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
124	Well-designed places
126	Using design guides to create distinctive places
130	Refusal of poor design
131	High standard of design
185	Positive strategy for the historic environment
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts

194	Considering potential impacts
196	Less than substantial harm
200	Considering potential impacts

4.12 HBC Planning Policy comments: Planning Policy has concerns regarding the installation of UPVC windows as they can dilute the designation of the conservation area, however the view of the Heritage and Countryside will be paramount in the determination of this application.

PLANNING CONSIDERATIONS

4.13 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users. These and any other planning matters are considered in full in the paragraphs below.

IMPACT ON CHARACTER OF THE EXISTING BUILDING SIGNIFICANCE OF THE HEADLAND CONSERVATION AREA

4.14 The host property comprises a two storey building located in the Headland Conservation Area, which is a designated heritage asset.

4.15 When considering any application for planning permission that affects a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 137 of The National Planning Policy Framework (NPPF) seeks positive enhancement in conservation areas to better reveal the significance of an area. The NPPF 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. 126 & 131, NPPF).

4.16 Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets, whilst 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.

4.17 As the application site is located within the Headland Conservation Area, the Council's Heritage and Countryside Manager has been consulted on the application. The Council's Heritage and Countryside Manager considers that the proposed replacement of timber inserts with uPVC inserts in the front elevation of the host property would cause less than substantial harm to the significance of the Headland Conservation Area.

4.18 The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

4.19 The loss of original timber windows and their replacement with uPVC is an acknowledged threat to the significance of conservation areas. The entry of the Headland Conservation Area on the Heritage at Risk Register 2019 notes that the conservation area is in very bad condition and is of high vulnerability, due to the accumulation of alterations resulting in a loss of traditional details. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as "at risk" is a priority for the Council.

4.20 The Hartlepool Local Plan (2018) policy HE3 criterion 3 encourages the retention of the historic fabric and the original features of special architectural interest in conservation areas. uPVC is therefore considered to be an alien material to historic properties and areas, that cannot match timber in terms of detailing and authenticity. Furthermore, details are rarely produced to the same fine dimensions and finish as could be achieved with timber; and the glazing bars, meeting rails and frames tend to not replicate the correct proportions of timber windows. For example, a casement window lacks the variances of depth between different features of the window; and the shiny uPVC material often looks incongruous within historic elevations, compared to the natural beauty and historic accuracy of timber.

4.21 The proposed window inserts are uPVC top hung casement windows. The width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber.

4.22 In addition a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in uPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

4.23 Further to this, uPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between uPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change. A uPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

4.24 It is these small but significant details that contribute to the special character of a timber sash window insert and thus to the appearance of a conservation area.

4.25 The applicant was made aware of the concerns of the Heritage and Countryside Manager as outline above. The case officer sought to work with the applicant and recommended amendments to the application to a design more in keeping with the conservation area (i.e. the use of timber instead of uPVC) in accordance with policy guidelines. However, the applicant has confirmed their intention to proceed with the original submission and did not wish to amend the application.

4.26 Although the applicant has stated that a reason for the proposal is due to the condition of the windows which compromise the health and conditions of the occupants of the host property, it is considered that whilst this may justify the replacement of windows, it would not justify their replacement material being uPVC rather than timber.

4.27 In view of the above it is considered that insufficient information has been provided to demonstrate that the identified harm to the Headland Conservation Area would be outweighed by any public benefits of the proposal.

4.28 The applicant has provided examples of previous examples of properties which include uPVC windows, with or without having benefited from planning permission. There are several reasons why such alterations may have occurred. Such examples may have been permitted under different national and local policy regimes, before adoption of the Council's relevant published advice note: "Advice on the Repair and Replacement of Windows", or the Character Appraisal for this conservation area, or prior to this conservation area's "at risk" status in 2019; or they may have been installed unlawfully even if this would not make them acceptable. The key point is that each case must be judged on its own merits, within its own up to date planning policy and guidance context.

4.29 Although the applicant appears to suggest that the proliferation of uPVC windows throughout the conservation area would be justification for the installation of uPVC inserts in the existing timber frames to the front of 4 Radcliffe Street, it is considered that on the contrary, this makes the importance of preserving the conservation area, and protecting the vulnerability of the designated heritage asset from the accumulated harm resulting from the loss of traditional details even more significant.

4.30 It is also of note that a number of recent appeals against refused planning applications for similar proposals at properties in the surrounding streets have been dismissed at appeal. In respect of appeal reference APP/H0724/C/19/3240723 (10 Queen Street) the Inspector appears to agree with the view expressed above, noting in that case that *"while the Conservation Area has been diminished [by previous development] nevertheless that does not mean the alterations under consideration have any less harmful an impact"*.

4.31 Overall and in conclusion, it is considered that without the amendments sought by the case officer (namely that the proposed inserts would be timber instead of uPVC) the proposal is not considered to be acceptable, contrary to Policies HE1, HE3, HE7 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196, 197 and 200 of the NPPF (2019). This would therefore warrant refusal of the application in this instance.

AMENITY OF NEIGHBOURING OCCUPIERS

4.32 The proposal would not alter the footprint of the property or introduce any new window openings than those in the existing front of the host property, and therefore it is considered that replacement of window inserts in the front elevation with uPVC inserts would not have a significant adverse impact on the amenity or privacy of neighbouring occupiers (including adjoining neighbours at No.3 to the southeast or No. 5 to the northwest) in terms of outlook, overbearing impression, overshadowing or overlooking. Notwithstanding this, in view of the paragraphs above, it is considered that the works would substantially detract from the visual amenities of the surrounding area to the detriment of the quality of place in the vicinity.

CONCLUSION

4.33 It is considered that the introduction of uPVC window inserts of non-traditional design and materials would less than substantial harm to the significance of the 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 Headland Conservation Area, contrary to Policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

EQUALITY AND DIVERSITY CONSIDERATIONS

4.34 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.36 There are no Section 17 implications.

REASON FOR DECISION

4.37 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 subject to the consideration of any additional comments received before the expiry of the publicity (Members to be verbally updated at the meeting), and for the reason below:

1. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to Policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141041>

4.39 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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4 Radcliffe Terrace, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 14.12.2020
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0386	REV

No: 5.
Number: H/2020/0403
Applicant: MR J DIXON GALA CLOSE HARTLEPOOL TS25 1GA
Agent: MR J DIXON 8 GALA CLOSE HARTLEPOOL TS25 1GA
Date valid: 16/11/2020
Development: Erection of summerhouse with attached shed and associated decking to rear garden (retrospective) and proposed erection of 2.4m high boundary fence along part of rear garden boundary (north)
Location: 8 GALA CLOSE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following planning applications are considered relevant to the application site:

HFUL/2002/0361 – Erection of a rear conservatory. Approved 31st July 2002.

H/2011/0420 – Erection of a single storey garden room to rear. Approved 11th October 2011.

5.3 It should be noted that planning condition 6 attached to HRES/1998/0146 (original approval for estate) removed householder permitted development rights for the erection of outbuildings, owing to the identified gas pathway to control such structures in terms of gassing protection measures.

PROPOSAL

5.4 The application seeks planning permission for the retrospective erection of a summerhouse with attached shed and associated decking, and the proposed erection of a boundary fence along the northern boundary (shared with No. 9 Gala Close).

5.5 The erected summerhouse measures approximately 4.8m in width by approximately 3.6m in depth, and is set on decking. The above ground level height of the summerhouse is approximately 2.6m at the front (on its western side), dropping to approximately 2.4m at the rear. The summerhouse is constructed from timber panelling and includes 2no. full length windows and French doors in the front elevation (facing east), and 1no. full length window in the south facing side elevation.

5.6 The applicant's submission indicates that the summerhouse is intended to provide a relaxing space / home office for the occupants.

5.7 The siting of the summerhouse is such that it is set off the boundary with No. 9 to the north by approximately 1.1m and off the boundary to the rear by approximately 1.1m.

5.8 The erected shed under consideration through this application is sited to the northern side of the summerhouse, and measures approximately 1m in width by approximately 2.5m in depth to fill the space between the summerhouse and the boundary with No. 9 (although it does not project as far forward as the summerhouse). The shed has a flat roof with a height of approximately 2.5m, is constructed from decking material and is proposed to store garden equipment etc.

5.9 The installed decking extends across the full width of the rear part of the rear garden at the host property, thereby measuring approximately 10.1m in width by approximately 5.6m in depth. The proposed decking is raised by approximately 20cm above the ground level. On the southern side of the decking is a gazebo structure and a hot tub which do not form part of the application. The proposal includes external spot lighting to soffits and ground level decking area.

5.10 The proposal includes the proposed erection of a boundary fence with an approximate height of 2.4m along the northern boundary shared between the host property and No. 9 Gala Close.

5.11 The application has been referred to the Planning Committee for determination because the applicant is related to a member of the Council's Planning team, and also due to the number of objections received, both matters in line with the Council's Scheme of Delegation.

SITE CONTEXT

5.12 The application site relates to a detached east facing two storey dwelling house in Gala Close, within the Warrior Drive estate in Seaton, Hartlepool. The host property is bounded by No. 9 to the north, No. 7 to the south and the side of No. 10 to the west. To the front, beyond the main highway of Gala Close are Nos. 41 (north east) and 51 Gala Close (south east), separated by the junction where Gala Close extends into a cul-de-sac to the east.

5.13 The host property benefits from an open plan garden and driveway to the front (east), and a garden to the rear (west), with access taken along a pathway on the southern side. Boundary treatments include a fence with a height of approximately 1.8m along the rear boundary (west) as well as the boundaries between neighbours to the north and south (at Nos. 7 and 9 respectively), with an additional trellis fencing and hedging running between part of the boundary between the host property and No. 7 to the south (with a total height of approx. 2.2m).

PUBLICITY

5.14 The application has been advertised by way of letters to five neighbouring properties and to local ward councillors. To date, three objections have been received from members of the public.

5.15 The objections can be summarised as follows:

- The height of the largest outbuilding is above 2.5m within 2m of the boundary;
- The retrospective structure results in an adverse impact on the amenity of neighbouring property by being overbearing and dominant;
- The proposed fence would not mitigate the adverse impact and would worsen the outlook given it would be along one side of the boundary of the host property;
- The use of the structure is beyond that which could be considered ancillary/domestic, being fully fitted out as a bar;
- Concerns around noise, lack of sound proofing, hours of use and general nuisance;
- Concerns around light pollution;
- The structure is poorly designed;
- The plans are basic and inaccurate;
- Concerns regarding nearby trees;
- Gas safety concerns;
- Drainage;
- Breach of restrictive covenants including erecting outbuildings without planning permission and nuisance;
- Lack of consultation;
- Close proximity to boundary may not comply with building regulations.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141241>

5.17 The period for publicity has expired.

CONSULTATIONS

5.18 The following consultation responses have been received:

HBC Flood Risk Officer: In response to your consultation on the above application, I have no objection to proposals in respect of surface water management. However, in respect of contaminated land, there are ground gas issues in some areas of Seaton. If on the planning permission for the dwelling permitted development rights were removed and ground gas protection measures were required for the house they may be required for the summerhouse also if a pathway for the gas exists. Building control can probably confirm. This is highlighted as the Planning Statement indicates that people may spend significant time in the structure and we do not want exposure to ground gas should that risk exist. Should ground gas issues exist at that site and gas protection measures be required for the dwelling, it needs to be established how the summerhouse is protected. An appropriate method would be to remove the

pathway by emplacing a gas proof membrane below the structure or raising and ventilating the base of the structure, this will need to be demonstrated by the applicant.

Update on 03/12/20.

If the structure is up on stilts this should remove any pathway for gas, some pictures would be useful to show this.

Update on 09/12/20 in response to photographs submitted by the applicant to demonstrate the construction of the outbuilding is raised, on 'stilts'.

That appears suitable.

Update on 16/12/20 following regard to neighbour concerns and receipt of additional photos from applicant demonstrating diversion of water from guttering to beneath decking

Quick calculations using BRE Digest 365 variables show that for the site:

1 in 5 year return period 6 hour rainfall event results in 32.9mm of rain;
1 in 10 year return period 6 hour rainfall event results in 40.8mm of rain;
1 in 100 year return period 6 hour rainfall event results in 66.1mm of rain;

Taking the 1 in 5 year return period approximately critical rainfall event, for a drained roof area of 3 x 2m this will generate 197 litres of water (0.2 m³) over 6 hours, that is 0.009l/s.

Taking the 1 in 100 year return period approximately critical rainfall event, for a drained roof area of 3 x 2m this will generate 397 litres of water (0.4 m³) over 6 hours, that is 0.02l/s.

I do not consider these volumes and flow rates significant, also they appear to be directed to remain on the applicant's site and also onto land that this rainfall would have landed on prior to development and as such I cannot conclude that there will be any significant increase in flood risk off site.

Notwithstanding, should there be now or in future any reason why the development results in flooding to neighbouring properties this is a requirement of civil law in respect of nuisance to be remediated.

As such I maintain no objection to proposals in respect of surface water management.

HBC Landscape Architect: There are no visual or landscape objections.

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

HBC Public Protection: No comments received.

HBC Building Control: No comments received at the time of writing.

PLANNING POLICY

5.19 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)

5.20 The following policies of the adopted Hartlepool Local Plan (2018) are considered relevant in the decision making process for this application:

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

NPPF (2019)

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

PARA 007: Purpose of the planning system;
PARA 011: Presumption in favour of sustainable development;
PARA 038: Decision-making;
PARA 047: Determining applications in accordance with the development plan;
PARA 124: High quality buildings and places; and
PARA 127: Design principles.

PLANNING CONSIDERATIONS

5.22 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 impact on the character and appearance of the host property and surrounding area, the impact on the amenity and privacy of neighbouring land users, and the impact on surface water drainage and

contaminated land. These and any other planning and non-planning matters will be considered in the paragraphs below.

IMPACT ON EXISTING DWELLING CHARACTER OF SURROUNDING AREA

5.23 Although a neighbour objection has been received raising concerns that the development is readily visible from the street scene, the case officer noted on the site visit that the front pathways of the host property feature timber gates with a height of approximately 2m, whilst to the northern side the main street of Gala Close bends around to the north, with the boundary treatment comprising a brick wall with a height of approximately 2.2m (forming the boundary to No 9). It is therefore of note that the development (including erected summerhouse, shed and decking and proposed fence) are all to the rear of the host property with only limited views of the development from the public highway of Gala Close (to the front, east, and from the northern side, beyond the driveway of 10 Gala Close).

5.24 It is considered that the outbuildings (including the summerhouse and shed) and decking are of a comparable scale to typical garden structures associated with residential areas (including many present throughout Gala Close) and therefore the proposal does not result in an adverse impact on the character and appearance of the host property and wider street scene. Further consideration is given to the hypothetical ‘fall-back position’ of permitted development (discussed in more detail in the ‘amenity’ section below), namely that a number of the structures would generally fall within or close to the parameters of permitted development (save for the removal of permitted development rights for environmental/gassing reasons as opposed to visual amenity/neighbour amenity).

5.25 In view of the above, the proposal is considered to accord with the provisions of Policy QP4 of the Hartlepool Local Plan 2018 and paragraphs 124 and 127 of the NPPF (2019) as the development is considered to be of a design and scale that respects the character and appearance of the existing dwelling and application site as a whole, and is therefore considered to be acceptable in this respect.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.26 It should be noted that under householder permitted development rights an outbuilding of a similar (or even larger footprint) with a maximum height of 2.5m (where it is within 2m of a boundary), could be constructed directly along the shared boundary with neighbouring properties (subject to other criteria). Whilst the structure exceeds this ‘permitted development’ height by a very marginal 10cm (approx.), this is considered to represent a hypothetical “fall-back position” of what could be done without the need for planning permission and any resultant impacts (that the government in effect consider to be acceptable). In this case, and as noted above, a planning condition on the original permission for the estate removed permitted development rights for the erection of such outbuildings without seeking planning permission first. This restriction is to allow the council to control development in the area in terms of gassing risk, and not for visual amenity or neighbor amenity reasons. Although ‘fall back’ must be rationalised in terms of the level of weight that can be given to it (given the above), it is nonetheless considered to be a material consideration in this instance given that the development has satisfactorily

demonstrated compliance with gas safety measures and the reason why such permitted development rights were removed (as detailed below).

5.27 In the same vein, it is noted that decking which does not exceed a height of 30cm above the ground is permitted by virtue of the above mentioned householder permitted development rights. As noted above, the decking that has been installed has an approximate height of 20cm above ground and therefore the “fall-back position” is taken into consideration in this instance.

Impact on No. 9 Gala Close (north)

5.28 It is acknowledged that an objection has been received from the occupants of No. 9 Gala Close which raises a number of concerns with regard to the scale, form and siting of the proposals. The erected shed structure is positioned adjacent to the side boundary (north) with this neighbour (No. 9) with its closest point being approximately 6.4m and at an oblique angle from the rear elevation of this neighbour. The erected summerhouse is located approximately 6m from the rear elevation of No 9. The proposed boundary fence (with a height of approximately 2.4m) would run between the host property and this neighbour at No. 9. Given that the summerhouse and shed structures have a maximum ridge height of approximately 2.6m above ground level reducing to an eaves height of approximately 2.5 metres, it is acknowledged that the proposal has the potential to result in a degree of loss of amenity for occupiers of this property, in terms of an overbearing impression and loss of outlook.

5.29 Notwithstanding this, it is considered that the erected shed and summerhouse outbuildings are of a modest scale overall, with a total height that is a modest 10cm (approx.) above the ‘fall-back position’ of what would be permitted development (with associated impacts that the Council would not ordinarily be able to control) as detailed above, and that this together with the set off from the boundary (to the summerhouse), is considered to assist in reducing any significant adverse impacts in terms of loss of outlook, overshadowing and any overbearing impact on the immediate garden areas or windows/doors in the rear elevation of No. 9 that would warrant a refusal of the application. It is considered that the proposed replacement boundary fence (between the host property and this neighbour) with its height of approximately 2.4m, although appreciably higher than the existing fence, would be read in the context of the above structures and on balance, would not result in an unacceptable adverse impact on the amenity of No. 9 in terms of loss of outlook, overshadowing and overbearing impression whilst assisting in reducing any adverse loss of privacy. Notwithstanding this, it is considered that the fence should be erected within a suitable timeframe and stained a colour to match the existing fence and this can be secured by an appropriate planning condition.

5.30 It is noted the timber outbuilding does not include any windows to the northern side elevation and its main windows and doors are sited toward the southern side of the main front (which faces east) which limits direct views being achievable toward No. 9. In addition, the proposed boundary treatment is further considered to assist in reducing any potential adverse impacts in terms of overlooking. Therefore, it is considered the impact upon the privacy of No.9 Gala Close would be limited and therefore acceptable in this instance.

5.31 As noted above, the decking that has been installed is raised from the ground by approximately 20cm, which would therefore fall within the “fall-back position” for permitted development. Taking into account the proposed boundary treatment that would assist in preventing any direct views or overlooking, it is considered that the decking does not result in any adverse impacts on the amenity or privacy or neighbouring properties in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

Impact on No. 7 Gala Close (south)

5.32 As noted above, an objection has been received from No. 7 Gala Close, which include a number of concerns. The installed decking spans the width of the rear garden at the host property and therefore extends to the boundary with this neighbour to the south (No. 7). The summerhouse is a distance of approximately 4.5m from the boundary and approximately 9m from the nearest side/rear elevations of this neighbour. It was noted by the case officer during the site visit that the boundary treatment in place along this boundary includes a close boarded timber fence with an approximate height of 1.8m at the western side, with an additional trellis fencing and landscaping affixed to the top taking the overall height to approximately 2.2m along the eastern side.

5.33 The summerhouse outbuilding has a maximum ridge height of approximately 2.6m reducing to an eaves height of approximately 2.5m, adjoining the shed outbuilding beyond (to the north). As such, it is acknowledged that the proposal (particularly the summerhouse) would be visible from parts of the garden and rear windows of No. 7 and as such has the potential to result in a degree of loss of amenity for occupiers of this property.

5.34 Notwithstanding, it is noted that the summerhouse is set off the boundary with No. 7 and that the existing boundary treatment comprising a fence of an approximate height of 1.8m (at this side), the modest roof design of the structure, and the above mentioned separation distance/relationship will assist in reducing any significant adverse loss of outlook or result in any adverse overbearing and overshadowing impacts on the rear elevation or garden of No. 7 as to warrant a refusal of the application in this instance. As previously mentioned, it is of note that the structure is of a height that is a modest 10cm (approx.) above that which could hypothetically be constructed under householder permitted development rights (had there not been a condition removing these rights to protect the area from ground gas risk), and it is therefore considered that the additional height above this “fall-back position” does not create such an additional adverse impact as to warrant refusal of the application.

5.35 It is noted the timber outbuilding include one window to the southern side elevation, however, it is considered that this window would primarily look onto the deck/relaxing space between the summerhouse and the boundary with No. 7, and taking into account the existing boundary treatment and remaining oblique angle and separation distance, it is considered that the windows in the side and front of the structure would not have any direct views towards the rear elevation or garden area of No. 7. As such it is considered that there would no direct loss of privacy for this neighbour and the proposal is therefore acceptable in this respect.

5.36 As noted above, the decking that has been installed is raised from the ground by approximately 20cm, which would therefore fall within the “fall-back position” for permitted development. As such it is considered that the decking does not result in any adverse impacts on the amenity or privacy or neighbouring properties in terms of loss of outlook, overbearing impression, overshadowing or overlooking. Given that the proposed erection of a boundary fence with a height of approximately 2.4m would be on the northern side of the host property (beyond the summer house and primarily obscured by the orientation of the host dwelling including its conservatory and summerhouse and other structures), it is considered that the boundary fence would not result in an adverse impact on the amenity or privacy of No. 7 in terms of overshadowing, loss of outlook or overbearing impression.

Impact on No. 10 Gala Close (west/rear)

5.37 The rear garden of the host property is bounded by the side of No. 10 Gala Close to the west (to which this neighbour faces north), with the outbuilding being sited approximately 1.1m from the boundary and approximately 2.3m from the side elevation of No. 10. It was noted by the case officer during the site visit that this side elevation (of No. 10) includes a door at ground floor level, with no other fenestration. It is acknowledged that a neighbour objection from this neighbour at No. 10 (west) has been received, raising a concern (among others) that the proposal is situated to the side of their property and the potential noise impacts from the development may disturb their amenity during the evening.

5.38 It is of note that there are no windows in the side elevation of No. 10 (to the west), and therefore it is considered that due to the position of the outbuildings which are to the side of that neighbour (and which do not project further to the north than the front elevation of No. 10 or further to the south than the rear of No. 10) and the screening provided by the existing boundary treatment of approximately 1.8m high timber fencing, the proposals (including outbuildings, decking and proposed fence) would not result in a significant adverse impact upon the residential amenity of No. 10 Gala Close in terms of outlook, overbearing nature, overshadowing; or the privacy of this neighbour in terms of adverse overlooking.

Impact on properties to the front (including 41 Gala Close and 51 Gala Close, to the north east and south east)

5.39 The retrospective outbuildings and decking and the proposed fence are within the rear garden of the host property, at a distance of approximately 38m from the front of No. 51 and a distance of approximately 41m from the front of No. 41, with the orientation of the host property and the main highway of Gala Close between. Given the substantial satisfactory separation distances and screening in place, it is considered that the proposals (including outbuildings, decking and fence) would not result in any adverse impacts on the amenity or privacy of Nos. 41 and 51 Gala Close, in terms of loss of outlook, overbearing, overshadowing or overlooking.

Amenity summary

5.40 It is therefore considered that the proposal is acceptable in that it is not deemed to significantly detrimentally impact upon neighbouring properties, in terms of being overbearing, an unacceptable loss of light or outlook as to warrant a refusal of the application. In addition to the above, it is considered appropriate to apply a planning condition to ensure that the building remain ancillary to the main dwelling.

SURFACE WATER MANAGEMENT AND CONTAMINATED LAND

5.41 It is acknowledged that neighbour objections make reference to the potential for surface water management issues such as boggy garden and a risk of flooding, and to the gas risk due to the site being on former contaminated land.

5.42 The Council's Flood Risk Officer has had regard to the proposal (and neighbour concerns) and has no objection with the proposals in respect of surface water management. Therefore it is considered that the proposal is acceptable in this respect.

5.43 In terms of contaminated land, permitted development rights for the erection of outbuildings were removed through a planning condition attached to the original approval for the estate, due to the ground gas issues in the area. This condition was secured in order to ensure that appropriate ground gas protection measures could be put in place to limit the risk of exposure to ground gas risk. The Council's Flood Risk Officer required confirmation that either the structure would be raised from the ground to allow appropriate ventilation at the base, or that a gas proof membrane would be built into the foundations. The applicant confirmed that the structure was raised from the ground on 'stilts' to which the Council's Flood Risk Officer confirmed that this is sufficient in terms of ground gas protection. The proposal is therefore considered acceptable in this respect.

OTHER PLANNING MATTERS

5.44 The Council's Traffic and Transport section have confirmed no objections to the proposal. The proposal is therefore considered acceptable in this respect.

5.45 It is acknowledged that an objection refers to the lack of measurements on the plans provided. It is of note that the Block Plan submitted with the application has the measurements annotated to the plan, however the remaining plans provided are scaled drawings indicating the summerhouse, shed and decking structures in situ at host property, in line with the Council's local validation requirements. The case officer confirmed the total height as being approximately 2.6m, during the site visit. It is considered this is in general conformity with the submitted details and therefore the plans are acceptable in this regard. Ultimately, officers are satisfied that they have a sufficient level of information to both consult upon and consider the application. In terms of consultation, neighbour notification letters were issued to the occupants of adjacent and nearby properties. It is acknowledged that a neighbour objection suggests that the applicant should have consulted adjacent neighbours prior to the erection of any of the development. This is not a requirement for this nature and scale of application and is therefore not a material planning consideration.

5.46 It is noted that the neighbour objection received alleges that there is an amount of noise and disturbance already prevalent at the host property. The applicant in their submitted statement states that the structure features soundproofing measures. In addition, concerns are raised that the summerhouse building is fitted out to be used as a bar. In their accompanying Planning Statement the applicant has indicated that the summerhouse is to be used as a “relaxing space”, at a domestic level only. The Council’s Public Protection have been consulted on the application and have not provided any comments or objections to the application. As such, any concerns related to noise and disturbance and particularly to a statutory nuisance level could be considered under separate environmental legislation. Notwithstanding this, as noted above, a planning condition can ensure that the erected summerhouse and shed would be used for purposes ancillary to the dwelling house. Anything over and above the use on a domestic level would be subject to separate licensing and legislation.

5.47 It is acknowledged that a neighbour objection alleges that the applicant has undertaken works to the tree in the garden of No. 9. Such works would not require permission of the LPA in this context (that the trees are not formally protected), and any related issues are a civil matter. Furthermore, the Council’s Landscape Architect has had regard to the details submitted with the application and has confirmed no objections.

NON-PLANNING MATTERS

5.48 It is acknowledged that a neighbour objection suggests that the siting and scale of the summerhouse structure in particular may require building regulations approval. The Council’s Building Regulations section have been consulted in respect of the proposal and have not provided any comments or objection. Notwithstanding this, building regulations is a separate regime that is outside the remit of planning control and as such cannot be considered further.

5.49 The installation of domestic lighting (including garden lighting or other external lighting) is unlikely to constitute development or to a degree that would require planning permission. Again, any such concerns and particularly to a statutory nuisance level could be considered under separate environmental legislation.

5.50 Covenants are not a planning matter and therefore cannot be considered further.

CONCLUSION

5.51 With respect to the above material planning considerations, Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 11, 124 and 127 of the NPPF (2019), the application is considered to be acceptable and is recommended for approval subject to the conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.52 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.54 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans and details Site Location Plan (scale 1:1250), and Drwg. No. 8GALA2020 REV 00 'Existing & Proposed Plans & Elevations' received by the Local Planning Authority on 16th November 2020; Existing Block Plan (scale 1:500) received by the Local Planning Authority on 16th November 2020; and Proposed Block Plan (scale 1:500) received by the Local Planning Authority on 17th November 2020.
For the avoidance of doubt.
2. The outbuildings hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.
3. The fence hereby approved (approximately 2.4m high and projecting for a length of approximately 9m adjacent to the boundary with 9 Gala Close, shown on Drwg. No. 8GALA2020 REV 00 received by the Local Planning Authority on 16th November 2020) shall be erected and shall be stained in a colour to match the existing fence (or other similar colour to be agreed in writing with the Local Planning Authority) within a period of 3 months from the date of this decision to the satisfaction of the Local Planning Authority and thereafter maintained for the lifetime of the development hereby approved, (unless an alternative scheme for means of enclosure is first submitted to and agreed in writing with the Local Planning Authority).
To ensure a satisfactory form of development and in the interests of the amenities of neighbouring properties.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141241>

5.57 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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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN	JB	DATE	14.12.2020
	SCALE	1:500		
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG. NO	H/2020/0403	REV	

No: 6.
Number: H/2019/0456
Applicant: MS L MIDDLETON MAYFAIR GARDENS HARTLEPOOL TS26 0DT
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE
Date valid: 17/12/2019
Development: Alterations to ground levels, erection of retaining wall and alterations to boundary fence (retrospective application)
Location: 6 MAYFAIR GARDENS HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/2015/0162 – Planning permission was granted on 9th May 2016 for residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School.

H/2018/0227 – Part retrospective planning permission was granted on 4th October 2018 for a Section 73 planning application for variation of condition 02 (Approved Plans) of planning permission H/2015/0162 (Residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School) to allow for the siting of retaining walls to the rear of plots 35, 36 & 37 and amendments to landscaping, levels and drainage.

H/2019/0246 – Part retrospective planning permission was granted on 30th January 2020 for a Section 73 application for the variation of condition No. 1 of planning approval H/2018/0227 to allow for substitution of house types to plots 17, 24, 25, 26 and 29, alterations to approved house types, and amendments to private driveway layouts, garage positions, cul-de-sac turning head design and pumping station position, and associated works.

PROPOSAL

6.3 Part-retrospective planning permission is sought for alterations to ground levels, erection of a retaining wall and alterations to an existing boundary fence. In detail, the development comprises;

- Raising of approved land levels in rear garden by up to 1.2 metres to remove the approved gradient, creating a level turf and footpath across the upper garden level. This element of the application is retrospective.
- Creation of a lower level strip of garden (approx. 4.5 metres in width and up to 15cm above the approved ground level) running along the eastern boundary of the site and comprised of patio and gravel (resulting in omission of approved landscaping). This element of the application is retrospective.
- Provision of a concrete blockwork retaining wall of approximately 1 metre in height, retaining the upper garden level and delineating this from the lower garden level, and including the installation of concrete blockwork steps to provide access between the upper and lower levels of the garden. This element of the application is retrospective.
- Alterations to the existing rear boundary fencing comprising the addition of a 900mm high trellis above the existing 1.5m high rear boundary fence. This element of the application has not been commenced.

6.4 The applicant has advised and indicated in the submitted details that the levels of the garden and the site landscaping were not completed by the developer of the wider estate in accordance with the approved plans (required by planning permission H/2019/0246 above), with the site levels already having been substantially increased and none of the approved soft landscaping provided at the time the applicant bought the property from the developer.

6.5 It is also noted that an unauthorised pergola structure has been erected in the rear garden of the property. Whilst this may typically have benefitted from 'permitted development rights' by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the planning permission for the wider development was subject to a condition stipulating that *"no garage(s) or other outbuildings shall be erected or converted without the prior written consent of the Local Planning Authority"*, in the interests of the amenities of the occupants of the adjacent residential property. Planning permission is therefore required for the structure. This was brought to the attention of the agent on receipt of this application, however they elected not to include the pergola as part of this application, and this will therefore be considered separately.

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

SITE CONTEXT

6.7 The application site comprises a two storey detached dwellinghouse and its associated curtilage within a new residential development at 6 Mayfair Gardens, Hartlepool. The wider development is situated on an elongated parcel of former agricultural land that straddles the western limits of development to properties along Coniscliffe Road, Parklands Way and Auckland Way (east). The site is currently being developed to provide 39 residential dwellings, a number of which are now complete or under construction.

6.8 The host property is bound to the east by the existing dwellings at 35 and 37 Parklands Way. To the south the host property is bound by 7 Mayfair Gardens (Plot 33 of the same development), and this neighbouring property is complete and understood to be occupied. To the north, the host property is bound by 5 Mayfair Gardens (plot 35 of the same development), and this neighbouring property is also complete and understood to be occupied. To the west, the host property is bound by the main estate road for Mayfair Gardens, with a small 4-dwelling cul-de-sac beyond.

PUBLICITY

6.9 The application has been advertised by way of neighbour letters (4). Following the initial consultation on the application (Dec 2019 / Jan 2020), 4 objections were received from neighbours citing concerns including;

- Detrimental impact on amenity and privacy of neighbours
- Detrimental impact on visual impact / development out of character with area
- Increased risk of flooding
- Detrimental impact on wildlife through loss of landscaping
- Application is contrary to Local Plan
- Proposals conflict with approved plans for development
- Loss of approved landscaped buffer zone
- Impact on human rights (right to peaceful enjoyment of possessions including home and respect for private and family life)
- Application should have been submitted by the site developer
- Inaccuracies in submitted plans and details
- Impact on property values
- Loss of access to public footpath/right of way

6.10 In August 2020, 2 neighbour objections were withdrawn, with reasons including;

- The occupants of 6 Mayfair Gardens have taken reasonable measures to protect privacy and address drainage concerns

6.11 Following the receipt of an amended plan to correct drawing errors, remove trellis from the side boundary fences and increase the height of the proposed rear trellis from 600mm to 900mm, the amendments were advertised by way of further neighbour letters (4) in November 2020. In response, 1 neighbour reiterated their objection and 1 neighbour, who had previously withdrawn their objection, reinstated their objection.

6.12 Therefore, to date, 3 objections from neighbours remain.

6.13 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134640>

6.14 The period for publicity has expired.

CONSULTATIONS

6.15 The following consultation replies have been received:

HBC Flood Risk Officer – I am looking at the above consultation and note that the design and access statement section 3.0 states that The existing land drain was not affected by works and remains in place. If this is the case then that is satisfactory however please can you provide information that details the location and design of the existing land drain and how it can be determined that it has not been affected, for example is it located outside of the curtilage or if it is within the curtilage can it be demonstrated that the drain remains functional?

UPDATE 11/12/2020: If the land drain has been adversely affected this has already happened and it will need remediating so I am not overly concerned whether this is verified by means of application or condition. My original comments still stand. You can require this by condition if you want.

HBC Arboricultural Officer - The original planning approval for this building plot was to encompass a piece of land at the rear of the garden to accommodate a landscape strip consisting of four trees to intersect the direct line of sight between the property in question and the existing mature properties in Parklands Way and I refer to the landscape master plan drawing received for the previous application H/2015/0162. The trees that were to be planted consisted of two birch and 2 mountain ash trees 2.5m in height. Although these will eventually serve the purpose of partially breaking up the overlooking aspect it would take around 10 to 15 years to achieve this.

As this application is a departure from what was originally granted it remains whether it should still be enforced as the patio area has been built and the garden layout has incorporated some additional small trees and constructed to a high standard of design. There is an existing line of trees within the adjoining Parklands Way properties that do go some way to obtaining the original concept design but these are outside the control of the applicant.

Historically there has been various planting schemes accompanying this development but the ones that I refer to are the most recent. As the issues from my point of view is the displacement of four small trees, although the planning condition and approved plan show this as part of the permission for the development, the new garden layout and lower level patio is probably less intrusive than the garden being raised and the future problems associated with shading bearing in mind this area lies West of the existing properties in Parklands Way.

It may be more appropriate to modify and accept the design as it is now bearing in mind the nature of the site and waive the tree requirement in this instance if an alternative design solution can be found to safeguard the adjoining resident's privacy.

HBC Ecology - looking at the proposed landscape plan for the original permission, the hedgerow and trees along the eastern boundary would have provided an important ecological function. That feature would have formed part of the local

ecological network; specifically providing a link between the now isolated area of 'Natural and Semi-Natural Green Space' shown on the policies map to the east of the site, and the larger green wedge to the south.

I'd suggest that removal of the landscape planting along the eastern boundary of the wider development would be inconsistent with policies NE1 and NE2.

PLANNING POLICY

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

Local Policy

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

LS1 – Locational Strategy
SUS1 – Presumption in Favour of Sustainable Development
QP4 – Layout and Design of Development
HSG11 – Extensions to Existing Dwellings
NE1 – Natural Environment
NE2 – Green Infrastructure

National Policy

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

PARA 007: Purpose of the Planning System
PARA 011: Presumption in favour of sustainable development
PARA 038: Decision making
PARA 047: Determining applications in accordance with the development plan
PARA 124: High quality buildings and places
PARA 127: Design principles
PARA 170: Conserving and enhancing the natural environment

PARA 175: Habitats and Biodiversity

PLANNING CONSIDERATIONS

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

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

6.20 Paragraph 127 of the NPPF (2019) stipulates that planning decisions should ensure that developments will create places with a high standard of amenity for existing and future users.

6.21 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) also states 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 property by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion, particularly relating to poor outlook.

6.22 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) states that proposals for extensions and alterations to residential properties must not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating a poor outlook.

6.23 Objections have been received including concerns that the proposals will have a detrimental impact on amenity and privacy of neighbours, and that the proposals result in the loss of the approved landscaping (and therefore are contrary to the approved plans for the wider estate).

6.24 To the west, the proposed works are screened from neighbouring land users in this direction and as such it is considered that there would be no appreciable impact on the amenity or privacy of neighbouring land users to the west.

6.25 To the north, the adjacent property at 5 Mayfair Gardens sits at a higher level than the application site and therefore, whilst the proposals include an increase in the garden level, the garden level remains below that of this neighbouring property. The shared boundary between the host property and 5 Mayfair Gardens continues to be screened by an approximately 1.8 metre high timber fence that sits on top of a retaining wall (albeit only a small part of the wall is now visible above the raised ground level in the upper part of the garden of the host property). In view of the above screening and relationship between the two properties, it is considered that the proposals would not have any significant detrimental impact on the amenity or

privacy of neighbouring land users to the north in terms of outlook, overbearing and overlooking.

6.26 To the east, the application site is bound by the neighbouring properties at 35 and 37 Parklands Way. The shared boundary features a timber fence on the applicant's side indicated to be approx. 1.5 metres high. There is a small gap (approx. 20-30cm) between the applicant's rear fence and the rear fences of these neighbouring properties. 35 Parklands Way features a low wire/mesh fence with timber posts, whilst 37 Parklands way features a higher part-closed/part-open timber fence, which sits slightly lower than the fence at 6 Mayfair Gardens. Both 35 and 37 Parklands Way feature a mix of sporadic deciduous and evergreen planting in places along the shared boundary with the application site, within their respective rear gardens.

6.27 At the time of the case officer's site visit (February 2020), there were few leaves on the trees and shrubs within the rear gardens of these neighbouring properties. As above, the raised upper garden level sits approximately 4.5m - 5m from the rear gardens of these neighbouring properties. As a result, and due to the height of the raised land and the relatively low rear boundary fencing, direct views were readily available over the fence into the immediate rear gardens areas and towards the rear elevations of these neighbouring properties to the east.

6.28 Whilst some views were partly screened by existing planting in these neighbour's gardens, and additional screening will be provided when trees are in full leaf, ultimately this is not within the applicant's control and could be removed. Furthermore, whilst the applicant's initial proposals included a 600mm high trellis along the rear boundary, this would still have allowed views through due to its design.

6.29 To the south, the neighbouring dwelling at 7 Mayfair Gardens sits at a lower level than the host property. Whilst a 1.8 high timber fence has been installed between the two dwellings, it is noted that this begins to slope away toward the eastern end of the site and, as a result, at the edge of the retaining wall/raised upper garden level, views can be achieved over the fence into the bottom part of this neighbours garden. Therefore, whilst views back towards the rear elevation of this neighbouring dwelling and the immediate rear garden area of this neighbour are largely screened, it is considered that parts of the retaining wall / raised ground level do also allow overlooking of this neighbouring garden.

6.30 Due to this significant overlooking described above, the case officer contacted the applicant's agent to advise that the works carried out have an unacceptable detrimental impact on the privacy of neighbouring land users, particularly to the east. The case officer recommended that the applicant may wish to consider the provision of a 1.8m high fence along the top of the retaining wall to prevent any views into neighbouring gardens to the east and that, due to the orientation of the steps that had been installed, these should also be reconfigured to run parallel to the retaining wall, with the fence wrapping around them to prevent any gaps. Finally, it was also recommended that the applicant should install the approved landscaping (pursuant to planning permission H/2019/0246) to the lower level of the garden, which would further protect the privacy of neighbours and provide screening of any additional

fencing. The applicant did not however wish to make the recommended amendments to the application.

6.31 The applicant has since submitted amended proposals to increase the height of the rear trellis from 600mm to 900mm however, as above, given that this would still allow views through it into neighbouring gardens, it is considered that this would not prevent overlooking of neighbouring properties. Furthermore, the applicant has also provided more recent images of the site during summer, in which they have added a number shrubs within plant pots along the eastern boundary and attached a fabric screen to the rear fencing to prevent any views between fence panels. Whilst these efforts are noted, the fabric and plant pots can be removed at any time, are not development and therefore cannot be controlled by the Local Planning Authority, and in any event have not been included in the submitted plans as part of this application. These therefore do not satisfactorily address the privacy concerns or ensure that the amenity of all existing and future occupiers will be protected, in accordance with paragraph 127 of the NPPF.

6.32 In view of the above concerns, it is considered that the development has a detrimental impact on the privacy of neighbouring land users through overlooking and a perception of overlooking. The application is therefore unacceptable in this respect, contrary to policies QP4 and HSG11 of the Hartlepool Local Plan and paragraph 127 of the NPPF.

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

6.33 Paragraph 124 of the National Planning Policy Framework (NPPF) (2019) highlights that the creation of high quality places is fundamental to what the planning and development process should achieve. 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.

6.34 Paragraph 127 of the NPPF (2019) further stipulates that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

6.35 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 and character of the local area, respects the surrounding buildings, structures and environment and uses design elements relevant to the location.

6.36 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) further stipulates that proposals for extensions and alterations to residential properties should be of a size, design and use materials that are sympathetic to the existing dwelling and should not affect the character of the surrounding residential area.

6.37 Objections have been received including concerns that the works described in the application are out of character with the surrounding area, and that the proposals result in the loss of the approved landscaping (and therefore are contrary to the approved plans for the wider estate)..

6.38 With respect to the changes to the ground level, it is noted that the additional earth and alterations to the ground level of the rear garden are not readily visible from within the street scene due to their location to the rear and are largely screened from neighbouring properties to the south, east and north by the existing boundary treatments at the host property and neighbouring properties. It is therefore considered that these works do not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

6.39 With respect to the retaining wall and steps, it is noted that the materials used diverge from the red brick retaining walls used elsewhere within the development. However given the limited size of the retaining wall and steps and their location to the rear of the property, where again they will be significantly screened by both the raised ground level to the west and the existing boundary treatments at the host property and neighbouring properties to the south, east and north, it is considered that the proposed retaining wall and steps do not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

6.40 Similarly, it is considered that the proposed trellis due to its design and location to the rear of the property would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the surrounding area.

6.41 Notwithstanding this, and as set out above, in order to facilitate the works, the development has deviated from the approved landscaping scheme for the wider site (approved by virtue of planning permission H/2019/0246), including the omission of 4no. trees and a native hedgerow along the eastern boundary of the property. The application does not include any provision for the approved landscaping to be planted.

6.42 The officer report for the original planning permission for the wider development (ref H/2015/0162) stated that: *“the provision of new planting to the east and west, and adjacent to the proposed car park would create a strong buffer around the site (to contain views). As such it is considered that the proposed application site has the capacity to contain the proposed development without dominating its surroundings or significantly affecting the character of the area. Whilst the development is outside of the limits to development, it is considered that the landscape mitigation offered would assist in integrating the scheme into the local landscape and the proposed development would not have a significant impact on the landscape character of the area.”*

6.43 As set out above, it is understood that the site landscaping has not been completed by the developer for the wider estate (at the time of writing) in accordance with the approved plans (required by planning permission H/2019/0246 above), with none of the approved soft landscaping having been planted at the time the applicant

bought the property from the developer. The failure to provide the wider site landscaping is being pursued separately with the developer, however this matter has clearly been complicated by the developer selling the properties without having fully complied with the landscaping requirements.

6.44 Notwithstanding this and in view of the above, whilst the works carried out to date and the proposed trellis in themselves do not have a significant visual impact on the site or the character and appearance of the surrounding area, as the application does not provide any of the approved site landscaping or leave any provision for this to be planted, it will prevent the landscaping scheme for the wider development from being implemented in full. Whilst each application must be considered on its own merits, should further applications be approved along this boundary or elsewhere in the estate that remove or prevent the approved landscaping from being implemented, this will have a cumulative impact on the character and appearance of the wider development.

6.45 It is considered that the approved site landscaping for the wider development will contribute to the visual amenity and character of the wider development and therefore its full implementation should be sought. It is therefore considered on balance that the application in this instance, which is contrary to the approved site landscaping, would ultimately result in a detrimental impact on the character and appearance of the area.

6.46 In view of the above, the application is considered on balance to be unacceptable with respect to the impact on the character and appearance of the surrounding area, contrary to policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124 and 127 of the NPPF (2019).

ECOLOGY AND NATURE CONSERVATION

6.47 As above, it is noted that the application does not provide any of the approved site landscaping or leave any provision for this to be planted, it will therefore prevent the landscaping scheme for the wider development from being implemented in full.

6.48 Objections have been received from neighbours raising concerns that the proposals will have a detrimental impact on wildlife through the loss of the approved site landscaping (and therefore are contrary to the approved plans for the wider estate).

6.49 The Council's Ecologist has been consulted and has advised that the approved hedgerow and trees along the eastern boundary would have provided an important ecological function and that this feature would have formed part of the local ecological network.

6.50 In view of this, the Council's Ecologist considers that the removal of the landscape planting along the eastern boundary of the wider development would be inconsistent with policies NE1 and NE2 of the Local Plan.

6.51 Whilst it is therefore considered that the omission of the approved site landscaping from this plot in isolation is unlikely to have a significant impact on

ecology or nature conservation, it is considered that cumulatively the loss of the approved site landscaping along this boundary and/or elsewhere across the site, should further applications come forward, would have a detrimental impact on ecology and nature conservation and be contrary to policies NE1 and NE2 of the Local Plan and paragraphs 170 and 175 of the NPPF (2019).

FLOOD RISK AND DRAINAGE

6.52 Objections have been received citing concerns that the application may result in an increased risk of flooding.

6.53 It is understood that a land drain (for surface water management) was installed adjacent to the eastern boundary of the site, within the rear garden of the host property, as part of the approval for the wider development. The Council's Flood Risk Officer has been consulted and has requested confirmation that the land drain has not been affected by the work carried out to date.

6.54 It is noted that section 3.0 of the applicant's supporting Design & Access Statement indicates that the existing land drain was not affected by the works and remains in place. The applicant has since reiterated this, advising in response to the Council's Flood Risk Officer that *"the existing land drains were not touched at all during the work in the garden. Both site managers were present to confirm this was the case"*.

6.55 The Council's Flood Risk Officer has advised that if this is the case then that is satisfactory however additional information confirming the location and design of the existing land drain and how it can be determined that it has not been affected should be provided.

6.56 This information was requested from the applicant however to date has not been provided. The Council's Flood Risk Officer has however confirmed that this could be secured by condition, which would have been recommended accordingly had the application been considered acceptable in all other respects.

6.57 Notwithstanding the abovementioned concerns, the application is otherwise considered to be acceptable with respect to flood risk and drainage matters, subject to the identified condition, and in accordance with the relevant policies of the Hartlepool Local Plan and relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

Public Rights of Way

6.58 An objection has been received raising concerns that the application results in the loss of access to public footpath/right of way, however no concerns with respect to the loss of public rights of way were raised through the consideration and approval of the original development (ref H/2015/0162), and the land in question is entirely within the curtilage of the host property, as approved by the original permission. The application therefore does not affect any public rights of way.

RESIDUAL MATTERS

Inaccuracies in Submitted Plans and Details

6.59 During the course of the application, it was brought to the case officer's attention by an objector that the submitted elevation plans did not accurately reflect the existing boundary treatments along the southern boundary of the site. The applicant subsequently amended the plans to address this error and neighbouring properties were re-consulted.

6.60 Whilst the submitted plans have been amended to address the above issue, it is noted some discrepancies still appear to exist in the submitted details with respect to the existing southern boundary fence (namely, the height and slope of the fence). Notwithstanding this, it is noted that the latest plans are clear that the '*existing fence to southern boundary remains unaltered*'. The application therefore does not include or propose any amendments to this existing boundary fence and the impact of the development on the amenity and privacy of neighbours has been assessed based on the works as completed and existing relationships on site, as set out above.

Conflict with Previous Planning Permission(s)

6.61 Objections have been raised citing concerns that the proposals are contrary to the approved plans for the wider development and therefore should be refused, however this in itself is not a material planning consideration. Whilst it is acknowledged the works carried out are currently not in accordance with the approved details for the wider development, the applicant has a right to apply for retrospective planning permission to seek to regularise unauthorised works by virtue of Section 73A of the Town and Country Planning Act 1990, and the Local Planning Authority has a duty to consider and determine applications for such variations, based on the relevant material planning consideration, which are set out in detail within this report.

Impact on Human Rights

6.62 A neighbour objector has raised concerns that the works have a detrimental impact on their human rights, in particular their right to peaceful enjoyment of possessions and respect for private and family life.

6.63 In response, it should be noted that these matters operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on their land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

6.64 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the wider community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

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

Other Non-material Objections

6.66 Objections have been received raising concerns that the proposals will have a detrimental impact on property values, however this is not a material planning consideration and therefore has not been taken into account in reaching a recommendation on this application.

6.67 An objector has commented that the application should have been submitted by the site developer, however it is understood that the works were carried out by the owner/occupier and, in any event, the responsibility for ensuring requisite planning permission is in place rests with the land owner, and it is understood the property has been purchased by the occupier and is no longer within the developer's ownership.

CONCLUSION

6.68 In view of the above, it is considered on balance that the proposals are unacceptable due to the adverse impact on the privacy of neighbouring land users and the impact on the deliverability of the approved landscaping for the wider development that cumulatively could have an impact on the character and appearance of the area and ecology and nature conservation. The application is therefore considered to be contrary to policies QP4, HSG11, NE1 and NE2 of the Local Plan and paragraphs 124 and 127 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.69 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.71 There are no Section 17 implications.

REASON FOR DECISION

6.72 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 development, by virtue of its design, scale and siting, has an unacceptable detrimental impact on the privacy of neighbouring land users to the east and south through overlooking and a perception of overlooking of private rear garden areas. The development is therefore considered to be contrary to the provisions of policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019).
2. The application does not include any provision of or accommodation for the approved landscaping scheme (required by virtue of planning permission H/2019/0246, for the wider development) which, in the opinion of the Local Planning Authority, has the potential to have a detrimental impact on the character and appearance of the area and ecological networks, particularly when considering any potential cumulative impact that may result from similar development. The development is therefore contrary to the provisions of policies NE1 and NE2 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 170 and 175 of the NPPF (2019).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134640>

6.74 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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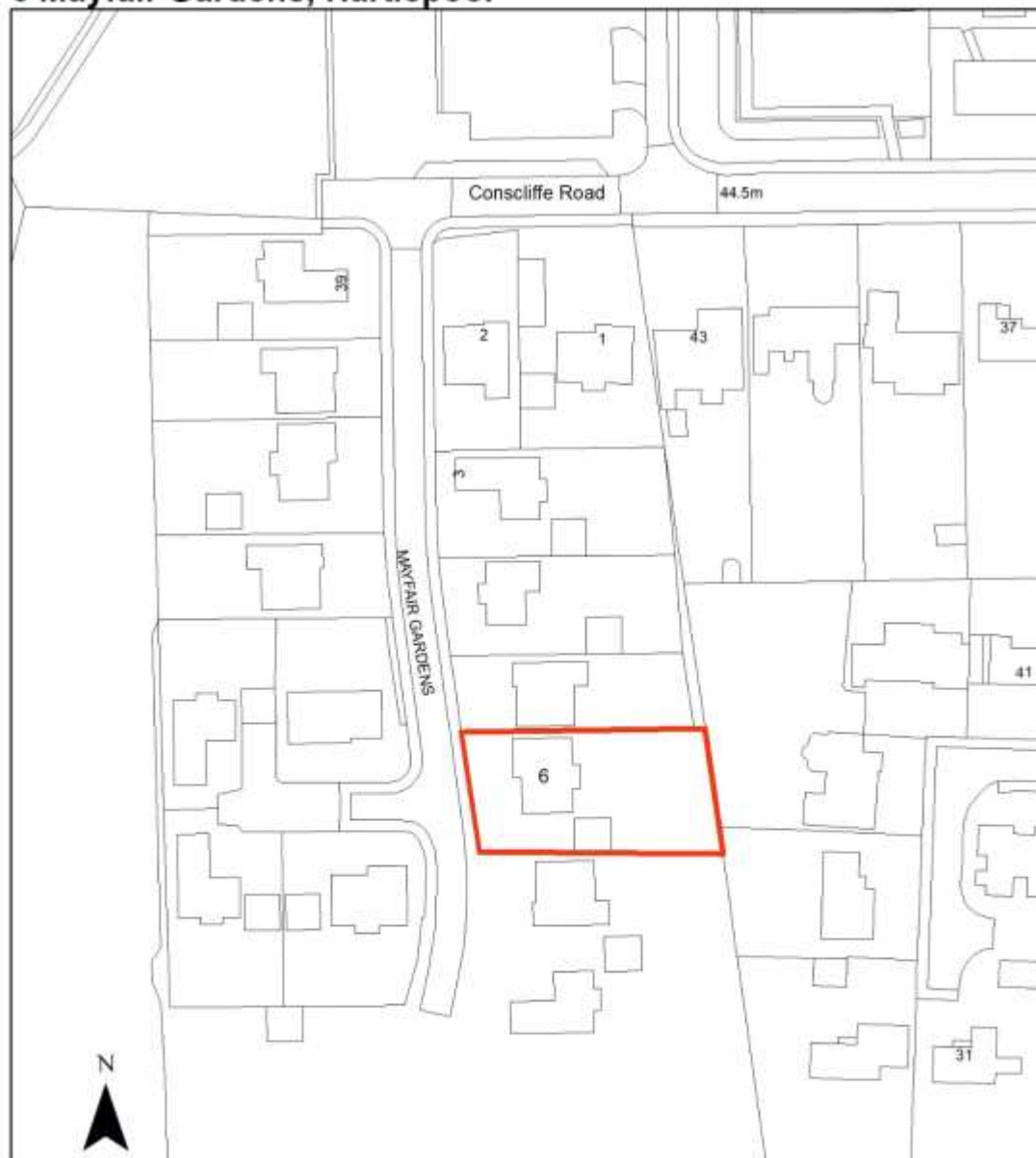
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6 Mayfair Gardens, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 14.8.2020
	SCALE 1:1000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0456	REV

No: 7.
Number: H/2015/0209
Subject: Deed of Variation to s106 legal agreement associated with planning permission H/2015/0209
Location: REAR OF MILLBANK CLOSE LAND AT THE FENS
HART VILLAGE HARTLEPOOL

PURPOSE OF REPORT

7.1 To seek Members authorisation to agree proposed amendments (in the form of a Deed of Variation) to the s106 legal agreement associated with planning approval H/2015/0209 which relates to the outline planning permission for residential development comprising 15 dwellings. This report outlines the material considerations in relation to the proposed amendments and presents a recommendation.

BACKGROUND

7.2 H/2015/0502; an outline application with some matters reserved at the land to the rear of Millbank Close, Hart Village for residential development was minded to approve by the Local Planning Authority (LPA) on December 16th 2016 and following completion of the s106 legal agreement, the decision notice was issued March 23rd 2017.

7.3 Prior to this and as part of the assessment of the application, a viability assessment was submitted by the applicant in August 2015 to justify a reduction in affordable housing and Section 106 (s106) requirements. A surplus of £244,132 was found to be available for the provision of s106 contributions. Therefore the s106 agreement which was entered into as part of the original permission required the following contributions:

- 1 on-site affordable dwelling;
- Off-site affordable housing contribution of £22,149;
- Education contribution of £27,495;
- Green infrastructure contribution of £3,750;
- Play provision contribution of £3,750;
- Sports facility contribution of £3,750.

7.4 Following agreement of the original s106 agreement, the applicant requested further discussions with officers with regards to the off-site affordable housing requirement. As the site is to be delivered as self-builds, the developer requested that all affordable housing be provided off-site. These discussions took place in May 2019 and as a result of these, a total off-site contribution of £144,615 was provisionally agreed upon.

7.5 In the meantime, a reserved matters application (appearance, layout, scale and landscaping) in respect of the above outline planning application was granted in November 2019 (H/2019/0047).

7.6 Further applications have been made to amend the reserved matters approval, however there has been no change in the number of dwellings to be delivered or any amendments to the s106 contributions.

7.7 In September 2020, the applicant's agent submitted a revised viability assessment which sought to modify the agreed original s106 agreement to provide no developer contributions and no affordable housing. This is largely due to unforeseen archaeological costs which arose following the discovery of a Saxon burial site on the land, alongside housing market downturn following the economic decline of 2020 and the covid-19 pandemic.

7.8 The applicant had previously budgeted £20,000 for archaeological costs however the current figure for such costs is now at £391,000 and is set to rise further. Such archaeological costs include various site visits by the Northern Archaeological Association, excavations, analysis of post-excavation findings and completion of post-excavation assessment. The applicant has submitted invoices as evidence of these costs, with the most recent invoice being from March 2020.

7.9 In November 2020, after submission by the applicant of further information and evidence of costs alongside the submitted viability assessment, the LPA's Planning Policy team determined that the applicant had provided sufficient evidence to justify their inability to pay the previously agreed planning obligations without jeopardising the viability, and ultimately the delivery of the site.

PROPOSAL

7.10 Authorisation is sought from Members to allow for a number of changes to the s106 legal agreement associated with planning permission H/2015/0502. These changes can be summarised as follows;

A) Variation to developer contributions

7.11 The developer wishes to forgo the planning obligations as detailed above at paragraph 7.3, and amend the s106 agreement to remove all developer contributions and obligations towards green infrastructure, play, education, and sports facilities.

B) Variation to affordable housing.

7.12 The developer wishes to remove the obligation towards the provision of 1 on site affordable dwelling and to remove the financial contribution towards off-site affordable housing.

SITE CONTEXT

7.13 Outline permission has been granted for residential development with all matters reserved apart from access. The site extends 0.852 hectares and will contain 15 detached properties with garages. To the west of the site is residential development on Millbank Close, to the east is Manor Farm smallholdings, with residential properties beyond at the Fens. To the north is open fields, to the south is

a small stable block which is bounded by a tree belt. Beyond the tree belt lies the A179 Hart Bypass.

7.14 Presently there is one property which is almost complete and ready for occupancy. There are 4 others in various stages of construction which have commenced but not completed at the time of writing. The main road into the site and associated drainage is understood to be complete to base course. There is still a small section of road to finish at the North end of the site once the levels have been brought up to finished height and the culvert works to the beck are completed.

PUBLICITY

7.15 Not applicable in this instance.

CONSULTATIONS

7.16 As set out in the ‘background’ the proposed variations have been discussed and agreed with the LPA’s Planning Policy team.

PLANNING POLICY

7.17 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

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

SUS1 – The Presumption in Favour of Sustainable Development

LS1 – Locational Strategy

INF1 – Sustainable Transport Network

QP1 – Planning Obligations

HSG1 – New Housing Provision

National Policy

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

Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following sections are relevant to this application:

Para's 54-57 – Planning conditions and obligations

PLANNING CONSIDERATIONS

7.20 As detailed in the 'proposal' section, it is considered that the applicant has, in this instance, satisfactorily demonstrated through the submission of an economic viability assessment (EVA) that the previously agreed planning obligations and contributions would render the development unviable and would therefore jeopardise the viability, and ultimately the delivery of the site. As such, the submitted EVA is considered to satisfy the provisions of the NPPF and Local Plan Policy QP1.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.21 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.23 There are no Section 17 implications.

RISK IMPLICATIONS

7.24 There are no risk implications.

FINANCIAL CONSIDERATIONS

7.25 It is acknowledged that through permitting the Deed of Variation to the s106 agreement that this will result in a loss of s106 monies to various Council departments. However, due to the unforeseen financial situation which has faced the developer, there is a risk that the development will be rendered unviable through the financial burden placed on it by the s106 agreement and the site may not be fully delivered.

LEGAL CONSIDERATIONS

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

REASON FOR DECISION

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

RECOMMENDATION

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

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=106699>

7.30 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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Rear Milbank Close, land at The Fens, Hart Village, Hartlepool

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HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 15.12.2020
	SCALE 1:1000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2015/0209	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>

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

PLANNING COMMITTEE

13 January 2021



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. The erection of a timber extension to the side of a car wash and MOT centre in Catcote Road.
2. The change of use of a restaurant at The Front to a bar.
3. The erection of a high fence on the side boundary at the rear of a residential property in Mayfair Gardens.
4. The extension of a retaining wall along the side boundary at the rear of a residential property in Mayfair Gardens.
5. Non-compliance with the construction management plan (relates to the provision of wheel wash facilities) at a residential development site at land off Elwick Road.
6. Lorries waiting with engines running, and manoeuvring in roads approaching a residential development site at land off Elwick Road.
7. Non-compliance with a condition relating to working hours at a residential development site at land off Elwick Road.
8. The erection of an outbuilding in the rear garden of a residential property in Intrepid Close.

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

1. The raising of the roof of an outbuilding in the rear garden of a residential property in Kingsley Avenue. Permitted development rights apply in this case.

2. Running a construction business at a residential property in Lawson Road. No evidence of a material change of use was established.
3. Non-compliance with a condition relating to working hours at a residential development site at land at Buttercup Avenue. The site is now operating in accordance with the relevant condition.
4. The erection of outbuildings at a number of residential properties in Meadowcroft Mews. A retrospective planning application seeking to regularise the developments has since been approved.
5. The installation of hard surfacing at the front of a residential property in Cropston Close. A retrospective planning application seeking to regularise the development has since been approved.
6. The installation of a driveway not in accordance with the approved plans at a residential property in Manorside. A retrospective planning application seeking to regularise the development has since been approved.
7. Surface water run-off affecting adjacent residential properties at a residential development site at land off Elwick Road. There is no breach of planning control in this case. The matter has been redirected to the Council's Environmental Engineers.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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