

REPLACEMENT AGENDA

PLANNING COMMITTEE

AGENDA



Wednesday 10th March 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, Brown, Buchan, Fleming, Howson, James, Loynes, C Richardson, T 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 13 January 2021
- 3.2 To Confirm the Minutes of the Meeting held on 10 February 2021

4. ITEMS REQUIRING DECISION

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

- 1. H/2019/0456 6 Mayfair Gardens (page 1)
- 2. H/2020/0403 8 Gala Close (page 27)
- 3. H/2020/0378 Land at Quarry Farm, Elwick Road (page 43)
- 4. H/2020/0215 Mayfield House, Dalton Piercy Road, Dalton Piercy (page 65)
- 5. H/2020/0425 11 Meadowgate Drive (page 105)
- 6. H/2020/0443 1 Greystones Cottage, Queensberry Avenue (page 113)

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.

- 7. H/2020/0431 Briarmead High Street, Greatham (page 123)
- 8. H/2020/0432 Briarmead High Street, Greatham (page 141)
- 9. H/2020/0216 1 Woodbine Terrace, Greatham (page 155)

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)*
- 7.3 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 14 April commencing at 9.30 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

13th January 2021

The meeting commenced at 9.30am 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, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson and Cameron Stokell

In accordance with Council Procedure Rule 4.2 Councillor John Tennant was in attendance as substitute for Councillor Bob Buchan

Also Present: Councillors Shane Moore and Tony Richardson

Officers: Jim Ferguson, Planning and Development Manager
Kiran Bostock, Assistant Director (Place Management)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sara Scarr, Coast, Countryside and Heritage Manager
Timothy Wynn, Strategic Asset Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning (DC) Team Leader
Matthew King, Planning Policy Team Leader
Scott Parkes, Engineering Team Leader (Environment)
Ryan Cowley, Senior Planning Officer
Jane Tindall, Senior Planning Officer
Stephanie Bell, Planning Officer
Rebecca Cockburn, Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

Members were advised that Councillor Tim Fleming was in the process of joining the meeting via Microsoft Teams.

96. Apologies for Absence

Apologies were submitted by Councillor Bob Buchan.

97. Declarations of interest by members

None

98. Confirmation of the minutes of the meeting held on 2nd December 2020

Minutes approved

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

Number: H/2019/0456

Applicant: MS L MIDDLETON MAYFAIR GARDENS HARTLEPOOL

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

Date received: 17/12/2019

Development: Alterations to ground levels, erection of retaining wall and alterations to boundary fence (retrospective application)

Location: 6 MAYFAIR GARDENS HARTLEPOOL

A member proposed that a virtual (remote) site visit take place for this application

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken on the motion (moved by Councillor Akers-Belcher and seconded by Councillor Loynes) that consideration of planning application H/2019/0456 be deferred for a site visit:

For:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell, John Tennant and Mike Young

Against:

None

Abstained:

None

Decision: **Deferred for a virtual site visit**

Number:	H/2020/0372
Applicant:	HARTLEPOOL BOROUGH COUNCIL MR TIM WYNN VICTORIA ROAD HARTLEPOOL
Agent:	NORR CONSULTANTS MISS MICHELLE ETHERIDGE PERCY HOUSE 8TH FLOOR PERCY STREET NEWCASTLE UPON TYNE
Date received:	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

A member proposed that a site visit take place for this application specifying they wished this to be an in-person site visit rather than virtual. The Assistant Director noted that members had previously voted to undertake virtual (remote) site visits not physical site visits for 6 months.

Councillor Tim Fleming present in the meeting

It was suggested that this application be deferred until regulations allowed for an in-person site visit. However as nobody seconded the motion the proposal did not go to a vote.

A member queried whether keys to the gates at either end of the alleyway would be provided to all householders along that path. The Senior Planning Officer confirmed that it was his understanding that those with existing rear accesses would.

The Strategic Asset Manager spoke in favour of the application which was essentially an amendment to a previous scheme on this site from July 2020. At that time members had voted to refuse the application on grounds relating to density following a number of objections. Previous concerns raised had included a possible incursion into the open space North of the site by detached bungalows, access to the rear gardens of neighbours and questions around the need for affordable rented units on the site. This amended application was an attempt to address these concerns. The incursion into the open space had been addressed and the development aligned with the rural plan allocation. Density was considered acceptable and accessibility to the gates was included for a number of Saltaire Terrace properties. Finally he felt that refusal on the basis of whether affordable rented units were needed was not sustainable and attempts to increase these should be applauded

An objector spoke against the application which had previously been turned down due to housing density. Density had increased and more properties were proposed than had been identified in the allocation in the rural plan. She also raised concerns around the alleyway which would be unlit and a crime magnet. Objectors were not against building within the village but they felt more affordable housing was neither needed nor wanted.

Councillor Shane Moore, speaking as Chair of Finance and Policy Committee, urged members to support the application which would provide good quality affordable housing stock. He disputed the objector's comments regards the rural plan saying this stated a minimum of 12 affordable dwellings within the village rather than a maximum. He also disputed the assertion that people did not want rented properties in the village, highlighting the large amount of properties in the village were rented privately or by the Hospital of God and general failures in the private rented market. He pointed out that many of the properties on the adjacent site were being brought forward as rent to buy and that even on this site the usual right to buy rights would apply. A member moved that the application be rejected due to the objections raised including concerns around the possibility of anti-social behaviour. This was not seconded. Members commented on this apparent opposition to social housing. The member reiterated that they were not against social housing in principle but this was not the right area.

Members were broadly supportive of the application which would allow the next generation to remain in the village through social and affordable housing. They were concerned however that these houses could eventually be purchased in the future and removed from the social housing stock. The Planning and Development Manager shared these concerns but under current legislation home owners had the right to buy should they wish. A member suggested that a referral be made to the relevant policy committee allowing that the proceeds for any sale of social housing should be reinvested back into the Council's housing stock.

A Members asked that, should the application be approved, if the alleyway could be illuminated and the bushes around it not be prickly. (Though this was not brought forward as a proposed amendment to the recommendation) They also queried whether the existing amenities would be enough to support these new houses. The Chair noted that this was not a material planning consideration however the influx of more people into the village might increase the available amenities.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to approve the application as set out in the report.

For:

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

Against:
Councillor Carl Richardson

Abstained:
None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby 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. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a validation report shall be prepared in

accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

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 6 no. 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.

The Committee considered representations in relation to this matter.

Number:	H/2020/0300
Applicant:	JOHN WHITAKER NORTH STAR HOUSING GROUP ST MARKS COURT THORNABY STOCKTON-ON -TEES
Agent:	HMH ARCHITECTS DAVID MCKELLAR 26 Enterprise House Team Valley
Date received:	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

Members supported this application which would bring much needed bungalows into the town's housing stock. They dismissed the assertions that

it would result in the loss of free parking or access to the crematorium but expressed regret at the loss of the garden centre.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to approve the application as set out in the report.

For:

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

Against:

None

Abstained:

None

Decision: **Planning Permission minded to approve
subject to signing of 106 Legal Agreement**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details:
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. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

Authority.

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

5. 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 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.

Number:	H/2020/0381
Applicant:	MISS S CONNOR TINTAGEL CLOSE HARTLEPOOL
Agent:	MISS S CONNOR 6 TINTAGEL CLOSE HARTLEPOOL
Date received:	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

A member queried who owned the land incorporated by the fence. The Planning (DC) Team Leader confirmed it was owned by the applicant.

A representative of the applicant advised that the fence had been erected due to problems with mice, litter and anti-social behaviour. The fence had been in

place for a number of years and the applicant had moved it over as it was on their property. There had been no complaints, in fact the neighbours had commented on how much better it looked.

Members expressed their support for the application which they felt was in conformity with the street scene and helped protect against anti-social behaviour and other community issues.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to refuse the application as set out in the report.

For:

Councillor Marjorie James

Against:

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

Abstained:

None

Members indicated that they wished to go against the officer recommendation for the following reasons:

- Fencing in keeping with the street scene and not detrimental to visual amenity.
- Prevention of anti-social behaviour

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to approve the application

For:

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

Against:

Councillor Marjorie James

Abstained:

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/2020/0386
Applicant:	MR A JOHNSON RADCLIFFE TERRACE HARTLEPOOL
Agent:	MR RICHARD HUNTER 94 DURHAM STREET HARTLEPOOL
Date received:	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

The Planning (DC) Team Leader advised members that the report had erroneously identified the replacement windows as being casement when they were sliding sash and the previously installed windows as sliding sash when they were casement. A member asked that in future such corrections be made in advance of the meeting. The Planning (DC) Team leader acknowledged these concerns and apologised for the errors within the report.

A member queried the Council's policy on the use of plastic. The Planning (DC) Team Leader advised that the use of plastic in a conservation area would generally not be supported. Members noted that there was not a blanket ban provided the materials used were of a high quality and did not impact visually on the conservation area. It was also highlighted that the guidance available on the Council website suggested that in some instances plastic windows were acceptable. The Coast, Countryside and Heritage Manager confirmed that this was guidance however the guidance was some years old and had been superseded by guidance contained within the NPPF and the local plan policies which encouraged the use of traditional materials. She noted it had been given no weight when it came to inspector decisions. Decisions on replacement windows were made on a case by case basis and the recommendation in this case was that traditional materials would be most appropriate given the significance of this as a conservation area. The Chair suggested that this guidance on the website be removed to avoid confusion.

A member indicated they were minded to go against the officer recommendation, highlighting the age of the applicants. However it was noted by another member that the age of the applicants was not relevant to this application.

The agent urged members to support this application which would allow the elderly applicants to retain their independence. They were a couple in their 90s so a warm home was essential and these replacement windows would help immensely. The existing casement inserts were beyond repair and did not keep heat in or rainwater out. There was a danger that the glass could fall out onto the public footpath. The traditional design would be retained and the Coast, Countryside and Heritage Manager had herself described the change as small but significant. Any changes would only be noticeable close up.

Councillor Shane Moore, speaking as Ward Councillor, gave his full support to the applicants who had done everything they could to replace these windows in an appropriate manner. The extortionate cost of timber replacement should not result in the house being left to rack and ruin. He also called for the existing policy on the use of plastic to be reviewed and clarified.

Members were supportive of the application which would allow 2 elderly residents to retain the heat into their property without paying extortionate costs. Suggestions were also made that the existing guidance be reassessed although other members felt that the existing guidance was clear and just needed to be applied fairly.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to refuse the application as set out in the report.

For:
None

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

Abstained:
None

Councillor Brenda Loynes left the meeting

Members indicated that they wished to go against the officer recommendation as they felt the proposed design would have an acceptable impact on the character and appearance of the building and of 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 to approve the application

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

Against
None

Abstained:
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/2020/0403
Applicant:	MR J DIXON GALA CLOSE HARTLEPOOL
Agent:	MR J DIXON 8 GALA CLOSE HARTLEPOOL
Date received:	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

The applicant advised that he had been unaware that permitted development rights were needed for the retrospective part of this application. The summerhouse was being used as an additional space for family time and he had put soundproofing in to prevent noise. He acknowledged objections in respect to privacy but said this had always been the case and the proposed fence would help to alleviate this.

The objector urged members to reject this application, giving details of the impact this had on them. This included a large overbearing structure outside their kitchen window and the lack of privacy the decking afforded them. They also noted that the proposed fence was not possible due to the placement of an existing shed and also queried who would pay for any repairs needed to the fence caused by high winds. The objector raised concerns that the development had not been viewed from his property and concerns in respect to a fire pit, artificial grass (and its underlying construction) which had not been included on the proposed plans.

A member moved that the application be deferred to allow officers to view the structure from the objector's property and investigate the position in respect to

the artificial grass and the fire pit. In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to defer the application

For:

Councillors Stephen Akers-Belcher, James Brewer, Paddy Brown, Tim Fleming, Marjorie James, Jim Lindridge, Carl Richardson and Cameron Stokell

Against

None

Abstained:

Councillors John Tennant and Mike Young

A member indicated they wished to return to this application during the closed session of the meeting.

Decision: **Deferred to allow officers to investigate a number of queries (installation of hard standing/synthetic grass and fire pit and view from objectors property).**

The Committee considered representations in relation to this matter.

Number:	H/2015/0209
Applicant:	Mr Brian Cowie 69 Hylton Road West Park HARTLEPOOL
Agent:	KANE Architectural Services Ltd Mr Neil Davies The Old Brewery Business Centre Castle Eden HARTLEPOOL
Date received:	21/05/2015
Development:	Outline application with some matters reserved for residential development comprising 15 dwellings
Location:	Rear of Milbank Close Land at The Fens Hart Village HARTLEPOOL

Members were asked to approve a number of changes to the s106 legal agreement associated with planning permission H/2015/0502 as set out in the report. These changes had been requested due to the unexpectedly high amount of archaeological deposits and the resultant significant increase in budget costs. The developer was committed to delivering housing on the site but the need to pay the s106 costs coupled with financial pressures caused by

the ongoing pandemic might put this at risk. A representative for the developer spoke in favour of this variation.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to approve the deed of variation to the s106 legal agreement

For:

Councillors James Brewer, Paddy Brown, Tim Fleming, Jim Lindridge, Carl Richardson, Cameron Stokell and Mike Young

Against

Councillors Stephen Akers-Belcher and Marjorie James

Abstained:

None

Decision: **Members confirmed the proposed amendments to the s106 legal agreement.**

The Committee considered representations in relation to this matter.

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

Members were advised of 8 complaints currently under investigation and 7 which had been completed.

Decision

That the report be noted.

101. 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 102 – (Any other items which the Chairman considers are urgent) – 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 (paras 1) information relating to any individual and (para 2) information which is likely to reveal the identity of an individual.

Minute 103 – (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 104 – (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.

102. Any Other Items which the Chairman Considers are Urgent

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

Details of these discussions are recorded in the exempt minutes.

103. 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.

This item was removed from the agenda.

104. 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.

This item was deferred for consideration at a future meeting

The meeting concluded at 12 noon.

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

10th February 2021

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

Present:

Councillor: Mike Young (In the Chair)

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

In accordance with Council Procedure Rule 4.2 Councillor Christopher Akers-Belcher was in attendance as substitute for Councillor Stephen Akers-Belcher

Also Present: Councillor Tony Richardson

Officers: Jim Ferguson, Planning and Development Manager
Dan James, Planning (DC) Team Leader
Kieran Bostock, Assistant Director (Place Management)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Peter Frost, Highways, Traffic and Transport Team Leader
Matthew King, Planning Policy Team Leader
Aidan Dobinson Booth, Principal Planning Officer
Ryan Cowley, Senior Planning Officer
Jane Tindall, Senior Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

105. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher and Brenda Loynes.

106. Declarations of interest by members

None

Councillor Brewer declared a personal interest on planning application H/2020/0205 (Reedston Road/Cairnston Road/Tarnston Road) later in the meeting.

107. Confirmation of the minutes of the meeting held on 13th January 2021

The minutes were deferred.

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

Number:	H/2020/0307
Applicant:	ROBERTSON HOMES LTD BALTIC PLACE SOUTH SHORE ROAD GATESHEAD
Agent:	ROBERTSON HOMES LTD MR STEVEN BURN LEVEL 6 BALTIC PLACE SOUTH SHORE ROAD GATESHEAD
Date received:	27/08/2020
Development:	Topsoiling works to existing land
Location:	DEER RUN LAND OFF COPPICE LANE WYNYARD

This was a retrospective application seeking planning permission for top soiling works to the existing land. The top soil had been deposited on the site as the applicant was unaware they required planning permission. When they were informed of this they had stopped work and submitted a retrospective planning application in respect of this.

A member queried whether the proposed works would have a positive impact on flooding concerns. The Principal Planning Officer advised that the plans to topsoil the land would result in land sloping away from nearby properties whereas it was currently sloping toward these properties. A member asked if the site was of any particular archaeological significance. The Principal Planning Officer confirmed that it was not and that the proposed work would not have a major impact in that area. A member noted objectors' concerns around tree protection. The Principal Planning Officer indicated that under conditions 4 and 5 protective fencing would be installed around trees and any reprofiling of soil around them must be carried out by hand.

The applicant urged members to support the application. He apologised that the work had been carried out without the relevant permissions however the

intent had been to try to improve the look of a barren area of land which had become overgrown. The proposed works would provide an attractive landscaped corridor, benefitting the access to the new developments and the outlook from the existing housing,

A member asked where the topsoil had come from, whether it had been heat treated and whether there was any potential for archaeological interest. The applicant confirmed that the soil had come from a housing development to the South of the site. The member referred to concerns around Himalayan balsam and asked how confident the applicant was that this had not been brought into the area. The Principal Planning Officer confirmed that the Council's Contaminated Land Officer had been consulted and had raised no objections whilst confirming that there were no archaeological issues

An objector spoke against the application. They disputed the assertions that the work had stopped immediately when the developer had been made aware they did not have planning permission and that there were no trees in the area of the works. There were approximately 20 trees in the objector's gardens and he had previously been informed that the area under discussion was protected. He felt that the grassed area had been perfectly acceptable before the work had been carried out and it had been done purely as a way to avoid paying for the proper disposal of the soil. The work had also resulted in the objector's garden becoming flooded. He urged planning officers to examine the impact the work so far was having on his property, saying this could easily be done in a covid-safe socially-distanced manner.

Based on the objector's comments a member moved that the application be deferred to allow officers to attend the objector's property to gain a more in-depth look from his perspective and to provide further information to members.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken on the motion (moved by Councillor James and seconded by Councillor Buchan) that consideration of planning application H/2020/0207 be deferred

For:

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

Against:

None

Abstained:

None

Decision: **Deferred to allow a more in depth officer site visit to objector's property and further information to be provided to Members.**

The Committee considered representations in relation to this matter.

Number:	H/2020/0276
Applicant:	MILLER HOMES & BELLWAY HOMES C/O AGENT
Agent:	HEDLEY PLANNING SERVICES 3B EVOLUTION WYNARD BUSINESS PARK WYNARD
Date received:	07/09/2020
Development:	Erection of 570 dwellings and provision of a new roundabout and associated infrastructure
Location:	LAND TO THE SOUTH OF A179 AND WEST OF MIDDLE WARREN KNOWN AS UPPER WARREN HARTLEPOOL

Planning permission was sought for a residential development of 570 dwellings with associated access, infrastructure and landscaping. Outline and reserved matters applications in respect of this development had previously been approved. Amendments to the conditions in the original report were also proposed. A member referred to objections made by Hart Parish Council and queried whether any of their mitigations had been taken on board by the planners. The Planning (DC) Team Leader advised that concerns raised around highways had been looked at in detail by the Council and Highways England and all involved were satisfied that the proposed conditions would alleviate these concerns. Significant offsite highways improvements would be made particularly to the approach to the Hart Village roundabout. A member requested an update on the planned Elwick bypass. The Chair requested the Assistant Director update Committee members. A member queried whether contact had been made with Natural England as was required under the Wildlife and Countryside Act. The Planning (DC) Team Leader confirmed that it had and they had raised no objections provided the appropriate mitigations were carried out.

The Agent urged members to support the application which would bring both economic benefits, additional jobs and an increase in social housing. The majority of the objections had been based on concerns around the impact on local roads but highways officers felt the impact assessment was robust. The development would provide additional site access, bus stops and a footpath and cycle way. A significant 106 contribution had been secured and the scheme would benefit both the local community and the wider Hartlepool.

With reference to the commitment to build more bus stops a member queried whether Stagecoach had confirmed they would provide buses for these routes. The agent advised that the proposed bus stops were on the A179 rather than within the new development therefore there was already an existing bus route.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to approve the application as set out in the report

For:

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

Against:

None

Abstained:

None

Decision:

Planning Permission Approved subject to the completion of a s106 legal agreement securing the following planning obligations; Affordable Housing (103 units consisting of 52 social rented tenure housing and 51 intermediate tenure housing), Built Sports Contribution (£142,500), Playing Pitches Contribution (£132,975.30), Tennis Courts Contribution (£32,501.40), Bowling Greens Contribution (£2,832.90), Education Contribution (£1,685,675.25), Highway improvements contribution (£60,000), delivery of highway improvements to the A179/A19 Junction (if required), Highway improvement works to the local road network (A179/Merlin Way/Bamburgh Road junction, A179/West View Road/A1086 junction, A179/Hart Lane/Front Street junction, Hart Lane/Dunston Road junction and A179/Cleveland Road junction), Ecological Mitigation to mitigate impacts on Special Protection Areas (contribution of £57,000 towards coastal wardening and provision of 6.6ha of SANGS), ecological mitigation enhancement and biodiversity net gain measures (CEMP, LEMP, invasive species management protocol, lighting strategy, off site Skylark compensation (4 Skylark Plots)), CCG

Healthcare Provision Contribution (£192,780), provision, maintenance and long-term management of on-site open spaces and landscaping (including 6.6ha of SANGS, play spaces/equipment, ecological mitigation/enhancement areas, and related infrastructure), management and maintenance of surface water drainage system (SuDS), provision and maintenance of permissive footpaths (including south eastern footpath link), and a phasing plan/programme.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
Waste Audit Statement (V1) and Air Quality Assessment received 4th August by the Local Planning Authority;

(BELLWAY HOUSE TYPES)

A/680/00/TC/02 Rev F (The Joiner JO-2B-2S-TC Elevations)
 A/680/00/TB/02 Rev F (The Joiner JO-2B-2S-TB Elevations)
 JO-2B-2S-P1 (The Joiner Floor Plans)
 A/643/00/TC/02 Rev J (The Blacksmith BL-2B-2S-TC Elevations)
 UW/643/TB/25/02 (The Blacksmith 2b Semi/Terr Side Elevation)
 UW/643/TB/25/01 (The Blacksmith 2b Semi/Terr Front Elevation)
 UW/643/TB/25/03 (The Blacksmith 2b Semi/Terr Rear Elevation)
 A/643/00/AC/01 Rev J (The Blacksmith BL-2B-2S-AC Layouts)
 A/643/00/AT/01 Rev J (The Blacksmith BL-2B-2S-AT Layouts)
 A/802/00/TC/R1/02 Rev F (The Tailor TS-3B-2S-TC Elevations)
 UW/802/TB/25/01 (The Tailor 3b semi Front Elevation)
 UW/802/TB/25/02 (The Tailor 3b semi Rear Elevation)
 EMC/802/TB/25/01 (The Tailor 3b semi Side Elevation)
 A/802/00/AC/01 Rev F (The Tailor TA-3b-2S-AC Layouts)
 A/802/00/AT/01 Rev F (The Tailor TA-3b-2S-AT Layouts)
 A/750/00/TF/02 Rev H (The Shoemaker SH-3B-2S-TF Elevations)
 A/750/00/TC/02 Rev H (The Shoemaker SH-3B-2S-TC Elevations)
 SH-3B-2S-P2 (The Shoemaker Layouts)
 A/921TU/00/TB/02 Rev J (The Turner TU-3B-2S-TB Elevations)
 A/921TU/00/TC/02 Rev J (The Turner TU-3B-2S-TC Elevations)
 A/921TU/00/AT/01 Rev J (The Turner TU-3B-2S-AT Layouts)
 A/921TU/00/AC/01 Rev J (The Turner TU-3B-2S-AC Layouts)
 A/921/00/TF/02 Rev H (The Thespian TH-3B-2S-TF Elevations)
 TH-3B-2S-TC-E Rev A (The Thespian Contemporary Elevations)
 TH-3B-2S-P1 Rev A (The Thespian Floor Plans)
 CH-3B-2S-TF-E (The Chandler Elevations)
 CH-3B-2S-TC-E (The Chandler Contemporary Elevations)

CH-3B-2S-P1 Rev A (The Chandler Floor Plans)
 A/981/00/TF/R1/02 Rev G (The Carver CA-3B-2S-TF Elevations)
 CA-3B-2S-TC-E (The Carver Contemporary Elevations)
 CA-3B-2S-P1 (The Carver Floor Plans)
 FO-4B-2S-TF-E (The Forester Elevations)
 A/1528/00/TC/02 Rev A (The Forester FO-4B-2S-TC
 Contemporary Elevations)
 A/1528/00/AC/01 (The Forester FO-4B-2S-AC Layouts)
 A/1214/00/TF/02 Rev J (The Scrivener 4B-2S-TF Elevations)
 A/1214/00/TC/02 Rev J (The Scrivener 4B-2S-TC Contemporary
 Elevations)
 A/1214/00/AT/01 Rev J (The Scrivener 4B-2S-AT Layouts)
 A/1214/00/AC/01 Rev J (The Scrivener 4B-2S-AC Contemporary
 Layouts)
 A/1335/00/TF/02 Rev F (The Cutler CU-4B-2S-TF Elevations)
 CU-4B-2S-TC-E (The Cutler Contemporary Elevations)
 CU-4B-2S-P2 (The Cutler Floor Plans)
 A/1083/00/TB/02 Rev D (The Sawyer SY-3B-2S-TB Elevations)
 SY-3B-2S-TC-E (The Sawyer Contemporary Elevations)
 SY-3B-2S-P1 (The Sawyer Floor Plans)
 LO-4B-2S-TB-E (The Lorimer Elevations)
 LO-4B-2S-TC-E (The Lorimer Contemporary Elevations)
 LO-4B-2S-P1 (The Lorimer Floor Plans)

(MILLER HOMES HOUSE TYPES)

304N801V (Masterton 304N-3B/5P/831 Elevations and Floor
 Plans)
 500N801V (Bayford 500N-5B/9P/1464 Elevations and Floor Plans)
 502N801V (Thetford 502N-5B/10P/1671 Elevations and Floor
 Plans)
 416N801V (Sherwood 416N-4B/8P/1400 Elevations and Floor
 Plans)
 411N801V (Maplewood 411-4B/8P/1269 Elevations and Floor
 Plans)
 407N801V (Hazelwood 407N-4B/8P/1150 Elevations and Floor
 Plans)
 406C801V (Blackwood 406C-4B/7P/1088 Elevations and Floor
 Plans)
 405N801V (Elderwood 405N-4B/7P/1045 Elevations and Floor
 Plans)
 417T801V (Baywood 417T-4B/8P/1408 Elevations and Floor
 Plans)
 301C801V (Dayton 301C-3B/5P/740 Elevations and Floor Plans)
 302C801V (Overton 302C-3B/5P/819 Elevations and Floor Plans)
 HT3/PD (Elevations and Floor Plans)
 received 26th August 2020 by the Local Planning Authority;

531-BEL-100 Rev D (Overall Site Layout Plan)
 531-BEL-101 Rev D (Site Layout Plan - North)
 531-BEL-102 Rev D (Site Layout Plan - South)

531-BEL-105 Rev D (Boundary Treatment Plan - North)
 531-BEL-106 Rev D (Boundary Treatment Plan - South)
 received 15th January 2021 by the Local Planning Authority;

D902 Rev A (Merlin Way TA01B Services - excluding Strawberry Apartment road widening and bus lay-by on Merlin Way), received 20th January 2021 by the Local Planning Authority.

For the avoidance of doubt.

3. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated, all other conditions shall be construed accordingly.

To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each phase.

4. Notwithstanding the submitted details, no development of any phase shall commence until detailed proposals for the provision of public open space and play areas including details of their phasing, location and design/specification, landscaping, play equipment, surfacing, means of enclosures, and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority for that phase. The play facilities shall be provided in accordance with the approved details and timetable.

In the interests of public health and delivering a sustainable development and in order to ensure that the play areas are provided in a planned and appropriate manner.

5. 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. The development shall thereafter proceed in accordance with the scheme so approved.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

6. Prior to the commencement of development, other than the access roundabout on the A179, 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.

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.

7. Notwithstanding the requirements of condition no. 8, 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.
8. Notwithstanding the requirements of condition no.7, development shall be implemented in line with the drainage scheme contained within the submitted documents entitled Engineering Feasibility Drainage Layout Sheet 1 and Engineering Feasibility Drainage Layout Sheet 2, document dated 11/03/2020 (date received by the Local Planning Authority 04/08/2020). The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4002 and ensure that surface water discharges to the existing watercourse. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. No dwellinghouse hereby approved shall be occupied until a system of street lighting has been completed on the A179 in accordance with a scheme first submitted to and agreed in writing by the Local Planning Authority, which covers the extent of the proposed roundabout junction and along the section of the A179 up to the existing A179/Merlin Way roundabout. To enable the Local Planning Authority to control details and in the interests of highway safety.
10. No dwellinghouse hereby approved shall be occupied until the existing 40mph speed limit, in accordance with a scheme first submitted to and agreed in writing by the Local Planning Authority, has been extended westwards on the A179 to cover the extent of the new roundabout. To enable the Local Planning Authority to control details and in the interests of highway safety.
11. No dwellinghouse hereby approved shall be occupied until the completion of the proposed roundabout access onto the A179 and highway mitigation works, detailed in drawing no. 001 Rev E (Potential site access arrangement from A179 (40m Dia. Roundabout), received by the Local Planning Authority 20th January 2021. To enable the Local Planning Authority to control details and in the interests of highway safety.

12. No dwellinghouse hereby approved shall be occupied until the completion of the proposed pedestrian crossing on Merlin Way, detailed in drawing no. D902 (Merlin Way) received by the Local Planning Authority 20th January 2021 (this does not include the provision of the bus lay-by and widening of the carriageway as shown on the plan).
To enable the Local Planning Authority to control details and in the interests of highway safety.
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 and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to occupation of the dwellings and/or the site being open to the public. 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 residential development hereby approved shall be occupied until details of electric vehicle charging apparatus, including identifying the dwellings/location of the apparatus has been submitted 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.
15. Prior to the commencement of works above ground level on site, details of the location and specification for photovoltaic (PV) panels to be applied to a minimum of 34no. dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the identified dwellinghouses.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a

validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure that any site contamination is addressed.

17. Notwithstanding the submitted information, and prior the commencement of development above damp proof course level, a scheme for noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the mitigation measures as detailed within Chapter 5 of the submitted Noise Assessment (ref NT14497 0002 V3.0, document dated July 2020, date received by the Local Planning Authority 4th August 2020). Thereafter, the scheme shall be implemented as approved and verification that the measures identified in the scheme have been implemented, shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified for the measures in the approved scheme.
To ensure adequate noise measure are in place and for the amenity of occupied dwellings.
18. 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.
19. Prior to the commencement of development above damp proof course level hereby approved, details of any proposed pumping station(s) shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be carried out in accordance with the details so approved.
In the interests of visual amenity.
20. No removal of vegetation (including hedgerows, trees, scrub, grasslands or arable land) shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.
In the interests of visual amenity.
21. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (Reference ARB/AE/23/13, document dated March 2020 by Elliot Consultancy Limited), received 4th August 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 trees, hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

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

In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

23. Notwithstanding the submitted information and prior to the commencement of the development above damp proof course level, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and prior to the occupation of the dwellings.

For the avoidance of doubt and in the interests of visual amenity.

24. 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.

25. 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.

26. 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.

The Committee considered representations in relation to this matter.

Number:	H/2020/0205
Applicant:	BARRATT HOMES NE GATESHEAD
Agent:	BARRATT HOMES N E MR S DOBBING THE WATERMARK GATESHEAD
Date received:	30/09/2020
Development:	Display of 2no. development advertisement signs (comprising 1no. double-sided pole mounted board on Reedston Road and 1no. pole mounted tri-board on Cairnston Road).
Location:	REEDSTON ROAD, CAIRNSTON ROAD, TARNSTON ROAD HARTLEPOOL

Councillor James Brewer declared a personal interest in this application as he lived nearby (minute 106 refers). However he did not feel this would affect his decision.

This application was to seek advertisement consent for the display of 2 development advertisement signs for a new residential development. A member queried the ownership of the land in question. The Senior Planning Officer confirmed that the land on Reedston Road had been within the adopted highway but the signage had since been pulled back to the development site. Cairnston Road was within Council owned open space.

In accordance with rule 8 of the Council's procedure rules relating to the Holding of Remote Meetings a recorded vote was taken to approve the application as set out in the report

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

None

None

Decision: **Advertisement Consent Approved**

CONDITIONS AND REASONS

1. This consent shall be for a limited time period expiring on 30th November 2023. On or before that date, the advertisement(s) hereby permitted shall be removed, and the site shall be restored to its former condition, unless otherwise agreed in writing with the local planning authority.
For the avoidance of doubt and in the interests of visual amenity.
2. The development hereby permitted shall be carried out in accordance with the following plans and details;
Site location plan (Scale 1:1250),
Location 1 (Main Medium Development Board and Streamers),
Location 2 (Main Medium Tri- Development Board and Streamers)
received 23rd November 2020 by the Local Planning Authority.
For the avoidance of doubt.
3. This consent is granted subject to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).
For the avoidance of doubt.

109. Update on current complaints (*Assistant Director (Place Management)*)

Members were updated on 10 ongoing investigations and 12 which had been completed.

Decision

That the report be noted.

110. Appeal at 131 Lime Crescent (*Assistant Director (Place Management)*)

Members were advised of the dismissal of an appeal made against the refusal of planning permission for 131 Lime Crescent. A copy of the decision letter was attached.

Decision

That the outcome of the appeal be noted.

111. 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 112 – (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 113 – (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 114 – (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.

- 112. 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 contained in the closed minutes.

Decision

Detailed in the closed minutes.

- 113. 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 contained in the closed minutes.

Decision

Detailed in the closed minutes

- 114. 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 contained in the closed minutes.

Decision

Detailed in the closed minutes

The meeting concluded at 11am.

CHAIR

No: 1.
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 steps, extension/alterations to existing retaining wall to south, alterations to boundary fencing to north, east and south, erection of pergola and associated hard and soft landscaping and tree planting (part-retrospective application)
Location: 6 MAYFAIR GARDENS 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 application was deferred at the planning committee meeting of 13/01/2021 to allow Members to undertake a site visit as part of the assessment of the application. In light of the Covid-19 situation, it was agreed at the committee meeting of 04/11/2020 that site visits would take place by digital (virtual) means (by utilising photographs, video and google earth or similar applications) for at least 6 months (with a view to reviewing the matter at that point).

1.3 Since the planning committee meeting on 13/01/2021, the applicant has submitted further plans amending the proposals, and a re-consultation of neighbours and consultees has been undertaken, which is considered in further detail below. The officer recommendation has subsequently changed from the previous recommendation for refusal, for the reasons detailed in the report.

1.4 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

1.5 Part-retrospective planning permission is sought for alterations to ground levels, erection of retaining wall and steps, extension/alterations to existing retaining wall to south, alterations to boundary fencing to north, east and south, erection of pergola and associated hard and soft landscaping and tree planting.

1.6 In detail and for the purposes of this report, the development can be split into two part as follows;

1.7 Development which has already been completed, for which retrospective planning permission is sought, comprising;

- 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.
- 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).
- 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.
- Provision of a 2.2 metre high pergola structure within the centre of the upper garden level measuring approximately 2.1 metres wide by 11 metres in length.

1.8 Proposed further development that has not commenced, for which planning permission is sought, comprising;

- Extension in height of existing brick retaining wall along southern boundary (by additional 225mm up to a maximum height of 0.9 metres), and extension in length of existing brick retaining wall along southern boundary (by additional 4.2 metres (approx.), stepping down to 0.6m in height along lower garden level).
- Extension in height of existing fence along southern boundary up to 2.7metre in height above lower garden level and up to 2 metres in height above upper garden level, with stepped design between (replacing existing sloping fence line).

- Replacement of the existing 1.5 metre high rear boundary timber fence with a 2.7 metre high closed boarded timber fence.
- Extension in height of existing 1.5 metre high sloping section of boundary fence to northern boundary up to 2.7 metres in height above lower garden level.
- Planting of 4 trees within rear garden.

1.9 The application has been amended since it was last referred to the planning committee in January 2021. The amendments to the application seek to; increase the height of the existing boundary fencing, and height and extent of the existing retaining wall to the southern boundary; increase the height of the existing boundary fencing to the eastern and northern boundary; and includes the planting of 4 trees within the rear garden. The applicant has submitted the amended proposals in response to objections from neighbours, the concerns highlighted by officers with respect to the impact of the unauthorised works on the privacy of neighbours and the omission of the approved landscaping scheme on the character and appearance of the area and ecological networks, and the resulting previous recommendation (to refuse the application).

1.10 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 beyond those approved by the Council and none of the approved soft landscaping provided at the time the developer sold the property to the applicant. The applicant therefore indicated to officers that the unauthorised works they have carried out to date within the rear garden were in response to this, in an attempt to formalise the land levels and unfinished landscaping.

1.11 In addition to the above, it was noted during the case officer's site visit that a timber retaining structure has been installed behind the existing southern boundary fence, retaining the raised garden level where it extends past the existing brick retaining wall (until it meets the eastern breeze block wall). When queried about this, the applicant has advised that this short section of timber retaining structure is temporary, pending the outcome of this application, and that this would be replaced by the extended brick retaining wall along the southern boundary, as described above.

1.12 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 for planning applications.

SITE CONTEXT

1.13 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 occupied, completed or under construction.

1.14 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 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

1.15 The application has been advertised by way of neighbour letters (5). 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

1.16 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

1.17 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 (5) in November 2020. In response, 1 letter of support was received from a neighbour who had not previously commented. 1 neighbour reiterated their objection and 1 neighbour, who had previously withdrawn their objection, reinstated their objection. A further objection was received in January 2021 from a new neighbouring objector who had recently moved in to an adjacent property. Similar concerns to those summarised above were raised.

1.18 Following the receipt of further amended plans (as described above) in February 2021, the additional amendments were again advertised by way of further

neighbour letters (5). In response, 3 objections have been received from previous objectors citing concerns including;

- Conflict between supporting information and amended plans
- Works carried out to-date are unauthorised / application is retrospective
- Proposals are contrary to the development plan policies
- Proposed boundary treatment / fence height is unprecedented in domestic context and visually incongruous
- Proposed fence height will have a significant detrimental impact on the amenity of neighbouring properties (including loss of light)
- If approved, proposal would set an undesirable local precedent
- The proposed fencing will be susceptible to high winds
- Pergola structure is visually intrusive
- Pergola structure has a detrimental impact on neighbour privacy
- Proposed planting is inappropriately located
- Increased flood risk and surface water discharge into neighbouring properties
- Proposed rear fencing should be located at top of east facing retaining wall
- Proposed alterations to southern boundary require adjacent neighbours consent

1.19 Therefore, to date, objections from 4 neighbours remain.

1.20 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>

1.21 The period for publicity has expired.

CONSULTATIONS

1.22 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.

UPDATE 17/02/2021: No further comments.

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.

UPDATE 22/02/2021: As the current issue is still one of privacy and that the landscape buffer that was supposed to be in place to offset the intrusion of the new houses to residents in Parklands Way has been compromised by alterations to this part of the garden I can only adhere to the approved plan but recommend waiving the hedge screening in favour of the proposed four no. trees consisting of Mountain Ash and Birch incorporated within the current layout. These are trees that will eventually add height and go some way to reduce the dominance of the application site.

Any evergreen tree or hedge will deviate from the uniformity of the broadleaved cover along this boundary and if allowed to get out of hand, will result in excessive loss of daylight for all properties near them and will also overshadow existing vegetation in adjoining gardens. It is for this reason that I would deter any suggestion of using conifers to remedy the situation that has arisen. Planting between fences will result in maintenance problems and half the tree is going to be in the neighbour's garden so I could not support this.

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.

UPDATE 22/02/2021: Further to my previous response (sent as email on 11th January 2021) I do not consider that the addition of four coniferous trees adequately compensates for the loss of a section of native hedgerow with standard broadleaved trees, including a native species.

As the landscape planting on the original approved scheme would have provided some mitigation for the ecological impact of the development, by establishing/maintaining a link between wider elements of the local ecological network (in line with NPPF para. 170d), the proposal to replace the largely native landscape planting with coniferous trees is inconsistent with policy NE1 (specifically para. 5). For this reason I object to the proposals.

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:

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

1.25 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

1.26 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

1.27 Objections were initially received including concerns that the proposed increased land level has a detrimental impact on the privacy of neighbours, and that the proposals result in the loss of the approved landscape screening (and therefore are contrary to the approved plans for the wider estate).

1.28 Following the receipt of amended plans to increase the height of the boundary treatments to the north, east and south, and include an existing pergola structure within the application, further objections were received citing concerns that the proposed higher fencing would be oppressive / overbearing and have a significant detrimental impact on the amenity of neighbours, and is therefore contrary to local planning policies and guidance in this respect. Concerns were also raised that the pergola structure has a detrimental impact on neighbour privacy.

Planning Policy Context

1.29 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.

1.30 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.

1.31 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.

Neighbouring Properties to the West

1.32 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.

Neighbouring Properties to the North

1.33 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). Given this relationship it is considered that the proposed alterations to garden levels and associated hard and soft landscaping would not have any appreciable impact on neighbouring land users to the north.

1.34 The proposal, as amended, now includes an increase in the height of the existing 1.5m-1.8m high sloping section of the northern boundary fence (tying it in to the proposed fence height along the eastern and southern boundaries), up to a height of approx. 2.7 metres. This section of fence however is beyond the rear garden of the adjacent neighbour at 5 Mayfair Gardens, and adjoins a small landscape buffer between the rear garden of 5 Mayfair Gardens and 37 Parklands Way, and as such this increase in fence height would not have a significant impact on the amenity of neighbouring land users to the north, in terms of overshadowing, any overbearing effect or poor outlook.

1.35 Given the lightweight / open nature of the pergola structure, distance from the shared boundary and abovementioned boundary fence screening, it is not considered that this has any appreciable impact on the amenity or privacy of neighbouring properties to the north.

1.36 In terms of the other elements of the proposal, including works to the eastern and southern boundaries and proposed tree planting, given the distance from this neighbouring properties it is not considered these would have any appreciable impact on the amenity of neighbouring properties to the north.

1.37 In view of the above screening and relationship between the application site and neighbours to the north, 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 overshadowing, any overbearing effect, poor outlook or overlooking.

Neighbouring Properties to the East

1.38 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 above the lower garden level. 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.

1.39 At the time of the case officer's site visits (February 2020 and January 2021), 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.

1.40 Whilst some views were partly screened by existing planting in these neighbouring 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 (later increased to 900mm high trellis), this would still have allowed views through due to its open design. It was therefore considered that the previous proposals were unacceptable with respect to the impact on the privacy of neighbouring land users to the east, and the application was previously recommended for refusal on this basis.

1.41 In view of these concerns and the previous officer recommendation, the applicant has amended the submitted plans to replace the existing boundary fence to the eastern rear boundary with an approx. 2.7 metre high closed boarded fence, with a corresponding increase in height to the southern boundary, stepping up in height to reflect the changing ground level along the southern boundary up to 2 metres above the upper garden level.

1.42 At the time of the case officer's site visit in January 2021, the applicant had erected a temporary timber frame at the eastern (rear) boundary to demonstrate the effect of this height of fencing and, when viewed from the upper garden level / top of the retaining wall, it is considered that this would sufficiently screen views between the application site and the neighbouring properties to the east at 35 and 37 Parklands Way.

1.43 It is therefore considered, on balance, that the proposals, subject to the proposed increased fence height to the eastern and southern boundaries, would no

longer have a significant detrimental impact on the privacy of neighbouring land users to the east.

1.44 In terms of the impact of the amended proposals on the amenity of neighbouring land users to the east, whilst it is acknowledged that such a high boundary fence between rear gardens is uncommon, it is noted that both 35 and 37 Parklands Way feature generously sized rear gardens. A separation distance of between 17 and 20 metres (approx.) is therefore maintained between the proposed eastern boundary fence and the principal rear elevations of 35 and 37 Parklands Way.

1.45 Policy QP4 of the Hartlepool Local Plan does not stipulate minimum separation distance requirements between fences and dwellings, however it does require minimum separation distances of 10 metres between the principal rear elevation of a dwelling and the blank gable wall of an adjacent dwelling. Whilst not directly applicable to the proposals in this instance, the separation distance between the proposed fencing and these neighbouring properties is in excess of this distance and the proposed fencing is significantly lower in height than a typical gable wall of a dwelling. It is also noted that the proposed fencing does not extend along the full extent of the rear boundary of these neighbouring properties, with the proposed fencing backing onto only a small portion of the rear boundary of 35 Parkland Way and (due to its generous size) less than 50% of the rear boundary of 37 Parklands Way (though it is appreciated 37 Parklands Way has the high rear boundary treatments of 4 and 5 Mayfair Gardens along the remainder of its garden, albeit set further back). Both of these neighbouring dwellings therefore retain largely open aspects to either side. Furthermore, due to existing planting within the rear boundaries of these neighbouring properties, the proposed fencing would currently be partially screened from view, particularly in summer months.

1.46 In view of the above relationships, separation distances and existing screening, it is considered that the proposed fencing to the eastern boundary would not have such a significant detrimental impact on the amenity of neighbouring properties to the east, in terms of overshadowing, any overbearing effect or poor outlook, to warrant refusal of the application.

1.47 Given the lightweight / open nature of the pergola structure, distance from these neighbouring properties and screening provided by the existing (and proposed) rear/eastern fence, it is not considered that this has a significant impact on the amenity or privacy of neighbouring properties to the east.

1.48 In terms of the other elements of the proposal, including works to the northern and southern boundaries and proposed tree planting, given the abovementioned distances from neighbouring dwellings it is not considered these would have any appreciable impact on the amenity of neighbouring properties to the east.

1.49 In view of the above, on balance, it is considered that the proposals, as amended, would not have such a significant detrimental impact on the amenity of neighbouring land users to the east to warrant refusal of the application.

Neighbouring Properties to the South

1.50 To the south, the neighbouring dwelling at 7 Mayfair Gardens sits at a lower level than the host property. Whilst an approximately 1.8 high timber fence has been installed (on top of the existing brick retaining wall) between the two dwellings, it is noted that this begins to step down and slope away toward the eastern end of the site. Due to this, and the raising of the land level within the application site, the height of the existing southern boundary fence above the upper garden level is reduced to just 1.2m high (approx.) at the edge of the new retaining wall, and between 1.6m and 1.8m high (approx.) along much of the rest of the upper garden level.

1.51 As a result, views can currently be achieved over the fence into the bottom part of the rear garden of 7 Mayfair Gardens, when standing on the upper garden level of the host property. 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 parts of this neighbouring garden. It was therefore considered that the previous proposals were unacceptable with respect to the impact on the privacy of neighbouring land users to the south, and the application was previously recommended for refusal on this basis.

1.52 In view of these concerns and the previous officer recommendation, the applicant has amended the submitted plans to extend the height and length of the existing brick retaining wall along southern boundary and increase the height of the existing fence along the southern boundary up to 2.7metre in height above the lower garden level and up to 2 metres in height above upper garden level, with a continuation of the stepped design between (replacing the existing sloping part of the fence line).

1.53 It is considered that this increase in the height of the southern boundary fence/retaining wall would sufficiently screen any views from the application site into the neighbouring property to the south at 7 Mayfair Gardens and therefore it is considered, on balance, that the proposals, subject to the proposed increased fence height to the eastern and southern boundaries, would no longer have a significant detrimental impact on the privacy of neighbouring land users to the south.

1.54 In terms of the impact of the amended proposals on the amenity of neighbouring land users to the south, based on the submitted details, it is noted that the proposals would increase the height of the existing southern boundary fence (combined with the extended brick retaining wall) between approximately 10cm and 40cm along the majority of the southern boundary (i.e. the upper garden level). This height increase rises to between approximately 80cm and 1.2 metres along the eastern end of the southern boundary (where the land slopes away, adjacent to the lower garden level). Based on the submitted plans, this will result in a boundary treatment along the southern boundary extending up to a maximum height of approximately 2.9 metres in places, taking into account the changes in land level and combined with the extended brick retaining wall.

1.55 Again, whilst it is noted that such a high boundary fence and retaining wall is uncommon, it is not unprecedented in residential developments, particularly where the land levels of the development are sloping and gardens are tiered, and it is noted

that the existing boundary treatment when viewed from this neighbour's rear garden is already characterised by high boundary fencing (approx. 1.8metres) on top of a brick retaining wall (up to approx. 1 metre in height in places).

1.56 The proposal increases the height of the existing boundary treatments, and it is acknowledged that this will have some degree of impact on this neighbour, however this neighbouring property benefits from a long rear garden measuring up to 23 metres in length and approx. 14 metres in width. The increase in the existing fence height to the western end of this shared boundary, where it is closest to the principal rear elevation of this neighbouring dwelling and its associated immediate rear garden area / patio, is minimal at approx. 10cm. The greatest increases in the height of the existing wall/fencing on the other hand (up to approx. 1.2 metres above the existing height) are at the eastern / bottom end of this neighbour's garden, away from the immediate rear garden area and in excess of 18 metres (approx.) from the principal rear elevation of this neighbouring dwelling. It is also noted that the host property is located to the north of this neighbour, therefore reducing any impact of the proposal from overshadowing / loss of sun light.

1.57 In view of the above relationship, it is considered on balance that the proposed alterations to the southern boundary treatments would not have such a significant detrimental impact on the amenity of neighbouring land users to the south in terms of overshadowing, any overbearing effect or poor outlook to warrant refusal of the application.

1.58 Given the lightweight / open nature of the pergola structure, distance from this neighbouring property and screening provided by the existing (and proposed) southern boundary fence, it is also considered that this does not have a significant impact on the amenity or privacy of neighbouring properties to the south.

1.59 In terms of the other elements of the proposal, including works to the northern and eastern boundaries and proposed tree planting, given the distances from neighbouring dwellings it is not considered these would have any appreciable impact on the amenity of neighbouring properties to the south.

1.60 In view of the above, on balance, it is considered that the proposals, as amended, would not have such a significant detrimental impact on the amenity of neighbouring land users to the south to warrant refusal of the application.

Amenity and Privacy of Neighbours Summary

1.61 In view of the above considerations, it is considered that the proposals, as amended, would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users, in terms of overshadowing, any overbearing effect, poor outlook or overlooking, to warrant refusal of the application. The application, as amended, is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019).

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

1.62 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), and are contrary to local planning policies and guidance in this respect.

1.63 Following the receipt of amended plans to increase the height of the boundary treatments to the north, east and south, include an existing pergola structure and provide additional tree planting, further objections were received citing concerns that the proposed fencing is visually incongruous and unprecedented in a domestic context, the pergola structure is visually intrusive and the proposed planting is inappropriately located.

Policy Context

1.64 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.

1.65 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.

1.66 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.

1.67 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.

Existing / Retrospective Development

1.68 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 and proposed 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.

1.69 With respect to the existing east facing 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 and proposed 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.

Proposed Development

1.70 With respect to the proposed alterations to the existing boundary treatments to the northern, eastern and southern boundaries, again these works are located to the rear of the property and are therefore largely screened from public views around the site, and it is therefore considered that they would not have a significant detrimental impact on the street scene or the overall character and appearance of the surrounding area.

1.71 Whilst the proposed alterations to the existing boundary treatments will have a degree of impact on the visual amenity of the site when viewed from neighbouring properties, the proposed boundary treatments (closed boarded timber fencing and brick retaining walls) are considered to be in keeping with the existing boundary treatments at the application site and across the wider development. As above, though it is noted the proposals increase the height of the existing boundary treatments, this size of boundary treatment is not considered unprecedented in residential development, particularly on sloping sites, and given the generous size and associated openness of the residential plots in this area, in this context it is not considered that the proposals would have such a significant detrimental impact on the visual amenity of the site to warrant refusal of the application.

Soft Landscaping

1.72 Notwithstanding this, and as set out above, in order to facilitate the works, the development has deviated from the approved soft 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.

1.73 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.”

1.74 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.

1.75 Notwithstanding this, whilst it is considered that the works carried out to date and the proposed boundary treatments in themselves do not have a significant visual impact on the site or the character and appearance of the surrounding area, the omission of the approved landscaping for this plot is considered detrimental to the character and appearance of the wider development, particularly when considered cumulatively should further similar applications to deviate from the approved site landscaping come forward.

1.76 The application as originally submitted did not include any additional soft landscaping or make any provision for the approved site landscaping to be planted and it was therefore considered that the previous proposals taken as a whole were detrimental to the character and appearance of the area, and the application was previously recommended for refusal on this basis.

1.77 In view of these concerns and the previous officer recommendation, the applicant has since amended the submitted details to propose the planting of 4 trees at the eastern end of the rear garden. Whilst the submitted amended site layout plan proposes planting 4 no. evergreen trees (i.e. leylandii) along the eastern boundary of the site (in the small gap between the proposed rear fence and the neighbours rear fence to the east), the Council's Arboricultural Officer has advised that this species would deviate from the uniformity of the broadleaved cover along this boundary, could result in excessive loss of daylight to neighbouring gardens and vegetation and will result in maintenance problems in future when placed between/in proximity to boundary fences. This is in addition to concerns raised by the Council's Ecologist (discussed in further detail below).

1.78 In response to these concerns with the amended soft landscaping proposals and notwithstanding the latest submitted details, the applicant has agreed to plant 4no. trees, of an appropriate species (to be agreed with the Council's Arboricultural Officer and Ecologist) within the lower level of the garden (i.e. the gravel area), which the Council's Arboricultural Officer and Ecologist have indicated would be acceptable. The final details (and timetable for planting) of the proposed tree species, location and size can be secured by a planning condition, which is recommended accordingly.

1.79 Subject to the identified condition to secure additional tree planting within the rear garden of the property, it is therefore considered on balance that the proposed deviation from the approved landscaping scheme for the plot would no longer have

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

Visual Amenity and Character and Appearance of Area Summary

1.80 In view of the above considerations, it is considered that the proposals, as amended and subject to the identified condition, would not have such a significant detrimental impact on the visual amenity of the application site or the character and appearance of the area to warrant refusal of the application. The application, as amended and subject to the identified condition, is therefore considered to be acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019).

ECOLOGY AND NATURE CONSERVATION

1.81 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).

1.82 As above, it is noted that the application initially did not provide any of the approved site landscaping or leave any provision for this to be planted, which would have prevented the landscaping scheme for the wider development from being implemented in full.

1.83 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. 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.

1.84 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 similar applications come forward, would have a detrimental impact on ecology and nature conservation, and the application was previously recommended for refusal on this basis.

1.85 In view of these concerns and the previous officer recommendation, as above the applicant amended the submitted details to propose the planting of 4no. evergreen trees (i.e. leylandii) along the eastern boundary of the site. However, in addition to the Council's Arboricultural Officer's concerns (discussed above), the Council's Ecologist considers that the addition of four coniferous trees would not adequately compensate for the loss of a section of native hedgerow with standard broadleaved trees, including a native species.

1.86 In response to these concerns with the amended soft landscaping proposals and notwithstanding the latest submitted details, the applicant has agreed to plant 4no. trees, of an appropriate species (to be agreed with the Council's Arboricultural Officer and Ecologist) within the lower level of the garden (i.e. the gravel area), which the Council's Arboricultural Officer and Ecologist have indicated would be acceptable. The final details of the proposed tree species, location and size can be secured by a planning condition, which is recommended accordingly.

1.87 In view of the above considerations, it is considered that, subject to the identified condition, the proposals would not have a significant detrimental impact on ecology or nature conservation. The application is therefore considered to be acceptable with respect to the impact on ecology and nature conservation, subject to the identified condition, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019).

FLOOD RISK AND DRAINAGE

1.88 Objections have been received citing concerns that the development results in an increased risk of flooding, and that the raised land level is resulting in additional surface water discharge into neighbouring properties.

1.89 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.

1.90 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"*.

1.91 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. 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 a planning condition should permission be granted, and this is therefore recommended accordingly.

1.92 Any further issues with respect to surface water discharge beyond those matters considered above would be a civil matter to be resolved between the applicant and neighbouring land users.

1.93 In view of the above considerations, the application is 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

1.94 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

Alternative Solutions

1.95 An objection has been received stating that the existing rear fence line should be pulled back further into the rear garden of 6 Mayfair Gardens and the proposed new fencing should instead be located on top of the existing east facing breeze block retaining wall. Earlier in the course of the application, the case officer recommended to the applicant that they may wish to consider the provision of a 1.8m high fence along the top of the breeze block 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 (in addition to the provision of the approved landscaping to the lower level of the garden). The applicant however advised that they did not wish to make the recommended amendments to the application at that stage, and instead have now proceeded with the current amendments to the application in an attempt to address the previously raised concerns.

1.96 The local planning authority must however consider the application that is before it based on the relevant material planning considerations and relevant local planning policies, and the potential or preference for an alternative scheme is not a material planning consideration or reason to refuse an application.

Discrepancies / Inaccuracies in Submitted Plans and Details

1.97 During the course of the application, inaccuracies in the submitted plans and details have come to the case officer's attention both through site visits and objections from neighbours. These have primarily included discrepancies in the elevation drawings of the existing fences and retaining walls. The applicant has subsequently amended the plans however to address the identified errors and neighbouring properties have been re-consulted.

1.98 Following the latest round of re-consultation, an objector has also noted that the proposals referred to in the originally submitted Design Statement (i.e. provision of a rear trellis) now contradicts the latest submitted plans. It is noted that this document has not been updated by the applicant to reflect the latest amended plans submitted in February 2021, however the remainder of the content of the document remains relevant and, in any event, the submitted Design Statement is a subjective statement

by the applicant which would not form part of the approved documentation, unlike the submitted plans.

1.99 The objector also highlights that the Design Statement refers to the existing boundary fencing being 1.8m in height (in accordance with the approved plans for the estate), yet the proposed elevation plans appear to show the existing boundary fence as lower than this in places. It is considered that this difference is due to alterations to the land levels carried out in the application site which in some instances have lifted the land level marginally higher than the base of the existing fencing and is in part dependent on from which point the fence height is measured, rather than inaccuracies in the plans. For example, the southern boundary fence along the upper garden level (above the existing brick retaining wall) appears to be approx. 1.8m in height when viewed from the southern side, in accordance with the approved plans for the estate, however when stood on the northern side, within the application site, the top of the fence is clearly lower than this (approx. 1.6 metres in places) when measured from the new raised ground level.

1.100 Ultimately, officers have visited the site and surrounding properties on a number of occasions and are satisfied that the submitted plans sufficiently reflect the works carried out to date and sufficiently articulate the proposed development, as amended.

Conflict with Previous Planning Permission(s) / Unauthorised Works

1.101 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. Similarly, following the latest round of re-consultation, an objector has suggested that the application should be refused simply on the basis that it is retrospective, and because the works carried out to date are unauthorised.

1.102 Whilst it is acknowledged the works carried out to date are not in accordance with the approved details for the wider development (primarily levels and landscaping), and are currently unauthorised, the applicant has a right to apply for retrospective planning permission to seek to regularise unauthorised works, and the Local Planning Authority has a legal responsibility to consider and determine such applications, based on the relevant material planning consideration, which are set out in detail within this report. The consideration of retrospective applications is not a punitive process but is an exercise in determining whether the planning impacts of the development are acceptable, and therefore that the development was carried out without planning permission in the first instance is not a material planning consideration or a sound reason for refusal of the application.

Loss of Landscape Buffer Zone

1.103 Objections have been received indicating that the development results in the loss of a landscape buffer zone between the existing dwellings on Parklands Way and the new dwellings on Mayfair Gardens. Whilst it is acknowledge the approved tree and hedge planting has not been implemented at this plot (as considered in detail above), it should be noted that the 'landscape buffer zone' referred to by

objectors, comprised of strategic tree and hedge planting, has been (and was intended to be) within the rear gardens/curtilage of the dwellings at Mayfair Gardens since the original approval of the development, rather than constituting a separate physical gap between the rear fence lines of the existing and new development, as some objectors appear to believe. This is clarified in an extract from the committee report for the original planning application for the wider development (produced in 2015), which states at paragraph 1.8:

“1.8 The proposed eastern boundary would consist of a landscape buffer, which is shown indicatively on the proposed layout, and includes a number of trees to be planted along the length of the eastern boundary. The depth of the buffer varies in an organic line and following the submission of revised plans, the proposed buffer is to be incorporated into the garden curtilage of the proposed dwellings in question.”

1.104 The original planning permission for the wider development (ref H/2015/0162) therefore granted consent in 2016 for the ‘landscape buffer zone’ to be incorporated into the rear garden areas/curtilage of the new dwellings at Mayfair Gardens.

Impact on Human Rights

1.105 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.

1.106 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.

1.107 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.

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

Shared Boundary Ownership

1.109 An objection has been received from the adjacent land owner to the south indicating that their permission will be required, as the adjacent land owner, for any works to the shared boundary. Whilst it may be the case part of the works affect the shared boundary (as the applicant has indicated by signing Ownership Certificate B and serving notice on this neighbour), and therefore the separate consent of the other interested party may be required for the works proposed, ultimately this is a separate civil legal matter between the applicant and their neighbour and is not a material consideration in the determination of this application. Any planning permission granted would not overrule the property rights of any affected adjacent land owner, however the applicant will still be required to comply with the conditions of any planning permission granted, unless any variation to these is agreed with the local planning authority, for which a subsequent application would be required.

Other Non-material Objections

1.110 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.

1.111 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.

1.112 An objector has indicated that the application if approved would set an undesirable local precedent. However, each planning application must be considered on its own merits and therefore should a similar application(s) come forward for other properties within this estate or wider area, these will be considered separately in view of relevant local planning policies and the relevant material planning considerations in that instance.

1.113 Concerns have been raised by an objector regarding the structural stability of the proposed fencing in high winds due to its height. Whilst it is acknowledged the proposed fencing is higher than commonly found in places, there is no evidence to suggest the proposed fencing would be structurally unsound and in any event it is ultimately the responsibility of the applicant to ensure the structures proposed are installed and remain in place in accordance with the requirements of the planning permission granted and any conditions. Fences, walls and gates do not require building regulations approval, however the structures must be structurally sound and maintained and this is clearly within the applicant's best interests. Any garden wall classed as a 'party fence wall' may be subject to the provision of the Party Walls Act etc 1996 (though this does not include wooden fences), and this is separate from obtaining planning permission or building regulations approval. Any incursion / damage to neighbouring properties during, or as a result of, the proposed works is a civil legal matter between the applicant and adjacent land owners, and is not within the remit of this application.

CONCLUSION

1.114 In view of the above, it is considered on balance that the proposals, as amended and subject to the identified planning conditions, are acceptable with respect to the relevant material planning considerations and in the context of the relevant policies of the Hartlepool Local Plan (2018).

EQUALITY AND DIVERSITY CONSIDERATIONS

1.115 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.116 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.

1.117 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
 1943.P.02 (Existing Site Sections),
 1943.P.01 (Existing & Proposed Block Plans & Location Plan)
 received 8th February 2021 by the Local Planning Authority;
 1943.P.03 (Proposed Elevations/ Sections of north/ east and southern boundaries) received 10th February 2021 by the Local Planning Authority.
 For the avoidance of doubt.
2. Notwithstanding the submitted plans and information, within 1 month of the date of this decision, details of 4no. trees (including location, size and species) to be provided within the site shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the approved planting shall be carried out no later than the first planting season following the approval of the planting details. Any of the approved trees which, within a period of 5 years from planting, 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 ecological enhancement, in accordance with policy NE1 of the Hartlepool Local Plan (2018) and paragraph 170 of the NPPF (2019).

3. Within 1 month of the date of this decision, details of the location and design of the existing land drain within or adjacent to the site and how it can be determined that it has not been adversely affected by the works, shall be submitted in writing to the Local Planning Authority. In the event the information provided does not satisfactorily demonstrate that the existing land drain has not been adversely affected by the works, then a scheme and timetable for remediation works to rectify any adverse impacts on the land drain and surface water drainage shall be submitted to the Local Planning Authority within one month of the Local Planning Authority's decision, to be subsequently approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and timetable.

To accord with the provisions of the NPPF (2019) in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding.

4. Within 3 months of the date of this decision, the boundary treatments to the northern, eastern and southern boundaries of the site hereby approved, as shown on plan 1943.P.03 (Proposed Elevations/ Sections of north/ east and southern boundaries) received 10th February 2021 by the Local Planning Authority, shall be erected, and shall thereafter be retained for the lifetime of the development hereby approved. Notwithstanding the provision 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 boundary treatments hereby approved shall not be removed or altered in any way (except for maintenance or like-for-like replacement) without the prior written consent of the Local Planning Authority.

To prevent overlooking.

5. The external finishing materials used in the construction of the extended southern boundary retaining wall hereby approved, as shown on plan 1943.P.03 (Proposed Elevations/ Sections of north/ east and southern boundaries) received 10th February 2021 by the Local Planning Authority, shall match those of the existing red brick retaining wall structure along this boundary, unless alternative similar materials are agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

6. The proposed timber fencing to the eastern and southern boundaries hereby approved shall be closed boarded (no gaps between panels).

For the avoidance of doubt and to prevent overlooking.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134640>

1.121 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

except for such documents that contain exempt or confidential information.

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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: 2.
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)
Location: 8 GALA CLOSE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

Update since previous committee meeting of 13/01/2021

2.2 The application was deferred at a previous meeting of 13/01/2021 to allow officers to investigate a number of queries (installation of hard standing/synthetic grass and fire pit and to view the development from an objectors property). Subsequently, the case officer visited the neighbouring property of No. 9 Gala Close on 29/01/2021 to consider the development from the garden/rear elevation of this neighbour.

2.3 With respect to the alleged installation of hard standing/synthetic grass and a fire pit, these have since been investigated further. With respect to the installed 'fire pit', this appears to be a small domestic structure placed on the decking whilst a modest brick built chiminea has also been constructed along the boundary to No 7 both of which are not considered to be 'development' and therefore planning permission is not required. A small area of artificial turf has also been laid on top of sand (in front of the decking). This is considered to be permitted development and therefore does not require planning permission. In any event, the Council's Public Protection section has advised that any resultant issues from either the fire pit or chiminea could be controlled through separate environmental legislation. Furthermore, the Council's Flood Risk Officer has confirmed that the artificial turf would not raise any issues and therefore these elements will not be considered further in the report.

2.4 In addition to the site visit to No 9, the Council's Building Control section confirmed that the proposal as originally submitted would not be compliant with Building Regulations for an outbuilding. The applicant subsequently amended the structure(s) to comply with Building Regulations, which included separating the summer house and shed structures by the requisite 50mm. The applicant also confirmed that they have reduced the height of both the summerhouse and shed

structures to approximately 2.5m in height, and have submitted amended plans accordingly to reflect this (the applicant has provided photos to illustrate this, which show a clear reduction in the height). The amended plans (and description) also show the removal of the originally proposed erection of a 2.4m high (approximately) boundary fence between the application site and the neighbour to the north (No. 9).

2.5 A 10-day consultation was issued on 4th February 2021. Following this, updated comments from HBC technical consultees and neighbouring occupants are detailed below.

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

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

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

2.8 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

2.9 The application seeks planning permission for the retrospective erection of a summerhouse with attached shed and associated decking.

2.10 The erected summerhouse measures approximately 4.8m in width by approximately 3.7m in depth, and is set on decking. The above ground level height of the summerhouse is approximately 2.5m at the front (on its western side), dropping to approximately 2.4m at the rear (this being a reduction from the previously indicated height of approximately 2.6m at the front). 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.

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

2.12 The siting of the summerhouse is such that it is set off the boundary with No. 9 to the north by approximately 1.6m (which is an increase by approximately 50mm from the previously reported situation as a result of detaching it from the shed) and off the boundary to the rear by approximately 1.1m.

2.13 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 has been detached by approximately 50mm in order to comply with Building Regulations as noted above). The shed has a flat roof with a height of approximately 2.5m (this has been reduced from the previously confirmed

height of approximately 2.6m), is constructed from decking material and is proposed to store garden equipment etc.

2.14 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.

2.15 As noted above, the application has been amended during the course of determination. Originally, the application proposed the erection of a boundary fence along the northern boundary (shared with No. 9 Gala Close), however the applicant has confirmed that following works to reduce the height of the summer house and shed to approximately 2.5m, they wish omit this element from the proposals.

2.16 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

2.17 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.

2.18 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

2.19 The application has been advertised by way of letters to five neighbouring properties and to local ward councillors. Prior to the last committee, three objections had been received from members of the public. Following re-consultation letters being issued to neighbouring properties, one updated objection has been received.

2.20 The objections/concerns 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.

2.21 In addition, a separate representation has been received regarding how gas protection has been achieved.

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

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

2.23 The period for publicity has expired (the latest period for publicity expired on 16/02/21).

CONSULTATIONS

2.24 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.

Update 02/02/21 after information on artificial turf and sand base:

Nothing to add.

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

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

HBC Public Protection: This is for all intents and purposes a chimney in a smoke control area. It would therefore be an offence to emit smoke from the chimney and

they should therefore only burn authorised smokeless fuel in this oven. Having said that we would tend to look at the intention of the law and would usually take the view that this is really not a great deal different to having a BBQ in your garden. If it caused any nuisance problems then we can deal with it under Clean Air or Nuisance legislation.

I have checked our records and we have not had any complaints concerning this oven.

HBC Building Control: *Update 05/02 following confirmation from applicant that structures had been altered to address concerns:*

I can confirm that both the summerhouse and small shed now meet the exemption criteria set out in the Building Regulations and thus are no longer classed as unauthorised building work.

PLANNING POLICY

2.25 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)

2.26 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)

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

2.28 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

2.29 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) 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).

2.30 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 on this estate for environmental/gassing reasons as opposed to visual amenity/neighbour amenity).

2.31 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

2.32 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). 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). Furthermore, it is noted that both the summer house and shed structures have been reduced in height to approximately 2.5m, which would fall within the scope of permitted development and the ‘fall-back position’ detailed above.

2.33 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)

2.34 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. Following consultation upon receipt of amended plans, the objector maintains concerns in respect to the overbearing visual impact, impact on privacy, proposed use of the summer house and provision for appropriate drainage.

2.35 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. Given that the summerhouse and shed structures have a reduced maximum ridge height of approximately 2.5m and are sited immediately adjacent to the boundary, 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.

2.36 Notwithstanding this, it is considered that the erected shed and summerhouse outbuildings are of a modest scale overall, with a total height that is within the maximum specified ‘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.

2.37 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 the rear of No. 9. In addition, the existing boundary treatment (with a height of approximately 1.8m) is further considered to assist in reducing any significant adverse impacts in terms of overlooking. Therefore, it is considered the impact upon the privacy of No.9 Gala Close would not result in an unacceptable loss of privacy as to warrant a refusal of the application.

2.38 As detailed in the background section, the previously proposed 2.4m high fence along the shared boundary to No 9 has since been omitted from the scheme.

2.39 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 existing 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)

2.40 As noted above, an objection has been received from No. 7 Gala Close, which include a number of concerns.

2.41 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.

2.42 The summerhouse outbuilding (as amended) has a maximum ridge height of approximately 2.5m reducing to an eaves height of approximately 2.4m, 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.

2.43 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 (having been reduced in height during the course of the application) is of a height that 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.

2.44 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.

2.45 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.

Impact on No. 10 Gala Close (west/rear)

2.46 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.

2.47 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 and decking) 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)

2.48 The retrospective outbuildings and decking 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 and decking) 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

2.49 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

2.50 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.

2.51 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.

2.52 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

2.53 The Council's Traffic and Transport section have confirmed no objections to the proposal. The proposal is therefore considered acceptable in this respect.

2.54 It is acknowledged that an objection refers to the lack of measurements on the plans originally provided. It is of note that the Block Plan submitted with the

application has the measurements annotated to the plan, however the remaining plans originally 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 (however the amended plans submitted now do include the annotated measurements). 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.

2.55 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.

2.56 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

2.57 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.

2.58 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.

2.59 Covenants are not a planning matter and therefore cannot be considered further.

2.60 A response from a member of the public querying how ground gassing protection has been achieved (making reference to the desire to undertake similar works at their own property) is not a material planning consideration.

CONCLUSION

2.61 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

2.62 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.64 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans and details Site Location Plan (scale 1:1250) received by the Local Planning Authority on 9th November 2020; Existing Block Plan (scale 1:500) received by the Local Planning Authority on 16th November 2020; Proposed Block Plan (scale 1:500) received by the Local Planning Authority on 17th November 2020; and Drwg. No. 8GALA-2020 'Existing & Proposed Plans & Elevations' REV A received by the Local Planning Authority on 2nd February 2021.
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.

BACKGROUND PAPERS

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

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

2.67 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

except for such documents that contain exempt or confidential information.

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8 Gala 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/2020/0403	REV

No: 3.
Number: H/2020/0378
Applicant: MRS AMY WARD THE WATERMARK GATESHEAD NE11 9SZ
Agent: Barratt David Wilson Homes North East Barratt House The Watermark GATESHEAD NE11 9SZ
Date valid: 01/12/2020
Development: Section 73 application for amendments to planning permission H/2020/0104 (220 residential dwellings with associated access) including house type substitutions and amendments to site layout and landscaping.
Location: Land at Quarry Farm Elwick Road Hartlepool

PURPOSE OF REPORT

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

BACKGROUND

'Quarry Farm 2' (current application site)

3.2 H/2015/0528 - Outline planning permission was granted on 12th October 2018 for up to 220 residential dwellings with associated access, all other matters reserved. The application was approved subject to a number of planning conditions and the completion of a s106 legal agreement that secured contributions/obligations towards built sports (£55,000), sport pitches (£49,123.80), education (£638,676), highway contribution (£2,640,000), provision of 17 onsite affordable houses, on-site play facility and on-site SANGS (3.3 ha) and Ecology mitigation contribution (£55,000) (and an obligation to provide householders with an information pack) an obligation relating to the provision, maintenance and long term management of play facilities, recreational facilities (eg TrimTrail), open space including SANGS landscaping and paths, an obligation to retain hedges on western and northern side of site, an obligation to make provision for footpath links, an obligation relating to the provision, maintenance and long term management of SUDS, an obligation relating to securing a training and employment charter/local labour agreement, an obligation to deliver and implement a travel plan. The s106 agreement was flexible should the grant funding for the Elwick By Pass (GSJ) be successful and allow for the recycling of contributions to meet other obligations identified (in relation to Affordable Housing and Education) should they not be required in whole or in part to meet the original purpose.

3.3 H/2019/0352 – An application seeking approval of reserved matters of planning application H/2015/0528 for outline planning permission for up to 220 residential dwellings with associated access, all other matters reserved, relating to the

development, appearance, landscaping, layout (including internal roads) and scale was approved on 23/01/2020.

3.4 H/2020/0104 – Planning permission was granted on 18th September 2020 for Section 73 application for amendments to planning permission H/2019/0352 (for approval of reserved matters of planning permission H/2015/0528 (outline planning permission for up to 220 residential dwellings with associated access)) comprising house type substitutions to 92no. plots and associated amendments to plot hard and soft landscaping, and minor alterations to site landscaping and bin stand locations.

PROPOSAL

3.5 This Section 73 application seeks consent for amendments to planning permission H/2020/0104 (detailed above), including house type substitutions and amendments to site layout and landscaping.

3.6 The applicant for the previously approved reserved matters applications was Barratt Homes North East Ltd, with the previously approved layout of the site comprising Barratt Homes house types exclusively. This application however seeks to replace a proportion of the Barratt Homes house types with David Wilson Homes house types, with the site in effect to be divided between the house types brands, with the Barratt Homes house types in the north of the site and the David Wilson Homes house types in the south of the site. The proposals do not affect the overall number of dwellings on the site, which will remain at 220.

3.7 In detail, the submission seeks permission for a plot substitution on 90 plots, and rearrangement of plots within the site. The northern part of the site will gain 9 additional plots consisting of Barratt Homes house types, whilst the southern part of the site will lose 9 plots to make way for 69 of the larger David Wilson Homes house types. In addition there are 6 house type substitutions within the Barratt Homes part of the site, to other approved Barratt Homes house types, and alterations to the position of other dwellings/plots within the site to accommodate the changes.

3.8 Whilst the Barratt Homes house types within the site will remain as approved, the introduction of the David Wilson Homes house types introduces a further 7 house types into the scheme (within the southern part of the site). The new house types are of a similar external appearance/design to the Barratt Homes house types, including the use of the applicant's archetypal hipped roof designs throughout, however the David Wilson Homes house types are typically larger in floor space.

3.9 Whilst the overall layout of the site (i.e. roads, footpaths, public spaces) will remain largely as approved, in order to accommodate the larger David Wilson Homes house types the proposals require an approx. 0.7 hectare extension to the built area of the site consisting of 17 plots (laid out in 2 rows, back-to-back) with an additional road to the south, and a reduction in the size of the approved open space in this area. Based on the submitted plans, the amount of open space provided on the site would therefore reduce from approx. 4.3 hectares to approx. 3.46 hectares (an approximate 20% reduction), whilst the built area of the development would increase from approx. 7.2 hectares to approx. 7.9 hectares (an approx. 9% increase).

3.10 The proposals also indicate the provision of an additional attenuation pond within the layout of the scheme to the south-east of the site. Final details of drainage are secured by planning condition on the outline planning permission for the site.

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

SITE CONTEXT

3.12 The application site is an area of approximately 11.3 hectares of former agricultural land on the edge of Naisberry Park. To the north of the site is Worset Lane, a narrow 'country lane', with High Throston golf club beyond. The site is currently under construction. An existing reservoir, screened by trees, immediately abuts the north western corner of the site. To the west, the site is bounded by a strip of existing trees which run in a north to south direction, and beyond this are agricultural fields. The eastern boundary is immediately abutted by trees and an existing pedestrian footpath which connects Elwick Road and Worset Lane. Beyond the footpath are the rear boundaries of residential properties within the estate of Naisberry Park. The site is bounded to the south by phase 1 of the Quarry Farm development, beyond this development is Elwick Road. The site gently slopes from the north west corner, with panoramic views towards the coastline, albeit with a steeper gradient toward the south of the site. The site generally levels out again where it meets the boundary with Quarry Farm phase 1 that has been completed (Elwick Grove).

PUBLICITY

3.13 The application has been advertised by way of neighbour letters (110), site notices (6) and a press notice. To date, there have been 2 objections received (an objection has also been received from Hart Parish Council as set out in full in the consultations section below).

3.14 The concerns raised are:

- Impact on traffic / highway and pedestrian safety (increased traffic)
- Flood risk and surface water drainage

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140858>

3.16 The period for publicity has expired.

CONSULTATIONS

3.17 The following consultation replies have been received:

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

Highways England – With regards to the above application, changes made are on site, at distance from the Strategic Road Network (SRN) and do not have any major implications beyond those already identified in the original outline application (Ref H/2015/0528) for Highways England.

Notice is hereby given that Highways England's formal recommendation is that we:
a) offer no objection.

HBC Public Protection – Do not object.

HBC Public Health – No representation received.

HBC Heritage and Countryside Manager – No representations received.

Tees Archaeology - Thank you for the consultation on the amendments for the above site. I can confirm that the changes do not alter our previous recommendation for no archaeological work.

HBC Countryside Access Officer – The overall access provision has not been detrimentally affected but has been beneficially altered, with regards to the substitute housing changes, as mentioned and shown in this application. I am comfortable with the access provision shown in these new plans.

Tees Valley Local Access Forum – No representation received.

Ramblers Association – No representation received.

HBC Parks and Countryside – No representation received.

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

HBC Arboricultural Officer – The mature tree area that I would be concerned about lies to the East of this latest proposal and is unaffected. That said there will be a loss of accessible green space to accommodate the new houses and will result in a departure on what was originally agreed i.e. "space at the southern end of the site to be kept open to enhance the small "valley" area segregating phases 1 & 2. This will also result in a loss of proposed specimen trees and a small area of proposed native trees that would be used to create a gateway into a smaller landscape character space. As the area is currently arable land with no existing features of importance the remaining landscaping adjacent to the site will still remain and as I have raised no comments previously the only negative impact will be the loss of SANGS for those people already living in the phase 1 part of the site. No objections.

HBC Ecology – Based on the submitted information, and assuming the area measurements for POS/SANGS presented in the planning statement are accurate, I have no objection.

Natural England - Natural England currently has no comment to make.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

RSPB – No representation received.

HBC Engineering – In response to your consultation on the above s73 application to amend house types, layout and landscaping I have no objection to proposals 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.

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

Hartlepool Water – No representations received.

HBC Waste Management – No representations received.

HBC Economics Development – No representation received.

HBC Property Services – No representations received.

HBC Housing Services – No representation received.

HBC Building Control – We have received an application from an Approved Inspector.

Cleveland Police – Police have no concerns regards the proposed amendments.

Cleveland Fire Brigade – Cleveland Fire Brigade offers the following representations regarding the development as proposed.

The following plots appear to be outside the maximum prescribed distance from the adopted highway as stated in ADB paragraph 13.1. Could you please confirm that the shared drive, serving the plots mentioned below, meets the loadbearing capacity given in Table 13.1.

Plots 20, 21, 22 and 23.

As per Table 13.1 Note 1; not all Fire Appliances are standardised, and 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 detailed within ADB 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.

Access and water supplies should meet the requirements as set out in Approved Document B, Volume 1:2019, Section B5 for Dwellings. Further comments may be made through the building regulation consultation process, as required.

UPDATE 29/01/2021: Thanks for the confirmation, I'll add this email to our file.

Cleveland Emergency Planning Unit – No representation received.

National Grid – No representations received.

Northern Powergrid – No representations received.

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

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

Hart Parish Council – Hartlepool Borough Council cannot continue to grant planning permission for developments on the north side of the Borough without taking immediate action to improve the road infrastructure, starting with the construction of the long overdue Elwick By-Pass.

Whilst we do not object to a change in the builders of the dwellings on this site, Hart Parish Council wishes to restate its strong objection to the proposal to develop a

further 220 dwellings between Quarry Farm and Worset Lane. Although we accept that outline permission has already been granted for the overall development, nevertheless, Councillors remain deeply concerned about the impact occupiers of these new homes will have on the inadequate road infrastructure in this area of the Borough. At peak times traffic is already virtually at a standstill on local access routes, e. g. Worset Lane, Hart Back Lane, and a queue regularly forms at the roundabout at the east end of Hart village, where northward traffic from Dalton Piercy and Elwick village, since the closing of the access to the A19 at these villages, now has to merge with town traffic to gain access to the A179 and thus the A19.

Hartlepool Rural Neighbourhood Plan Group – Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The application site is outside the Hartlepool Rural Neighbourhood Plan area, but the increase in traffic from the development will have a serious detrimental impact on the rural area.

Elwick is especially vulnerable as the road through the village still affords a short cut for traffic entering and exiting the South bound carriageway of the A19. The Group would therefore expect, as promised, that Elwick by-pass is provided as is required by Local Plan policy HSG5a: Quarry Farm Housing Site which states: -

No development will be permitted prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council.

The development will be expected to contribute, on a pro-rata basis, to strategic infrastructure provision including the grade separated junction and bypass to the north of Elwick Village.

There is no sign of progress regarding the grade separated junction or Elwick bypass. The rural population would trust, if not Highways England, their own Borough Council to ensure the gross inconvenience, environmental and safety concerns of their existing constituents are addressed urgently and certainly before new building makes matters worse.

The location of this development is also likely to have an impact on the A179/A19 junction, which is already being stressed due to the closure of the central reservation gaps on the A19 which had served Elwick and Dalton Piercy. HRNP policy T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK is therefore valid with regard improvements already urgently required to routes through Elwick and Hart Parishes.

POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK

Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation:

1. improvement of the A179/A19 junction
2. the dualling of the A179
3. improved village approach roads and junctions to the A179, A689 and A19

4. alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool
5. appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan
6. Measures that promote good driver behaviour, such as speed cameras.

The above improvements must be designed, as far as possible, to be in keeping with the rural setting.

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 a government grant. 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.

PLANNING POLICY

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

Local Policy

3.19 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
 HSG1: New Housing Provision
 HSG5A: Quarry Farm Housing Site
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development

National Policy

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

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 062: Delivering a sufficient supply of homes

PARA 064: Delivering a sufficient supply of homes

PARA 091: Promoting healthy and safe communities

PARA 108: Considering Development Proposals

PARA 111: Considering Development Proposals

PARA 122: Achieving appropriate densities

PARA 124: Achieving well-designed places

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA 153: Planning for Climate Change

PARA 212: Implementation

HBC Planning Policy comments - There are no planning policy concerns with regards to this application. The level of open space provided on the site overall will be more than is required via policy HSG5a and the new houses proposed are of a high architectural quality.

PLANNING CONSIDERATIONS

3.21 The principle of residential development (and the proposed access) has already been established through the extant outline planning permission (H/2015/0528). Furthermore, the layout, scale, appearance and landscaping has been approved through extant reserved matters approval H/2019/0352, as amended by section 73 planning permission H/2020/0104, to which this proposal seeks to make further amendments. The application site is an allocated housing site within the Hartlepool Local Plan (2018) as identified by Policy HGS5a.

3.22 The principle of development remains acceptable and therefore the main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area, amenity and privacy of existing and future occupiers of the application site and neighbouring properties, and highway and pedestrian safety. These and all other planning and residual matters are set out and considered in detail below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

3.23 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

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

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

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

3.26 With respect to the amenity and privacy of future occupiers, the case officer initially raised some concerns with the applicant with respect to separation distances between the proposed dwellings in parts of the site, which fell short of the abovementioned minimum separation distance requirements by a couple of metres in places. The applicant has however made minor tweaks to the positions of some of the dwellings to ensure minimum separation distance requirements are maintained throughout the site, and it is therefore now considered that the proposals would not have a significant detrimental impact on the amenity and privacy of future occupiers.

3.27 Notwithstanding this, as per the previously approved layout, whilst there remain some instances where certain windows do not meet the minimum separation distances set out above, it is considered that these can be addressed through the use of obscure glazing/restricted opening of the affected windows and provision of satisfactory boundary treatments without having a detrimental impact on the amenity of future occupiers (i.e. where a habitable room has 2 windows/a dual aspect), and a

suitable planning conditions is therefore recommended to secure this, where appropriate.

3.28 With respect to the amenity and privacy of neighbouring land users, whilst the extension to the built area of the site to the south will bring the dwellings in the southern part of the site closer to the existing dwellings to the south at Woodhouse Lane, as above the separation distances maintained between the proposed dwellings in the southern part of the site and the closest dwellings to the south on Woodhouse Lane ranges from approx. 40-80 metres, which is significantly in excess of the minimum separation distance requirements set out in policy QP4 of the Council's Local Plan and the Residential Design SPD.

3.29 The relationship to other neighbouring dwellings and land uses to the east, north and west of the site remains substantially unchanged, with satisfactory separation distances maintained to neighbouring properties in all directions.

3.30 It is noted that the proposed extension to the site is on sloping ground, however the final levels details for the site are to be secured by virtue of a condition on the outline planning permission for the development (ref H/2015/0528), and will therefore be considered accordingly through that process.

3.31 In view of the above, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users through overshadowing, any overbearing effect, poor outlook or overlooking.

3.32 The Council's Public Protection section has been consulted and have confirmed they have no objection to the application.

3.33 The application is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, subject to the identified condition, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019).

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

3.34 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment. Policy HSG5a (Quarry Farm Housing Site) of the Local Plan requires that no more than 8.3ha of this site should be developed for new housing and associated infrastructure and access, with approximately 3ha of multifunctional green infrastructure to be provided.

3.35 NPPF paragraph 127 stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the

surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

3.36 As above, the proposed amendments to the approved development do not fundamentally alter the scale, layout or appearance of the development, with the arrangement of roads, footpaths and public open spaces largely remaining intact, and in accordance with the indicative 'built form masterplan' provided at outline application stage. The main area where the proposed amendments diverge from the approved scheme is through the provision of the extension to the built area at the southern end of the site consisting of 17 plots (laid out in 2 rows, back-to-back) with an additional road to the south, and a corresponding reduction in the size of the approved open space in this area.

3.37 Whilst this increase in the built area of the development will have some degree of impact on the visual amenity and character of the site through the reduction in the amount of public open space, the amount of open space provided on site remains substantial and in excess of the amount of space required by policy HSG5a of the Local Plan, whilst the amount of development on site also remains lower than that permitted by the Local Plan policy.

3.38 It is also noted that the number of dwellings proposed remains the same as approved, at 220, whilst the built area of the site has increased by approximately 0.7 hectares, resulting in a reduction in the density of the built area overall, particularly to the south of the site. Furthermore, it is noted that adequate separation of between 40 and 80 metres is maintained between the southern end of the built area of the site and the adjacent recently completed development to the south at 'Quarry Farm 1' (Woodhouse Lane / Fontburn Close).

3.39 It is considered on balance that the expansion of the built area of the site to accommodate the proposed larger house types and reduction in open space, in the context of the amount of open space provided across the site, separation from adjacent residential areas and local policy requirements, would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the area.

3.40 With respect to the proposed house type substitutions and introduction of 7 new David Wilson Homes house types, the proposed house types are similar in external appearance/design to the approved Barratt Homes house types and are generally considered to be of good design. The introduction of additional house types will add to the overall architectural variety and interest of the site. It is therefore considered that the proposed house type substitutions would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the area.

3.41 It is also considered that the other minor alterations to plot/dwelling positions and associated hard and soft landscaping across the site, due to their minor nature, would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the area.

3.42 In view of the above, the application is considered to be acceptable with respect to the impact on the visual amenity of the site and the character and appearance of

the area, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019).

LANDSCAPING AND TREE PROTECTION

3.43 As above, policy HSG5a requires approximately 3ha of multifunctional green infrastructure be provided on site. Whilst reduced from the previously approved layout, the proposed amended layout delivers approx. 3.46 hectares, in line with policy requirements.

3.44 Notwithstanding this, the Council's Arboricultural Officer has been consulted and has advised the mature tree area to the east of the latest proposals is unaffected. It is acknowledged that there will be a loss of accessible green space to accommodate the new houses (incl. proposed specimen trees and a small area of proposed native trees), however as the area is currently arable land with no existing features of importance and the remaining landscaping adjacent to the site will still remain, the Council's Arboricultural Officer has no objections.

3.45 The Council's Landscape Architect has also been consulted and has confirmed that they have no landscape or visual objections to the proposed amendments.

3.46 Notwithstanding this, final details of proposed soft landscaping works will be secured by virtue of conditions 13 and 14 of outline planning permission H/2015/0528. Furthermore, tree protection measures will be secured by virtue of condition 15 of outline planning permission H/2015/0528. As per the previous reserved matters application(s) however, a planning condition is recommended to secure final details of hard landscaping works.

3.47 In view of the above, the application is considered to be acceptable with respect to the impact on landscaping and tree protection, subject to the identified condition, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019).

ECOLOGY AND NATURE CONSERVATION

3.48 As above, policy HSG5a requires approximately 3ha of multifunctional green infrastructure be provided on site, which is to accommodate the provision of the required level of Sustainable Alternative Natural Green Space (SANGS). The Section 106 legal agreement associated with outline planning permission H/2015/0528 secured approx. 3.3 hectares of Sustainable Alternative Natural Green Space (SANGS) on site.

3.49 Furthermore, bat and bird mitigation features are required to be provided by virtue of conditions 17 and 18 of outline planning permission H/2015/0528, whilst conditions 19 and 20 (respectively) of the outline permission require low level lighting adjacent to wildlife corridors, in order to prevent disturbance to wildlife, and the clearance of vegetation to take place outside of the bird breeding season, to protect breeding birds.

3.50 The Council's Ecologist has been consulted and has advised that, based on the submitted information, they have no objections to the proposed amendments. Natural England has also been consulted and has confirmed they have no comment to make. In view of the above, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019).

HIGHWAY AND PEDESTRIAN SAFETY

3.51 The proposals do not include any amendments to the site access or the internal road layout, save for an extension to the internal road at the southern end of the site to provide access to the larger David Wilson Homes house types.

3.52 Objections have been received from neighbouring land users, Hart Parish Council and the Hartlepool Rural Neighbourhood Plan Group concerning the impact on highway and pedestrian safety, in particular due to increased traffic from the development.

3.53 In the first instance, it is noted that this application does not propose any additional dwellings, with the number of dwellings to remain at 220 (as previously approved), though it is acknowledge some of the substituted house types are larger (additional bedrooms) than the previously approved house types.

3.54 The Council's Highways, Traffic and Transport section has been consulted and has confirmed that they have no highway or traffic concerns. Similarly, Highways England has advised that they have no objection to the application.

3.55 In view of the above, it is considered that the proposals would not have a significant detrimental impact on highway and pedestrian safety. The application is therefore considered to be acceptable in this respect and in accordance with the relevant policies the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019).

FLOOD RISK AND DRAINAGE

3.56 The application site sits within Flood Zone 1 (low probability of flooding from rivers and the sea), albeit a low to medium and medium to high risk of flooding from surface water in areas toward the south of the site. The amended proposals show an additional small attenuation pond to the south-east of the site.

3.57 An objection has been received from a neighbouring land user citing concerns with respect to flood risk and surface water drainage. No concerns or objections have been received from the Environment Agency, Northumbrian Water and Hartlepool Water.

3.58 The Council's Flood Risk Officer has been consulted and has advised that they have no objections to the application with respect to surface water management. Notwithstanding this, final details of surface water drainage measures are required to be provided and agreed prior to commencement of development by virtue of

condition 10 of outline planning permission H/2015/0528. The long term maintenance and management of the SuDS is secured by virtue of the Section 106 legal agreement associated with the outline permission.

3.59 In view of the above, it is considered that the proposals would not have a significant detrimental impact on flood risk and drainage. The application is therefore considered to be acceptable in this respect and in accordance with the relevant policies the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019).

OTHER PLANNING MATTERS

Heritage Assets and Archaeology

3.60 The application site is not within a conservation area and is not in proximity to any known heritage assets. The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted on the application. No objections have been received from either, with Tees Archaeology confirming that there is no requirement for archaeological work at this site, following a programme of evaluation submitted and considered as part of outline application H/2015/0528, and the proposals (as amended) do not alter their previous advice. The application is therefore considered to be acceptable in this respect.

Public Rights of Way and Footpath Connections

3.61 The Council's Countryside Access Officer has been consulted and has advised that the overall access provision has not been detrimentally affected but has been beneficially altered and that they are comfortable with the access provision shown in the amended plans. The application is therefore considered to be acceptable in this respect.

Crime and Fear of Crime

3.62 Cleveland Police has been consulted and has confirmed that they have no concerns regarding the proposed amendments. The application is therefore considered to be acceptable in this respect.

Contaminated Land

3.63 The Council's Engineering section has been consulted and has advised that they have no objections to the proposals in respect of contaminated land. The application is therefore considered to be acceptable in this respect.

Waste Management

3.64 No comments or concerns have been received from the Council's Waste Management section. Final details of waste storage will be secured by virtue of planning condition 25 of outline planning permission H/2015/0528. In view of this, the proposals are considered to be acceptable in this respect.

Hazardous Installation and Pipelines

3.65 No concerns or objections have been received from the Cleveland Emergency Planning Unit. Northern Gas Networks has confirmed that they have no objections to the application. The application is therefore considered to be acceptable in this respect.

DEVELOPER OBLIGATIONS

3.66 The original outline planning permission (H/2015/0528) was subject to a Section 106 Agreement which secured a number of planning obligations and financial contributions as detailed in the planning 'background' section to this report.

RESIDUAL MATTERS*Fire Safety and Access*

3.67 Cleveland Fire Brigade has provided advice for the applicant with respect to fire safety and access. These matters are principally a consideration for the building regulations process, which the Council's Building Control section has confirmed the application is subject to. Notwithstanding this, an informative note to make the applicant aware of this advice is recommended accordingly.

Gas and Electricity Infrastructure

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

3.69 No comments or objections have been received from the National Grid or Northern Powergrid.

CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

3.71 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.72 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. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

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

RES/732 LP/01 Rev A (Location Plan)
 BKNL 00CE (Kenley Classic (End))
 BKNL 00CI (Kenley Classic (Mid))
 BRAD 00CD (Radleigh Classic (det))
 BALD 00CD (Alderney Classic (Det))
 BKNR 00CD (Kennford Classic (Det))
 BKEY 00HD (Kingsley Classic (Det - Hipped))
 SSG1H8 (SINGLE - ELEVATIONS)
 SSG1H8 (SINGLE - SETTING OUT PLANS)
 SSG1H8 (SINGLE - FLOOR PLAN)
 SSG1H8 (SINGLE - ROOF PLAN)
 SDG1H8 (DOUBLE - ELEVATIONS)
 SDG1H8 (DOUBLE - SETTING OUT PLANS)
 SDG1H8 (DOUBLE - FLOOR PLAN)
 SDG1H8 (DOUBLE - ROOF PLAN)
 received 30th July 2019 by the Local Planning Authority;

BMMS 00CE (Moresby Classic (End))
 received 15th November 2019 by the Local Planning Authority;

BMMS 00CD (Moresby Classic (Det))
 received 18th November 2019 by the Local Planning Authority;

BLLE 00HE (Ellerton),
 BDNF 00HE (Denford),
 BDBY 00HD (Denby),
 received 13th March 2020 by the Local Planning Authority;

BDNF 00CI (Denford Classic (Mid)),
 BMAI 00CI (Maidstone Classic (Mid)) Rev F,
 BMAI 00HE (Maidstone Classic (End-Hipped)) Rev A,
 received 11th May 2020 by the Local Planning Authority;

H456-X7 Drawing No. 13 Rev C (AVONDALE)
 H456-X7 Drawing No. 14 Rev G (AVONDALE)
 H417-H7 Drawing No. 13 Rev D (BRADGATE)
 H497-H7 Drawing No. 13 Rev C (CHELWORTH)
 H497-H7 Drawing No. 14 Rev C (CHELWORTH)
 H433-7 Drawing No. 13 Rev B (CORNELL)
 H442-H7 Drawing No. 02 Rev A (KIRKDALE)
 H577-H7 Drawing No. 13 Rev B (MANNING)
 H577-H& Drawing No. 14 Rev B (MANNING)
 H429-H7 Drawing No. 13 Rev C (Meriden)
 received 23rd November 2020 by the Local Planning Authority;

RES732-BHA-B1-ZZ-DR-A-SL05 Rev D (Site Layout – David Wilson
 Housetype Plot Substitutions),
 RES731-BHA-B1-ZZ-DR-A-BTP02 Rev C (Proposed Site Boundary
 Treatment – David Wilson Housetype Plot Substitutions),
 RES732-BHA-B1-ZZ-DR-A-PP02 Rev B (Proposed Parking Site Plans –
 David Wilson Housetype Substitution),
 1588-1-1 Rev S (Landscape Strategy Plan),
 received 12th February 2021 by the Local Planning Authority;

RES732-BHA-B1-ZZ-DR-A-MP02 Rev B (Proposed External Material on Site
 Plan – David Wilson Housetype Substitution),
 received 16th February 2021 by the Local Planning Authority;

For the avoidance of doubt.

2. Notwithstanding the submitted details and prior to the occupation of the dwellings hereby approved, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings to Local Planning Authority standards. The scheme shall be completed in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved.
 To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
3. The boundary enclosures hereby approved shall be implemented in accordance with the following plans and details; RES731-BHA-B1-ZZ-DR-A-BTP02 Rev C (Proposed Site Boundary Treatment – David Wilson Housetype Plot Substitutions) received 12th February 2021 by the Local Planning Authority, prior to the occupation of the dwellings(s) or completion of the development, whichever is the sooner.
 For the avoidance of doubt and in the interests of visual amenity and the amenity of neighbouring land users and future occupiers.
4. Prior to the commencement of development above ground level, a scheme for the obscure glazing and restricted opening (max. 30 degrees), or omission, of the following proposed windows (plot numbers as identified on plan RES732-BHA-B1-ZZ-DR-A-SL05 Rev D (Site Layout – David Wilson Housetype Plot Substitutions) received 12th February 2021 by the Local Planning Authority

shall be first submitted to and approved in writing by the Local Planning Authority;

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

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

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

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

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

Plot 61 – 1no. ground floor south-east facing side elevation lounge window

Plot 62 – 1no. first floor north-west facing side elevation bathroom window

Plot 65 – 1no. ground floor north-east facing side elevation lounge window; and 1no. first floor south-west facing side elevation bedroom window

Plot 67 – 1no. first floor north-west facing side elevation bedroom window; and 1no. first floor north-west facing side elevation en-suite window

Plot 69 – 1no. first floor south-west facing side elevation bedroom window; and 1no. ground floor north-east facing side elevation lounge window

Plot 70 – 1no. first floor south-west facing side elevation bedroom window

Plot 73 – 1no. first floor south-east facing side elevation bathroom window

Plot 76 – 1no. first floor west facing side elevation bedroom window; and 1 no. first floor west facing side elevation en-suite window

Plot 77 – 1no. ground floor east facing side elevation lounge window; and 1no. first floor west facing side elevation bedroom window

Plot 78 – 1no. first floor east facing side elevation bathroom window; and 1no. first floor east facing side elevation landing window

Plot 79 – 1no. first floor north-east facing side elevation bedroom window; and 1no. first floor north-east facing side elevation en-suite window

Plot 81 – 1no. first floor south-west facing side elevation en-suite window

Plot 82 – 1no. first floor north-east facing side elevation en-suite window

Plot 97 – 1no. first floor north facing side elevation en-suite window

Plot 98 – 1no. first floor south facing side elevation en-suite window

Plot 99 – 1no. first floor north-west facing side elevation en-suite window; 1no. first floor south-east facing side elevation bathroom window; and 1no. first floor south-east facing side elevation landing window

Plot 117 – 1no. first floor south facing side elevation en-suite window

Plot 135 – 1no. ground floor north facing side elevation WC window

Plot 136 – 1no. ground floor north facing side elevation WC window

Plot 139 – 1no. first floor south-east facing side elevation en-suite window

Plot 148 – 1no. first floor north facing side elevation bathroom window

Plot 170 – 1no. first floor north-east facing side elevation en-suite window

Plot 173 – 1no. ground floor north-west facing side elevation lounge window

Plot 175 – 1no. first floor north-east facing side elevation bedroom window; and 1no. first floor north-east facing side elevation ensuite window

Plot 177 – 1no. first floor south facing side elevation bathroom window

Plot 178 – 1no. first floor north facing side elevation bedroom window; and 1no. ground floor south facing side elevation lounge window

Plot 181 – 1no. first floor north facing side elevation bedroom window

Plot 183 – 1no. first floor north facing side elevation bathroom window

Plot 188 – 1no. ground floor south facing side elevation lounge window

Plot 190 – 1no. first floor south-east facing side elevation en-suite window
 Plot 192 – 1no. first floor south-east facing side elevation bathroom window;
 and 1no. first floor south-east facing side elevation landing window
 Plot 194 – 1no. first floor south-east facing side elevation en-suite window
 Plot 197 – 1no. first floor south-west facing side elevation en-suite window
 Plot 198 – 1no. ground floor south-west facing side elevation lounge window
 Plot 199 – 1no. first floor north-east facing side elevation en-suite window
 Plot 200 – 1no. first floor north-east facing side elevation bathroom window
 Plot 205 – 1no. first floor east facing side elevation en-suite window
 Plot 207 – 1no. ground floor east facing side elevation lounge window; and
 1no. first floor west facing side elevation bedroom window
 Plot 208 – 1no. first floor east facing side elevation bathroom window
 Plot 209 – 1no. first floor east facing side elevation en-suite window; and 1no.
 first floor east facing side elevation bedroom window
 Plot 210 – 1no. ground floor west facing side elevation lounge window; and
 1no. first floor east facing side elevation bedroom window
 Plot 211 – 1no. first floor west facing side elevation bedroom window; and
 1no. ground floor east facing side elevation lounge window
 Plot 212 – 1no. first floor west facing side elevation en-suite window; and 1no.
 first floor west facing side elevation bedroom window
 Plot 213 – 1no. first floor west facing side elevation bathroom window
 Plot 215 – 1no. first floor east facing side elevation bathroom window

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

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

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140858>

3.75 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

except for such documents that contain exempt or confidential information.

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Land at Quarry Farm, Elwick Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 23.02.2021
	SCALE 1:3,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0378	REV

No: 4.
Number: H/2020/0215
Applicant: EURO PROPERTY MANAGEMENT LTD DALTON
PIERCY ROAD DALTON PIERCY HARTLEPOOL TS27
3HY
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK
ROAD HARTLEPOOL TS26 0QE
Date valid: 24/09/2020
Development: Outline application with all matters reserved for residential
development comprising the erection of 5no. detached
dwellings with associated detached garages and access,
including demolition of existing dwelling, detached garage
and stable block.
Location: MAYFIELD HOUSE DALTON PIERCY ROAD DALTON
PIERCY 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.

BACKGROUND

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

4.3 H/2019/0475 – A planning application was withdrawn on 2nd October 2020 for demolition of existing detached dwellinghouse (with partial retention of external walls) and erection of 1no. replacement detached dwellinghouse, with hard and soft landscaping, boundary treatments and associated works.

PROPOSAL

4.4 Outline planning permission (with all matters reserved) is sought for residential development comprising the erection of 5no. detached dwellings with associated detached garages and access, including demolition of existing dwelling, detached garage and stable block.

4.5 The application has been referred to the planning committee at the request of a ward councillor.

SITE CONTEXT

4.6 The application site comprises an existing detached 5-bed two storey dwellinghouse (known as Mayfield House) with ancillary outbuildings located on a parcel of land measuring approximately 0.48 hectares in area, within the open countryside / rural area. The site is bound by the adopted highway on Dalton Piercy Road to the west, with agricultural land beyond, by a holiday/caravan park ('Ashfield Caravan Park' / 'Abbey Hill Cottages') to the south, and agricultural land to the east and north. The field immediately to the east of the application site is indicated to be within the applicant's ownership.

4.7 The application site is located beyond the development limits of Hartlepool and of the rural villages, within the open countryside / rural area. The site is approximately 1km north-east of Dalton Piercy, 1.5km east/south-east of Elwick and 1km west of the existing urban area of Hartlepool.

PUBLICITY

4.8 The application has been advertised by way of neighbour letters (19), site notice and a press notice. To date, there has been 1 objection received from neighbouring land users.

4.9 The concerns raised are:

- Impact on highway and pedestrian safety.

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=138861>

4.10 The period for publicity has expired.

CONSULTATIONS

4.11 The following consultation replies have been received:

HBC Traffic & Transport – I can confirm that there are no highway or traffic concerns with the proposed development.

The development would be required to pay a pro rata contribution to the proposed Elwick bypass and grade separated junction onto the A19 as the development will benefit from the construction of this Highway.

Highways England - Notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;

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

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

HBC Public Protection – Do not object.

HBC Heritage and Countryside Manager – No representation received.

Historic England – Thank you for your letter of 28 September 2020 regarding the information for the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Tees Archaeology - I have checked our records in response to this application. There are two known prehistoric settlement sites within close proximity to the proposed development (Tees Archaeology HER 8750 & 9446). I would therefore request that an archaeological evaluation of the development area takes place prior to determination of the application in order to provide sufficient information to determine the application. This should take the form of three trial trenches which should be sited on the proposed footprint of three of the building plots and spaced across the development area.

UPDATE 20/10/20: There are three main reasons why we ask for pre-determination work,

1. This allows for the possibility of the Local Authority refusing permission if there are archaeological finds of national significance which preclude development (if this happens post-determination the LA is liable for compensation). In all the time since 1996 when archaeology became part of the planning process this has only happened once in our area (Yarm).
2. This provides the information that justifies the imposition of a planning condition.
3. This provides the developer with certainty about the resource and time implications of investigating the archaeology, without this they are essentially writing a blank cheque for the archaeology.

Set against this, the developer is clearly willing to accept the uncertainty in 3 and I did explain this to him, clearly they have no objection to a condition which takes care of 2. This then means that I have to make a judgement on whether there are likely to be finds of national importance. Millbank Close at Hart would, now we know a lot more about it, fall into that category, the problem is we just didn't know enough about it at the determination point.

The archaeological sites in the vicinity of Mayfield House are all Iron Age or Romano-British and extensive experience of dealing with this type of site suggests that any site may be of local or regional importance but is unlikely to be nationally important (there is however a complex of this date in the Brierton area that could be).

On this basis I would be willing to accept that archaeology is dealt with as a reserved matter and is covered by a condition. I set out a possible condition below

Recording of a heritage asset through a programme of archaeological works:

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

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

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

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

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

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

HBC Landscape Architect – The proposed development seeks to replace a single dwelling with 5 new dwellings and associated access, hard surfacing and division of the site into garden areas. Key visual receptors will be users of the lane from Dalton Piercy to Hart.

It is considered that the site currently has a rural character and that the proposed development will represent an over intensification of development. The proposals will result in a negative impact on the existing landscape character.

Should an application progress an Arboricultural Impact Assessment to BS 5837 should be undertaken to establish the feasibility of any development.

HBC Arboricultural Officer – There are a number of trees on this site that are protected by Tree Preservation Order no. 44 and although some of them have in the past been removed because of Dutch Elm Disease, the majority remain and are an important feature strengthening the visual amenity of this area. A previous application to enlarge the existing house provided a tree protection plan (See H/2019/0475 documents 14984089 and 15055713) but this new application is more complex in its layout and although the existing trees appear to sit within the proposed development the Council will need to see a full Arboricultural Impact Assessment together with revised drawings showing the tree protection plan and actual road construction if it falls within the root protection area (this equates with the canopy spread on an unconfined tree or 12 times the stem diameter).

As with most new developments the Council (Landscape Architect) will also require details of any proposed landscaping scheme.

UPDATE 06/01/21: The tree protection measures are; appropriate for the site however the temporary protective fencing seems to go over one of the roads leading into the property and is missing where the construction access road leads in from the main road. As this could become a dropping off point for material storage during any works can I ask that the fence line is taken up to the main road. Providing the fencing is erected as shown in the details supplied and provided that the fence is continued to the main road no harm should come to these trees.

HBC Ecology – No supporting ecological information has been provided with the application. The application area, due to its location and the nature of the habitats present, has the potential to support important ecological features and consequently there is potential for significant ecological harm.

As the application seeks permission for five dwellings of 4+ bedrooms there will be limited scope to alter the indicative layout, which may be necessary to avoid significant ecological harm or otherwise engage with the ecological mitigation hierarchy as set out in NPPF section 15 (para. 175a) and policy NE1 (para. 6).

Currently there is insufficient information to assess the proposals against the relevant policy and determine the nature of any necessary planning conditions. In order to address my concerns, in the first instance, the applicant should arrange for a suitably qualified ecologist to produce supporting ecological information based on an appropriate scope of survey and desk study.

Please note that, in accordance with guidance from the Chartered Institute of Ecology and Environmental Management, the appropriate format of an ecological report used to support a planning application is an Ecological Impact Assessment (EcIA).

UPDATE 11/01/21: I have reviewed the submitted Preliminary Ecological Appraisal Report (PEAR), which indicates that further ecological survey are needed to understand the potential for the presence or absence of a number of protected species. Surveys required are:

- Bat presence/absence survey of existing main dwelling.

- Bat presence/absence survey of stable building.
- Great crested newt survey of nearby ponds.
- Water vole survey of watercourse at site boundary.

The above surveys are necessary to determine whether or not, and the extent to which, the proposals could result in significant ecological harm. Where the presence of protected species is confirmed, the survey results will also inform the design of mitigation measures needed to prevent significant harm.

The PEAR also identifies that several mature trees within the site have features with the potential to support roosting bats. The indicative layout appears to retain the existing trees, however I understand that this will need to be clarified through a full Arboriculture Impact Assessment. Where mature trees with bat roost potential are to be lost, further survey will be needed to determine if bats or bat roosts will be affected. Mitigation measures will be needed in respect of any identified impacts.

Demolition of the stable will result in the loss of nesting habitat for barn swallow. This represents ecological harm and the potential for compensation for this impact will need to be investigated. Conditions will also be needed to ensure the demolition does not result in direct impacts to active bird nests.

The ecological report also recommends the retention of hedgerows, specifically mentioning the hedgerow at the western boundary. I support this recommendation and suggest that this is conditioned, along with the retention of other habitat features of value.

To progress the application the above bullet pointed survey should be undertaken and the survey data used to inform an Ecological Impact Assessment to support the application. This will inform the nature of any further conditions that will be needed in respect of ecology and biodiversity.

UPDATE 17/02/21: As there are a number of potential ecological constraints identified within the Preliminary Ecological Appraisal report, including those that could influence the layout of the scheme (the presence of water voles in particular may require a specific stand off from the watercourse to be secured) I would suggest that it is not appropriate to condition these surveys.

This is in line with current government advice including circular 06/2005 (<https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>) and recently updated advice for LPAs (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#history>).

A biodiversity reason for refusal could refer to lack of information needed to understand the potential for significant ecological harm, and the need for and feasibility of ecological mitigation.

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

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

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

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

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

HBC Engineering – In response to your consultation on the above application, I have no objection to proposals in respect of contaminated land or surface water management. Please can you include our standard unexpected contamination condition and standard basic surface water condition on any permission issued for proposals.

The applicant is advised that for the discharge of the surface water condition, surface water flooding associated with the watercourse is fully explored and it ensured that it will not impact on proposed properties, the proposed foul water treatment plant or any other assets that can be adversely affected by flooding.

Environment Agency – No representation received.

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

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

Hartlepool Water – No representations received.

HBC Waste Management – No representations received.

HBC Property Services – No representation received.

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

Cleveland Police – Police have no objections to this proposed development

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

Northern Gas Networks – We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out. There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development. If your proposal includes the construction of buildings, it is essential you contact the pipeline manager for the area in question.

UPDATE 13/10/20: Following our objection to the proposed stopping up of the highway at MAYFIELD HOUSE DALTON PIERCY ROAD DALTON PIERCY HARTLEPOOL TS27 3HY on 21 September 2020 we are now willing to rely on our statutory powers and so withdraw our objection.

Northern Powergrid – The enclosed Mains Records only give the approximate locations 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.

National Grid – No representation received.

Elwick Parish Council – Elwick Parish Council strongly opposes this application.

This application does not comply either with the Hartlepool Local Plan or the Rural Plan. There are no exceptional circumstances that would allow for such a development outside the village envelopes; these are neither homes for agricultural workers nor ‘affordable housing’. Furthermore, the access to the site is on a blind bend, with vehicles travelling in either direction unable to see oncoming traffic, as noted in the previous application for this site (H/2019/0475).

We realise that the site abuts the proposed 1200-dwelling development at High Tunstall Farm; we would not wish to see any development here that would open up the view of this development, thus bringing an urban vista even further into the countryside.

It is of great concern that the previous applicant, in a post on social media, was offering as early as June, plots on the ‘first phase of our Mayfield Gardens development of exclusive self-builds on our Mayfield House site in Dalton’, stating that outline planning permission had been sought; however, when received, the permission sought was for a single, very large dwelling, not a housing development. The Parish Council is concerned that developers seem to be under the impression that, in Hartlepool, once outline planning permission for a development of any size has been approved, they will have no difficulty in having the plans amended to increase the number, style and quality of the dwellings on the site.

Dalton Piercy Parish Council – Dalton Piercy Parish Council Object in the strongest possible terms to application number H/2020/0215 – to replace Mayfield House, a single dwelling with 5 no. detached houses.

The application was considered at our last Parish Council meeting. The reasons for this objection include;

- The application and change of land use is detrimental to the rural landscape and character of the area. Historically this has been a single home with equestrian facilities and associated land. An asset to the periphery of Hartlepool. 5x new dwellings adds to the urbanisation of the area.
- It is against the Rural Plan and the Local Town Plan. DPPC understand the RPG group will be submitting an objection to this application and fully support each of the points they raise that are at odds with the adopted Rural Plan.
- The planned western extension of the town of Hartlepool borders the land associated with Mayfield House.
- DPPC are concerned about losing the rural gap between the main town and surrounding villages.
- There are no exceptional circumstances that warrant further development in this area.

- This development is against DPPC's Village Design Statement where locations suitable for development were identified. Furthermore, the number of new homes required over the coming years in our Parish has been surpassed with the development at Wynyard Heights (30+ dwellings) and Hart on the Hill (2 dwellings).

- Infrastructure issues- this development would have a negative impact, with increased traffic, on an already struggling rural road. These homes are not aimed at local farm or rural business owners therefore we must assume occupants will commute to work. With no Elwick bypass access to strategic infrastructure is difficult and quite frankly at times dangerous. Access to the site is on a blind bend. Added pressure at this pinch point is unacceptable. With 4x 5 bed and 1x 6 bed houses we must assume these would be 2+ car households. Probably more like 4 car homes. The site cannot accommodate parking for 25 cars plus guest visitors.

Greatham Parish Council - Greatham Parish Council OBJECT to this application as being contrary to Hartlepool Rural Neighbourhood Plan made by HBC in December 2018.

The relevant Hartlepool Rural Neighbourhood Plan policies are Policy GEN1- DEVELOPMENT LIMITS, Policy H4-Housing in the countryside and Policy EC1- DEVELOPMENT OF THE RURAL EC1-DEVELOPMENT OF THE RURAL ECONOMY.

The proposed development is outside all development limits including those as defined by Hartlepool Local Plan. The site is also located within the Green Gap identified by the Rural Neighbourhood Plan where development will be permitted only in exceptional circumstance. There are no exceptional circumstances identified in this application, it is not essential for the purposes of agriculture, forestry, public infrastructure or the development of the rural economy and does not meet the housing and social needs of the rural economy. It fails to respect the character of the countryside and will have a significant impact on visual amenity and the local road network.

Greatham PC asks HBC to uphold the Neighbourhood Plan and refuse this application.

Hartlepool Rural Neighbourhood Plan Group - Thank you for consulting Hartlepool Rural Plan Group with regard the above application. Hartlepool Rural Neighbourhood Plan Group STRONGLY OBJECT to this application. The relevant Hartlepool Rural Neighbourhood Plan Policies are: -

POLICY GEN1 – DEVELOPMENT LIMITS

The proposed development is outside all development limits defined by Hartlepool Local Plan and the Rural Neighbourhood Plan (HRNP). The site is located within the Green Gaps identified on the HRNP policies map where development will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages and Hartlepool. In the location of Mayfield House, the Green Gap was of particular consideration for the accommodation of the urban expansion proposed by the High Tunstall strategic housing site identified in the Local Plan. There are no exceptional circumstances

identified in this application, it is not essential for the purposes of agriculture, forestry, public infrastructure nor to meet the housing and social needs of the local rural community. The application is inappropriate to a rural area and does not support the rural economy, agricultural diversification, rural tourism and leisure developments. It fails to respect the character of the local countryside and will have a significant impact on visual amenity and the local road network. Development along this narrow single-track road which is already accommodating increasing traffic for which it is not designed is neither welcome nor safe, especially on a 90 degree bend.

POLICY H4 HOUSING IN THE COUNTRYSIDE

Outside village envelopes, new housing will be supported only in exceptional circumstances. This application offers no exceptional circumstances, rather admits it is intended as executive housing.

It is clearly not essential for a person employed in agriculture, forestry, nor other use requiring a countryside location or where it is essential for the worker to live permanently at or near the place of work.

It does not re-use existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension. The proposal would require the demolition of an existing building.

The proposal does replace an existing dwelling but not by a single new dwelling not materially larger than the dwelling it replaces. The proposal is to replace with no less than 5 new buildings. This by any consideration is a materially larger development than the house it seeks to replace.

As an outline application there is nothing to suggest the new housing would be of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area.

Equally there is nothing to judge whether it is likely to pay particular attention to design and landscape character so as to preserve and enhance the character and distinctiveness of the countryside.

With respect to foul sewage, the first presumption must be to provide a system of foul drainage discharge into public sewer. Only, where having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local authority that connection to a public sewer is not feasible, should non-main foul sewage disposal solutions be considered.

POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The proposed development does not meet any of the rural economy objectives:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;
3. the provision of live-work units and small-scale business units within the development limits of the villages;

4. the construction of well-designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

This application should be determined in accordance with the development plan for the area which includes Hartlepool Rural Neighbourhood Plan and Hartlepool Local Plan. The application is not compliant with the development plan and has offered no material considerations to justify this non-compliance.

The NPPF states that achieving sustainable development means that the planning system has three overarching objectives;

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

This proposal is not in the right place. It is separated from and fails to support existing communities. Building outside defined communities does nothing to protect or enhance our natural environment. There are sufficient sites, of which this is not one, identified in both the local plan and neighbourhood plan which are sustainable and available to meet these objectives – this is where development should be directed.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The use of the COVID pandemic to justify divergence from development policy by this application is to be considered distasteful, opportunist and, one would sincerely trust, invalid.

The Rural Neighbourhood Plan Group asks Hartlepool Borough Council to uphold the Neighbourhood Plan and the Local Plan and protect the rural area from this unwelcome speculative development.

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. With the support of a government grant 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.

PLANNING POLICY

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

Local Policy

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
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
RUR1	Development in the Rural Area
RUR2	New Dwellings outside of development limits
NE1	Natural Environment
NE2	Green Infrastructure

4.14 The proposal is within the Hartlepool Rural Plan area and the following policies apply to this proposal:

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles

H1	Housing Development
H4	Housing in the Countryside
NE1	Natural Environment
T1	Improvements to the highway network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
C1	Safeguarding and improvement of community facilities
PO1	Planning Obligations – Contributions Towards Meeting Community Infrastructure Priorities

National Policy

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

Para	Subject
002	Introduction
003	The NPPF should be read as a whole
007	Achieving sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
038	Decision making
047	Determining applications
054	Use of conditions or planning obligations
055	Use of conditions
056	Statutory tests for planning obligations
057	Development viability

059	Significantly boost the supply of homes
076	Housing development implementation in a timely manner
077	Planning decision should be responsive to local circumstances in rural areas
078	In rural areas, housing should be located where it will enhance or maintain the vitality of rural communities
079	Homes in the countryside
091	Promoting healthy and safe communities
092	Community Facilities
094	Sufficient choice of school places should be available to meet the needs of existing and new communities
096	Access to a network of high quality open spaces and opportunities for sport and physical activity
098	Protect and enhance public rights of way and access
102	Promoting sustainable transport
103	Opportunities for maximising sustainable transport solutions
108	Access and impacts of development on the wider highway network and highway safety
109	Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
110	Sustainable transport considerations
117	Making effective use of land
122	Efficient use of land, ability of suitable land to meet needs, availability and capacity of infrastructure and services, well-designed attractive places.
124	Achieving well-designed places
127	Achieving well-designed places
128	Design quality throughout the evolution of development
130	Permission should be refused for development of poor design
150	New development should address climate change
153	New development should address climate change
170	Planning policies and decisions should contribute to and enhance the natural and local environment
175	Avoiding harm to biodiversity
178	Considering ground conditions
180	Impacts of pollution on health, living conditions and the natural environment, and the potential sensitivity of the site or the wider area
212	Policies within the NPPF are a material consideration.

4.16 HBC Planning Policy comments (summarised) - The proposal is beyond the urban limits of the built up area and is not located within one of the Borough's villages. The proposal is within the countryside. The Borough Council seeks to protect the countryside from unnecessary development, in general, only permitting development that is to serve the rural area i.e. by providing for agriculture and rural tourism.

4.17 The 2018 Local Plan allocates sufficient land within the urban limits for housing growth over the next 15 years, policy LS1 sets out appropriate locations for housing. The site is not allocated for housing development. Planning Policy consider that the proposal does not accord with policy RUR1 (Development in the Rural Area). Policy RUR1 seeks to protect and enhance the rural area so that it's rural character and

charm remains and is not lost to inappropriate development. Planning Policy consider that the proposal does not accord with policy RUR2. Policy RUR2 sets out that the council will only permit new dwellings outside development limits if there is clear justification demonstrated by six key criteria (established functional need, for rural based enterprise, need could not be met elsewhere, dwellings are of a size commensurate to the associated rural business, the proposal accords with other plan policies and, where relevant, the development would secure the future of a heritage asset).

4.18 Given the allocations within the Local Plan, the Borough Council considers that there will be limited need to add additional dwellings to the countryside. The Borough Council seeks to provide the majority of new homes within or adjacent to the urban limits of the Borough, this is because such areas are deemed to be the most sustainable, offering options to walk or cycle and use public transport alongside easier access to convenience facilities such as shops. New dwellings in the villages have been limited to Elwick and Hart and no dwellings have been allocated within the open countryside as that area is deemed to be the most unsustainable in the Borough, with limited options to use sustainable transport and thus rely on the private car and in turn drive up carbon emissions in the Borough, which is contrary to the aim of policy CC1 (Climate Change).

4.19 The objections of the Hartlepool Rural Neighbourhood Plan Group are noted, and it is considered the proposals are also contrary to relevant Rural Neighbourhood Plan policies (GEN1, H1 and H4). The development would have been expected to contribute towards green infrastructure and highways improvements, in accordance with relevant Local Plan and Rural Neighbourhood Plan policies and the adopted Planning Obligations SPD, had it been considered acceptable in principle.

PLANNING CONSIDERATIONS

4.20 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 (the principle of housing development, sustainability of the site, planning obligations), the impact on the visual amenity of the site and the character and appearance of the surrounding area, highways and pedestrian safety, ecology and nature conservation, landscape features, the amenity and privacy of neighbouring land users and future occupiers, flood risk and drainage, and heritage assets and archaeology. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

4.21 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the Borough consists of the policies within the adopted Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018), as well as minerals and waste policies where relevant.

4.22 The National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications. The NPPF was updated

in February 2019. The policies within the 2018 Local Plan and 2018 Rural Neighbourhood Plan were found to be in accordance with the 2012 NPPF. The Council's Planning Policy section are of the view that the policies within the 2018 Local Plan and 2018 Rural Neighbourhood Plan are significantly aligned with the 2019 NPPF and thus the Local Plan and Rural Neighbourhood Plan are paramount in determining this application. Notwithstanding the above, the relevant NPPF paragraphs have been applied to assist in determining this application.

4.23 As set out in full above, objections have been received from Dalton Piercy Parish Council, Elwick Parish Council, Greatham Parish Council, the Hartlepool Rural Neighbourhood Plan Group and the Council's Planning Policy section which raise concerns that the proposals are contrary to the relevant policies of the Rural Neighbourhood Plan and Local Plan. In support of the application, the applicant has provided various examples of planning case law which they consider supports their position that the principle of residential development in this location is acceptable. However, each planning application must be considered on its own merit, and having reviewed the case law provided, the Council's Planning Policy section has advised that these are not instantly comparable to this application for various reasons including recent changes in local planning policy, different geographies and proximity/access to services and the ability of the local authorities in the cases in question to demonstrate a five year housing land supply. The full analysis of these cases by the Council's Planning Policy section is available to view on the relevant public access page (link provided above).

Presumption in Favour of Sustainable Development

4.24 Paragraph 11 of the NPPF stipulates that planning decisions should apply 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 planning permission unless; it is contrary to policies in the NPPF protecting areas or assets of particular importance, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. When considering if relevant development plan policies are out-of-date, the NPPF indicates that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

4.25 The Local Plan allocates sufficient land within development limits to accommodate the Borough's anticipated housing need over the next 15 years. The application site is not an allocated housing site and as such the site is not required in order to meet the housing need.

4.26 The applicant's submission maintains however that the Council is unlikely to have a five year housing land supply, in part due to the effect of the COVID-19 pandemic restrictions on house building. The Council's Planning Policy section note the view of the applicant and consider that in making such contention the applicant deems NPPF paragraph 11(d) to be engaged.

4.27 The Council's Planning Policy section however contend that the Council can currently demonstrate a five year housing land supply. Some smaller scale housing development continued through the March/April pandemic lockdown and when the lockdown ended in early summer, the housing developers across the country noted increased activity. In September 2020, officers noticed a marked increase in activity on sites across the Borough with a number of starts and completions being recorded.

4.28 In view of this, the Council's Planning Policy section remain of the view that the authority can demonstrate a five year housing land supply and therefore, when considering NPPF paragraph 11, it is considered that the housing policies within the Local Plan are not out-of-date and therefore it is not necessary to engage paragraph 11(d). Instead, it is considered that the policies within the Local Plan and Hartlepool Rural Plan should continue to be used as a basis to determine this application.

Development Limits and Sustainability

4.29 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 beyond the development limits of both the main urban area of Hartlepool and the closest neighbouring village at Dalton Piercy, and is therefore within the open countryside, albeit the site currently accommodates one detached dwelling and associated outbuildings. The Borough Council seeks to protect the countryside from unnecessary development, in general, only permitting development that is to serve the rural area (i.e. by providing for agriculture and rural tourism).

4.30 Policy LS1 (Locational Strategy) of the Local Plan stipulates that the development of Hartlepool will be based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up area. The 2018 Local Plan allocates sufficient land within the urban limits for housing growth over the next 15 years, and policy LS1 sets out appropriate locations for housing. Given the allocations within the Local Plan, the Borough Council considers that there will be limited need to add additional dwellings to the countryside. The Borough Council seeks to provide the majority of new homes within or adjacent to the existing urban limits of the Borough because such areas are deemed to be the most sustainable, offering options to walk or cycle and use public transport alongside easier access to convenience facilities such as shops, as indicated in policy CC1 (Minimising and Adapting to Climate Change) of the Local Plan. No new dwellings have been allocated within the open countryside as this area is deemed to be the most unsustainable in the Borough with limited options to use sustainable transport and thus increasing reliance on the private car and in turn driving up carbon emissions in the Borough, which is contrary to the aim of Local Plan policy CC1.

4.31 Policy RUR1 (Development in the Rural Area) of the Local Plan stipulates that the Borough Council will seek to ensure the rural area is protected and enhanced, ensuring its rural landscape character is not lost, and that development outside the development limits will be strictly controlled. Criterion 1 of the policy states that development must be in accordance with the Rural Neighbourhood Plan. The policy seeks to support the rural economy, and Criterion 2 of the policy seeks to direct

development to the rural villages or near to a village. Criterion 8 of the policy indicates development should where possible create and improve sustainable connectivity.

4.32 In view of the above, the Council's Planning Policy section consider the location of the site to be unsustainable, and that the site is isolated from other communities and services. The closest village to the site is Dalton Piercy (approx. 0.8 miles by road) and there are limited services within the village. There is no shop, school or church, though there is a village hall and some low skilled employment on the village farms and surrounding farms. It is noted that the nearby Ashfield Caravan Park and Abbey Hill Cottages could provide employment, however the jobs are likely to be low skilled and low paid and someone working there would be unlikely to afford the properties proposed. It is therefore considered unlikely that the caravan park would provide adequate local employment opportunities for the potential future residents. It is also noted that Ashfield Caravan Park does not have a shop onsite.

4.33 Elwick village has a greater number of amenities (i.e. two pubs, a school and a shop/café) however it is approximately 2 miles by road from the application site. The nearest amenities within the main urban area of Hartlepool are an Aldi supermarket approximately 2 miles away and a local centre at Wiltshire Way, approximately 2.1 miles away.

4.34 There are a severe lack of businesses within the closest village and around the site, and the amenities within Elwick are almost equidistant to those in the built up area. Therefore, the Council's Planning Policy section are of the view that the proposed dwellings will do little to assist in supporting the rural businesses, firstly as such uses are limited and secondly no evidence has been put forward that would indicate residents are likely to use the amenities in Elwick as opposed to those in the built up area.

4.35 The Council's Planning Policy section note that the proposal will be approximately 0.6 km (in a straight line) from the site to the proposed local centre that is due to come forward on the High Tunstall strategic housing site to the east. The local centre will provide shops, a school and other amenities, however there is no direct safe link to the site. Residents would have to walk north of the site to access the public right of way that leads into the built up area and, although a pleasant route, it is unlikely to be suitable when returning with shopping and/or in bad weather. Alternatively, to access the local centre by car in future would be an approximately 3 mile round trip. In any event and based on the agreed phasing plan for this strategic housing site, it is not anticipated that such facilities would come forward any sooner than 2026.

4.36 It is noted that paragraph 78 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In view of the above however, the Council's Planning Policy section consider that, given the surrounding rural services are severely limited, the dwellings are likely to have a negligible positive impact upon the rural economy and community.

Site Allocations / Designations

4.37 The application site has no designation or allocation on the Hartlepool Local Plan Policy Map, however it is located within the allocated 'Green Gaps' shown on the Hartlepool Rural Neighbourhood Plan Proposals Map, designated by policy GEN1 (Development Limits) of the Hartlepool Rural Neighbourhood Plan.

4.38 Policy GEN1 of the Rural Neighbourhood Plan stipulates that development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

4.39 The Hartlepool Rural Neighbourhood Plan Group (HRNPG) have highlighted that the Green Gap in this location (between Elwick/Dalton Piercy and Hartlepool) is particularly important due to the urban expansion proposed by the High Tunstall strategic housing site identified in the Local Plan. The HRNPG consider that there are no exceptional circumstances (i.e. for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community) identified in the application that would permit the development within the Green Gap and beyond development limits. The HRNPG consider that the application is inappropriate to the rural area and does not support the rural economy, agricultural diversification, rural tourism or leisure developments, as required by policy GEN1.

4.40 This view is shared by the Borough Council's Planning Policy section, who also note that adequate justification for the additional proposed dwellings has not been provided, yet these would encroach further into the Green Gap than the existing dwellinghouse on site. It is therefore considered that adding four additional dwellings into this location would compromise the integrity of the Green Gap and overall reduce the openness of the area between Dalton Piercy Road and the built up area of Hartlepool, contrary to policy GEN1 of the Rural Neighbourhood Plan.

New Dwellings Outside of Development Limits

4.41 As established above, the proposals constitute new dwellings outside of development limits, in which case policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) of the Local Plan, the Borough Council's adopted New Dwellings Outside of Development Limits SPD (2015), policy H4 (Housing in the Countryside) of the Rural Neighbourhood Plan, and paragraph 79 of the NPPF, are relevant.

4.42 Policy RUR1 seeks to support the rural economy and development in the rural area must be necessary for the viable operation of an acceptable rural based businesses. The policy also indicates that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits (NDODL) Supplementary Planning Document (SPD) and be in accordance with policy RUR2.

4.43 The need for new dwellings in the countryside is driven by many factors; one of the few circumstances in which residential development may be justified is when accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of

work. Policy RUR2 of the Local Plan allows for new dwellings in the countryside subject to the proposals being in accordance with criteria set out in the policy and expanded upon in the NDODL SPD. The SPD sets out further guidance on how to comply with policy RUR2. The SPD sets out when a justification test will be required and details what information the applicant will be required to submit as part of the justification test.

4.44 Policy RUR2 is considered to be the main consideration in the determination of this application. The policy sets out that the Borough Council will only permit new dwellings outside development limits if there is clear justification demonstrated by six key criteria; (1) established functional need, (2) for rural based enterprise, (3) need could not be met elsewhere, (4) dwellings are of a size commensurate to the business, (5) the proposal accords with other plan policies and (6) where relevant the development would secure the future of a heritage asset. These policy criteria are not optional, the policy clearly states *“only permitting.....if there is clear justification and it can be demonstrated”*.

4.45 The applicant has not submitted information with regards to how the proposal complies with the criteria in policy RUR2 and the NDODL SPD, instead they maintain that the dwellings are not ‘isolated’ dwellings, and therefore the requirements of the policy and the SPD do not apply.

4.46 The Council’s Planning Policy section disagree with this however. The word ‘isolated’ is not used within the Local Plan policy (RUR2) or the Rural Neighbourhood Plan policy (H4). Whilst it is noted that the NPPF (in paragraph 79) makes reference to the word ‘isolated’, as does the NDODL SPD, it is considered that both the Local Plan and Rural Plan policies take precedent over the NPPF and the SPD.

4.47 Notwithstanding this, paragraph 2.1 of the NDODL SPD considers that isolated dwellings/homes are standalone settlements with one or two building or families. Whilst the description mentions that ‘isolated’ can mean a settlement of one or two buildings, the paragraph does go on to further state that isolated dwellings usually have negligible services, if any. The paragraph should be read as a whole, and in this instance given the severe lack of services in and around the site location, the Council’s Planning Policy section are of the opinion that the site is isolated and any dwellings located here would be isolated dwellings.

4.48 A key case that considers the matter relating to the use of the word ‘isolated’ is *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610*. Lord Justice Lindblom, in paragraph 31 held *“In my view, in its particular context in paragraph 55 of the NPPF, the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”*. In this regard, the Council’s Planning Policy section deem the settlement(s) to be those of Dalton Piercy, Elwick and the main built up area of Hartlepool, and thus the site location is isolated from other settlements.

4.49 The Council's Planning Policy section has noted the terminology within the NPPF and its interpretation in the courts and consider the view set out in the SPD to be accurate. The site is isolated from communities and services and thus NPPF paragraph 79 and the provisions of the NDODL SPD apply.

4.50 Taking this into account and applying the relevant policy tests for new dwellings outside of development limits accordingly, in view of the submitted information, no evidence has been provided to demonstrate that the proposed dwellings are for essential rural workers (1), and are linked to an agricultural, forestry or other rural based enterprise (2). Whilst information has been provided by the applicant setting out that there is a need for executive homes within the Borough, the Council's Planning Policy section consider that this need is being met elsewhere within the Borough (i.e. High Tunstall, Wynyard, Conniscliffe Road, Hart) (3). As the dwellings are not linked to a rural enterprise, whether they are commensurate to the size of the rural enterprise cannot be assessed (4). The Council's Planning Policy section consider that the proposals do not accord with other relevant Local Plan policies (5). As there are no heritage assets within the vicinity of the site, the sixth criterion is not applicable in this instance (6). In light of the above, the Council's Planning Policy section see no justification for the dwellings and thus consider that the proposal does not accord with policy RUR2. The proposal is therefore also considered to be contrary to policy RUR1 in this respect.

4.51 Similarly, policy H4 of the Rural Neighbourhood Plan sets out that, outside village envelopes, new housing will be supported only in exceptional circumstances. Criterion 1 to 4 set out those circumstances (essential for agricultural employee, re use of existing buildings, replacement dwellings and exceptional quality or innovative design).

4.52 As above, the Council's Planning Policy section are of the view that no justification has been put forward to show that the dwellings are for essential purposes. The proposal does not re-use existing buildings or provide a replacement dwelling (it provides five dwellings in the place of one) and there is no evidence to suggest they will be of exceptional quality or innovative design. Furthermore, it is considered that the dwellings would be unlikely to sustain rural services, firstly because there are severely limited services to maintain within Dalton Piercy or around the site and secondly there is no evidence to show that the residents would frequent Elwick village instead of the urban area. The proposals are therefore also considered to be contrary to Rural Neighbourhood Plan Policy H4.

Housing Mix

4.53 Policy H1 (Housing Development) of the Rural Neighbourhood Plan states that, on proposals for five or more dwellings, a full range of house types should be provided based upon information within the Strategic Housing Market Assessment (SHMA). Whilst the proposal is in outline only, the indicative plans and details provided (including application form) indicate the proposal is for five detached dwellings, 1no. 6-bed dwelling and 4no. 5-bed dwellings.

4.54 Policy HSG2 (Overall Housing Mix) of the Local Plan indicates that the Borough Council will ensure that all new housing, and/or redevelopment of existing housing

areas, contributes to achieving an overall balanced housing stock that meets local needs and aspirations. The Council's Planning Policy section has advised that the latest SHMA is the HBC 2015 SHMA which indicates that in the rural area there is a need for 1-3 bed detached/cottages, 1-2 bed semi-detached houses/cottages, 1-2 bed terraced houses/cottages 3 bed plus terraced houses/cottages bungalows and flats. There is a high oversupply of 4+ bed detached houses/cottages. The Council's Planning Policy sections therefore consider that the proposal is not aligned with the 2015 SHMA and thus not in accordance with Rural Neighbourhood Plan policy H1. To ensure compliance with the policy a greater mix of house types would need to be provided.

4.55 It is therefore considered that the proposals do not accord with policies GEN1, H4 and H1 of the Rural Neighbourhood Plan, policy HSG2 of the Local Plan or paragraph 77 of the NPPF.

Climate Change, Energy Efficiency and Renewable Energy

4.56 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.

4.57 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%. The policy also requires major developments include opportunities for charging electric and hybrid vehicles.

4.58 The ability of the scheme to mitigate its carbon emissions through the use of renewable energy technology and electric vehicle charging points is particularly important in this instance given its isolated location in the open countryside and resulting reliance on private cars for access to employment and services.

4.59 Whilst the application is currently only in outline and therefore only limited information has been provided with respect to renewable energy provision and electric vehicle charging points, the indicative layout plans submitted indicatively show solar PV panels and air source heat pumps used throughout the site, which is welcomed by the Council's Planning Policy section.

4.60 In addition to the above, 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, the Borough Council will 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).

4.61 Any forthcoming reserved matters application should therefore be designed to maximise solar gain and ensure the dwellings are energy efficient, in line with policy

QP7 and the guidance provided within the Council's Residential Design SPD. Notwithstanding this, it is noted that the indicative layout plans show sustainable drainage systems at each plot, including a grey water collection system to recycle water.

4.62 In view of the above, and whilst the principle of the development is ultimately considered to be unacceptable, final details of renewable energy provision, electric vehicle charging points and energy efficiency measures could have been secured by planning conditions, which would have been recommended accordingly had the application been considered acceptable in all other respects.

Planning Obligations

4.63 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.

4.64 Whilst the Council's Planning Policy section consider that the site's isolated location means residents are likely to travel by car for employment, retail and leisure, every attempt should be made to ensure that residents have the choice to take more sustainable transport options. Policy QP3 (Location, Accessibility, Highway Safety and Parking) of the Local Plan stipulates that the council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel. Policy T2 (Improvement and Extension of the Public and Permissive Rights Of Way Network) of the Rural Neighbourhood Plan states that improvement and extension of the public and permissive network of bridleways, cycle ways and footpaths will be supported. It is noted that residents are unlikely to walk or cycle to the rural area for employment or retail, however the option to take up leisure activities within the rural area should be greatly encouraged, especially if the leisure route allows users to access rural shops and services.

4.65 The Council's Planning Policy section had initially requested that the proposals provide green infrastructure improvements to the existing grass verge along Dalton Piercy Road to improve accessibility to public footpath 'Elwick 5' to the north, however the applicant has instead agreed to provide £500 per dwelling (£2500) to be used for improvements to accessibility and safety of walking links within the area, which is considered to be acceptable by the Council's Planning Policy section and the Council's Countryside Access Officer.

4.66 In addition to the above, to create a third main road into Hartlepool, improve junction safety and to reduce the number of vehicle movements through Elwick and Dalton Piercy, the Council are in the process of securing a new junction on the A19 and bypass, north of Elwick. To assist in funding the bypass, the Council has considered that dwellings along the urban edge and within the rural area should contribute to its cost.

4.67 Policy LS1 (Locational Strategy) of the Council's Local Plan stipulates that where appropriate, development will be required to contribute to the delivery of a sustainable transport network. Table 2 of the Council's Local Infrastructure Plan looks at different sources of funding for the various infrastructure requirements of the Borough and notes that developer contributions will be used to repay the loan for the Elwick bypass works. Policy INF2 (Improving Connectivity in Hartlepool) stipulates that planning conditions or legally binding agreements will be used to secure any improvements necessary to the transport network as a result of a development and that a financial contribution may be required from developers. In respect of the Elwick bypass and A19 grade separate junction, paragraph 10.44 of the Local Plan indicates that; *sites that would benefit from the road improvements will be expected to contribute towards the cost of repaying the LGF funding.*

4.68 Therefore, to assist in ensuring this proposal does all it can to improve the safety and capacity of the surrounding road network, the Council's Planning Policy and Highways, Traffic and Transport sections have confirmed that the development would be expected to contribute to the financial cost of building the bypass. The cost per dwelling to be sought is £12,000, in line with other developments, though this is likely to reduce once the full costs are known, as an element of grant funding has been secured towards the implementation of the road improvements.

4.69 The case officer has requested that the applicant confirm their agreement to pay the requisite financial contribution towards the above highway infrastructure improvements, however to date the applicant has not formally responded to these requests and therefore it is assumed they are not willing to provide the contribution.

4.70 In view of the above, whilst the aforementioned green infrastructure contributions could have been secured by virtue of a Section 106 legal agreement, which would have been recommended accordingly had the application been considered acceptable in all other respects, the failure of the scheme to provide the requisite contribution towards highway infrastructure improvements would have a detrimental cumulative impact on the local and strategic road network and is therefore considered contrary to policies LS1, INF2, QP1 of the Local Plan, policies PO1 and T1 of the Rural Neighbourhood Plan and the Council's Planning Obligations SPD.

Principle of Development Conclusion

4.71 In conclusion, the principle of development in this instance is considered to be unacceptable for the reasons set out in detail above and the proposals are therefore considered to be contrary to policies LS1, CC1, HSG2, INF2, QP1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), policies GEN1, PO1, T1, H1 and H4 of the Hartlepool Rural Neighbourhood Plan (2018), the New Dwellings Outside of Development Limits SPD (2015), the Planning Obligations SPD (2015) and paragraphs 78 and 79 of the NPPF (2019).

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

4.72 The application is an outline application with all matters (incl. appearance, layout, scale, landscaping and access) reserved. A further application would therefore be required to agree the details of the reserved matters, were this outline application to be approved. Notwithstanding this, the applicant has provided an illustrative proposed site layout plan and example illustrative floor plans/elevations for one of the plots.

4.73 Objections have been received from Elwick, Greatham and Dalton Parish Councils and the Hartlepool Rural Neighbourhood Plan Group with respect to the impact of the proposals on the visual amenity of the site and the character and appearance of the area.

4.74 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment. Policy RUR1 (Development in the Rural Area) of the Local Plan stipulates that development in the rural area should reuse existing buildings or materials where possible, and enhance the quality, character and distinctiveness of the immediate area, villages and landscapes. Policy NE1 (Natural Environment) of the Local Plan requires all development ensures that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced.

4.75 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 the design helps to create a sense of place and reinforces the character of the village or rural area and how the design preserves and enhances significant views and vistas.

4.76 NPPF paragraph 127 stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

4.77 The Council's Strategic Gap Assessment (2017) considered the landscape value and capacity for change of the Strategic Gaps (Local Plan) and Green Gaps (Rural Neighbourhood Plan) along the western edge of the development limits of Hartlepool. As above, the application site is located within the Green Gap east of Dalton Piercy allocated in the Rural Plan, and the application site sits within an area of undulating semi-rural farmland which was assessed as having a high landscape value, largely free from urbanising influence, with a strong sense of openness that positively contributes to the setting of nearby settlement areas and a very low/low capacity for change.

4.78 The application site currently comprises a circa. 1970s single large detached two storey dwellinghouse dating back to the 1970s, with a large detached garage immediately to the north and stable building/garage to the south-west. The design of the existing dwelling is however considered to be somewhat non-descript and not particularly sympathetic to the character of the rural area. The existing structures are set within a generous plot with large expanses of green open space, which assist in softening the site boundaries and blending the plot into its predominantly rural setting. The topography of the site slopes from a high point in the west to a low point in the east, with largely unobstructed views across the adjacent countryside towards the urban area and the coast.

4.79 The site is located on a prominent route in the rural area, particularly for access to Dalton Piercy, and whilst the frontage and northern boundary of the site onto Dalton Piercy Road is partially screened by existing tree planting, the existing dwelling is visible and the existing roof can be seen from above the hedge/tree line when approaching the site from the north. The ability to see one or two roofs sparsely located within the area is typical of what is viewed in the countryside. In some instances a small hamlet, and thus numerous roofs/building located close together, can be seen in the rural area, but such dwellings typically have a long standing history, traditionally being a farm house and associated buildings and/or workers dwellings.

4.80 The illustrative proposed plans provided show how the site could potentially accommodate 5 large executive-type dwellings (4+ bedrooms), split across up-to 3 floor levels due to the topography of the site, and their potential arrangement/relationship to one another and to other features within and adjacent to the site. Again, the illustrative plans provided are not necessarily how the site would be developed should outline planning permission be granted, however they do provide an indication of the type of residential development anticipated. A full detailed assessment of the layout, scale and appearance of the development would need to be carried out through a subsequent reserved matters application.

4.81 The proposal in this instance does not seek to re-use existing buildings, the existing dwelling is to be demolished and five erected where the dwellings and its garden currently are. Whilst the proposals do not re-use the existing buildings, as encouraged by policy RUR1 of the Local Plan, the applicant has indicated that the current dwelling is in poor condition with areas of internal damp and brick deterioration, and as it is considered that the dwelling does not particularly contribute to the character of the rural area, its replacement with a single new dwelling of a similar scale that could enhance the immediate setting (in line with the provision of policy RUR2 of the Local Plan) is on balance considered to be acceptable in principle.

4.82 However, notwithstanding the final appearance, scale and layout of the proposed dwellings, given that the proposals in this instance are not only for the replacement of the existing single dwelling on site but for the erection of an additional 4no. large detached dwellings on the same site with associated double detached garages, private driveways and boundary enclosures, which will likely be accompanied by other residential/suburban paraphernalia (e.g. parked cars, garden outbuildings and furniture, bins etc.), it is considered that the visual amenity of the

site and the character of the area will inevitably be significantly altered from that of a single isolated rural dwelling to that of a small enclosed residential development of large executive homes in the middle of the open countryside.

4.83 The Council's Landscape Architect has been consulted and has advised that key visual receptors will be users of the lane from Dalton Piercy to Hart, and that the site currently has a rural character and so the proposals will represent an over intensification of development, resulting in a negative impact on the existing landscape character.

4.84 The Council's Planning Policy section has also commented that to erect five dwellings in the middle of the countryside with no justification, would not ensure rural charm and character is maintained. The Council's Planning Policy section notes that the five dwellings would be visible from the north and south approach to the site, with their rooflines visible over the hedge/tree lines and would appear as additions to, and not in keeping with, the rural area. The proposed dwellings will also be visible from the surrounding fields and will appear as dominating and incongruous features in the rural area. It is not common within the rural area to see five stand-alone, none-agricultural dwellings, and the harm to the character and distinctiveness of the area is that these dwellings have no historical reference and charm, and are merely five buildings (with associated garages and hard standing) prominently located within the open countryside and thus detracting from the very openness of the countryside. Ultimately, the proposal would increase the built form in the rural area, impacting on the rural character and openness and would be detriment of the rural area and its associated landscape, contrary to Local Plan policy RUR1.

4.85 In view of the above, it is considered that the proposals would have a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area, contrary to policies QP4, NE1 and RUR1 of the Hartlepool Local Plan (2018), policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 124 and 127 of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

4.86 The application site is currently accessed via Dalton Piercy Road to the west of the site, with two accesses into the site providing a private driveway 'loop'. Whilst access is a reserved matter, the illustrative layout plans indicate that the existing access is to be retained with private driveways to serve the proposed dwellings branching off from the existing private access road.

4.87 Objections have been received from Elwick, Greatham and Dalton Parish Councils and the Hartlepool Rural Neighbourhood Plan Group with respect to the impact of the proposals on the local road network. An objection has also been received from a neighbour with respect to the impact of the proposals on highway and pedestrian safety.

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

4.89 The Council's Highways, Traffic and Transport section has been consulted and have confirmed that they have no highway or traffic concerns with the proposals, however the development would be required to pay a pro-rata contribution to the proposed Elwick Bypass and grade separated junction onto the A19, as the development will benefit from these works, in line with the comments of the Council's Planning Policy section, as set out above.

4.90 As above, the case officer has requested that the applicant confirm their agreement to pay the requisite financial contribution towards the above highway infrastructure improvements, however to date the applicant has not responded to these requests and therefore it is assumed they are not willing to provide the contribution.

4.91 In view of the above, it is considered that the failure of the scheme to provide the requisite contribution towards highway infrastructure improvements would have a detrimental cumulative impact on the local and strategic road network, contrary to policies LS1, INF2, QP1 of the Local Plan, policies PO1 and T1 of the Rural Neighbourhood Plan and the Council's Planning Obligations SPD.

ECOLOGY AND NATURE CONSERVATION

4.92 The existing dwelling sits in a generous plot surrounded by significant grassed areas, with tree and hedgerow planting around the boundaries of the site and an existing small watercourse running along the northern/eastern boundary.

4.93 The Council's Ecologist has advised that due to its location and the nature of the habitats present, the site has the potential to support important ecological features and consequently there is potential for significant ecological harm. The Council's Ecologist also highlighted that due to the size and number of dwellings, there will be limited scope to alter the indicative layout, which may be necessary to avoid significant ecological harm or otherwise engage with the ecological mitigation hierarchy as set out in NPPF section 15 (para. 175a) and policy NE1 (para. 6).

4.94 No supporting ecological information was submitted with the application at the initial submission. The Council's Ecologist initially advised therefore that there was insufficient information to assess the proposals and therefore requested that the applicant provide an Ecological Impact Assessment (EclA).

4.95 In view of these comments, the applicant subsequently submitted a Preliminary Ecological Appraisal Report (PEAR), which indicated that further ecological surveys are needed to understand the potential for the presence or absence of a number of protected species, including bats, great crested newts and water voles.

4.96 Having reviewed the PEA report, the Council's Ecologist has advised that the identified surveys are necessary to determine the whether or not, and the extent to which, the proposals could result in significant ecological harm. Where the presence of protected species is confirmed, the survey results would also inform the design of mitigation measures needed to prevent significant harm.

4.97 The Council's Ecologist therefore advised that to progress the application identified surveys should be undertaken and the survey data used to inform an Ecological Impact Assessment (EclA) to support the application. This would inform the nature of any further conditions that will be needed in respect of ecology and biodiversity.

4.98 In view of this, the applicant has been asked to submit an EclA informed by the relevant survey data, however to date this information has not been forthcoming and the applicant has instead indicated to officers that they would provide this information by virtue of a planning condition, should the application be approved. The Council's Ecologist has however advised that as there are a number of potential ecological constraints identified within the Preliminary Ecological Appraisal report, including those that could influence the layout of the scheme and inform other mitigation measures, it is not considered appropriate to condition these surveys.

4.99 Whilst the submitted details indicate existing trees on site are to be retained and the applicant has provided details of tree protection measures, the Council's Ecologist has also indicated that the applicant should provide an Arboricultural Impact Assessment, which it is considered could have been secured by condition, which would have been recommended accordingly had the application been considered acceptable in all other respects.

4.100 The Council's Ecologist has also advised conditions would be required to ensure demolition of existing buildings does not result in direct impacts on active bird nests and to ensure the retention of hedgerows and other habitat features of value. These would have been recommended accordingly had the application been considered acceptable in all other respects.

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

4.102 In view of the above, it is considered that the applicant has provided insufficient information to understand the potential for significant ecological harm, and the need for and feasibility of ecological mitigation. It is therefore considered that the proposals are not acceptable with respect to the impact on ecology and nature conservation, contrary to policies NE1 of the Local Plan and NE1 of the Rural Neighbourhood Plan.

LANDSCAPE FEATURES AND TREE PROTECTION

4.103 There are a number of trees on the site that are protected by Tree Preservation Order no. 44. The Council's Arboricultural Officer has advised that these are an important feature strengthening the visual amenity of this area. Whilst the submitted details indicate existing trees on site are to be retained and the applicant has provided details of tree protection measures (in the context of an indicative layout), the Council's Arboricultural Officer has advised that an Arboricultural Impact Assessment, together with revised drawings showing the tree protection plan and actual road construction (if it falls within the root protection area) will need to be provided. Similarly, the Council's Landscape Architect has also advised that an Arboricultural Impact Assessment should be provided.

4.104 Providing protective fencing is provided as shown in the details supplied and provided that the fence is continued to the main road, the Council's Arboricultural Officer is confident that no harm should come to the trees on site. It is considered a full Arboricultural Impact Assessment, updated tree protection plan and road construction details (where relevant) can be secured by a planning condition (and be provided with the requisite reserved matters application), which would have been recommended accordingly had the application been considered acceptable in all other respects.

4.105 Notwithstanding the aforementioned concerns with respect to the principle of the development, the impact on the visual amenity of the site and the character and appearance of the surrounding area, the impact on ecology and nature conservation, and the impact on the local and strategic road network, the application is considered to be acceptable with respect to the impact on landscape features and tree protection, subject to the identified conditions, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

4.106 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) 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.

4.107 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).

4.108 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.

4.109 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.

4.110 As above, the proposals at this stage are in outline only, though an illustrative layout plan has been provided. The submitted details demonstrate that the site could

accommodate 5 large dwellings whilst maintaining the minimum separation distances set out above and providing adequate amounts of private amenity space. It is therefore considered that the proposals are unlikely to have a significant detrimental impact on the amenity and privacy of future occupiers, subject to the consideration of final details of scale, layout and appearance.

4.111 The site is largely bound by agricultural land and therefore there are no sensitive (i.e. residential) neighbouring land uses to the east, north or west of the site. To the south of the site, the site is bound by the site of the Abbey Hill holiday cottages, albeit the closest cottage to the southern site boundary is in excess of 50 metres away, in line with the abovementioned minimum separation distances. The Council's Public Protection section has been consulted and has advised that they do not object to the application. It is therefore considered that the proposals are unlikely to have a significant detrimental impact on the amenity and privacy of neighbouring land users.

4.112 Notwithstanding the aforementioned concerns with respect to the principle of the development, the impact on the visual amenity of the site and the character and appearance of the surrounding area, the impact on ecology and nature conservation, and the impact on the local and strategic road network, the application is considered to be 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 relevant paragraphs of the NPPF in this respect

FLOOD RISK AND DRAINAGE

4.113 The application is supported by a Flood Risk Assessment. The application site is in Flood Zone 1 (low risk of flooding from rivers or the sea) and although Environment Agency flood maps do show potential for surface water flooding at the existing watercourse along the northern/eastern boundary of the site, the applicant's supporting information indicates this is low risk and would not prevent the sites use for residential development, provided that suitable precautions were taken.

4.114 The Council's Flood Risk Officer has been consulted on the application and has confirmed that they would have no objection to the proposals subject to a standard planning condition to secure surface water management details, which would have been recommended accordingly had the application been considered acceptable in all other respect.

4.115 The Council's Flood Risk Officer has however advised that for the discharge of the surface water condition, surface water flooding associated with the watercourse should be fully explored and it ensured that it will not impact on proposed properties, the proposed foul water treatment plant or any other assets that can be adversely affected by flooding. A suitable informative note to advise the applicant of this would have been recommended accordingly had the application been considered acceptable in all other respects.

4.116 Northumbrian Water has also been consulted and has confirmed that at this stage they would have no comments to make on the application. No comments or concerns have been received from Hartlepool Water or the Environment Agency.

4.117 Notwithstanding the aforementioned concerns with respect to the principle of the development, the impact on the visual amenity of the site and the character and appearance of the surrounding area, the impact on ecology and nature conservation, and the impact on the local and strategic road network, the application is considered to be acceptable with respect to the impact on flood risk and drainage, subject to the identified conditions, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

HERITAGE ASSETS AND ARCHAEOLOGY

4.118 There are no designated (e.g. conservation areas, listed buildings) or non-designated (e.g. locally listed buildings) heritage assets located within the vicinity of the site. The Council's Heritage and Countryside Manager has been consulted and has not raised any comments or concerns. Historic England has also been consulted and has confirmed they do not need to be notified or consulted on this application.

4.119 No supporting archaeological information has been provided with the application. Tees Archaeology has advised however that there are two known prehistoric settlement sites within close proximity to the proposed development (Tees Archaeology HER 8750 & 9446). Tees Archaeology therefore requested that an archaeological evaluation of the development area, in the form of three trial trenches, takes place prior to determination of the application in order to provide sufficient information to determine the application.

4.120 The case officer requested this information from the applicant during the course of the application, however this information was not provided, and instead the applicant queried why the requested archaeological information could not be dealt with via a planning condition post-determination of the application (if it were to be approved), rather than pre-determination of the application.

4.121 Tees Archaeology has clarified that the reason this information is requested pre-determination is that it allows for the possibility of the Council refusing permission if there are archaeological finds of national significance which preclude development, it provides the information that justifies the imposition of a planning condition and it provides the developer with certainty about the resource and time implications of investigating the archaeology.

4.122 Notwithstanding this, the applicant has discussed the matter further with Tees Archaeology and indicated they are willing to accept a condition, and with that the associated risks this entails. In deciding whether to deal with the matter via a planning condition to secure the works, Tees Archaeology has therefore made a judgement on whether there are likely to be finds of national importance (which might have amounted to a further reason for refusal, if they were to preclude development).

4.123 Tees Archaeology has advised that the archaeological sites in the vicinity of Mayfield House are all Iron Age or Romano-British and extensive experience of dealing with this type of site suggests that any site may be of local or regional importance but is unlikely to be nationally important (though it is noted there is a complex of this date in the Brierton area that could be). On this basis, Tees

Archaeology has confirmed that, on balance, they would be willing to accept that archaeology is dealt with by a planning condition, and this would have been recommended accordingly had the application been considered acceptable in all other respects.

4.124 Notwithstanding the aforementioned concerns with respect to the principle of the development, the impact on the visual amenity of the site and the character and appearance of the surrounding area, the impact on ecology and nature conservation, and the impact on the local and strategic road network, the application is considered to be acceptable with respect to the impact on heritage assets and archaeology, subject to the identified conditions, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

OTHER PLANNING MATTERS

Land Contamination

4.125 The Council's Engineers have been consulted and have advised that they have no objection to proposals in respect of contaminated land, however have requested a standard condition to deal with any unexpected contamination discovered during the works, which would have been recommended accordingly had the application been considered acceptable in all other respects.

Public Rights of Way

4.126 The Council's Countryside Access Officer has confirmed that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

4.127 As above, the applicant has agreed to pay developer contributions (£2500) towards improvements to accessibility and safety of walking links within the area, which it is envisaged will improve accessibility to the public rights of way network in this area.

Waste Management

4.128 The illustrative layout plan appears to indicate sufficient space for the discrete storage of bins within plot boundaries. No comments or concerns have been received from the Council's Waste Management section.

Safety and Security

4.129 Cleveland Police has been consulted and has confirmed that they have no objections to this proposed development.

Hazardous Installations & Pipelines

4.130 It is understood that a Northern Gas Networks high pressure gas pipeline passes in close proximity to the west of the site. Northern Gas Networks initially

objected to the application however following discussions with the applicant have since withdrawn their objection. The Cleveland Emergency Planning Unit has been consulted and has advised that, they have no objections to the proposals.

Other Planning Matters Conclusion

4.131 Notwithstanding the aforementioned concerns with respect to the principle of the development, the impact on the visual amenity of the site and the character and appearance of the surrounding area, the impact on ecology and nature conservation, and the impact on the local and strategic road network, the application is considered to be acceptable with respect to all other relevant material planning consideration, subject to the identified conditions, as set out above, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

RESIDUAL MATTERS

Fire Safety and Access

4.132 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 to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects, however these are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process accordingly.

Utilities

4.133 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 to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects,

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

Building Regulations

4.135 The Council's Building Control section has confirmed that a Building Regulation application is required for the works as described and an informative note to make the applicant aware of this would have been recommended accordingly had the application been considered acceptable in all other respects.

Council Tax and New Homes Bonus

4.136 The applicant puts forward that one economic benefit of the proposal is the council tax receipt and the New Homes Bonus income. As identified above, the

Council considers that the relevant development plan policies are up-to-date and therefore paragraph 11(d) of the NPPF (the presumption in favour of sustainable development) is not engaged and the balancing exercise set out in paragraph 11(d)(ii) is therefore not relevant. The consideration of council tax income and New Homes Bonus is therefore not a material consideration in the determination of this application.

4.137 Notwithstanding this, it is noted that any council tax income will be used by the Council to deliver service to the properties (i.e. refuse collection, maintain the roads and Public Rights of Way, environmental management, flood mitigation and or alleviation, climate change mitigation, any educational needs and/or social care needs etc.) and therefore the receipt of council tax is not a profit or economic gain to the Council and it is therefore, at best, a neutral factor.

4.138 It is also acknowledged that New Homes Bonus would be paid to the Council for four net additional dwellings however it is unclear at this time whether or not this scheme is to be stopped by the Government. If the scheme is due to be stopped prior to HBC receiving it then this could not be taken into account as an economic benefit of the proposal, in any event.

4.139 Notwithstanding the above, the Council's Planning Policy section consider that the level of council tax and potential New Homes Bonus revenue will not be sufficient to address the cost of future climate change events and mitigation and this is not a sufficient justification to allow for unsustainable development in the Borough.

CONCLUSION

4.140 In conclusion, it is considered that the principle of the development in this instance is unacceptable, and the proposals would have a detrimental impact on the visual amenity of the site and the character and appearance of the surrounding area, ecology and nature conservation, and the local and strategic road network, contrary to policies LS1, CC1, HSG2, INF2, QP1, QP4, RUR1, RUR2 and NE1 of the Hartlepool Local Plan (2018), policies GEN1, GEN2, PO1, T1, H1, H4 and NE1 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 78, 124 and 127 of the NPPF (2019)

EQUALITY AND DIVERSITY CONSIDERATIONS

4.141 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.142 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.

4.143 There are no Section 17 implications.

REASON FOR DECISION

4.144 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, it is considered that the proposal constitutes unsustainable development in the form of isolated new dwellings in the open countryside outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018), for which no satisfactory justification has been provided. The site is located in an area that has very limited sustainable transport links and local services. The proposal does not meet any of the relevant tests for new dwellings beyond development limits. The proposal is therefore contrary to policies LS1, CC1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), policies GEN1 and H4 of the Rural Neighbourhood Plan (2018) and paragraphs 78 and 79 of the NPPF (2019).
2. In the opinion of the Local Planning Authority, it is considered that by virtue of their siting in the open countryside outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018) and within the Green Gaps identified by the Hartlepool Rural Neighbourhood Plan (2018), the proposed dwellings would compromise the integrity of the Green Gaps by failing to preserve or enhance the open character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character and appearance of the surrounding rural area, contrary to policies QP4, NE1 and RUR1 of the Hartlepool Local Plan (2018), policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 124 and 127 of the NPPF.
3. In the opinion of the Local Planning Authority, it is considered that the applicant has failed to provide sufficient information to demonstrate that the development would not have an unacceptable impact on ecology and nature conservation, contrary to policies NE1 of the Hartlepool Local Plan (2018) and NE1 of the Hartlepool Rural Neighbourhood Plan (2018).
4. In the opinion of the Local Planning Authority, it is considered that the failure of the application to provide the requisite pro-rata financial contribution towards highway infrastructure improvements (Elwick bypass and grade separated junction) would, when considered cumulatively, result in a detrimental impact on the local and strategic road network, contrary to policies LS1, INF2 and QP1 of the Hartlepool Local Plan (2018), and policies PO1 and T1 of the Hartlepool Rural Neighbourhood Plan (2018).
5. In the opinion of the Local Planning Authority, it is considered that the proposal constitutes an unsustainable form of development by failing to provide an appropriate housing mix, contrary to policies GEN1, H4 and H1 of the Rural Neighbourhood Plan (2018), and policy HSG2 of the Hartlepool Local Plan (2018) and paragraph 77 of the NPPF (2019).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=138861>

4.146 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/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 23.02.2021
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0215	REV

No: 5.
Number: H/2020/0425
Applicant: MR S BENNETT MEADOWGATE DRIVE HARTLEPOOL
TS26 0RH
Agent: MR S BENNETT 11 MEADOWGATE DRIVE
HARTLEPOOL TS26 0RH
Date valid: 10/12/2020
Development: Erection of boundary railings (retrospective application)
Location: 11 MEADOWGATE DRIVE 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 relevant to the current application:

HFUL/1999/0308 – Erection of 123 detached houses, approved.

HFUL/2002/0335 – Erection of 48 detached dwellings with integral garages (substitution of house types) and minor amendment to approved layout, approved.

PROPOSAL

5.3 Planning permission is sought retrospectively for the installation of black painted metal railings at approximately 0.9m in height along the north eastern side boundary of the property's driveway at 11 Meadowgate Drive. Permission is required for the railings due to conditions removing permitted development rights being included in the aforementioned and original planning permission to build the houses.

5.4 The application has been referred to the Committee due to the number of objections received (more than 2), in line with the Council's scheme of delegation.

SITE CONTEXT

5.5 The application site is a detached dwelling within a residential cul-de-sac. The north eastern side boundary of the plot is adjacent to the shared drive serving numbers 5, 7 and 9 Meadowgate Drive. It is in this location that the railings have been constructed, extending existing boundary railings that the applicant has provided information to the LPA in order to demonstrate they have been in situ for a number of years (albeit the formal way to do confirm this would be through a lawful development certificate application). The railings now extend the full length of the applicant property's driveway.

PUBLICITY

5.6 The application has been advertised by way of neighbour letters (7). To date, there have been four objections received and one response of no objection.

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

- Out of keeping with open plan estate design,
- Lack of consultation with neighbours prior to carrying out the works,
- Unduly large design,
- Limits parking and manoeuvring of vehicles within the street, including emergency vehicles,
- Causing anxiety/sense of imprisonment/being enclosed,
- Loss of view.

5.8 Background papers can be viewed via the 'attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141539>

5.9 The period for publicity has expired.

CONSULTATIONS

5.10 The following consultation replies have been received:

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

HBC Engineering Consultancy – I have no objection to proposals in respect of surface water management or contaminated land.

PLANNING POLICY

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

Local Policy

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

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

HSG11: Extensions and Alterations to Existing Dwellings

National Policy

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

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

PARA 47: Primacy of the Development Plan

PARA 124: Ensuring good design

PLANNING CONSIDERATIONS

5.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the surrounding area, impact on the amenity of neighbouring land users and highway safety and parking. These and any other planning matters and residual matters are set out as follows.

CHARACTER & APPEARANCE OF THE SURROUNDING AREA

5.15 The area was designed to be largely open plan, with the exception of boundary treatments originally approved within the layout, which are most often to corner plots and rear gardens. Permitted development rights to introduce boundary treatments to the front were therefore removed with the aim of retaining the open character. As such, planning permission is required for boundary treatments to the front of properties.

5.16 It is understood that some railings along the side boundary of the application site have been in place for a number of years, on the balance of probability it is likely these have been in place for more than 10 years without being brought to the attention of the Council. While they would have needed planning permission at the time of construction, having been in place for that amount of time, they would be beyond the scope of any planning enforcement action.

5.17 Notwithstanding that, when viewed as a whole both the older railings and the more recent addition are considered to be of an appropriate design and in keeping with other enclosures in the area, notably number 1 Meadowgate Drive at the entrance to the cul-de sac (approval reference H/FUL/1022/04, decision dated 20.01.2005). The railings also allow for views through them so are not as imposing as something more solid, such as timber fencing, would be. Given the majority of the railings are now an established part of the street scene and can be retained

irrespective of the outcome of this application, it is not considered the extension to them noticeably alters the character of the street.

5.18 Further to that, consideration is generally given to preventing trespass when new boundary enclosures are proposed within an open plan estate. This is most commonly suffered by corner plots, however the applicant has indicated the layout of the plots in this part of the cul-de-sac has resulted in vehicles crossing their drive and the extension to the railings is to prevent this (albeit this is primarily a civil matter).

5.19 Due to the design of the railings proposed and their limited scale, it is not considered the prevailing character of the area is detrimentally affected by the development. The application is therefore considered to be acceptable in this regard.

AMENITY OF NEIGHBOURING LAND USERS

5.20 The railings for which permission is sought are less than 1m in height and are of an open design that allow views through them. The railings are located approximately 6.5m and 9.3m respectively from the front elevations of the closest neighbouring properties to the north east, 5 and 7 Meadowgate Drive.

5.21 The railings are approximately 10m at the closest point to number 3 Meadowgate Drive, which is at an off-set angle limiting views of the railings. Number 9 Meadowgate Drive is approximately 13m from the extended railings and does not directly front the railings due to its position at the furthest end of the shared drive. Number 13 Meadowgate Drive is approximately 14m from the railings with its principal windows directed north west and away from the location of the railings. While noting the objections received, in this context, it is not considered there is a loss of light, overbearing appearance or loss of privacy that would be so detrimental to the amenity of any neighbouring occupiers to such a degree that it would warrant refusal of the application.

HIGHWAY SAFETY AND CAR PARKING

5.22 The objections received raise concern about the ability of vehicles to manoeuvre within the cul-de-sac, in particular larger vehicles including the emergency services. It is acknowledged that the development may limit space to manoeuvre while other vehicles are parked on the shared drive, however it denotes the boundary of private land rather than preventing access to the adopted highway. Notwithstanding that, the Council's Traffic and Transport team have been consulted and have raised no objections in relation to the layout of the development or its impact on highway safety or parking. On this basis, the proposed development is not considered to have a significant impact on highway safety or parking and is therefore considered to be acceptable in this regard.

OTHER PLANNING MATTERS

5.23 The Council's Engineering Consultancy have confirmed there are no objections to the proposals in relation to surface water management or contaminated land.

RESIDUAL MATTERS

5.24 The lack of any prior consultation with neighbours on the applicant's part prior to carrying out the work and whether this complies with any requirements there may be under the Party Wall Act are dealt with under that legislation and are not therefore a material planning consideration that would warrant refusal of the application.

5.25 The loss of a view is also not a material planning consideration, however the proposals have been considered in relation to the potential impact on outlook above it is not considered the development creates an unduly overbearing appearance given its relatively small scale and open design.

5.26 Finally, any rights of access across another party's land or the parking of vehicles in such a way as to limit access are civil issues that would need to be resolved between the land owners concerned and are not something that could inform the outcome of a planning application.

CONCLUSION

5.27 The erected boundary railings reflect the existing design and that of other properties in the vicinity. The proposals are not considered to detrimentally impact highway safety or parking by HBC Traffic and Transport and are considered to be acceptable in relation to other material planning considerations. As such, the development is recommended for approval subject to standard conditions, as outlined below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.29 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.

5.30 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following planning condition(s):

1. The development hereby approved shall be carried out in accordance with the following plans and specifications: Proposed Elevation and Fence Specification, received by the Local Planning Authority 20/11/20, Location Plan and Proposed Site Layout Plan, received by the Local Planning Authority 10/12/20.
For the avoidance of doubt.
2. The railings hereby approved shall be retained as such (i.e. open railings) and no structures or enclosures shall be affixed to the railings without the prior written approval of the Local Planning Authority.
For the avoidance of doubt and to which the permission is based on, and in the interests of the visual amenity of the area.

BACKGROUND PAPERS

5.32 Background papers can be viewed via the ‘attachments’ link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141539>

5.33 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/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 23.02.2021
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0425	REV

No: 6.
Number: H/2020/0443
Applicant: MR A WEST QUEENSBERRY AVENUE HARTLEPOOL
 TS26 9FW
Agent: LOXTON DESIGN LIMITED MR STUART LOXTON 17
 DRYBURN ROAD STOCKTON-ON-TEES TS19 8JN
Date valid: 11/01/2021
Development: Removal of existing flat roof dormer and adding 4 No. new
 windows on the front elevation. Altering the size of 2 No.
 windows and 1 No. Velux roof light on the rear elevation.
Location: 1 GREYSTONES COTTAGE QUEENSBERRY AVENUE

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 application is relevant to the current application:

6.3 HFUL/1994/0131 – Alterations and installation of front dormer, approved.

PROPOSAL

6.4 The proposed works include removal of the existing dormer to the front of the property, installation of four new windows in the front elevation (one to replace the dormer window), and alterations to two windows and the installation of a roof light within the rear elevation of the property. These works will be carried out at the same time as internal works to lower the first floor level to allow a greater ceiling height in first floor rooms.

6.5 It should be noted a number of these works could be carried out under householder permitted development rights and that it is the alteration to the front roof slope (i.e. removal of the existing dormer) that has triggered the need for a planning application.

6.6 The application has been referred to the Planning Committee due to the number of objections received (more than 2), in accordance with the Council's scheme of delegation.

SITE CONTEXT

6.7 The application property is a semi-detached dwelling on the western side of Queensberry Avenue, Hartlepool. The property is a converted former outbuilding

historically associated with Greystones, a grade II listed building immediately to the west of the site on Elwick Road. Queensberry Avenue is residential in nature but it is characterised by a range of different house types built over time, including a mix of three storey Victorian semi-detached pairs, inter-war two-storey pairs and detached bungalows of various designs.

PUBLICITY

6.8 The application has been advertised by way of neighbour letters (6), site notice and a press notice. To date, there have been three objections received from neighbouring occupiers. The concerns raised are:

- Overlooking and loss of privacy,
- The property should not be altered,
- Impact on highway safety and parking during construction,
- Noise and dust during construction.

6.9 Background papers can be viewed via the 'attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141818>

6.10 The period for publicity has expired.

CONSULTATIONS

6.11 The following consultation replies have been received:

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

HBC Public Protection – Not object.

HBC Heritage & Countryside Manager – The application site is to the rear of Greystones, a grade II listed building. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF).

Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

The proposal is the removal of a dormer window and the alteration of the existing fenestration to the building, including altering openings and inserting new windows.

The building appears to be contemporary to the listed building and is thought to be part of the original complex of structures on the site.

It is disappointing to see the insertion of new windows to the Queensberry Avenue elevation as views from this street connect the property with Greystones which sits behind it. The new windows will substantially change the appearance of the property and therefore the original character of this modest building.

The significance of Greystones lies in the aesthetic value of the building which is found in the building itself and supported by the immediate setting to the property, and particularly its garden. This garden space has been compromised over recent years and the associated buildings altered and thereby it is considered they no longer contribute to the significance of the listed building.

It is considered that whilst it is disappointing to see this building being altered the works would not impact on the significance of the setting of the listed building; no objections.

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

PLANNING POLICY

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

Local Policy

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

QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
HSG11: Extensions and Alterations to Existing Dwellings
HE1: Heritage Assets
HE4: Listed Buildings & Structures

National Policy

6.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the 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 47: Primacy of the Development Plan

PARA 124: Ensuring good design

PARA 190: Proposals affecting heritage assets

PLANNING CONSIDERATIONS

6.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on the character and appearance of the area, including the adjacent listed building, impact on the amenity of neighbouring land users, and highway safety and parking.

PRINCIPLE OF DEVELOPMENT

6.16 The applicant property is an existing residential dwelling that has no restrictions on its permitted development rights and is therefore able to carry out certain works without the need for planning permission as a result. In principle, this would include the insertion of additional windows in the front and rear elevations without any sort of extension/projection (such as a bay window) and alterations to existing window openings, for which planning permission would not routinely be required unless permitted development rights have been withdrawn, via planning condition or article 4 direction, for example.

6.17 The majority of the works detailed in the application form and submitted plans are of this nature and would not in themselves, require planning permission which represents a 'fall back' position and material planning consideration. Consideration of the application therefore turns to the alterations to the roof, namely removal of the existing dormer. Subject to relevant material planning considerations, such as design, an alteration of this nature would generally be acceptable in principle.

CHARACTER & APPEARANCE OF THE SURROUNDING AREA

6.18 The application site is to the rear of Greystones, a grade II listed building.

6.19 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

6.20 The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF).

6.21 Whilst not formally objecting to the application, the disappointment of the Council's Heritage and Countryside Manager in relation to the altered appearance of an historic property is noted, however the property is not afforded any additional protection, such as listing or local listing, and as such only limited weight can be attributed to this concern. As noted above, the majority of the works that give rise to that concern (i.e. insertion of windows to the front) could be carried out under permitted development rights and therefore it would be possible for the property to be altered without the need for planning permission in any event with similar resultant impacts.

6.22 The dormer which it is proposed to remove is not original and therefore it is arguable that this change would bring the roof form closer to its original design. It is not therefore considered the proposed development would have a significantly negative impact on the character and appearance of the street scene in this context.

6.23 Notwithstanding changes to the appearance of the applicant property itself, the Council's Heritage and Countryside Manager notes that the works would not have an impact on the significance of the setting of the adjacent listed building to the rear. As such, the proposals are considered to be acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

6.24 A number of objections have been raised in relation to the proposed windows within the front elevation of the property impacting upon overlooking and creating a loss of privacy. Concern is particularly noted due to the proximity of the applicant property to those on the opposite side of the street and its elevated position.

6.25 These concerns are noted and are not underestimated, indeed policy QP4 of the Council's Local Plan and the Council's Residential Design Guide Supplementary Planning Document identifies that the standard separation distance between principal habitable room windows should be 20m (10m between non-habitable room and habitable room windows). In this case, there is a separation between front elevations of the applicant property and 21, 23 and 25 Queensberry Avenue of approximately 14.3m, 16.7m and 16.6m respectively. This reflects the longstanding layout of the street, which has developed historically and therefore, while a development for new dwellings would need to follow the policies of the Local Plan currently in place in terms of layout, the existing relationships would have been subject to different considerations when constructed. The proposed roof light to be installed in the rear/west elevation to serve an en-suite (non-habitable room) would achieve the requisite 10m to the front elevation of 16a Queensberry Avenue. It is considered that the other alterations to the fenestration in the rear elevation would not affect the building line or separation distance/relationships between the host property and the neighbouring properties.

6.26 The primary cause for concern for neighbouring occupiers appears to be the potential to be overlooked if additional windows are introduced within the front

elevation of the applicant property. While an understandable concern, these works, as well as those amendments/additions to the rear elevation, could be carried out under permitted development rights, and therefore there is a realistic fall-back position available to the applicant that would allow these works to be carried out in any case with similar resultant impacts.

6.27 With that in mind, that the works would not project beyond the existing building frontage, the existence of a fall-back position and that the majority of the works do not require planning permission in their own right, it would be unreasonable for the application to be refused on this particular issue.

6.28 While noting the concerns of neighbouring occupiers in relation to the potential for noise and dust during construction, some disruption during construction works is inevitable but any unreasonable impacts in this respect would be controlled under Environmental Health legislation, not the Planning system. Notwithstanding that, HBC Public Protection have been consulted and have raised no objections in relation to amenity impacts or requested any planning conditions.

6.29 In light of the above, the application is considered to be acceptable with regards to impacts on neighbour amenity and privacy in this instance.

HIGHWAY SAFETY & PARKING

6.30 The works themselves, will not alter the parking arrangements at the property, however concerns have been raised by neighbouring occupiers in relation to the potential impact of construction vehicles parking in the street, deliveries being made and for a skip to be located on the highway, particularly at the same time as another property in the street which is also currently having building work carried out. Both HBC Traffic and Transport and Public Protection have been consulted on the application and neither have raised any concerns in relation to construction impacts.

6.31 It should also be noted that any skips on the highway would require a licence from the Council's Traffic and Transport Department. While some disruption during construction work may be unavoidable, it is short-term and is not in itself a reason to withhold planning permission. As such, the proposed development is considered to be acceptable in this respect.

CONCLUSION

6.32 The proposed development consists largely of works that could be carried out without the need for planning permission, those works for which permission is sought are considered to have limited impact on the character and appearance of the area, setting of the adjacent listed building, the amenity of neighbouring occupiers and, highway safety and parking. As such, the application is recommended for approval subject to the conditions identified below.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.33 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.34 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. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Location Plan, drawing number 19/440/05 (Proposed Floor Plans) and drawing number 19/440/06 (Proposed Elevations) received by the Local Planning Authority 01/12/20, drawing number 19/440/07 (Proposed Sections) and drawing number 19/440/08 (Proposed Site Plan) received by the Local Planning Authority 11/01/21.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.

BACKGROUND PAPERS

6.36 Background papers can be viewed via the 'attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141818>

6.37 Copies of the applications are available on-line:

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

CONTACT OFFICER

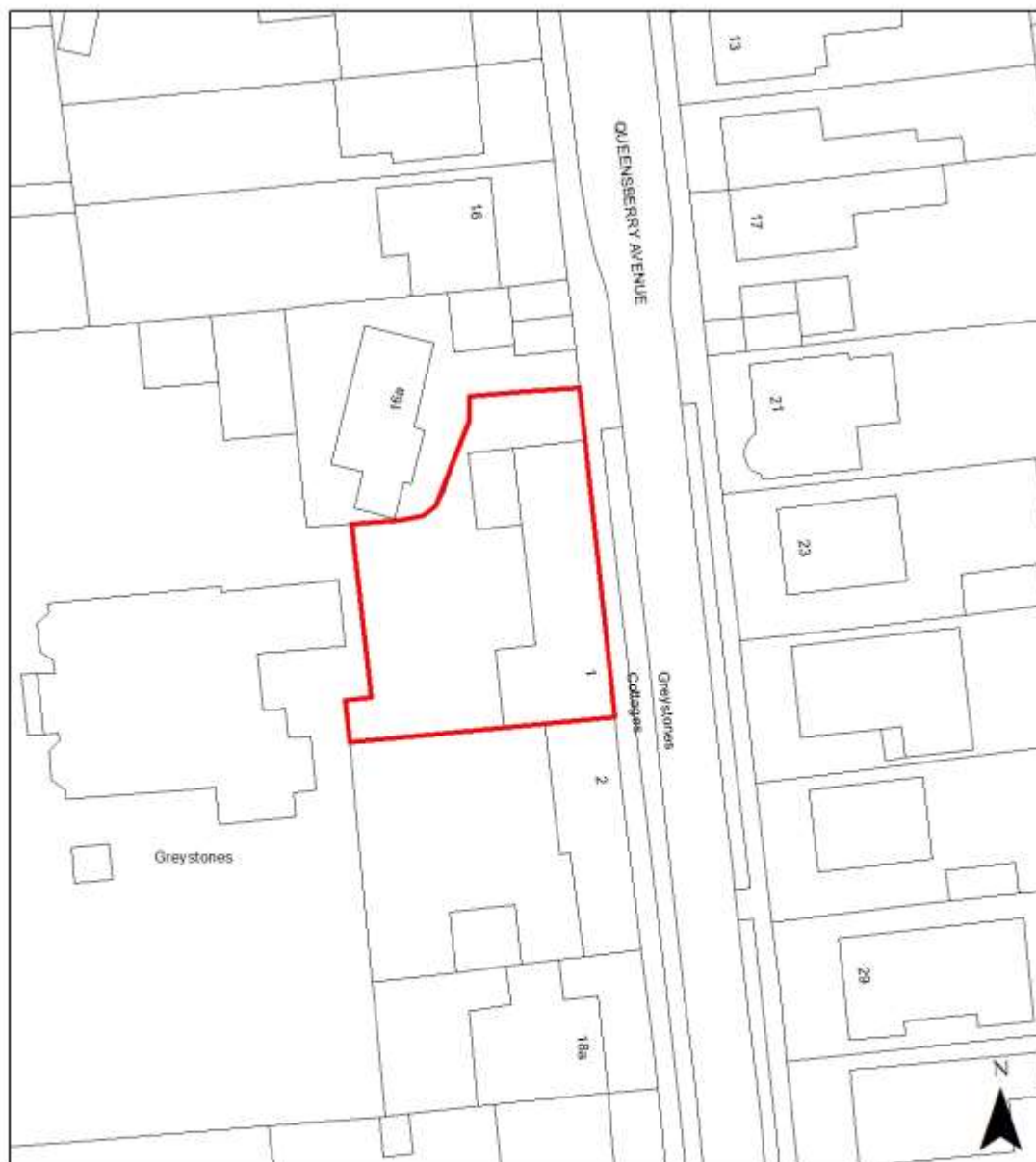
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 23.02.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0443	REV

No: 7.
Number: H/2020/0431
Applicant: MR K WRIGHT HIGH STREET GREATHAM
HARTLEPOOL TS25 2EJ
Agent: MR K WRIGHT BRIARMEAD HIGH STREET
GREATHAM HARTLEPOOL TS25 2EJ
Date valid: 02/12/2020
Development: Erection of single storey rear extension (including removal
of a tree)
Location: BRIARMEAD HIGH STREET GREATHAM
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

7.3 H/0543/82 - Change of use from stables to dwellings – Approved 04/11/1982

7.4 H/LBC/0544/82 - Listed Building Consent for the conversion of stables to dwellings – Approved 25/03/1983

7.5 H/LBC/0056/83 - Listed Building Consent for the installation of additions door in rear elevation and provision of new vehicular access to front – Approved 25/03/1983

7.6 H/TPO/0275/99 - Felling of Whitebeam and pruning works to trees covered by TPO 14 – Approved 30/07/1999

7.7 H/2005/5553 - Tree pruning works to horse chestnut covered by TPO 14 – Approved 02/09/2005

7.8 H/2020/0432 – Listed building consent for the erection of single storey rear extension – pending consideration and forms part of the same committee agenda as the current application.

PROPOSAL

7.9 Planning permission is sought for the erection of a single storey rear extension to a property known as Briarhead. The proposed extension extends approximately 3.05m x 8m with a height of 3m. The extension extends from the original kitchen and will infill an area that will link into an existing external canopy which extends from

the dining room entrance door. The extension is to be brick built with a roughcast render finish to match the existing walls of the property. The proposal will include an external door to the side (north west), bifold doors centralised to the rear elevation of the extension with a single window either side. The extension is to incorporate a flat roof with parapet detailing and a central glazed roof lantern.

7.10 Following initial concerns with regard to the detailing of the windows and bi-fold doors, an amended plan has since been received which show changes to the windows and the bi-fold doors to be more in keeping with the existing detailing of the existing windows. Given the minor nature of the changes no further public consultation has been carried out apart from seeking additional comments from the Council's Heritage and Countryside Manager whose comments are detailed below. This matter considered further in the main body of the report.

7.11 The proposal also includes the removal of a tree to facilitate the extension (the tree is protected by the conversation area status in line with section 211 of the Town and Country Planning Act 1990).

7.12 The application has been referred to Planning Committee owing to the number of objections received (more than 2) in line with Council's scheme of delegation.

SITE CONTEXT

7.13 The application site is a large detached Grade II listed building (Briarmead) located within Greatham Conservation Area. There are residential dwellings either side of the property (north and south), with open fields to the rear (west) and beyond the highway to the front (east). The rear garden is enclosed by high timber fencing, trees and shrubs.

PUBLICITY

7.14 The application has been advertised by way of site notice, press notice and neighbour letters (4). To date, there has been 1 neighbour response of no objection. Objections have been received from Greatham Parish Council, Hartlepool Rural Neighbourhood Plan Group and the Civic Society which are set out in full within the consultations section below.

7.15 Background papers can be viewed by the 'attachments' on the following public access page:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141642>

7.16 The period for publicity has expired.

CONSULTATIONS

7.17 The following consultation replies have been received:

HBC Building Control – Building Regulation application is required for the works as described.

HBC Engineering - No objection to proposals in respect of contaminated land or surface water management.

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

HBC Arboricultural Officer - There are issues with the tree regarding structural damage to the house and the underlying sewer I am reluctant to recommend this tree being put on a TPO (the only option to keep it in a Conservation Area). Oaks are a high risk tree when dealing with roots and foundations etc. and although this is a prominent tree and the upper part forms a backdrop to the visual amenity on the approach to the village there are many other trees in the garden that still retain the tree presence here. If permission is granted I would want to see another tree (preferably an English Oak) planted in the vicinity but further from the house and where it would not cause a problem to the structure of the building.

HBC Heritage and Countryside Manager - The application site is a listed building located in Greatham Conservation Area, both of which are designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the assets conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to conserve or enhance the towns listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, 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 house dates from 1883 and was designed by Philip Webb a leading architect in the Arts and Craft movement. The property is located some distance to the north of

the village. The special character of the Greatham Conservation Area is 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 or short terraces and late Victorian terraced housing.

The proposal is an extension to the property on the west elevation. This is the principle elevation which faces the main expanse of garden. The extension is intended to provide additional floor area within the kitchen and is located to the side of a pent pantiled roof which spans windows and a door from the lounge and dining room.

The principle of an extension in this location is considered to be acceptable. Given that the proposal will result in the loss of two windows it is considered that the detailing from these, should be brought forward to the new elevation. In addition consideration should be given to the design of the doors and how these can reflect the existing fenestration on the property. It is considered that such details could be agreed by condition should the proposal be approved.

It is considered that the proposal will not impact on the significance of the conservation area, no objections.

UPDATE 18/02/2021

In principle I would have no objections to the proposed amended plans, subject to the receipt of large scale details.

Tees Archaeology - Briarmead is a Grade II listed building designed by the architect Philip Webb and situated within the Greatham Conservation Area. The property was constructed in 1883, and demonstrates Webb's arts and crafts style of architecture. Its principal elevation, as noted in its listing description, is the western face of the building. The proposed development will significantly alter this elevation. Should the development be given permission, then it would be reasonable to request that the developer provides a historic building survey as a record of the building prior to any alterations. This would involve a suitably qualified professional carrying out a photographic, written and drawn survey of the building and producing a report which presents the results alongside historical research. This should be made publicly accessible in line with the advice given in NPPF para 199.

The historic building recording could be secured by means of a planning condition. I set out below the suggested wording for this condition:-

Recording of a heritage asset through a programme of historic building recording

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment

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

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

C) This condition shall not be discharged until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Greatham Parish Council – OBJECTION – Greatham and Hartlepool are so fortunate to have this architectural treasure. It has survived from 1883 essentially as designed by Phillip Speakman Webb, father of Arts & Crafts Architecture. The importance of the architect and his influence can be illustrated by the fact the National Trust own two houses by Philip Webb (both are south of London). One, Red House, was designed for his friend William Morris founder of the Arts & Crafts Movement. It is important to ensure this house remains for future generations and continues to offer a positive contribution to the cultural and economic future of this area.

The design of the extension, with large bi-folding doors is not sympathetic to the original style, the rhythm and hierarchy of the beautifully proportioned garden front would be severely damaged. As a service room the kitchen has a less emphasised fenestration compare to the other living rooms with their bay windows and canopy, the extension would reverse this influence destroying the hierarchy of the façade. The use of a flat roof on a building so carefully designed to protect from the rigours of the exposed site further clashes with the architectural principles employed by Webb.

In this application the proposed extension requires the removal of the external wall of the kitchen and destruction of a lobby. The two kitchen windows which would disappear house internal sliding shutters as designed by Webb, this detail would be totally lost. Care needs to be taken that no other internal fittings such as the shutters, that were part of the original design, are lost or at risk.

The application presented is considered contrary to Hartlepool Local Plan Policies HE1 and HE4 and Rural Neighbourhood Plan Policy HA3. The proposal fails to preserve or enhance the special character of distinctiveness of the heritage asset. The design is not sympathetic to or in keeping with the special interest of the building. There will be loss of internal features and fittings which are an integral part of the character and special interest of the building.

Rural Plan Working Group - The Group OBJECT to this application based on the proposals being contrary to the following HRNP policies.

POLICY HA1 PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS. This policy states that planning applications will be supported which, as stated in para.4 , protect, conserve, or enhance the area's Listed Buildings by preventing unsympathetic alterations, encouraging appropriate physical improvement work. The group does not believe this application protects, conserves or enhances this important grade ii listed building.

NPPF 189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

NPPF 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The design and access statement provided for such an important listed building is extremely weak. It lacks any explanation for the statements made. The phrase accentuating the timber framed glazing of windows and doors with the existing timber framed windows and doors is meaningless. Why has a completely different kind of window style to the original small pane vertical sliding sash been chosen? Efforts are to be made to match and merge the render, but the proposed windows are of a completely different style. A completely new feature will be the flat roof, while characteristically on an exposed hilltop site Webb chose steep pitched tiled roofs (the original name for this house was Hill House). Large bi -folding doors are not in keeping or sympathetic to the original style and rhythm or hierarchy of the important garden front. This new very large, dominant entrance feature will completely alter the emphasis of the garden facade.

POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS. This policy seeks in determining applications within Conservation Areas, or which affect the setting of a Conservation Area, to have particular regard to the following:

Para.3 the retention of original features of special architectural interest such as walls, gateways and other architectural details. The existing paired windows of the kitchen which will be completely lost match the paired first floor bedroom windows. The new extension provides only a single window in relation to the existing. Combined with the large bi -fold doors the facade will lose its proportion and rhythm. Internal features including internal sliding sashes that are a feature of the kitchen windows would be completely lost. Architectural details of this perfectly preserved Arts and Crafts Webb design are going to be lost if this extension is allowed.

Para.4 , the retention of existing trees, hedgerows and landscape features, with appropriate landscaping improvements incorporated into design proposals. The extension requires the complete removal of a mature tree which, being in a conservation area, ought to be given similar consideration as one with a tree preservation order.

Para.7 , guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements. Greatham Village Design Statement guidance states mature trees are important features of the village and should be preserved and replaced when dying, pantiles, slates or plain tiles should be used for roofing in the old part of the village and flat roofs should be avoided.

Policy HA2 also includes the policy that proposals for demolition within Conservation Areas will be carefully assessed in order to avoid the loss of important features and buildings, but to encourage removal of unsympathetic later additions. It would seem this application involves the demolition of some important features and the addition of an unsympathetic later addition to an important building listed in particular for its architectural style and pedigree.

POLICY HA3 - PROTECTION AND ENHANCEMENT OF LISTED BUILDINGS. In determining applications for Listed Building Consent for alteration or partial demolition, the following criteria will be applied, where appropriate:

Para.1 states traditional materials and sympathetic designs which are in keeping with the character and special interest should be used. While the application does propose traditional materials, apart from the flat roof, the design is not considered to be sympathetic or in keeping with an exceptional Arts and Craft design by the father of this architectural form, Philip Webb. Previous paragraphs explain some of the reasoning behind this. The plan, as envisaged by Webb will also be dramatically changed by this proposal. The importance of the listing of Briarmead as a complete and largely unaltered design by the preeminent Arts and Crafts architect cannot be under stated. The only change to the original design was the addition of a porch on the north by the architect W.F. Linton in 1905 (he also designed the adjacent listed staff cottage now called St Francis). This addition has not modified the original concept, it is clearly distinguished and is architecturally interesting in itself as a development of the arts and crafts style into a more picturesque form.

Para.2 , Internal features and fittings which comprise an integral part of the character and special interest of the building should be retained and re- used. Particular concern is for the sliding sashes known to be associated with the kitchen windows that are part of the wall that is to be demolished to provide an uninterrupted opening for the proposed extension. A lobby and the two doors associated with it will also be completely lost. There needs to be further consideration of any other original internal features, for example fireplaces, that may also be at risk from this application. The listing specifically includes internal features by Webb, including panelled doors and architrave, window reveals and shutters, fireplace surrounds and staircase. The application presented is considered contrary to Hartlepool Local Plan Policies HE1 & HE4 and represents too much damage to the features of the listed building. The proposal fails to preserve or enhance the special character or distinctiveness of the heritage asset. There is no substantial public benefit gained by this proposal. It is important that our heritage is protected and not eroded by unsympathetic additions/alterations.

Civic Society – Objection, Briarmead is the only example Hartlepool has of a design by this nationally, if not internationally, important architect. Philip Speakman Webb is

the founding father of the Arts and Craft architecture. Briarmead is an unspoilt and prime example of this style of architecture built in 1883. Philip Webb was a friend of William Morris, the single most important figure of the Victorian Arts and Craft movement. Webb designed a house (his first commission) for Morris himself in 1859, the Red House in Bexley heath, London, which is now owned by the National Trust. The National Trust own a second house by Webb, Standen, near East Grinstead, West Sussex designed in 1891. This is an example of the importance of the architect and the vernacular approach he employed which led to the arts and crafts style. Briarmead sits comfortably between the dates of these 2 houses when Webb had honed his art to good effect as evident in this house. Shelia Kirk, author of Philip Webb Pioneer of Arts & Crafts Architecture, discovered Briarmead during research for an exhibition, Philip Webb in the North, held in 1984. She described the interior of Briarmead as having many fireplaces, shutters, arches and adaptations of the local vernacular in Webbs unique manner and that he gave the large kitchen windows internally horizontal sliding shutters. These are the very windows and shutter features which this application would destroy. It should be noted that the details of the listing for this building does mention internal features by Webb, including panelled doors and architrave, window reveals and shutters, fireplace surrounds and staircase. These cannot be lost without damaging the quality and architectural importance that resulted in the listing of this property. The proposal does not retain internal fittings and features which comprise an integral part of the character and special interest of the building (Local Plan policy HE4 [2]). With little detail provided in the application one also worries if other internal features may be at risk. Externally the windows on the west facing, garden facade, where the extension is proposed, are those serving the major rooms and are Webbs usual tall vertical sliding sashes which permit some ventilation even in the wildest weather. These include the two kitchen windows which would be lost if this proposal was to be undertaken, to be replaced by windows of an unfamiliar form and which do not maintain the architectural line of the remaining original windows therefore further detracting from the architectural quality of this facade.

Remarkably Briarmead remains very much as designed by Webb. The only change is a porch added in the stable yard in 1905 by architect W.F. Linton who also designed the adjacent lodge. This porch is added in such a way as to be easily distinguished from Webbs design and in no way detracts from it, which unfortunately the proposed extension would. The proposal also would result in the loss of the original plan designed by Webb. The application is neither sympathetic nor complementary to the listed building (Local Plan policy HE4 [1]).

The proposed extension requires the cutting down of a mature tree which is within the conservation area and part of the setting of the listed building. This is also contrary to planning policies.

Considering the above Hartlepool Civic Society seeks the protection of this building provided by Local Plan policies HE1 Heritage Assets, HE3 Conservation Areas and HE4 Listed Buildings & Structures. As Briarmead is in Greatham village which is covered by the Hartlepool Rural Neighbourhood Plan (HRNP) it also covered by HRNP policies HA1 Protection & Enhancement of Heritage Assets, HA2 Protection & Enhancement of Conservation Areas and HA3 Protection & Enhancement of Listed Buildings. These policies warrant the refusal of this application. The Society would

particularly remind the Borough Council of the following crucial statements contained in the Local Plan:- The historic environment serves an important role in defining Hartlepool's character, culture and heritage. It provides a direct reminder of the historical evolution of Hartlepool, intrinsic to the sense of place experienced today. As development creates a constant state of change, consideration of the impact of this on heritage assets and the historic environment is critical. When this is not carefully managed and protected there is a risk of negative changes upon the historic character of an area impacting upon the retention of heritage assets, an irreplaceable resource for the interest and enjoyment of current and future generations. Any development, alteration or demolition should be carefully managed and designed to ensure that they are in keeping with and positively enhance the assets significance, character and setting. The Borough Council recognises that the heritage assets are irreplaceable therefore the retention and enhancement is vital to ensure their preservation for future generations.

PLANNING POLICY

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

Local Policy

7.19 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
 HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RUR1: Development in the Rural Area
 SUS1: The Presumption in Favour of Sustainable Development

7.20 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
 HA1: Protection and Enhancement of Heritage Assets
 HA2: Protection and Enhancement of Conservation Areas
 HA3: Protection and Enhancement of Listed Buildings

National Policy

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 091: Promoting healthy and safe communities

PARA 124: Achieving well-designed places

PARA 125: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA 153: Planning for Climate Change

PARA 190: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 193: Considering potential impacts

PARA 194: Considering potential impacts

PARA 195: Considering Potential Impacts

PARA 196: Considering potential impacts

PARA 212: Implementation

HBC Planning Policy comments (summarised)

7.22 The main consideration should be the significance of the heritage asset (the host dwelling) as it is situated within a conservation area, and is itself a listed building. Therefore the proposal must be compliant with the heritage policies within the Local Plan. Policy HE4 relates to listed buildings and seeks to support them through resisting unsympathetic alterations and encouraging appropriate physical improvement work. Policy HE3 seeks to ensure that the distinctive character of

conservation areas within the borough will be conserved or enhanced and proposals for development within conservation areas will need to also meet certain criteria.

7.23 As the site is located within the remit of the Rural Plan, the policies within the document also need to be adhered to. Particularly, the heritage suite of policies which seek to ensure that the heritage assets within the Rural Plan area are preserved and enhanced where possible. Similarly to the policies within the Local Plan, the Rural Plan seeks to protect and enhance the conservation areas, listed buildings and other heritage assets within the rural area.

7.24 The proposal must be deemed to be acceptable when considering the status of the host dwelling and considering the wider conservation area, and will be considered contrary to policy if it is found that the proposal will cause any harm to the significance of the heritage assets. The comments of the Council's Heritage and Countryside manager should be used to provide a view regarding the acceptability of the proposal in light of national and local policy which seeks to protect heritage assets and Planning Policy will support the views taken in their comments.

PLANNING CONSIDERATIONS

7.25 The main material planning considerations when considering this application are the impact on the setting, character and appearance of the listed building and surrounding conservation area, the impact on the amenity of neighbouring land users, the impact on landscape features and archaeology. These and any other planning matters are set out in detail below.

IMPACT ON SETTING, CHARACTER AND APPEARANCE OF THE EXISTING DWELLING (GRADE II LISTED BUILDING) + SURROUNDING CONSERVATION AREA

7.26 When considering applications for listed buildings, Section 66 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore 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.

7.27 The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give 'great weight' to the asset's conservation (para 193 and 194, NPPF). The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras 185 & 192).

7.28 Furthermore, the relevant Hartlepool Local Plan (2018) policies are set out within the Planning Policy section of the report and are considered as part of the Council's Heritage and Countryside Manager's comments above. There are also

relevant heritage based policies of the Hartlepool Rural Plan, again set out in the Planning Policy section above.

7.29 Objections have been received from the Hartlepool Rural Plan Group, Greatham Parish Council and the Civic Society with regard to the impact upon the listed building and the conservation area as a result of the proposed development.

7.30 With respect to the impact on the setting of the listed building and the character and appearance (and significance) of the conservation area, the Council's Heritage and Countryside Manager has assessed the proposal and considers that the principle of an extension in the proposed location is acceptable. Notwithstanding this, as detailed in the proposal section of this report, given that the proposal will result in the loss of two windows in the original rear elevation, the Council's Heritage and Countryside Manager has requested that the detailing from these windows should be brought forward to the new, extended rear elevation. Consideration should also be given to the design of the doors and how these can reflect the existing fenestration on the property.

7.31 In response, the applicant has submitted amended plans to provide such detailing to the fenestration within the proposal to which the Council's Heritage and Countryside Manager has confirmed are acceptable, subject to the large scale details of these being agreed through a planning condition, which is secured accordingly.

7.32 The proposed extension is considered to be of a modest scale and design and is located to the rear of the property with limited views from the wider area, particularly to the front. In terms of views across the fields to the rear, the proposal would be primarily read against the backdrop of the existing dwelling, with external finishing materials to match those of the main dwelling, which can be secured by a planning condition. As such, it is considered that the proposal will not impact on the setting, character and appearance (or significance) of the listed building and conservation area, a view supported by the Council's Heritage and Countryside Manager.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

St Francis Cottage (north)

7.33 The proposed single storey extension is set approximately 2.4m from the shared boundary with St Francis Cottage. There is a 1.8m high close boarded fence along the shared boundary. The application property is staggered back from this neighbouring property. Given the existing relationship between the application site and the neighbouring property, the views to/from the proposed extension would be limited and the proposal will be screened in part by the host property. Given the siting of the proposal, it is not considered that St Francis Cottage would be adversely affected in terms of loss of light, privacy or overbearing appearance as a result of the proposed extension.

7.34 Whilst the proposal would introduce a door in the side elevation, it is not considered that there would be a significant impact in terms of privacy as a result of

the orientation and remaining satisfactory separation distance to the rear of the main neighbouring property. Furthermore, it is considered that the shared boundary has adequate boundary treatment of timber fencing and shrubs which will partially screen the development. It is considered that the proposals would not result in a significant detrimental impact on the amenity and privacy of the neighbouring property in terms of overbearing, loss of outlook and loss of privacy as to warrant a refusal of the application.

Ruebury (south)

7.35 The single storey extension is set approximately 24m from the shared boundary with the neighbouring property to the south. The proposed extension will be screened in part, by the existing covered access to the dining and living area; the proposed extension will tie into this structure. Given the separation between the application site and this neighbouring property there is unlikely to be any appreciable impact in terms upon the amenity of this neighbour. It is considered that the proposals would not result in a significant detrimental impact on the amenity and privacy of the neighbouring property in terms of overbearing, loss of outlook and loss of privacy.

7.36 There are no neighbouring properties to the rear, the land consists of open farm fields (west). There are no neighbouring properties to the east of the site, notwithstanding this, the proposal would be screen by the host property from views to the east.

IMPACT ON LANDSCAPE FEATURES/TREES

7.37 Objections have been raised with regard to the removal of a protected tree (conservation area protection). The application has been accompanied by an Arboricultural Survey consisting of an Arboricultural Impact Assessment. The tree survey has identified a number of issues with regards to an existing tree that is sited within close proximity to the listed building (and proposed extension). It is understood that there are issues with the 1no. oak tree (understood to be a non-native species) regarding structural damage to the house and the underlying sewer.

7.38 The Council's Arboricultural Officer has been consulted on the application and has confirmed that oak trees are a high risk tree when dealing with roots and foundations and although this is a prominent tree and the upper part forms a backdrop to the visual amenity on the approach to the village, there are many other trees in the garden that still retain the tree presence here. Should the application be approved, a replacement tree will be required (preferably a native English Oak) planted in the vicinity but further from the house and where it would not cause a problem to the structure of the building (or proposed extension). Final details of species can be secured by appropriate condition as requested by the Council's Arboricultural Officer. In view of the above, the application is considered to be acceptable with respect to matters of impact on trees, subject to the identified planning condition.

ARCHAEOLOGY

7.39 Tees Archaeology have been consulted and whilst no objections in principle but have requested the developer provides a historic building survey as a record of the building prior to any alterations, in line with the advice given in NPPF para 199. This can be secured by appropriately worded planning condition.

OTHER PLANNING MATTERS

7.40 The Council's Traffic and Transport section have been consulted in respect of the application and have advised that there are no issues with the application in terms of highway safety. The application is therefore considered acceptable in this regard.

7.41 No concerns have been raised by the Council's Flood Risk Officer in relation to surface water or land contamination.

CONCLUSION

7.42 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with policies identified within the report. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.44 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.

There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s):
pdts_102_18 8249433_sp 02 Rev A (Proposed Site Plan)
pdts_102_18 8249433 04 Rev A (Proposed Elevation)

Received by the Local Planning Authority 24/11/2020

pdts_108_18 8249433_lp 01 rev A (Location Plan)

Received by the Local Planning Authority 02/12/2020, and

pdts_102_18 8249433 03 Rev B (Proposed Elevations and Plans)

Received by the Local Planning Authority 18/02/2021.

For the avoidance of doubt.

3. Notwithstanding the submitted details and prior to the commencement of development large scale details of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. the works thereafter shall be carried out in accordance with the approved details.
In the interests of visual amenity and to protect the character of the Listed Building.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and to protect the character of the Listed Building.
5. A) No demolition/development shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

C) This condition shall not be discharged until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In order to protect and record the character and setting of the Listed Building.
6. Prior to the above ground construction of the extension hereby approved, details of a replacement native species tree to be planted within the vicinity of the removed 1no. oak tree, shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the size, type, species, location within the site to which the replacement tree is to be planted, and a timetable for implementation/planting. Thereafter the tree shall be implemented in accordance with the approved details and agreed timetable. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the

same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity and the character and appearance of the conservation area.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141642>

7.47 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

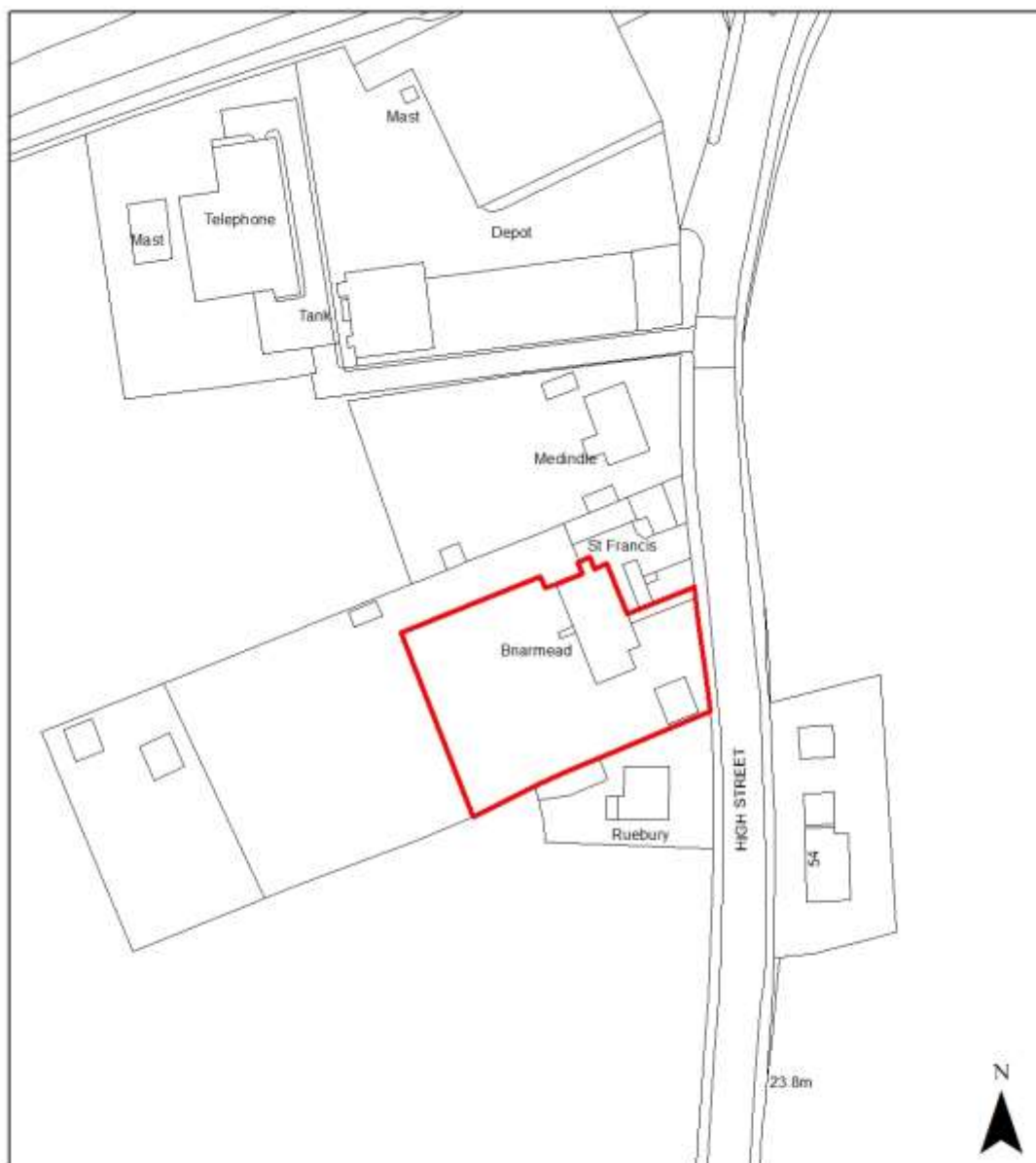
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Briarhead High Street, Greatham, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 23.02.2021
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0431 H/2020/0432	REV

No: 8.
Number: H/2020/0432
Applicant: MR K WRIGHT HIGH STREET GREATHAM
HARTLEPOOL TS25 2EJ
Agent: MR K WRIGHT BRIARMEAD HIGH STREET
GREATHAM HARTLEPOOL TS25 2EJ
Date valid: 02/12/2020
Development: Listed building consent for the erection of single storey
extension at the rear
Location: BRIARMEAD HIGH STREET GREATHAM
HARTLEPOOL

PURPOSE OF REPORT

8.1 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

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

8.3 H/0543/82 - Change of use from stables to dwellings – Approved 04/11/1982

8.4 H/LBC/0544/82 - Listed Building Consent for the conversion of stables to dwellings – Approved 25/03/1983

8.5 H/LBC/0056/83 - Listed Building Consent for the installation of additions door in rear elevation and provision of new vehicular access to front – Approved 25/03/1983

8.6 H/TPO/0275/99 - Felling of Whitebeam and pruning works to trees covered by TPO 14 – Approved 30/07/1999

8.7 H/2005/5553 - Tree pruning works to horse chestnut covered by TPO 14 – Approved 02/09/2005

8.8 H/2020/0431 – Erection of single storey rear extension (including removal of a tree) – pending consideration and forms part of the same committee agenda as the current application.

PROPOSAL

8.9 Listed building consent is sought for the erection of a single storey rear extension to a property known as Briarmead. The proposed extension would extend approximately 3m x 8m with a height of 3m. The extension would extend from the original kitchen and will infill an area that will link into an existing external canopy

which extends from the dining room entrance door. The extension is to be brick built with a roughcast render finish to match the existing walls of the property, the proposal will include an external door to the side (north west), bifold doors centralised to the rear elevation of the extension with a single window either side. The extension is to incorporate a flat roof with parapet detailing and a central glazed lantern.

8.10 Following initial concerns with regard to the detailing of the windows and bi-fold doors, an amended plan has since been received which show changes to the windows and the bi-fold doors to be more in keeping with the existing detailing of the existing windows. Given the minor nature of the changes no further public consultation has been carried out apart from the Council's Heritage and Countryside Manager whose comments are detailed below. This matter considered further in the main body of the report.

8.11 The application has been referred to Planning Committee owing to the number of objections received (more than 2) in line with Council's scheme of delegation.

SITE CONTEXT

8.12 The application site is a large detached Grade II listed building (Briarmead) located within Greatham Conservation Area. There are residential dwellings either side of the property (north and south), with open fields to the rear (west) and beyond the highway to the front (east). The rear garden is enclosed by high timber fencing, trees and shrubs.

PUBLICITY

8.13 The application has been advertised by way of site notice, press notice and neighbour letters (4). To date, there have been no neighbour objections as a result of the consultation. Objections have been received from Greatham Parish Council, Hartlepool Rural Neighbourhood Plan Group and the Civic Society which are set out in full within the consultations section below.

8.14 The period for publicity has expired.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141643>

CONSULTATIONS

8.16 The following consultation replies have been received:

HBC Heritage and Countryside Manager - The application site is a listed building located in Greatham Conservation Area, both of which are designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, ¿great weight to the assets conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to ¿conserve or enhance the towns listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, 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 house dates from 1883 and was designed by Philip Webb a leading architect in the Arts and Craft movement. The property is located some distance to the north of the village. The special character of the Greatham Conservation Area is 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 or short terraces and late Victorian terraced housing.

The proposal is an extension to the property on the west elevation. This is the principle elevation which faces the main expanse of garden. The extension is intended to provide additional floor area within the kitchen and is located to the side of a pent pantiled roof which spans windows and a door from the lounge and dining room.

The principle of an extension in this location is considered to be acceptable. Given that the proposal will result in the loss of two windows it is considered that the detailing from these, should be brought forward to the new elevation. In addition consideration should be given to the design of the doors and how these can reflect the existing fenestration on the property. It is considered that such details could be agreed by condition should the proposal be approved.

It is considered that the proposal will not impact on the significance of the conservation area, no objections.

UPDATE 18/02/2021

In principle I would have no objections to the proposed amended plans, subject to the receipt of large scale details.

Tees Archaeology - Briarmead is a Grade II listed building designed by the architect Philip Webb and situated within the Greatham Conservation Area. The property was constructed in 1883, and demonstrates Webb's arts and crafts style of architecture. Its principal elevation, as noted in its listing description, is the western face of the building. The proposed development will significantly alter this elevation. Should the development be given permission, then it would be reasonable to request that the developer provides a historic building survey as a record of the building prior to any alterations. This would involve a suitably qualified professional carrying out a photographic, written and drawn survey of the building and producing a report which presents the results alongside historical research. This should be made publicly accessible in line with the advice given in NPPF para 199.

The historic building recording could be secured by means of a planning condition. I set out below the suggested wording for this condition:-

Recording of a heritage asset through a programme of historic building recording

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

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

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

C) This condition shall not be discharged until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

HBC Arboricultural Officer - There are issues with the tree regarding structural damage to the house and the underlying sewer I am reluctant to recommend this tree being put on a TPO (the only option to keep it in a Conservation Area). Oaks are a high risk tree when dealing with roots and foundations etc. and although this is a prominent tree and the upper part forms a backdrop to the visual amenity on the approach to the village there are many other trees in the garden that still retain the

tree presence here. If permission is granted I would want to see another tree (preferably an English Oak) planted in the vicinity but further from the house and where it would not cause a problem to the structure of the building.

Greatham Parish Council – OBJECTION - Greatham and Hartlepool are so fortunate to have this architectural treasure. It has survived from 1883 essentially as designed by Phillip Speakman Webb, father of Arts & Crafts Architecture. The importance of the architect and his influence can be illustrated by the fact the National Trust own two houses by Philip Webb (both are south of London). One, Red House, was designed for his friend William Morris founder of the Arts & Crafts Movement. It is important to ensure this house remains for future generations and continues to offer a positive contribution to the cultural and economic future of this area.

The design of the extension, with large bi-folding doors is not sympathetic to the original style, the rhythm and hierarchy of the beautifully proportioned garden front would be severely damaged. As a service room the kitchen has a less emphasised fenestration compare to the other living rooms with their bay windows and canopy, the extension would reverse this influence destroying the hierarchy of the façade. The use of a flat roof on a building so carefully designed to protect from the rigours of the exposed site further clashes with the architectural principles employed by Webb.

In this application the proposed extension requires the removal of the external wall of the kitchen and destruction of a lobby. The two kitchen windows which would disappear house internal sliding shutters as designed by Webb, this detail would be totally lost. Care needs to be taken that no other internal fittings such as the shutters, that were part of the original design, are lost or at risk.

The application presented is considered contrary to Hartlepool Local Plan Policies HE1 and HE4 and Rural Neighbourhood Plan Policy HA3. The proposal fails to preserve or enhance the special character of distinctiveness of the heritage asset. The design is not sympathetic to or in keeping with the special interest of the building. There will be loss of internal features and fittings which are an integral part of the character and special interest of the building.

Rural Plan Working Group - The Group OBJECT to this application based on the proposals being contrary to the following HRNP policies.

POLICY HA1 PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS. This policy states that planning applications will be supported which, as stated in para.4 , protect, conserve, or enhance the area's Listed Buildings by preventing unsympathetic alterations, encouraging appropriate physical improvement work. The group does not believe this application protects, conserves or enhances this important grade ii listed building.

NPPF 189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact

of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

NPPF 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The design and access statement provided for such an important listed building is extremely weak. It lacks any explanation for the statements made. The phrase accentuating the timber framed glazing of windows and doors with the existing timber framed windows and doors is meaningless. Why has a completely different kind of window style to the original small pane vertical sliding sash been chosen? Efforts are to be made to match and merge the render, but the proposed windows are of a completely different style. A completely new feature will be the flat roof, while characteristically on an exposed hilltop site Webb chose steep pitched tiled roofs (the original name for this house was Hill House). Large bi -folding doors are not in keeping or sympathetic to the original style and rhythm or hierarchy of the important garden front. This new very large, dominant entrance feature will completely alter the emphasis of the garden facade.

POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS.
This policy seeks in determining applications within Conservation Areas, or which affect the setting of a Conservation Area, to have particular regard to the following:

Para.3 the retention of original features of special architectural interest such as walls, gateways and other architectural details. The existing paired windows of the kitchen which will be completely lost match the paired first floor bedroom windows. The new extension provides only a single window in relation to the existing. Combined with the large bi -fold doors the facade will lose its proportion and rhythm. Internal features including internal sliding sashes that are a feature of the kitchen windows would be completely lost. Architectural details of this perfectly preserved Arts and Crafts Webb design are going to be lost if this extension is allowed.

Para.4 , the retention of existing trees, hedgerows and landscape features, with appropriate landscaping improvements incorporated into design proposals. The extension requires the complete removal of a mature tree which, being in a conservation area, ought to be given similar consideration as one with a tree preservation order.

Para.7 , guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements. Greatham Village Design Statement guidance states mature trees are important features of the village and should be preserved and replaced when dying, pantiles, slates or plain tiles should be used for roofing in the old part of the village and flat roofs should be avoided.

Policy HA2 also includes the policy that proposals for demolition within Conservation Areas will be carefully assessed in order to avoid the loss of important features and buildings, but to encourage removal of unsympathetic later additions. It would seem this application involves the demolition of some important features and the addition

of an unsympathetic later addition to an important building listed in particular for its architectural style and pedigree.

POLICY HA3 - PROTECTION AND ENHANCEMENT OF LISTED BUILDINGS. In determining applications for Listed Building Consent for alteration or partial demolition, the following criteria will be applied, where appropriate:

Para.1 states traditional materials and sympathetic designs which are in keeping with the character and special interest should be used. While the application does propose traditional materials, apart from the flat roof, the design is not considered to be sympathetic or in keeping with an exceptional Arts and Craft design by the father of this architectural form, Philip Webb. Previous paragraphs explain some of the reasoning behind this. The plan, as envisaged by Webb will also be dramatically changed by this proposal. The importance of the listing of Briarmead as a complete and largely unaltered design by the preeminent Arts and Crafts architect cannot be under stated. The only change to the original design was the addition of a porch on the north by the architect W.F. Linton in 1905 (he also designed the adjacent listed staff cottage now called St Francis). This addition has not modified the original concept, it is clearly distinguished and is architecturally interesting in itself as a development of the arts and crafts style into a more picturesque form.

Para.2 , Internal features and fittings which comprise an integral part of the character and special interest of the building should be retained and re- used. Particular concern is for the sliding sashes known to be associated with the kitchen windows that are part of the wall that is to be demolished to provide an uninterrupted opening for the proposed extension. A lobby and the two doors associated with it will also be completely lost. There needs to be further consideration of any other original internal features, for example fireplaces, that may also be at risk from this application. The listing specifically includes internal features by Webb, including panelled doors and architrave, window reveals and shutters, fireplace surrounds and staircase. The application presented is considered contrary to Hartlepool Local Plan Policies HE1 & HE4 and represents too much damage to the features of the listed building. The proposal fails to preserve or enhance the special character or distinctiveness of the heritage asset. There is no substantial public benefit gained by this proposal. It is important that our heritage is protected and not eroded by unsympathetic additions/alterations.

Civic Society – Objection, Briarmead is the only example Hartlepool has of a design by this nationally, if not internationally, important architect. Philip Speakman Webb is the founding father of the Arts and Craft architecture. Briarmead is an unspoilt and prime example of this style of architecture built in 1883. Philip Webb was a friend of William Morris, the single most important figure of the Victorian Arts and Craft movement. Webb designed a house (his first commission) for Morris himself in 1859, the Red House in Bexley heath, London, which is now owned by the National Trust. The National Trust own a second house by Webb, Standen, near East Grinstead, West Sussex designed in 1891. This is an example of the importance of the architect and the vernacular approach he employed which led to the arts and crafts style. Briarmead sits comfortably between the dates of these 2 houses when Webb had honed his art to good effect as evident in this house. Shelia Kirk, author of Philip Webb Pioneer of Arts & Crafts Architecture, discovered Briarmead during research

for an exhibition, Philip Webb in the North, held in 1984. She described the interior of Briarmead as having many fireplaces, shutters, arches and adaptations of the local vernacular in Webb's unique manner and that he gave the large kitchen windows internally horizontal sliding shutters. These are the very windows and shutter features which this application would destroy. It should be noted that the details of the listing for this building does mention internal features by Webb, including panelled doors and architrave, window reveals and shutters, fireplace surrounds and staircase. These cannot be lost without damaging the quality and architectural importance that resulted in the listing of this property. The proposal does not retain internal fittings and features which comprise an integral part of the character and special interest of the building (Local Plan policy HE4 [2]). With little detail provided in the application one also worries if other internal features may be at risk.

Externally the windows on the west facing, garden facade, where the extension is proposed, are those serving the major rooms and are Webb's usual tall vertical sliding sashes which permit some ventilation even in the wildest weather. These include the two kitchen windows which would be lost if this proposal was to be undertaken, to be replaced by windows of an unfamiliar form and which do not maintain the architectural line of the remaining original windows therefore further detracting from the architectural quality of this facade.

Remarkably Briarmead remains very much as designed by Webb. The only change is a porch added in the stable yard in 1905 by architect W.F. Linton who also designed the adjacent lodge. This porch is added in such a way as to be easily distinguished from Webb's design and in no way detracts from it, which unfortunately the proposed extension would. The proposal also would result in the loss of the original plan designed by Webb. The application is neither sympathetic nor complementary to the listed building (Local Plan policy HE4 [1]).

The proposed extension requires the cutting down of a mature tree which is within the conservation area and part of the setting of the listed building. This is also contrary to planning policies.

Considering the above Hartlepool Civic Society seeks the protection of this building provided by Local Plan policies HE1 Heritage Assets, HE3 Conservation Areas and HE4 Listed Buildings & Structures. As Briarmead is in Greatham village which is covered by the Hartlepool Rural Neighbourhood Plan (HRNP) it is also covered by HRNP policies HA1 Protection & Enhancement of Heritage Assets, HA2 Protection & Enhancement of Conservation Areas and HA3 Protection & Enhancement of Listed Buildings. These policies warrant the refusal of this application. The Society would particularly remind the Borough Council of the following crucial statements contained in the Local Plan :- The historic environment serves an important role in defining Hartlepool's character, culture and heritage. It provides a direct reminder of the historical evolution of Hartlepool, intrinsic to the sense of place experienced today. As development creates a constant state of change, consideration of the impact of this on heritage assets and the historic environment is critical. When this is not carefully managed and protected there is a risk of negative changes upon the historic character of an area impacting upon the retention of heritage assets, an irreplaceable resource for the interest and enjoyment of current and future generations. Any development, alteration or demolition should be carefully managed and designed to ensure that they are in keeping with and positively enhance the

assets significance, character and setting. The Borough Council recognises that the heritage assets are irreplaceable therefore the retention and enhancement is vital to ensure their preservation for future generations.

PLANNING POLICY

8.17 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

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

HE1: Heritage Assets

HE3: Conservation Areas

HE4: Listed Buildings and Structures

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

HA1: Protection and Enhancement of Heritage Assets

HA2: Protection and Enhancement of Conservation Areas

HA3: Protection and Enhancement of Listed Buildings

National Policy

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

PARA 190: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 193: Considering potential impacts

PARA 194: Considering potential impacts

PARA 195: Considering Potential Impacts

PARA 196: Considering potential impacts

HBC Planning Policy comments (summarised)

8.21 The main consideration should be the significance of the heritage asset (the host dwelling) as it is situated within a conservation area, and is itself a listed building. Therefore the proposal must be compliant with the heritage policies within the Local Plan. Policy HE4 relates to listed buildings and seeks to support them through resisting unsympathetic alterations and encouraging appropriate physical improvement work. Policy HE3 seeks to ensure that the distinctive character of conservation areas within the borough will be conserved or enhanced and proposals for development within conservation areas will need to also meet certain criteria.

8.22 As the site is located within the remit of the Rural Plan, the policies within the document also need to be adhered to. Particularly, the heritage suite of policies which seek to ensure that the heritage assets within the Rural Plan area are preserved and enhanced where possible. Similarly to the policies within the Local Plan, the Rural Plan seeks to protect and enhance the conservation areas, listed buildings and other heritage assets within the rural area.

8.23 The proposal must be deemed to be acceptable when considering the status of the host dwelling and considering the wider conservation area, and will be considered contrary to policy if it is found that the proposal will cause any harm to the significance of the heritage assets. The comments of the Council's Heritage and Countryside manager should be used to provide a view regarding the acceptability of the proposal in light of national and local policy which seeks to protect heritage assets and Planning Policy will support the views taken in their comments.

PLANNING CONSIDERATIONS

8.24 The main issues for consideration in this instance are the impact on the character and appearance of the heritage asset (listed building), its setting and any features of special architectural or historic interest which it possesses.

IMPACT ON SETTING OF LISTED BUILDING

8.25 The application site consists of a Grade II listed building within the Greatham Conservation Area, both of which are recognised as designated heritage assets.

8.26 When considering applications for listed buildings, Section 66 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give 'great weight' to the asset's conservation (para 193 and 194, NPPF).

8.27 Furthermore, the relevant Hartlepool Local Plan (2018) policies are set out within the Planning Policy section of the report and are considered as part of the Council's Heritage and Countryside Manager's comments above. There are also relevant heritage based policies of the Hartlepool Rural Plan, again set out in the Planning Policy section above.

8.28 Objections have been received from the Hartlepool Rural Plan Group, Greatham Parish Council and the Civic Society with regard to the impact upon the listed building (and the conservation area) as a result of the proposed development.

8.29 With respect to the impact on the setting of the listed building, the Council's Heritage and Countryside Manager has assessed the proposal and considers that the principle of an extension in the proposed location is acceptable. However and as detailed in the proposal section of this report, given that the proposal will result in the loss of two windows in the original rear elevation, the Heritage and Countryside Manager has requested that the detailing from these windows should be brought forward to the new, extended rear elevation. Consideration should also be given to the design of the doors and how these can reflect the existing fenestration on the property.

8.30 In response, the applicant has submitted amended plans to provide such detailing to the fenestration within the proposal to which the Heritage and Countryside Manager has confirmed are acceptable subject to the large scale details of these being secured by a planning condition.

8.31 The proposed extension is considered to be of a modest scale and design and is located to the rear of the property with external finishing materials proposed to match those of the main dwelling, which can be secured by a planning condition.

8.32 Whilst the concerns of the objectors are noted, ultimately, the proposal is considered to be acceptable in respect of the relevant material planning considerations. As such, it is considered that the proposal will not impact on the setting and appearance (or significance) of the listed building (and conservation area), a view supported by the Council's Heritage and Countryside Manager.

OTHER MATTERS

8.33 Tees Archaeology have been consulted and whilst no objections in principle but have requested the developer provides a historic building survey as a record of the building prior to any alterations, in line with the advice given in NPPF para 199. This can be secured by appropriately worded planning condition.

8.34 It is acknowledged that objections have been received in relation to the removal of a mature tree and the impact on the conservation area. These comments (and those of the Council's Arboricultural Officer) have been noted and considered as part of the related planning application H/2020/0431 and it is considered they would not impact upon the listed building consent sought through this application.

CONCLUSION

8.35 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with policies identified within the report. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.37 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. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s):
pdts_102_18 8249433_sp 02 Rev A (Proposed Site Plan)
pdts_102_18 8249433 04 Rev A (Proposed Elevation)
Received by the Local Planning Authority 24/11/2020
pdts_108_18 8249433_lp 01 rev A (Location Plan)
Received by the Local Planning Authority 02/12/2020, and
pdts_102_18 8249433 03 Rev B (Proposed Elevations and Plans)
Received by the Local Planning Authority 18/02/2021.
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the commencement of development large scale details of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. the works thereafter shall be carried out in accordance with the approved details.
In the interests of visual amenity and to protect the character of the Listed Building.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and to protect the character of the Listed Building.
5. A) No demolition/development shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) This condition shall not be discharged until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- In order to protect and record the character and setting of the Listed Building.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141643>

8.40 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

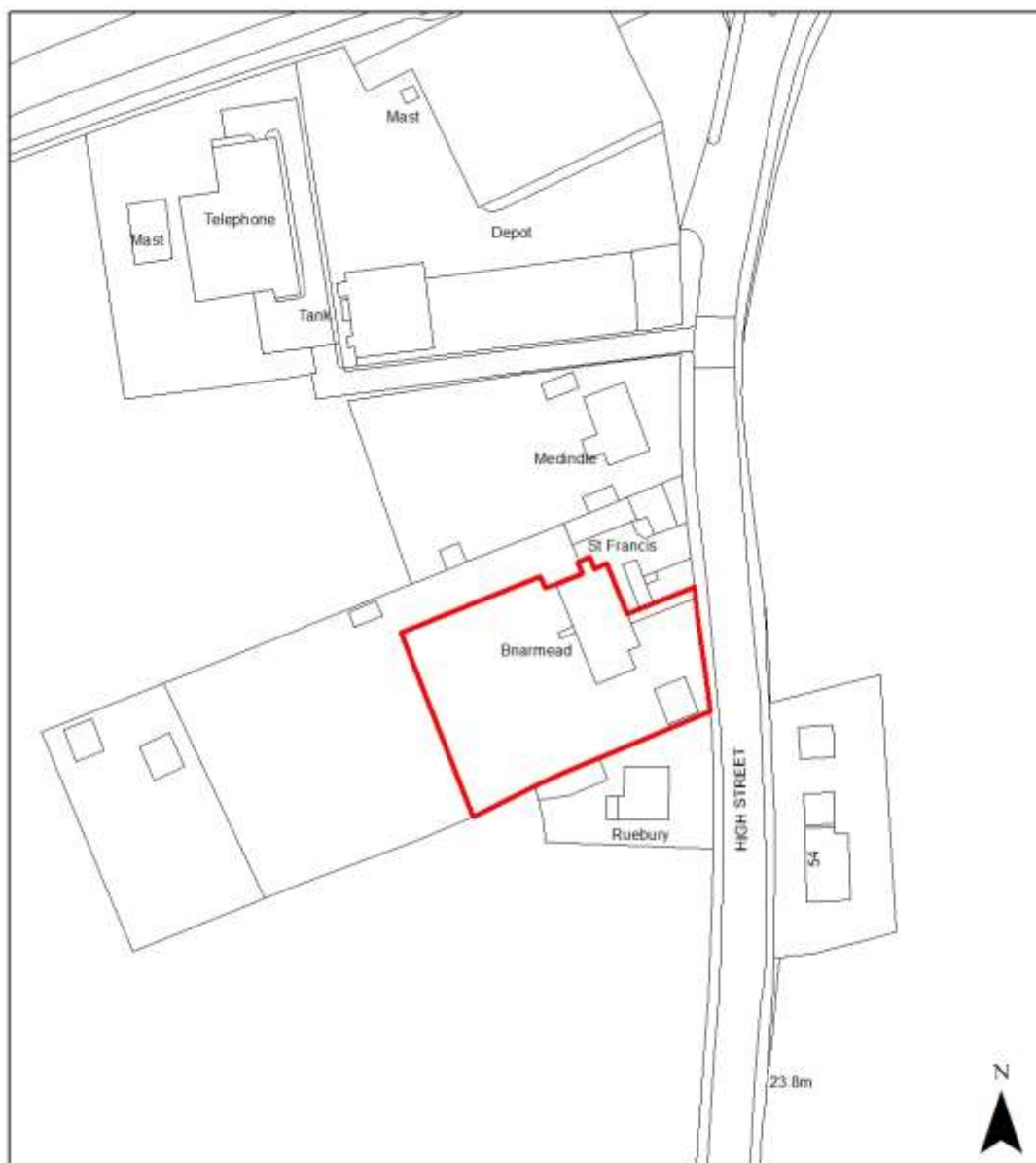
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Briarmead High Street, Greatham, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 23.02.2021
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0431 H/2020/0432	REV

No: 9.
Number: H/2020/0216
Applicant: MS C YOUNG WOODBINE TERRACE GREATHAM
HARTLEPOOL TS25 2ET
Agent: MS C YOUNG 1 WOODBINE TERRACE GREATHAM
HARTLEPOOL TS25 2ET
Date valid: 27/11/2020
Development: Installation of 2 replacement windows (retrospective application).
Location: 1 WOODBINE TERRACE GREATHAM HARTLEPOOL

PURPOSE OF REPORT

9.1 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

9.2 The current application is before Members following an investigation into a complaint received in March 2020 regarding an alleged unauthorised change of use from a shop to a dwelling, and the installation of unauthorised uPVC windows. Following a request for the requisite planning application, the owner/occupier chose to submit the current application for the unauthorised uPVC windows separately from the unauthorised change of use, and to date, a planning application for the change of use has not been forthcoming, despite requests from officers. Should such an application not be forthcoming, the matter will need to be referred back to Members in due course for consideration as to whether it is expedient in the circumstances to take any enforcement action. However, the unauthorised change of use does not form part of the consideration of the current application, which is set out in the report below.

9.3 It is also noted that the premises has other windows installed at first floor level which are uPVC in material; these windows are understood to have been in place for more than 4 years (a google street view image from October 2010 shows the windows in question in situ) and would therefore be exempt from any enforcement action.

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

H/FUL/0375/86 - Single-storey rear extension to provide kitchen and store and alterations – approved 27.08.1986

PROPOSAL

9.5 Planning permission (retrospective) is sought for the installation of two, uPVC material, ground floor replacement windows (consisting of three panes to each of the 2 windows) to the front of 1 Woodbine Terrace, replacing the former timber shop front windows and associated detailing.

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

SITE CONTEXT

9.7 The application site sits on the corner of Vicarage Row and Woodbine Terrace, within Greatham Conservation Area. The last known authorised use of the property was as a retail shop. The area is predominately residential in character with various local amenities within walking distance to the application site including, public houses, school church and village hall.

PUBLICITY

9.8 The application has been advertised by way of a site notice, press notice and neighbour letters (10). To date, there have been no representations received.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=13886>

9.10 The period for publicity has expired.

CONSULTATIONS

9.11 The following consultation replies have been received:

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

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

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

The special character of the Greatham Conservation Area is 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 or short terraces and late Victorian terraced housing.

The proposal is a retrospective application for the installation of two uPVC windows to the ground floor of the building. The windows had previously been the display windows of a shop and feature pilasters either side with a fascia over framing the openings.

Greatham Visual Assessment notes that, one aspect of Greathams character is the presence of shops with traditional shop fronts, the majority surviving unaltered. Particularly good examples exist at 8 and 22 High Street, 1 The Drive and 1 Egerton Terrace all of which are occupied. Other unoccupied examples are at 7 Front Street and 1 Woodbine Terrace. Unlike examples in other conservation surviving shop fronts are relatively simple without elaborate decorative features. Shop front construction is in narrow moulded sections with pilasters, corbels and mouldings kept simple and relatively undecorated.

Although not provided as an example of a shop front in the Visual Assessment, this should not be taken as a suggestion that the shop front did not contribute to the significance of the conservation area. Each window was divided into three. The main window fronting Woodbine Terrace had a horizontal transom dividing the panes which themselves were set in simple frames with an arched head. The other window to the side of the property was similar in design, albeit not featuring the transom.

The replacement windows are both of the same design inset into the existing shopfront frame however the windows do not have arched heads and are three long panes divided by flat, narrow, uPVC mullions.

Guidelines in the Shop Front and Commercial Frontages Design Guide SPD state, Where historic shop fronts exist, these should be refurbished as original detailing can not only enhance the individual building, but can also contribute to the character of the area, further it notes that, the finishing materials should be chosen to complement the design and surrounding property. The predominant materials used for windows within Greatham Conservation Area is timber.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset, namely Greatham Conservation Area (NPPF, 196). This is because it results in the loss of timber windows which combined with the other relevant elements provided a traditional shop front. No information has been

provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

UPDATE 26.01.2021

The previous arches were an integral part of the frame and quite slim whereas these are deeper and appear as a separate element of the windows. It is considered that with this addition the windows would still cause harm to the significance of the conservation area.

HBC Building Control – A Building Regulation application is required for the works as described, unless the works have been completed by a company registered with a Competent Person Scheme.

Tees Archaeology – No objection to these works and there is no requirement for archaeological involvement.

Greatham Parish Council – No comments.

Rural Plan Working Group – The group have no comments to make.

PLANNING POLICY

9.12 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)

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

CC1: Minimising and adapting to climate change
HE3: Conservation Areas
LS1: Locational Strategy
NE1: Natural Environment
SUS1: The Presumption in Favour of Sustainable Development

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

HA1: Protection and Enhancement of Heritage Assets
HA2: Protection and Enhancement of Conservation Areas

National Planning Policy Framework (NPPF) 2019

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

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 003: Introduction

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 185: Conserving and enhancing the historic environment

PARA 189: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 196: Considering potential impacts

PARA 202: Considering potential impacts

9.16 HBC Planning Policy - The building is in a prominent location and within the conservation area and the work carried out is not in keeping with the conservation area, the proposal is considered contrary to planning policy.

PLANNING CONSIDERATIONS

9.17 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 AND SIGNIFICANCE OF THE GREATHAM CONSERVATION AREA

9.18 The application site, a former shop, is located in Greatham Conservation Area, a designated heritage asset. 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).

9.19 Policy HE1 of the Local Plan 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. There are also relevant heritage based policies of the Hartlepool Rural Plan, again set out in the Planning Policy section above.

9.20 Guidelines in the Council's Shop Front and Commercial Frontages Design Guide SPD state, where historic shop fronts exist, these should be refurbished as original detailing can not only enhance the individual building, but can also contribute to the character of the area. Furthermore, it notes that, the finishing materials should be chosen to complement the design and surrounding property. The predominant materials used for windows within Greatham Conservation Area is timber.

9.21 The proposal is a retrospective application for the installation of two uPVC windows to the ground floor of the building. The windows had previously been the display windows of a shop and featured pilasters either side with a fascia over framing the openings. The Council's Heritage and Countryside Manager considers that the proposed replacement uPVC windows would cause less than substantial harm to the significance of the Greatham Conservation Area as a result of the loss of original timber windows combined with the other relevant elements that provided a traditional shop front. Furthermore, no information has been provided to demonstrate that this identified harm would be outweighed by any public benefits of the proposal.

9.22 The applicant was made aware of officer concerns as outlined above. The applicant provided some information to seek to address the concerns raised namely the addition of further detailing to the windows consisting of the proposed application of arches above the windows and application of window bars. However as set out in the further comments of the Council's Heritage and Countryside Manager, it is considered that the additional works would not address the identified level of harm to the designated heritage asset as the previous arches were an integral part of the frame and quite slim whereas the applicant's proposals are understood to be deeper and appear as a separate element of the windows.

9.23 As such, it is considered the proposal is not considered to be acceptable, contrary to Policies HE1 and HE3, of the Hartlepool Local Plan (2018), Policies HA1 and HA2 of the Hartlepool Rural Plan 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

9.24 Notwithstanding the current unauthorised change of use, it is considered that replacement 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.2 to the northwest) in terms of outlook, overbearing impression, overshadowing or overlooking.

OTHER PLANNING MATTERS

9.25 No objections have been received from other technical consultees including matters of archaeology.

CONCLUSION

9.26 It is considered that the introduction of uPVC windows of non-traditional design and materials results in 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 Greatham Conservation Area, contrary to Policies HE1 and HE3 of the Hartlepool Local Plan (2018), Policies HA1 and HA2 of the Hartlepool Rural Plan and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

EQUALITY AND DIVERSITY CONSIDERATIONS

9.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

9.29 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the installed windows cause less than substantial harm to the designated heritage asset (Greatham Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works 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 and HE3 of the Hartlepool Local Plan (2018), Policies HA1 and HA2 of the Hartlepool Rural Plan and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=13886>

9.32 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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1 Woodbine terrace Greatham, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 23.02.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0216	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

10 March 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 an outbuilding at a college on Stockton Street.
2. Earthworks and the creation of hardstandings for caravans at a park homes site on Easington Road.
3. The installation of an extract duct at the rear of a commercial premises in Owton Manor Lane.
4. Running a hot food takeaway at a residential property in Sidings Close.
5. The erection of structures/outbuildings at the rear of a residential property in Bilsdale Road.
6. Litter escaping from a residential development site at land off Old Cemetery Road.
7. The erection of a balcony at the rear of a residential property in Coppice Lane.
8. Non-compliance with a condition requiring submission of a sound insulation scheme at a residential property in Jesmond Gardens.
9. The installation of hard surfacing in the front garden of a residential property in Brierton Lane
10. The erection of a small village at the rear of a residential property in Bilsdale Road.

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

1. The erection of a first floor balcony at the rear of a residential property in Brigandine Close. The balcony has been in place for in excess of four years and is therefore immune from enforcement under planning legislation.
2. Non-compliance with the approved plans (relates to the size of approved single storey side extension) at a residential property on Throston Grange Lane. It was found that the single storey side extension is being built in accordance with the approved plans.
3. Alterations to an earth bund involving obstruction of a footpath at a residential development site at land at Wynyard Woods. The obstruction to the footpath has now been removed, however due to current weather conditions the footpath remains in a poor condition. A remedy involving the temporary diversion of the footpath is being agreed in consultation with the Council's Countryside Access Officer.

2. RECOMMENDATION

- 2.1 Members note this report.

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