

PLANNING COMMITTEE

AGENDA



Wednesday 14th April 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 10 March 2021 (*to follow*)

4. ITEMS REQUIRING DECISION

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

1. H/2015/0283 Land at Nelson Farm, Nelson Lane (page 1)
2. H/2017/0054 Southbrooke Farm, Summerhill Lane (page 37)
3. H/2020/0376 36 Butterstone Avenue (page 57)

5. ITEMS FOR INFORMATION

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

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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.

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)*

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

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

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

The next meeting of the Committee will be held on Wednesday 16 June commencing at 10.00am



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

10th March 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: Paddy Brown, Bob Buchan, Tim Fleming, Helen Howson, Marjorie James, Carl Richardson, Tony 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

Officers: Jim Ferguson, Planning and Development Manager
Kieran Bostock, Assistant Director (Place Management)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Coast, Countryside and Heritage Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning (DC) Team Leader
Matthew King, Planning Policy Team Leader
Zoe Craig, Environmental Health Officer (Environmental Protection)
Tom Stephenson, Ecologist
Laura Alderson, Senior Planning Officer
Ryan Cowley, Senior Planning Officer
Helen Smith, Senior Planning Officer
Jane Tindall, Senior Planning Officer
Stephanie Bell, Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

Members were advised that Councillor James Brewer (attending as substitute for Councillor Brenda Loynes) was in the process of joining the meeting via Microsoft Teams.

The Chair noted that following a membership review Councillors James Brewer and Jim Lindridge had been replaced as permanent members of the Committee by

Councillors Helen Howson and Tony Richardson. He thanked the previous members for their work on the Committee and welcomed the new members.

115. Apologies for Absence

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

116. Declarations of interest by members

None

A prejudicial declaration of interest was made by Councillor Fleming with regards to item 7.3 under exempt items. He indicated he would abstain from voting on this item.

117. Confirmation of the minutes of the meeting held on 13 January 2021

Minutes approved

118. Confirmation of the minutes of the meeting held on 10 February 2021

Minutes approved

119. 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 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

An online site visit had taken place via Teams immediately prior to this meeting.

A member referred to an objection which had made allegations that Members may have pre-determined this application and asked whether this had been investigated. The Chair confirmed that the Chief Solicitor had looked into this and responded to the objector stating that she had no concerns that members may have pre-determined this application. He asked that this response be forwarded to members for their information. A member also noted that this same objector had made reference to an unconnected pipe on site. The Senior Planning Officer confirmed that a condition had been put in place requiring remediation works be carried out even though the applicant had advised that these concerns were unfounded.

Councillor James Brewer present in the meeting.

The Agent addressed members and urged them to support this application. He acknowledged that the alterations had been started without the necessary permissions however once they had been made aware of the requirements they had stopped the work. They had also agreed to cancel some intended work following objections from nearby residents specifically the replacement of an existing fence. Additionally, and following the previous deferment of consideration of this item for a site visit, the applicant had agreed to a number of amendments to the proposal which had been put forward by the Planning department including the extension of the existing retaining wall on the Southern boundary, the erection of new close boarded fencing and the planting of 4 trees.

An objector addressed members on behalf of residents of 2 Parklands Way properties. He indicated that the boundary structure as proposed was unnecessarily high and could cause untold stress to those living nearby. He also noted that hedgerows, trees and turf had not been planted by the applicant and required under existing planning conditions. Flooding issues had also not been addressed.

A member requested clarification on the height of the fence. The Senior Planning Officer confirmed that a 2.7 metre height increase had been proposed which would lead to a maximum height of 2.9 metres on the neighbouring side.

Members expressed sympathy for the neighbours and disappointment that the work had been carried out before planning permission had been given.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes was taken to approve the application as set out in the report:

For:

Councillors Christopher Akers-Belcher, Paddy Brown, Bob Buchan, Cameron Stokell and Mike Young

Against:

Councillors Tim Fleming, Helen Howson, Marjorie James, Carl Richardson and Tony Richardson

Abstained:
None

It was noted that Councillor James Brewer was unable to vote on this application as he had not been present for the entirety of the discussions.

The Chair utilised his casting vote to approve for this application

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
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 Rev C (Proposed Elevations/ Sections of north/ east and southern boundaries) received 25th 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 Rev C (Proposed Elevations/ Sections of north/ east and southern boundaries) received 25th 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 Rev C (Proposed Elevations/ Sections of north/ east and southern boundaries) received 25th 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.

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)
Location:	8 GALA CLOSE HARTLEPOOL

This application had been deferred previously to allow officers to investigate a number of queries by members. These were answered and updated in the report.

Members queried why this application needed planning permission. The Planning (DC) Team Leader advised that it was due to planning condition 6 which had removed householder permitted development rights for the erection of outbuildings due to gasing issues.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes 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, Helen Howson, Marjorie James, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Against:

None

Abstained:

None

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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.

Number:	H/2020/0378
Applicant:	MRS AMY WARD THE WATERMARK GATESHEAD
Agent:	Barratt David Wilson Homes North East Barratt House The Watermark GATESHEAD
Date received:	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

The Applicant urged members to support these amendments to the existing planning permission which would expand the housing offer on site and enable faster delivery. The updated landscaping had been well thought out and the housing was of a high quality design with architectural diversity.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes 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, Helen Howson, Marjorie James, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Against:

None

Abstained:

None

Decision: **Planning Permission minded to approve subject to any necessary variation to the section 106 legal agreement**

CONDITIONS AND REASONS

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

RES/732 LP/01 Rev A (Location Plan)
 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.

The Committee considered representations in relation to this matter.

Number: H/2020/0215

Applicant: EURO PROPERTY MANAGEMENT LTD MR
WHITFIELD DALTON PIERCY ROAD DALTON
PIERCY HARTLEPOOL

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

Date received: 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

A member referred to a similar development nearby and queried why officers were recommending refusal of this application. The Senior Planning Officer advised that members had voted against the officer recommendation to refuse permission of that development. This application was felt to be unsustainable due to limited access to local services and amenities.

The applicant urged members to go against the officer recommendation and support this application which would deliver quality housing while improving the economy of the urban area. He did not feel that the concerns around the impact on the rural neighbourhood and felt that the impact on the surrounding highway infrastructure would be negligible. He also noted that Highways England had made no objection and questioned why contributions toward the cost of the A19 bypass had been requested of them when they had not been requested of similar developers.

A member queried how close the development was to the South West extension. The Planning and Development Manager clarified the development was around half a mile away from the High Tunstall extension. However that development is within the development boundary for the town whereas Mayfield House is not. A member referred to nearby developments which had been approved without concerns around local amenities.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes was taken to refuse the application as set out in the report:

For:
Councillors Paddy Brown, Bob Buchan, Tim Fleming and Helen Howson

Against:

Councillors Christopher Akers-Belcher, James Brewer, Marjorie James, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Abstained: None.

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

1. Given the outline planning permission for development at High Tunstall (1200 dwellings) which was to include amenities, members considered the development would not be isolated or unsustainable.

2. The development at High Tunstall would provide the residents with access to amenities.

Members clarified they rejected the assertion within the report that this development would be unsustainable saying nearby future development would provide amenities. The Planning and Development Manager queried whether members were happy that the developers not be required to contribute financially toward the A19 bypass. Members confirmed they felt it would be unfair to seek such a contribution from this developer given the funding that had already been received from the Combined Authority and the High Tunstall development for the bypass. They confirmed that the obligation towards improvements to the accessibility and safety of walking links within the area should be secured.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes was taken to approve the application

For:

Councillors Christopher Akers-Belcher, James Brewer, Helen Howson, Marjorie James, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Against:

Councillors Paddy Brown, Bob Buchan and Tim Fleming

Abstained:

None

Decision:

Outline Permission minded to approve subject to the completion of the s106 legal agreement to secure £2,500 towards improvements to the accessibility and safety of walking links within the area with the formulation of planning conditions delegated to the Planning and Development Manager

The Committee considered representations in relation to this matter.

Number: H/2020/0425

Applicant: MR S BENNETT MEADOWGATE DRIVE
HARTLEPOOL

Agent: MR S BENNETT 11 MEADOWGATE DRIVE
HARTLEPOOL

Date received: 10/12/2020

Development: Erection of boundary railings (retrospective application)

Location: 11 MEADOWGATE DRIVE HARTLEPOOL

A member queried why this retrospective application had been brought to Committee, saying they felt it was a civil matter relating to access. The legal advisor advised that his understanding was that anyone crossing the applicant's land would be driving over private land.

The applicant advised that the fencing had been erected to protect younger family members and other residents following a number of 'near misses' by vehicles. He accepted that planning permission had not been sought but he had not been aware that this was required. The previous owners of nos 7 and 9 had been supportive of the plan and nobody in the area had raised an issue with Applicant at the time. The fencing did not restrict access by vehicles as it was simply demarcating his property and objections around it being unsightly were unfounded as those objecting were not impacted visually. No highway concerns raised by officers. The primary focus of this development was to keep the family safe.

A statement had been provided by an objector who was unable to attend in person due to work commitments. He expressed concerns around the impact this development would have on emergency vehicle access. Neighbours felt that this fence was excessive, unduly large and not in keeping with the open plan concept of this development and considered that a less permanent boundary, such as shrubs or potted plants, would be preferable.

A member queried whether the emergency services had been consulted on this application. The Planning (DC) Team Leader advised that they had not as there had been no concerns around highway safety. The member indicated that while they had no objections to the application they felt input from the emergency services would have been helpful.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes 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, Helen Howson, Marjorie James, Carl Richardson, Tony Richardson, Cameron Stokell and Mike Young

Against:

None

Abstained:

None

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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.

The Committee considered representations in relation to this matter.

Number:	H/2020/0443
Applicant:	MR A WEST QUEENSBERRY AVENUE HARTLEPOOL
Agent:	LOXTON DESIGN LIMITED MR STUART LOXTON 17 DRYBURN ROAD STOCKTON-ON-TEES
Date received:	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

The Planning (DC) Team Leader noted that the majority of the work under consideration could be done under householder permitted development rights and only the front roof slope alterations required planning permission.

The Applicant gave detailed information on the proposed alterations to the property including the replacement of the existing stairway, rearrangement of the bathrooms, reallocation of the kitchen and optimisation of upper floor level space. In terms of the proposed window alterations these would not offer significant new views to the property from the front and the change to the kitchen window would actually afford more privacy. Building work outside the property would be kept to a minimum and deliveries would be avoided at night and during commuting hours.

An objector referred to the proposed amendments to the existing windows as an unacceptable invasion of privacy saying that neighbouring properties would be overlooked in their living and private sleeping space. They also noted that another major renovation project was due to start at the property next door, saying it was unacceptable to do both at the same time.

A member commented that this application should be rejected because it would infringe on other properties but also due to the historic nature of the building. The Planning (DC) Leader indicated that the impact on the listed building had been considered and had been found to not be a valid reason to object reiterating that the majority of the work under consideration could be done under householder permitted development rights.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes 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, Tony Richardson, Cameron Stokell and Mike Young

Against:

Councillors Helen Howson and 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 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.

The Committee considered representations in relation to this matter.

Councillor Christopher Akers-Belcher left the meeting

Number:	H/2020/0431
Applicant:	MR K WRIGHT HIGH STREET GREATHAM HARTLEPOOL
Agent:	MR K WRIGHT BRIARMEAD HIGH STREET GREATHAM HARTLEPOOL
Date received:	02/12/2020
Development:	Erection of single storey rear extension (including removal of a tree)
Location:	BRIARMEAD HIGH STREET GREATHAM HARTLEPOOL

The applicant urged members to support his application which would continue a number of internal changes he had made to the property, all of which had been carried out in a way to keep the history and character of the property intact. He had engaged with the Council's Arboriculturalist regards the proposed removal of the tree due to concerns that it was causing damage to the building and said replanting was a condition of this application. The proposed extension was designed to enhance the property as a family home while retaining its character. The extension would have minimal impact while enhancing the use of the property.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes was taken to approve the application as set out in the report:

For:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Tony Richardson, Cameron Stokell and Mike Young

Against:

Councillors Helen Howson and 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 permitted shall be carried out in accordance with the plans Dwg No(s):
pds_102_18 8249433_sp 02 Rev A (Proposed Site Plan)
pds_102_18 8249433_04 Rev A (Proposed Elevation)
Received by the Local Planning Authority 24/11/2020
pds_108_18 8249433_lp 01 rev A (Location Plan)
Received by the Local Planning Authority 02/12/2020, and
pds_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.

6. In order to protect and record the character and setting of the Listed Building. 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.

The Committee considered representations in relation to this matter.

Number:	H/2020/0432
Applicant:	MR K WRIGHT HIGH STREET GREATHAM HARTLEPOOL
Agent:	MR K WRIGHT BRIARMEAD HIGH STREET GREATHAM HARTLEPOOL
Date received:	02/12/2020
Development:	Listed building consent for the erection of single storey extension at the rear
Location:	BRIARMEAD HIGH STREET GREATHAM HARTLEPOOL

The Applicant confirmed that this extension was designed to update and improve an area of the house. He referred to an objection that stated the original façade would be totally lost – noting that the rear door was a modern addition and there had been no rear door in place prior to that.

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes was taken to approve the application as set out in the report:

For:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Tony Richardson, Cameron Stokell and Mike Young

Against:

Councillors Helen Howson and Carl Richardson

Abstained:

None

Decision: Listed Building Consent Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 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.

The Committee considered representations in relation to this matter.

Number:	H/2020/0216
Applicant:	MS C YOUNG WOODBINE TERRACE GREATHAM HARTLEPOOL
Agent:	MS C YOUNG 1 WOODBINE TERRACE GREATHAM HARTLEPOOL
Date received:	27/11/2020
Development:	Installation of 2 replacement windows (retrospective application).
Location:	1 WOODBINE TERRACE GREATHAM HARTLEPOOL

Members highlighted the regularity of retrospective applications of this type being brought before the Committee and queried what could be done to address this generally. A member referred to the Council's policy on this matter stating that the difficulty was not the wording of the policy (that UPVC could be used to replace wooden windows were they would look that same) rather the officer interpretation of it. The general consensus was that members did not have a problem with UPVC being used so long as the character of the property was retained. The Planning (DC) Team Leader noted that there was still an unauthorised change of use pending on this property and members felt that this retrospective application should be deferred pending completion of any enforcement consideration

In accordance with rule 8 of the Council's Procedure Rules relating to the Holding of Remote Meetings a recorded votes was taken to defer this application as moved by Councillor James and seconded by Councillor Buchan until related enforcement considerations had been completed:

For:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Helen Howson, Marjorie James, Tony Richardson, Carl Richardson, Cameron Stokell and Mike Young

Against:

None

Abstained:

None

Decision: Deferred pending the submission of a retrospective planning application for the change of use of the shop to a dwelling. If such an application is not forthcoming within a reasonable timescale, application H/2020/0216 to be referred back to committee for consideration along with a report on any necessary enforcement action for the change of use to a dwelling at the property.

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

Members were advised of 10 complaints currently under investigation and 3 which had been completed.

Decision

The report was noted

121. 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.

The Chair advised that this was the final meeting of the Legal Representative. He thanked him for his sound advice and wished him well for the future. Members echoed these comments. The Legal Representative thanked Members for their kind words.

Councillor Carl Richardson left the meeting.

122. 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 123 – (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 of by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Minute 124 – (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 of by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Minute 125 – (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 of by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

123. 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 of 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

Details contained in the closed minutes.

- 124. 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 of 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

Details contained in the closed minutes.

- 125. 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 of 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

Details contained in the closed minutes.

The meeting concluded at 12 noon.

CHAIR

No: 1.
Number: H/2015/0283
Applicant: Mr COLIN FORD COALBANK FARM HETTON LE HOLE
HOUGHTON LE SPRING DH5 0DX
Agent: HEDLEY PLANNING SERVICES 3B EVOLUTION
WYNYARD BUSINESS PARK WYNYARD TS22 5TB
Date valid: 15/07/2015
Development: Outline application with some matters reserved for
residential development comprising 50, two storey houses
including highway access, layout and provision of land for
use as open space
Location: LAND AT NELSON FARM NELSON LANE
HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid 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 previously considered at the planning committee of 19.10.2016 where it was deferred by Members to allow for flooding monitoring to be undertaken detailed drainage design/evidence to be provided and to allow clarification relating to the viability assessment particularly in relation to the provision of affordable housing. The application was brought back to planning committee of 24.08.2016, where Members were minded to approved the application subject to the completion of a legal agreement securing contributions (that the applicant had agreed to pay at that time) towards primary education (£85,234), secondary education (£79,332), built sport (£12,500), play facilities (£12,500), green infrastructure (£12,500), playing pitches (£11,664.50), tennis courts (£2,851), bowling greens (£248.50), £7000 towards the provision of 2 interpretation panels as part of the ecological mitigation, provision for the maintenance of open space within the site, the provision of 0.9 hectares of land to provide a Suitable Alternative Green Space (SANGS) (including provision for its landscaping and maintenance) and accommodation of footpath link(s) and the provision of a leaflet informing new residents of the importance of the Natura 2000 sites in the local area and encouraging the use of the SANGS and an obligation requiring the provision of on-site affordable housing (5 units equating to 10%, as agreed through viability assessment), and subject to relevant planning conditions.

1.3 In the intervening period following Members decision to be minded to approve the application, the s106 legal agreement has not been progressed by the applicant. It is understood that the applicant's delay with the signing of the 106 legal agreement was also in part due to issues with drainage and third party land (which, which will be discussed in detail below). Following the changes to the adopted Hartlepool Local

Plan in 2018 and due to the delay in signing of the 106 legal agreement, there have been subsequent changes to the education financial contributions sought, which has seen an increase towards primary education (£147,866.25 in total) and secondary education (£96,739.72 in total). There is also a change to the planning obligation relating ecological mitigation provision (a financial contribution of £5,000). All other obligations remain as previously agreed.

1.4 There have also been a number of events that are relevant to the consideration of this application since the application was first considered by Members in August 2016. These include the revision to the National Planning Policy Framework (NPPF, in February 2019) and associated Planning Practise Guidance; the adoption of the Hartlepool Local Plan (May 2018), a change in approach on ecology matters (following a decision in European case law) and the extension of the SPA; and the formation of a new planning committee(s), all of which need to be taken into account and therefore this new report is required to bring matters up to date.

PROPOSAL

1.5 Notwithstanding the changes set out in the background to this report, there have been no amendments to the layout of the proposed scheme since it was originally reported to Members in August 2016.

1.6 Outline approval is sought for the erection of 50no. two storey dwellings with details of access, layout and scale being submitted as part of the application. Matters relating to appearance and landscaping would be subject to a reserved matters application.

1.7 The layout plan submitted shows 50no. dwellings to be accessed from the existing turning head of Applewood Close which is a cul de sac with access taken from Jaywood Close.

1.8 Details of house type designs have not been submitted (they would be subject to any reserved matters, should the outline be approved), however the layout shows a mix of detached and semi detached dwellings, each having amenity space to the front and rear with in curtilage car parking. The applicant is proposing to provide affordable housing (affordable rent) within the site.

1.9 The proposed layout shows an area of public open space to be located towards the west of the site which will be naturally surveyed owing to the orientation of properties which have been designed to overlook the area. Additionally, due to the proximity to designated sites, in order to address initial concerns from both the Councils Ecologist and Natural England, an amended layout plan was submitted to include a large area of open greenspace adjacent to the west of the proposed residential development known as a Suitable Alternative Green Space (SANGs) to reduce the recreational pressure on designated areas and provide space for residents to exercise dogs etc.

1.10 The application has been referred to the Committee to update Members on the changes to policy and planning obligations.

SITE CONTEXT

1.11 The application site is an area of agricultural land measuring approximately 1.5 hectares. The site is enclosed by post and rail fencing with mature hedgerow adjacent to some of the boundaries. There is also a hedgerow which runs through the centre of the site which would be removed as part of the application.

1.12 The site is within the limits to development and is an allocated housing site. The site is adjacent to an existing housing development to the east which consists of a mix of detached and semi detached dwellinghouses. There is agricultural land to the south and west. To the north there is a single lane access track beyond which is Seaview residential caravan park which is enclosed by mature hedgerow.

1.13 The application site is approximately 1.2km from a European designated site and the Teesmouth and Cleveland Coast Special Protection Area (SPA). The site is also listed as the Teesmouth and Cleveland Coast Ramsar site and at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

PUBLICITY

1.14 The application was advertised by way of neighbour letters (35), site notices and press notice (July 2015). Amended plans were also advertised by neighbour notification, site notice and press notice (September 2015). As a result of the application coming back to Members as an update, no further public consultation has taken place.

1.15 To date, there have been 28 objections and one letter of support. 9 objectors re-submitted their objections in response to the re-consultation.

1.16 The concerns raised broadly consist of;

- Increased traffic on existing roads (particularly Jaywood and Applewood Close)
- Poor access due to existing junctions being too narrow
- Insufficient car parking resulting in additional on street car parking to the detriment of vehicle and pedestrian safety
- Insufficient public transport to serve future residents
- Impact upon residential amenity in terms of loss of light, overlooking, loss of view and appearing overbearing
- Insufficient openspace
- Overdevelopment of the site resulting in development which is too dense
- Out of character with the surrounding area
- Housing too dense
- Loss of open countryside
- Concerns that the site is of archaeological interest
- Openspace design could easily facilitate further housing development
- Additional pollution
- Impact upon existing footpath routes
- Increased risk of flooding in an area which has previously flooded

- Additional noise disturbance to the detriment of quality of life for existing residents
- Impact upon wildlife due to loss of hedgerow
- Insufficient school places in the area which are already over subscribed
- Disruption during construction
- Depreciation of existing house values
- No need for additional homes
- Wind turbines are proposed immediately to the west of the site which would impact upon proposed dwellings

1.17 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=107435>

1.18 The period for publicity has expired.

CONSULTATIONS

1.19 As a result of the changes discussed in the background to the report, a number of relevant technical consultees have been contacted with a request for any updates to their original comments and these are set out below their original comments.

1.20 The following consultation replies have been received:

HBC Countryside Access: I am pleased that a public right of way 'corridor' will be created to allow the public to access the existing public bridleway to the north of the site, from within the housing. As a result the owner of the land affected will need to enter into a creation agreement with the Council for the creation of a public footpath, between the new adopted highways within the new site and the public bridleway.

Also the permanent provision of an area of land to the west of the housing (SANGS), for recreation/dog walking exercising is also welcomed. I understand that there will also be provision and installation of a soft landscaping planting scheme, within this SANGS area/site.

Whilst the agent and landowner have made known that they will not consider further rights of way creation, in relation to this housing development, I am sure that the s106 agreement of green infrastructure contributions will assist in improvements to recreational access and enjoyment of the area, as well as improvements to the green landscaping, some of which may be used to improve the existing hedges so as to increase the native tree/hedge population. This will benefit the conservation/environmental aspect of the area.

UPDATE 5th March 2021:

No further comments to make.

HBC Engineering Consultancy (Flood Risk Officer): There is not enough drainage and SI information in order for me to adequately assess the proposals. I have read through the FRA submitted and agree with the conclusions that discharge

to watercourse seems the most logical surface water solution however before we can take this proposal any further I would need to see detailed design drawings and calculations etc. In January 2016 I was provided with photographs from a resident showing some ponding issues on and around the site, it is important that all of these issues are addressed and any drainage design is capable of accepting and storing the flows required to meet the 5l/s discharge rate.

As per my previous request can I attach a SW and SI condition to this application.

Further Comments: Essentially the scheme is a network of varying pipe sizes and a buried tank. Within one of the manholes there is a flow restrictor that will limit the discharge into the watercourse to 5L/s, there will be enough storage in the pipes and tank to ensure that this flow rate can be achieved.

At this stage I am not in a position to approve the drainage system based on the current submission as it will require some amendments and a bit of further work but if we could put our standard drainage condition onto the application plus an additional condition to ensure that the topography of the new development is shaped so that water cannot flow towards the existing properties then I am satisfied. The topography condition should not be an issue given that the design submitted substantially facilitates this anyway.

UPDATE 07.08.2020

No objection to updated information from Northumbrian Water. Conditions still applicable.

UPDATE 12th March 2021:

No further comment.

HBC Economic Development: No objections.

HBC Arbocultural Officer: It is stated in a supporting email that the area will be grassed and the western boundary planted with a native hedge mix with occasional hedgerow trees such as Hazel and Crab Apple. This is welcomed, however it is considered that additional tree planting could be accommodated within the green space, with perhaps a small number of irregularly spaced groups of half a dozen standard sized trees of a native woodland mix (i.e. Oak, Scots Pine, and Wild Cherry) in order to further enhance the visual and ecological value of the site.

HBC Ecology: (summarised) HBC has concluded that while there is evidence of recreational disturbance there is no clear evidence that this is the cause of shorebird declines. However, under the precautionary principle it is reasonable for developers to accept that they are increasing recreational disturbance and to offer mitigation for this.

The Nelson Farm development has offered the following mitigation:

- An area of 0.9 Ha SANGS.
- The provision of a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little

terns and encouraging people to use the newly created SANGS for dog walking.

- Financial contribution towards interpretation panels

Given the already very high levels of recreation on the coast, especially the most accessible beaches, the low number of ‘new’ people involved and the relatively unpleasant route to the start of the coastal access footpath as opposed to walking within the SANGS provided, HBC concludes that the Nelson Farm housing development adequately mitigates for its contribution to the combined adverse impact on the SPA/ Ramsar site.

Further Comments: At the request of Planning Committee the applicant has provided a drainage design for the development ultimately the system will discharge to a watercourse in the caravan site to the north.

I have no ecological concerns with the proposed water discharge into the beck to the north. The beck lies in a relatively steep v-shaped valley with some mature trees on the boundary and within the valley. [NB: the owner of this land has recently cleared a large amount of scrub from the valley].

I am satisfied that there are no protected species (such as water vole) in the beck that might be affected by higher water levels or greater water flow.

UPDATE 13.08.2020

An updated Habitats Regulations Assessment (HRA) has been undertaken. A financial contribution (£5000) to the Hartlepool HRA Mitigation Strategy and Delivery Plan should be secured via s106 legal agreement.

UPDATE 08.03.2021

I’ve had a look at the HRA and the calculations of contribution looks to stack up. However, this relies on the SANGS area which would need to be appropriately landscaped to make it sufficiently attractive to dog walkers primarily (I seems to recall this should have a circular path and a ‘natural feel’, but I can check this). Are there any details on the landscaping of the SANGS, and will this be secured through the 106?

UPDATE 18.03.2021

Following confirmation the SANGS and landscaping will be secured (the latest HRA discharges our relevant duties). No further comments.

HBC Landscape: From a landscape perspective no details are given at this stage of the application, therefore there is limited scope for comment. Following loss of existing established hedgerow it would be beneficial to provide a replacement landscape buffer along the western boundary of the proposed site. The northern boundary will also be a key site issue relating to visual impact. A full landscape plan for the site should be submitted as part of the detailed proposals. This should include proposals for boundary treatment, including the key western and northern boundaries.

It is noted that the layout provided as part of the outline application is indicative only, however, the proposed open space along a small section of the western boundary would not appear to be sited in a location that encourages community use, visual surveillance or legibility. Issues such as this should be fully considered at detail stage.

HBC Public Protection: I would have no objections to this application subject to conditions to restrict hours of construction and to secure a construction management plan.

UPDATE 05.03.2021

Our previous comments still apply.

HBC Traffic & Transport: The access to the proposed development is via Applewood Close and Jaywood Close, the width of the carriageway is 4.8 metres and 5.5 metres respectively. The 4.8 metre width is the minimum width used on residential roads, these roads are usually cul-de-sacs and do not carry public transport. Therefore it would be acceptable for this development to be accessed from these roads. The scale of the development is below the threshold the council requires for a Transport Assessment which requires key junctions to be assessed for capacity. Therefore any increase in traffic and impact on surrounding junctions would not be considered severe.

Highway Layout

The roads and footways for the development to be constructed to an adoptable standard either through a Section 38 agreement or an Advanced Payment Code agreement. The access road width should be 4.8 metres at Applewood Close. It is not entirely clear whether the applicant intends for the ends of each cul-de-sac to be a shared surface type layout, if this is the case the verges should be removed and the carriageway width increased to 6 metres which includes a 1.2 metre service strip. The applicant has shown a parking lay by with the footway removed next to plot 23, a footway should be provided which will provide access for passengers. The parking bays should be a minimum 6 metres in length.

The drive for plot 13 should enter the highway at a perpendicular angle.

Additional comments received following amended plans: I have no Highway concerns with this amendment, the PROW will need to be closed during the duration of the works and the path temporarily diverted. The developer will need to pay all costs associated with the temporary closure and diversion.

UPDATE 9th March 2021:

I can confirm my comments are still OK.

Hartlepool Water: Having assessed the proposed development against the context outlined above I can confirm the following. We do not anticipate any diversion work. I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development. We have no objection to this development.

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

Further comments: I have looked into our records for the proposal and can't seem to find any record of correspondence with the applicant to agree suitable connection points to the sewerage network or assess sewer capacity. As it does not appear that these details have yet been agreed with Northumbrian Water, we would continue to request a drainage condition to cover the disposal of foul flows irrespective of the surface water drainage solution. We would recommend that the applicant carries out a pre-development enquiry with Northumbrian Water, as detailed in our response, to identify a suitable drainage strategy with regard to foul flows.

UPDATE 05.08.2020

We have based our response on the information in your application and subsequent discussions with Steve Sommerville. Therefore, should any of the information now be different, then you must ensure that you inform us of any changes as further Network Modelling may be required and our response may also change, leading to this response being invalid. Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network's to accommodate and treat the anticipated flows arising from the development. We do not therefore offer comment on aspects of planning applications that are outside of our area of control. We have changed the way contractors and developers can access our assets. Historically only our own staff and framework contractors could access our sewerage network. As of 1st January 2018, we are allowing third party contractors to access our sewer network on a site by site basis, subject to certain conditions. Further information (including how to apply) is available from our web site - <https://www.nwl.co.uk/services/developers/developer-sewerage-services/>

Also enclosed is our extract showing locations within the approximate vicinity of this site that have, from our records, experienced flooding. This has been provided to demonstrate the known flood risks within the vicinity which have been considered as part of our assessment on this enquiry. We have also carried out a review of your application and can confirm the following: Sewerage and Sewage Treatment Northumbrian Water would ask that you please separate the foul and surface water flows in accordance with Part H of the Building Regulations prior to the final connection to the public sewer. All new connections to the public sewerage system must first be approved through the Section 106 of the Water Industry Act 1991 process prior to construction. Should you decide to proceed with this development, a fully completed Sewer Connection application form will be required. These are available to download from the following link:

<https://www.nwl.co.uk/services/developers/developer-sewerage-services/new-sewer1connections-s106/>

- **Foul Water Discharge** The foul flows can discharge without restriction into the foul water public sewer via manhole 9906.

- **Surface Water Discharge** No surface water flow from the proposed development will be allowed to connect into the existing public sewerage system unless it is proven that the alternative options which are listed within Part H of the Building

Regulations 2003 are not available: Rainwater from a system provided pursuant to sub-paragraphs (1) or (2) shall discharge to one of the following, listed in order of priority – (a) an adequate soakaway or some other adequate infiltration system; or, where that is not reasonably practicable, (b) a watercourse; or, where that is not reasonably practicable, (c) a sewer. As the more sustainable options proved to be unfeasible, then a restricted surface water flow of 5 l/sec would be permitted to discharge into the surface water sewer via manhole 9903. Any excess in flows must be attenuated on site. As this surface water sewer ultimately discharges to a watercourse, we suggest that you contact either the Environment Agency or Lead Local Flood Authority, as appropriate, to discuss this in further detail. Written approval for all individual connections (direct or indirect) to the public sewerage system should be obtained through the Section 106 process, following completion of the detailed drainage design and before the commencement of any drainage works on site.

- **Sewage Treatment Capacity** - The Sewage Treatment Works to which this development finally discharges to is able to accept the additional flows. Please note that this response is valid for 1 year only and you should resubmit your proposals should this period lapse prior to your development beginning.

Tees Archaeology: The geophysical survey has not identified any anomalies that appear archaeological in origin. Based on the results of this survey I do not wish to recommend any further archaeological works. This report along with the previous desk-based assessment meets the information requirements of the NPPF. I can confirm that I have no further comments to make on the application.

Further Comments: Thanks for the consultation on the drainage proposals for this scheme. Geophysical survey was carried out on the site in 2015 with largely negative results and based on that I have no further comments to make on the drainage scheme.

Environment Agency: This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee, therefore we have no comment to make on this application.

Natural England: No objection - Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that it concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. In this regard, we note that the development has offered the following mitigation:

- An area of 0.9ha Sustainable Alternative Natural Green Space (SANGS).

- The provision of a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking.
- A financial contribution to improvements of interpretation panels at the access point to Crimdon beach, indicating the wildlife importance of the area.

RSPB (summarised) Objects to the proposed development

Due to Indirect effects through an increase in recreational disturbance upon the interest features of the Teesmouth and Cleveland Coast SPA/Ramsar site – namely breeding little tern and overwintering species/assemblage and the overwintering interest features of the Northumbria Coast SPA/Ramsar site.

Little tern

The little tern colony at Crimdon is sited approximately 1.2km from the proposed development. At the time of writing the Crimdon colony represents the entire breeding population of little tern within the SPA. The colony is subject to ongoing high levels of disturbance through beach users (particularly people with dogs), and requires protection through wardening during the breeding season.

Wintering waterbirds

The Teesmouth and Cleveland Coast and Northumbria Coast SPAs are both designated for important populations of wintering waterbirds. The two designated sites abut one another approximately 1.5km from the proposed development.

Appropriate Assessment

The RSPB has had the opportunity to review the document entitled Hartlepool Borough Council (competent authority) HRA stage 2, Appropriate Assessment: Development Lane at Nelson Farm, Hartlepool (50 houses) – (hereafter AA).

Having examined the evidence presented within the AA, it is the RSPB's opinion that indirect impacts upon the Teesmouth and Cleveland Coast SPA resulting from the development (either alone or in combination) cannot be ruled out.

We accept that that this is a relatively small development, therefore, the numbers of new residents visiting the coast (resulting from this development alone) are likely to be small. However, the HRA/AA relies on generic studies from different parts of the UK. It cannot be assumed, therefore, that the findings of those studies in relation to recreational access and behaviour are directly comparable to coastal habitats.

The RSPB is profoundly concerned by the approach taken to the issue of interactions between birds and people. The underlying presumption appears to be that because birds and people are found together that there is no issue. We consider that this is fundamentally unsound as there are a number of issues which this fails to take account of. For instance, the assessment takes no account of the energetic cost to birds of these close interactions with people – no information is presented to suggest that the birds are feeding rather than watching the people in preparation to fly away. Over the course of a day such interactions can have a significant impact on

the overall fitness of individual birds and (collectively) that part of the SPA population which uses these beaches. In addition, no evidence is supplied to suggest that the overall integrity of the SPA is not being undermined – for instance, by an analysis of the density (as well as overall numbers) of birds in the most disturbed parts of the SPA compared to the least disturbed parts. We are concerned at the suggestion that disturbance is not the cause of the decline of birds at North Sands. We note that no evidence has been supplied to support this assertion.

Without survey information giving accurate details of visitor numbers and areas used alongside the bird numbers and areas used for both 2005-6 and the present day it is not possible to assert that the disturbance situation now is no different to then. This is particularly important in the light of declining bird populations and speculation within this appropriate assessment of the likely causes.

The RSPB is concerned by the conclusion that a low bird population at Crimdon beach is not caused by the acknowledged high levels of recreational use at various times of the day. A key issue which needs to be considered is whether the disturbance levels throughout the day are sufficiently high that birds have learnt to avoid this particular stretch of beach altogether. This could be examined by comparing the food available at this beach with a low visitor pressure beach which has high bird numbers.

The RSPB disagrees with the suggestion that 80.1% of the people will be relocating from within Hartlepool. There are two issues which need to be addressed: firstly, what happens to the homes that these people vacate (i.e. will there be a net increase in the number of residents in Hartlepool and therefore potentially an increase in the number of recreational users of the SPA), and secondly, do the 80.1% currently use the SPA for recreation, and if so will they use it more intensively if they live closer to it (both in terms of the amount of time spent there and the number of visits). In assessing whether a 2.1km walking route to the coast is likely to be off-putting to new residents, we would like to reiterate that a well designed visitor survey (as previously described) would assist HBC in assessing the likely behaviour of residents.

HBC has concluded that there is evidence of recreational disturbance but there is no clear evidence that this is the cause of shore bird declines. It is our opinion that, using the precautionary principal, the onus is upon the developer to show that recreational disturbance is not the cause. However, we agree that it is reasonable for developers to accept that they are increasing recreational disturbance and to offer mitigation for this.

With regards to the proposed mitigation measures, the provision of leaflets to new residents is welcomed, as is a contribution to improvements of interpretation panels. It is our opinion that the protection through wardening is essential to the success of the little tern breeding colony. Therefore, we suggest that a contribution to the cost of the site protection and wardening provision at Crimdon is a more appropriate measure.

With regards the proposal to create a 0.9 hectare area of SANG to the west of the proposed development, we would like to reiterate our previous advice. It is important

to note that the use of SANGs is still experimental. While the proposal is welcome in terms of providing a facility for the new residents, to date, there is little evidence to confirm the supposition that they should work in diverting recreational pressure from important nature conservation areas, in particular in a coastal location.

In summary, it is our opinion that there is insufficient evidence to be able to rule out recreational disturbance as a contributing factor to significant shore bird declines within the Teesmouth and Cleveland Coast SPA; to be able to assess the likely behaviour of new residents with regards to their recreational activities on this particular stretch of coast or to be confident of the efficacy of the mitigation package proposed.

Hart Parish Council: (summarised) Objects as the development will result in an incursion in the Hart Parish Council boundary. The only access proposed is from a narrow estate road in Appleton Close. The car parking expectation has been underestimated therefore there will be more traffic movement and on street parking with implications for emergency vehicle access and refuse lorries. The original layout of the estate suggests there would be no further extension to it. The proposed development would be adjacent to existing footpaths and bridleways therefore development could serve to smother pedestrian links. There are other housing developments which have been approved therefore there is no need for the development. Flooding is also a concern.

PLANNING POLICY

1.21 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 (Adopted May 2018)

1.22 The application was originally received as the Local Plan was developing, however the site at that time was not a site selected as an allocation at Preferred Options Stage. The site was outside limits to development, however at that time Hartlepool Borough Council could not demonstrate a five year supply of deliverable housing sites and the housing policies within the 2006 Local Plan were deemed out of date.

1.23 At the time of the Local Plan Examination in Public the application was minded to approve (subject to the completion of the s106 legal agreement). The site was incorporated within the Council's 15 year land supply and was allocated with the limits to development.

1.24 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
CC2	Reducing and Mitigating Flood Risk
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
HSG9	Affordable Housing
NE1	Natural Environment
NE2	Green Infrastructure

Adopted Tees Valley Minerals and Waste DPD 2011

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

Policy	Subject
MWC4	Safeguarding Minerals from Sterilisation
MWP1	Waste Audits
MWP10(a)	Construction and Demolition Waste Recycling

National Planning Policy Framework (NPPF)

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

Para	Subject
002	Introduction
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
063	Affordable housing requirement
064	Affordable housing requirement
076	Housing development implementation in a timely manner
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
097	Loss of existing open space, sports and recreational buildings and land, including playing fields
098	Protect and enhance public rights of way and access
102	Promoting sustainable transport
108	Access and impacts of development on the wider highway network and highway safety

109	Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
110	Sustainable transport considerations
111	All developments that will generate significant amounts of movement should be required to provide a travel plan
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
130	Permission should be refused for development of poor design
150	New development should address climate change
153	New development should address climate change
163	New development should not increase the risk of flooding
165	Major developments should incorporate sustainable drainage systems
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	NPPF policies are a material consideration

HBC Planning Policy Comments - Updated Comments (September 2020)

1.27 This application was assessed by Planning Committee in autumn 2016 and it was minded to approve subject to a section 106 legal agreement. The agreement was not signed. Recently the applicant has sought to move the application forward

but due to the passage of time it is necessary for Planning Committee to re - evaluate the proposal.

Principle of development

1.28 The development site was minded to approve (subject to s106) at the time of the Local Plan Examination in Public. The site was incorporated within the council's 15 year land supply and was allocated within the limits to development.

1.29 The site is within the limits to development and deemed to be appropriate for housing development.

Planning obligations

1.30 All applications within the borough must be assessed with regard to the most up to date planning policy position. The original application was addressed by Planning Committee in autumn 2016. The Planning Policy response and following negotiations were based upon emerging figures to be included within the 2018 Local Plan and the SPD applicable at the time. The figures used in 2016 are the same as those used today.

1.31 Pooling restrictions no longer apply and therefore the financial contributions are now not limited on certain infrastructure projects.

1.32 In 2016 the application was subject to a viability assessment and the following was agreed:

- 10% on site affordable housing
- The 5 affordable units on site comprise 2 no. 2 bedroom dwellings and 3 no. 3 bedroom dwellings.
- All provided as affordable rent.
- The local authority has a first refusal option on purchasing the affordable dwellings.
- £12,500 for play which should be directed towards Clavering Park.
- £12,500 for Built sports facilities which should be directed towards the council's leisure facility i.e Mill House Leisure Centre.
- £12,500 for green infrastructure provision which should be directed towards green infrastructure improvements within the SANGS area and within the vicinity of the site.
- Provision for footpath links should also be secured through the S106 agreement.
- £11,664.50 towards playing pitches within the borough.
- £2,851 towards tennis courts within the borough.
- £248.50 towards bowling greens within the borough.

1.33 The figures for the education sum have been amended since 2016 and are now as follows:

Primary education

21.5 places per 100 dwellings (0.215 per dwelling)

50 dwellings equates to 10.75 school places

£13,755.00 per school place

10.75 x £13,755.00 = £147,866.25

This is to be directed towards Hart and Clavering Primary Schools.

Secondary education

13.7 places per 100 dwellings (0.137)

50 dwellings equates to 6.85 school places

£14,102.00 per school place

$6.86 \times £14,102.00 = £96,739.72$

This should be directed towards High Tunstall.

Training and employment

1.34 To assist in ensuring that Hartlepool's economy grows sustainably Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.

10% on site renewable or decentralised energy provision

1.35 The provision of 10% on site renewable energy should be secured.

Viability

1.36 Planning Policy note that the education contribution has increased since 2016. If the applicant is not able to meet with the updated planning obligation figures then a viability assessment must be submitted.

PLANNING CONSIDERATIONS

1.37 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 development), the impact upon the amenity of neighbouring residents, character of the area/visual amenity, highway safety, ecology, drainage, loss of farmland and other residual matters.

PRINCIPLE OF DEVELOPMENT

1.38 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), as well as minerals and waste policies where relevant.

1.39 The site lies within the limits to development within the adopted Hartlepool Local Plan, although it is not designated as a housing site (it is designated as 'white land'). The site is deemed appropriate for housing development.

1.40 Concerns from objectors regarding the loss of green space and erosion of the countryside are noted however the site is adjacent to an existing housing estate. Furthermore there is a footpath link provided by the existing track, adjacent to the north of the site, which provides links to the adjacent residential estate and a wider network of rural footpath links. Additionally access to the proposed development is to be taken from an existing cul de sac at Applewood Close providing a direct link to the existing urban area and associated public transport and existing services. Given the

site's location and proximity to services it is considered that the principle of development within this area would constitute sustainable development.

Renewable Energy and Energy Efficiency

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

1.42 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%. This can be secured by a planning condition. Given that this is major development, opportunities for charging electric and hybrid vehicles will be sought. This can be secured by a planning condition.

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

Planning Obligations

1.44 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, consideration should be given to the need to improve the overall site where possible by providing facilities on site to reduce the need to travel by private car. Where this is not possible however, off site provision or financial contribution may be considered an appropriate alternative. The following contributions reflect those that were required at the time the application was previously considered by the Planning Committee (and as were agreed by the applicant) but are not what would be required under the now adopted Local Plan (2018).

1.45 The applicant previously committed to entering into a Section 106 agreement to provide the following contributions and obligations (which were agreed following the submission of a viability assessment and to which the 'workings out' for a number of the agreed contributions was set out in detail within the August 2016 committee report);

- Affordable Housing consisting of;
 - 10% affordable housing is considered to be acceptable on the following terms;
 - The 5 affordable units on site comprise 2 x 2-bedroom dwellings and 3 x 3-bedroom dwellings.

- The units are all provided as 'affordable rent'.
- The local authority has a first refusal option on purchasing the affordable dwellings.
- £85,234 towards Primary education based on an assessment of 9.3 pupils being generated by the site; this is to be directed towards Hart and Clavering Primary Schools.
- £79,332 towards secondary education based on an assessment of 6.5 pupils being generated by the site; this is to be directed to High Tunstall.
- £12,500 (£250 per dwelling) towards play facilities this will be directed towards Clavering Park as this is the most accessible play provision from the development.
- £12,500 (£250 per dwelling) towards built sports. HBC Sports and Recreation Team have identified that the contribution should be focused towards the improvement and maintenance of the west side of Mill House Leisure Centre.
- £12,500 (£250 per dwelling) towards green infrastructure, this will be directed towards green infrastructure improvements within the SANGS area and within the vicinity of the site.
- Provision for footpath links will also be secured through the S106 agreement.
- £11,664.50 (£233.29 per dwelling) towards playing pitches within the borough.
- £2,851 (£57.02 per dwelling) towards tennis courts within the borough.
- £248.50 (£4.97 per dwelling) towards bowling greens to be directed to town wide provision.
- The maintenance of open spaces within the site will also be secured through the S106.

1.46 In addition to the provision of Suitable Alternative Green Space (SANGS) including provision for its landscaping and maintenance as part of the ecological mitigation, a financial contribution of £7,000 (+ VAT) was to be secured to allow the Local Authority to provide information panels to minimise increased recreational activity and disturbance with regard to the European Designated Sites (Teessmouth and Cleveland Coast SPA and Ramsar), leaflets to be provided to new residents informing them of the importance of the Natura 2000 sites in the local area encouraging the use of the SANGs, all of which are to be secured through the S106 legal agreement.

2021 Update to Planning Obligations

1.47 Given that the legal agreement has not progressed and in line with the adopted Local Plan Policy QP1 (Planning Obligations), and the adopted Planning Obligations SPD, there has been a change to some of the above listed financial obligations sought; these relate to an increase in the education contributions and a decrease in the ecology financial contribution. All other obligations remain as previously listed above, including the 10% affordable on site housing. The amended financial contributions for education is as follows;

- Primary education - £147,866.25 to be directed towards Hart and Clavering Primary Schools.
- Secondary education- £96,739.72 to be directed towards High Tunstall.

1.48 In addition to the provision of Suitable Alternative Green Space (SANGS) including provision for its landscaping and maintenance as part of the ecological mitigation, a reduced financial contribution of £5,000 is to be secured towards the Hartlepool HRA Mitigation Strategy and Delivery Plan (which could include towards wardening and interpretation panels and the mitigation detailed in the aforementioned 'Plan'). This in line with the updated and aforementioned HRA (within the HBC Ecologist comments).

1.49 Furthermore, it has still been possible to secure obligations and contributions that would address some of the impacts of the proposed development, which weighs in favour of the application and therefore, on balance, the proposals are considered to be in line with local and national policy in terms of planning obligations/contributions.

Principle of Development Summary

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

AMENITY + PRIVACY OF NEIGHBOURING RESIDENTS

1.51 A number of residents had submitted objections to the proposed development on the grounds of impact upon the amenity of existing properties in terms of overlooking, appearing overbearing and loss of light.

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

1.53 As above, Policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

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

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.

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

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

1.56 The closest residential properties are adjacent to the east of the application site and front onto Applewood Close. Number 6 Applewood Close is currently located at the end of the existing cul de sac, approximately 2 metres from the shared boundary with a side elevation facing towards the site however this elevation does not contain any habitable room windows. The proposed layout plan shows the side elevation of Plot 1 of the proposed development approximately 1 metre from the shared boundary. As such there will be approximately 3 metres between the properties. However these are side elevations and this relationship is currently prevalent across the existing housing layout. Therefore it is not considered that the position of proposed plot 1 would result in a detrimental impact upon the amenity and privacy of the existing adjacent neighbouring property.

1.57 Plots 48 to 50 are proposed with rear elevations that would face towards the rear elevations of properties fronting on to Applewood Close. There is a separation distance of approximately 22 metres shown on the proposed layout plan. This complies with requirements of Policy QP4 and the aforementioned SPD, which requires 20 metres between elevations containing habitable room windows. There is also sufficient separation distances proposed between existing properties and other plots adjacent to the eastern boundary of the site. As such it is not considered that the proposal would result in a detrimental impact upon the amenity and privacy of existing neighbouring properties adjacent to the application site.

1.58 The submitted layout plan is also considered to demonstrate sufficient separation distance between the proposed dwellings within the site in accordance with Policy QP4 and the Residential Design Guide SPD.

1.59 As such whilst details of the design of dwellings will be subject to the consideration of a reserved matters application (should the current outline application be approved), it is considered that the proposed layout plan demonstrates that sufficient separation distance can be accommodated to comply with the requirements of the Local Plan and SPD. As such it is not considered that the proposed development will result in any detrimental impacts upon the amenity of existing neighbouring properties in terms of overlooking, loss of light or appearing overbearing.

1.60 HBC Public Protection were consulted regarding the proposed development and have raised no objections subject to conditions restricting hours of construction and requiring a construction management plan. As such whilst concerns from objectors relating to disruption during construction are noted, subject to appropriate conditions it is not considered that this would result in a significant detrimental impact upon the amenity of neighbouring residents in terms of noise disturbance.

CHARACTER & VISUAL AMENITY OF THE AREA

1.61 The application site is currently agricultural in nature. The development proposals will result in 50 dwellings consisting of detached and semi detached dwelling houses. Concerns had been raised by objectors regarding the impact upon the character of the surrounding area however the proposed density is similar to the existing residential estate to the east of the application site. Furthermore the proposed development consists of plot sizes and dwellings which are considered to be of a scale and layout commensurate to the layout of the adjacent estate, albeit the final design of the dwellings will be subject to consideration through the requisite reserved matters application. Given the separation distances and layout of the proposed development, it is considered that the proposal will provide a continuation of the existing urban area.

1.62 The proposed housing development will largely be in line with the northern boundary of the existing adjacent properties following the line of the existing track to the north of the site which forms a logical boundary. The submitted layout plan indicates that this boundary of the site will be predominantly enclosed by rear and side boundaries of the new dwellings which is considered to be consistent with the layout of existing properties. Furthermore the track is enclosed by mature hedging, on the northern side, which will provide a significant amount of screening for the proposed development. Therefore it is not considered that the proposal would appear incongruous when viewed from the north.

1.63 The approval would be subject to a landscaping planning condition which will ensure additional planting is provided, particularly to the west, to create further screening and integrate the development into the surrounding rural area.

1.64 The proposed residential development will be adjacent to an existing housing estate of a similar layout and density, and that additional landscaping will be secured through a condition, it is considered that the impact of the proposal upon the character of the area and visual amenity is acceptable.

HIGHWAY SAFETY

1.65 The access to the proposed development is via Applewood Close and Jaywood Close. Objectors have raised concerns regarding the intensification of the use of the existing cul de sacs. The width of the carriageway is approximately 4.8 metres and 5.5 metres respectively. The width of the carriageway has also been raised by a number of objectors to the proposed development. However the Council's Traffic and Transport team were consulted on the proposals and have confirmed that a 4.8 metre width is the minimum width used on residential roads. It is accepted that these roads are usually cul-de-sacs and do not carry public transport. Therefore, given the layout of the proposed development, taking into account that the proposal itself will form a cul de sac, the proposed carriageway width is considered to be acceptable. As such it is considered to be acceptable for this development to be accessed from these roads as proposed.

1.66 The scale of the development is below the threshold that the council requires for a Transport Assessment which requires key junctions to be assessed for

capacity. Therefore the Council's Traffic and Transport team have confirmed that any increase in traffic and impact on surrounding junctions would not be considered 'severe' in the context of the NPPF.

1.67 The roads and footways for the development are to be constructed to an adoptable standard. This will be secured through a Section 38 agreement or an Advanced Payment Code agreement (separate legislation to planning).

1.68 Objectors have also raised concerns that the proposals do not provide sufficient car parking and will result in additional on street car parking to the detriment of highway safety. An amended layout plan was submitted back in 2016 to address specific concerns raised by the Council's Traffic and Transport team regarding the proposed highway layout. The amended layout plan demonstrates adequate drive length to serve each of the dwellings. Whilst details of the design of dwellings will be subject to a reserved matters application, it is considered that the proposed layout demonstrates that each dwelling has sufficient space to accommodate the required number of in curtilage car parking spaces. As such it is not considered that the proposal will generate unsustainable amounts of on street car parking.

1.69 In conclusion, whilst the objectors concerns are noted, the Council's Traffic and Transport team have confirmed that the width of Applewood Close and Jaywood Close are considered to be acceptable to serve the proposed residential cul de sacs. Furthermore the proposed layout demonstrates sufficient space to accommodate the required in curtilage car parking. Therefore, in this regard, the proposal is considered to be acceptable and as such it is not considered that it will result in any adverse impacts upon highway safety.

ECOLOGY

1.70 The application site is approximately 1.2km from a European designated site and is in close proximity to the Teesmouth and Cleveland Coast Special Protection Area (SPA) which is a European site. The site is also listed as the Teesmouth and Cleveland Coast Ramsar site and is notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

1.71 In order to fully assess the impact of the development upon designated sites, and related protected bird species, the applicant submitted information in order to allow the Council's Ecologist to carry out a Habitats Regulations Assessment. Following on from this, an in combination Habitats Regulations Assessment stage 1 screening was undertaken in August 2020 was carried out by Hartlepool Borough Council, taking into account other applications within the vicinity of the site. Following a Habitats Regulations Assessment stage 2 Appropriate Assessment, the Council's Ecologist has concluded that while there is evidence of recreational disturbance, there is no clear evidence that this is the cause of shorebird declines. However, under the precautionary principle it is reasonable for developers to accept that in developing sites in proximity of the protected areas they are increasing recreational disturbance and to offer mitigation for this.

1.72 As such an amended layout plan was submitted which includes an area, measuring approximately 0.9 hectares, adjacent to the site which will provide an

area of Suitable Alternative Green Space (SANGS). It is considered that this provision will provide the residents with an adequate alternative area to exercise dogs etc and so minimise the impact upon the designated areas in particular upon the little tern colony on which exercising of dogs have been identified as a particular cause of disturbance. In addition, the section 106 legal agreement will secure a financial contribution (£5000) towards the Hartlepool HRA Mitigation Strategy and Delivery Plan aimed to reduce the impact upon the designated areas. As part of the ecological mitigation and to ensure that the developer will provide a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking.

1.73 Despite the appropriate assessment findings, RSPB maintain their objection to the development as detailed in the consultee comments section of this report. In summary, RSPB have requested further survey work, more specific to the application site in order to rule out recreational disturbance as a contributing factor to significant shore bird declines within the Teesmouth and Cleveland Coast SPA.

1.74 Whilst the RSPB objection is noted, the Council's Ecologist, in consultation with Natural England, has concluded that the survey work that has taken place is acceptable. Therefore given the already very high levels of recreation on the coast, especially the most accessible beaches, the low number of 'new' people involved in the proposed residential development and the relatively unpleasant route to the start of the coastal access footpath as opposed to walking within the SANGS provided, it is considered the Nelson Farm housing development adequately mitigates for its contribution to the combined adverse impact on the SPA/ Ramsar site. Natural England support this view and have no objections to the proposed development subject to the above referenced mitigation, which will be secured through the Section 106 legal agreement. Therefore taking into account the mitigation measures proposed, it is not considered that the proposed development will result in a detrimental impact upon protected species or upon Teesmouth and Cleveland Coast Special Protection Area (SPA), Teesmouth and Cleveland Coast Ramsar site or the Durham Coast Site of Special Scientific Interest (SSSI).

1.75 The Council's Ecologist had also advised that ecological enhancement as detailed within the submitted ecology report detailing the incorporation of integral bat and bird boxes within 10% of the properties on site (5 dwellings), this is in line with National Planning Policy Framework (NPPF) requirements, and a planning condition to secure this is recommended accordingly.

DRAINAGE

1.76 A number of objectors have raised concerns relating to the impact of the proposed development in terms of flooding and photographs from one objector were submitted showing some ponding issues on and around the site. A Flood Risk Assessment has been submitted to accompany the proposed development. The site is within Flood Zone 1 and is therefore considered to be at low risk of flooding from sea or watercourses. The report does identify that a small area of the site may be at risk from pluvial flooding as a result of overland flows in times of heavy rainfall towards the existing watercourse.

1.77 At the planning committee meeting in August 2016, members deferred the determination of the application to allow for monitoring of the site, in relation to flooding to be undertaken. The Council's Engineers later advised that there had only been one reported incident of flooding from the site which was reported to the Council in January 2016. Therefore, instead of monitoring, the agent submitted a detailed drainage scheme at the time to demonstrate how surface water will be attenuated on site. Essentially the scheme is a network of varying pipe sizes and a buried storage tank. The Council's Engineers have confirmed that the submitted design demonstrates that there will be enough storage in the pipes and tank to ensure that the agreed flow rate can be achieved. The proposal shows that the attenuated water will be discharged into an existing watercourse on land to the north of the application site. The agent also confirmed at the time that the applicant has 'grandfather' rights to allow drainage of the site into this watercourse however this would have been subject to a section 106 legal agreement to ensure that this was agreed with third parties involved.

1.78 Since then, further discussions have taken place between the applicant and Northumbrian Water, whereby there is no longer a requirement for water discharge on to third party land as water would discharge into the main sewers, and therefore this would not be required to be included within the section 106 legal agreement (albeit the overall maintenance of surface water drainage would be included as a planning obligation within the s106, which is standard practice).

1.79 The principle of the drainage design proposed is considered to be acceptable. However at this stage the Council's engineers are not in a position to approve the drainage system based on the current submission as it will require some amendments and further work. Therefore the standard drainage condition is recommended. The design submitted shows the proposed topography of the land will ensure the new development is shaped so that surface water cannot flow towards the existing properties. However a levels condition is also recommended to ensure building and land levels are agreed.

1.80 Northumbrian Water were consulted on the drainage proposals and have no comments however have recommended a condition relating to foul and surface water which are recommended accordingly.

1.81 In conclusion, the additional information submitted satisfactorily demonstrates that a scheme can be accommodated to appropriately attenuate surface water on the site. As such subject to an appropriate foul and surface water condition and a levels condition, the Council's engineers and Northumbrian Water have raised no objections. Therefore it is not considered that the proposed development would result in an increased flood risk.

LANDSCAPING

1.82 In order to accommodate the proposed development, the hedgerow which is currently located across the centre of the application site will need to be removed. The hedge predominantly consists of Hawthorne, Elder and Bramble. The submitted report does not identify any individual trees which are of any significance. The

Council's Arbocultural Officer has no objection to the removal of the hedge however following loss of existing established hedgerow, it is considered that it would be beneficial to provide a replacement landscape buffer along the western boundary of the proposed site. The applicant has agreed to provide replacement landscaping. As such an appropriate landscaping condition is recommended and the scheme is therefore considered to be acceptable in this respect.

ARCHAEOLOGY

1.83 To accompany the application, a desk based assessment and geophysical survey were submitted to which Tees Archaeology were consulted. The submission has not identified any anomalies that appear archaeological in origin. Based on the results of this survey Tees Archaeology has confirmed that no further archaeological works would be required. As such in terms of archaeology it is considered that the application meets the information requirements by the NPPF. As such it is considered that the proposed development is acceptable in terms of archaeology.

PUBLIC RIGHTS OF WAY

1.84 The creation of new access links between the development and the surrounding network of public rights of way to the north and west are proposed as part of the provision of the SANGS and a contribution towards green infrastructure will be secured through the Section 106 legal agreement. This will allow for the creation of a suitable access link from the within SANGS to benefit the public and residents of the new development site. Therefore whilst concerns raised by Hart Parish Council regarding the public rights of way surrounding the site are noted, the Council's Countryside Access Officer raises no objections to the development proposals and it is not considered that the proposed development will result in any adverse impact upon existing public rights of way.

LOSS OF FARMLAND

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

RESIDUAL MATTERS

1.86 Objectors had stated that the development will result in devaluation of property however this is not a material planning consideration and as such cannot be assessed when considering this application.

1.87 Whilst loss of views has been raised by objectors this is not a material planning consideration and as such cannot be considered when assessing this application.

1.88 Concerns have been raised with regard to the consultation that has taken place however consultation has taken place in accordance with requirements set out in the Town and Country Planning (Development Management Procedure) (England)

Order 2015. Neighbours were notified. Site notices were placed adjacent the proposed site entrance in Applewood Close and at the entrance to Jaywood Close. Furthermore the application was publicised in the Hartlepool Mail.

1.89 Objectors have raised concerns regarding the development of wind turbines immediately adjacent to the site. A 47 metre high wind turbine was approved on land to the north west (H/2013/0414). However owing to the height of the approved turbine and the distance from the development it is not considered that this would result in a detrimental impact upon the amenity of future occupants.

CONCLUSION

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

1.91 The proposed outline application is considered acceptable, subject to the completion of a legal agreement to secure developer contributions as outlined below and subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.92 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.93 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.

1.94 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the completion of a legal agreement to secure 5 affordable housing units on site (affordable rent), £147,866.25 towards Primary education, £96,739.72 towards secondary education, £12,500 (£250 per dwelling) towards play facilities, £12,500 (£250 per dwelling) towards built sports, £12,500 (£250 per dwelling) towards green infrastructure, £11,664.50 (£233.29 per dwelling) towards playing pitches, £2,851 (£57.02 per dwelling) towards tennis courts, £248.50 (£4.97 per dwelling) towards bowling greens, £5000 towards the Hartlepool HRA Mitigation Strategy and Delivery Plan, provision for the maintenance and management of open space and soft landscaping within the site, the provision of 0.9 hectares of land to provide a Suitable Alternative Green Space (SANGS)

(including provision for its landscaping and maintenance) and accommodation of footpath link(s), the provision of a leaflet informing new residents of the importance of the Natura 2000 sites in the local area and encouraging the use of the SANGS, an obligation to secure a training and employment charter, and to secure the maintenance and management of drainage scheme in addition to the following conditions;

1. The application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid
2. Approval of the details of the appearance and landscaping of the development (herein called the 'reserved matters') shall be obtained in writing from the Local Planning Authority.
For the avoidance of doubt
3. The development hereby permitted shall be carried out in general accordance with the drawing number R2353:01 Rev E (Proposed Site Layout) received by the Local Planning Authority 9 June 2016 and TCP01 (Tree Constraints Plan) received by the Local Planning Authority on 9th July 2015 and site location plan at scale 1:1250 received by the Local Planning Authority 14th July 2015.
For the avoidance of doubt.
4. 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 scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the site. Development shall be carried out in accordance with the approved details unless some variation is 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.
5. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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 are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must 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 must 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 must 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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 must 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 must 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 must 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 must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must 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 must 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 must 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 must 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) Order 1995 (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 prior planning permission.

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.

6. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage 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 of how surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water 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 arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent increased risk of flooding from any sources in accordance with the NPPF.
7. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
8. 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. In the interests of visual amenity.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
10. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and details of hardstandings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
In order to secure a satisfactory form of development
11. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
12. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
In the interests of highway safety and to protect the amenity of neighbouring residents
13. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', 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 and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In order to protect the trees and in the interests of visual amenity.
14. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and

where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

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

15. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This 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.
16. Details of the location of the works/contractors compound, to be located outside of the root protection areas of trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
In order to maintain the amenity of the area and to protect the root system of trees.
17. No development shall take place until details of bat and bird roosts to be installed within 5 of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The provision of the approved bat and bird roosts on the site shall be completed before the first occupation of the development
To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.
18. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO₂ emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. 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.
19. No development shall take place until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO₂ emissions from on-site renewable energy. Before any part of the development is occupied the renewable energy equipment, detailed in the report, shall be installed as approved for that part of the development.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.
20. 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.

21. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs 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.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no outbuildings or garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.

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

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=107435>

1.97 Copies of the applications are available on-line:

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

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Nelson Farm, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.03.2021
	SCALE 1:2,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2015/0283	REV

No: 2.
Number: H/2017/0054
Applicant: Graham Anderson
Agent: Jon Tweddell
Planning Ltd

Date valid: 07/02/2017
Development: Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse
Location: SOUTHBROOKE FARM SUMMERHILL LANE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The application was previously considered at the planning committee of 06.09.2017 where Members were 'minded to approve' the application subject to the completion of a legal agreement securing contributions (that the application had agreed to pay at that time) towards primary education (£38,445.23), and secondary education (£25,115.66), built sports (£3,250), play facilities (£3,250), green infrastructure (£3,250), playing pitches (£3,032.77) tennis courts (£741.26), bowling greens (64.61) and highway contribution towards Eliwck bypass and grade separated junction (£153,947.43). The development fell below the threshold for affordable housing contributions. A financial contribution in line with the HRA (and as agreed by Natural England) of £2,800 was to be secured.

2.3 In the intervening period following Members decision to be minded to approve the application (subject to the completion of the s106 agreement), the applicant contacted officers and stated that they were unable to pay the required contributions, which were previously agreed following the submission of a viability assessment.

2.4 There have also been a number of events that are relevant to the consideration of this application since the application was first considered by Members in August 2016. These include the revision to the National Planning Policy Framework (NPPF, in February 2019) and associated Planning Practise Guidance; the adoption of the Hartlepool Local Plan (May 2018), a change in approach on ecology matters (following a decision in European case law) and the extension of the SPA; and the formation of a new planning committee(s), all of which need to be taken into account and therefore this new report is required to bring matters up to date.

2.5 It should also be noted that following a recent site visit by the case officer, the buildings within the small holding have all been demolished (save for the farm house, which is understood to remain occupied). These works were included within the proposed development and would have been included with the approved development, had planning permission been granted and issued. However, as there has been no decision issued given that the 106 has not been signed, the works are technically unauthorised. To carry out this type of operation the applicant should have submitted a prior notification application for demolition works to the LPA which has not been made.

2.6 It is also of note that the applicant sought to appeal the 'non-determination' of the application to the Secretary of State in early 2021 however the appeal was turned away as the applicant was out of time to submit such an appeal.

PROPOSAL

2.7 The application was submitted in January 2017 for the demolition of existing buildings within the small holding and erection of 14 detached dwellings and associated works. The proposal is for 3 and 4 bedroom properties and will be a mix of 1.5 and 2 storey detached dwellings. The properties will have off street parking within the curtilage of the properties. It is noted as detailed above in the background that the ancillary buildings within site have been demolished, however the farm house is still understood to be occupied.

SITE CONTEXT

2.8 The application site is a small holding known as Southbrooke Farm on Summerhill Lane. The lane is accessed from Catcote Road. To the west of the site is Summerhill Visitors Centre, with allotments and Catcote School to the south of the site, directly to the north is farmland, which separates the site from the Park Conservation Area and residential properties. There are two telecom masts on the north west rear boundary of the site.

2.9 The smallholding comprises a narrow rectangular shaped parcel of land that extends to approximately 0.7 hectares in area (1.7 acres), running parallel with Summerhill Lane. The land includes a detached farmhouse and associated domestic curtilage, and prior to recent demolition, a range of traditional barns and outbuildings.

PUBLICITY

2.10 The application was advertised by press notice, site notice and neighbour letters (6). To date, there have been 1 letter of no objection and 3 letters of support, these are summarised below;

- The development will enhance the area
- A great location for schools, shops, bus routes whilst still living in the countryside
- Ideal location for this type of development good access to main road
- Can only be a bonus for Summerhill

- would be very interested in purchasing this kind of property
- Great addition to Hartlepool's stock of affordable executive homes

2.11 The period for publicity has expired. As a result of the application coming back to Members as an update, no further public consultation has taken place.

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=116637>

CONSULTATIONS

2.12 As a result of the changes discussed in the background to the report, a number of relevant technical consultees have been contacted with a request for any updates to their original comments and these are set out below their original comments.

HBC Engineering Consultancy: I would request a contaminated land condition and a surface water condition.

HBC Public Protection: No objection

HBC Traffic and Transport: The drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor.

Dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway.

UPDATE 16.11.2020

I can confirm that Highways would be looking for a full contribution to the Elwick by-pass and grade separated junction.

This development would benefit greatly in highway terms due to the construction of the by-pass and it would be unfair on other developments if they did not contribute fully to this scheme.

HBC Ecology: I have examined the Heart Land Design, Tree Planting Plan, drawing number HLD/KD/PS/001 Rev B dated 28/06/2017 and the All About Trees Arboricultural Method Statement, drawing AMSTPP dated 30/06/2017. It appears from these drawings that the six ash trees and hedges that I referred to in my ecology response dated 27/07/2017 are to be removed in order to facilitate the development. In my response, I supported the Ecologist's (Graeme Smart) recommendation to retain these trees and hedges. However, Graeme Smart went on to say:

"If site design constraints (e.g. sight lines at access road; routing of drainage and services, etc) make it impossible to retain either the hedges or the ash trees then:

Any ash tree removed should be replaced with large, standard trees of similar species (if available from local stock which can be guaranteed free of ash die-back

disease) or an alternative species to be agreed with the LPA, either on site or at a nearby alternative site to be agreed with the LPA (e.g. Burn Valley, Summerhill Country Park, etc.) If the hedgerow cannot be retained then either the hedge should be translocated (after coppicing) to the northern boundary of the site; or a new hedgerow of the same species composition should be planted on the northern boundary of the site; or a new hedgerow of the same species composition and equivalent length should be planted at a nearby alternative site to be agreed with the LPA.”

Given that there are no bats effected, I am satisfied that this second course of action can be followed without detriment to the overall ecology of the site. I recommend replacement of the trees with an equal, or greater, number of native deciduous species, to be agreed with the HBC Arboricultural Officer and the planting of a new hedge (or landscape belt) along the entire northern and eastern boundaries. I note that this planting is labeled on the Tree Planting Plan as ‘Mixed native tree planting belt’ and ‘Yew tree planting to screen mobile phone masts’.

Biodiversity enhancement in line with NPPF.

I support the enhancement recommendations made to the client by the consultant Ecologist, that the new buildings provide an opportunity to create suitable, long-term bat and bird roosting and nesting opportunities. See Appendix 1 for consultant Ecologist recommendations:

I recommend the following conditions, as suggested to the client by the consultant Ecologist:

A detailed landscaping/ tree planting plan.

Demolition of buildings and site clearance prior to construction of new houses takes place outside of the main bird nesting period (March to August inclusive), or a search for nesting birds is undertaken immediately prior to works, by a professional ecologist and the LPA is informed of the findings.

Garden boundaries are made suitable for hedgehogs to move through the site, either by the use of hedges rather than fences between gardens and on site boundaries, or by ensuring that there are gaps in fences at ground level to allow hedgehogs to move between gardens and in and out of the site.

A permanent bat roost brick is built into each new dwelling.

A permanent swift nesting brick is built into each new dwelling.

Bird nesting opportunities for swallows and house sparrows are built into each new dwelling.

Habitat Regulations Assessment (HRA) (summarised)

Hartlepool Borough Council, as the competent planning authority, has undertaken a Habitat Regulations Assessment for a housing development ‘project’ at Southbrooke Farm.

Mitigation is based on the small totals for new residents and new dog-owning families. The provision of Suitable Alternative Natural Green Space (SANGS), particularly for daily walks/ dog exercising, is not justified. A financial contribution to accommodate the additional use of Council run Summerhill Country Park (in place of

on-site SANGS) is justified. The developer has agreed to this contribution. This will be included in the 106.

UPDATE 09.03.2021

The only ecological issue addressed through the 106 is the necessary financial contribution identified through the Habitats Regulations Assessment. If this is not signed and there is no mechanism to collect these contributions then an 'adverse effect on the integrity' of the Teesmouth and Cleveland Coast SPA cannot be ruled out, consequently the LPA cannot lawfully approve the application.

Natural England: Concur with the findings and conclusion of the HRA screening exercise and raise no objection with regard to mitigation measures recommended.

HBC Landscape: Following additional information being provided I have no objection to the proposal but would ask that a full landscaping scheme be provided by condition.

HBC Heritage and Countryside Manager: The application site can be viewed from the Park Conservation Area when standing on the boundary at Briarfields Allotments.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

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. In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

The adopted Local Plan, policy HE3, is relevant this states, 'The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas.'

The proposal is the erection of 14 houses.

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's. The Conservation Area Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with smaller outbuilding, such as lodge houses or gardeners cottages set some distance away from the main dwelling. The dwellings to the south of the area were orientated with the main frontage to the open

countryside to appreciate the views this provided and give the feeling of being located in the countryside. The conservation area is considered to be at risk.

In this instance when standing on the boundary of Briarfields Allotments the site can be clearly viewed. Whilst at the moment the proposed site appears as a collection of agricultural buildings the proposal would change this to a long thin line of properties of the same design. This would bring to the fore this distant site and change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development. It is considered such a proposal would cause less than substantial harm to the character of the conservation area.

In principle there would be no objections to residential development on this site however it is considered that the pattern of development should be reconsidered. A reduced number of properties and the rearrangement of the dwellings around the existing farm house would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area.

UPDATE 11/03/2021

I do not have anything further to add to this.

Tees Archaeology: Thank you for the consultation on this application. The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. I therefore have no objections to this application.

The Ramblers Association: We note the changes from the outline application - demolition of the farmhouse and 4 more dwellings; will lead to increased demolition/construction traffic on the lane and more vehicular traffic in the future. We ask, should the council be minded to approve the application, that precautions be specified to prevent harm to pedestrians using the footway, along which FP Hartlepool runs, and others using the lane

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 the following comments to make:

An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.

In this document it states that foul water will discharge to the agreed manhole 3701 and that the developer should fully investigate SuDS options on site for the disposal of surface water. A reference has been made to a surface water sewer that has been adopted by the Local Authority. The applicant has been advised to contact the lead local flood authority if ground investigations preclude the use SuDs infiltration.

Because the applicant has not submitted a drainage scheme with the application, NWL request the following condition:

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

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

Any drainage scheme submitted to the Local Planning Authority should be in line with the attached NWL comments.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

PLANNING POLICY

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

Local Policy

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and adapting to Climate Change

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

HE1: Heritage Assets

HE3: Conservation Areas

HE7: Heritage at Risk

INF1: Sustainable Transport Links

INF2: Improving Connectivity in Hartlepool

NE1: Natural Environment
 NE2: Green Infrastructure
 NE3: Green Wedges
 RUR1: Development in the Rural Area

National Policy

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

PARA 002: Introduction
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development (3 overarching objectives – Economic, Social and Environmental)
 PARA 009: Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
 PARA 010: Achieving sustainable development (presumption in favour of sustainable development)
 PARA 011: The presumption in favour of sustainable development
 PARA 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)
 PARA 034: Developer Contributions
 PARA 038: Decision making
 PARA 047: Determining applications
 PARA 054: Planning conditions and obligations
 PARA 055: Planning conditions and obligations
 PARA 056: Planning conditions and obligations
 PARA 057: Plan led viability – weight given to viability is a matter for the decision maker
 PARA 091: Promoting healthy and safe communities
 PARA 124: Achieving well-designed places
 PARA 127: Achieving well-designed places
 PARA 130: Achieving well-designed places
 PARA 190: Proposals affecting heritage assets
 PARA 192: Proposals affecting heritage assets

PARA 193: Considering potential impacts on heritage assets

PARA 196: Considering potential impacts on heritage assets

PARA 200: Considering potential impacts on heritage assets

PARA 150: Reducing vulnerability to flooding and reducing greenhouse gas emissions

PARA 153: Planning for climate change

PARA 212: NPPF is a material consideration

Adopted Tees Valley Minerals and Waste DPD

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

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

MWP1: Waste Audits

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

2.18 Planning Policy comments (summarised) – The site is within the limits to development as during the main modifications stage of the Local Plan process the boundaries were altered to include this site, following the previous decision to grant planning permission. Although the site is technically within the green wedge, the previous approval of this site supports the principle of development in this location. The only main concern we have with this development is the necessity of the planning obligations and the reluctance of the developer to pay these, as we believe they are necessary to support the development and make it sustainable. Typically, we wouldn't support development within the green infrastructure elements in the borough without robust justification or compensation elsewhere, however this site is the exception considering the previous permission which was granted prior to the adoption of the Local Plan, which we have accommodated for and accept. The principle of development had been deemed acceptable and agreed upon through the approval of the permission H/2017/0054 subject to the signing of an associated S106 agreement. However, it has been deemed that the required contributions are necessary to ensure the development is sustainable, and planning policy would not support the application without payment of contributions.

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

2.20 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), as well as minerals and waste policies where relevant.

2.21 Following the adoption of the Local Plan in May 2018, the application site is located within the development limits as defined by Policy LS1 of the Local Plan. The site is also designated within the Green Wedge, as defined by Policy NE3 of the Local Plan. Development within the green wedge would not typically be supported without robust justification or compensation elsewhere, however this site is the exception considering the previous permission which was minded to approve prior to the adoption of the Local Plan, which was accommodated for and accepted. The National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications and was updated in February 2019. The policies within the 2018 Local 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 are significantly aligned with the 2019 NPPF and thus the Local Plan is paramount in determining this application. Notwithstanding the above, the relevant NPPF paragraphs have been applied to assist in determining this application.

2.22 Whilst the principle of development was previously deemed to be acceptable, this was subject to the signing of an associated s106 agreement as set out in the background to this report to ensure a sustainable form of development to offset any identified impacts. This is therefore a significant change to the previous recommendation and is considered in detail below.

Viability Assessment + Planning Obligations

2.23 The applicant submitted a viability assessment for the Council's consideration in 2017, and a further viability assessment for the Council's consideration in April 2020, seeking to demonstrate that the scheme could not viably pay for all the required contributions that had previously been agreed in 2017. The previous total amount of obligations, totalling £235,749.53 (and as set out at paragraph 2.28, with the exception of a change to the highways contribution) was agreed with the Council, however the applicant has since confirmed they are only willing to pay £60,000 (total) which is a shortfall in contributions being sought by £175,749.53.

2.24 HBC Planning Policy assessed the document and raised concerns to a discrepancy between the 2017 Economic Viability Assessment (EVA) and the EVA submitted in 2020. There appears to be a change in the site area, which has been reduced from 28,000 square feet (sqft) to 24,242.27 sqft; there have been no amended plans to reflect this change. It is noted that this change in site area significantly alters the revenue which is to be expected. Whilst the sales price per sqft that has been proposed within the EVA is expected for such a site on the urban edge, there is a discrepancy between the total revenue figures, which it does not seem to include the total site area unlike the 2017 document.

2.25 Whilst it is acknowledged that there are changes between the EVA submitted in 2017 and the EVA submitted in 2020, HBC Planning Policy consider that both assessments show that the development can pay the relevant financial obligations requested.

2.26 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), and the adopted Planning Obligations SPD, the Council's Planning Policy section has confirmed that developer contributions remain a requirement.

2.27 The level of obligations have been considered on the basis that there is a net increase of 13 dwellings (there is currently a residential farm house on site). The proposed development would therefore require financial obligations towards;

- Play provision (£3,250)
- Built sports (£3,250)
- Play pitches (£3,032.77)
- Tennis courts (£741.26)
- Bowling greens (£64.61)
- Green infrastructure (£3,250)
- Ecology mitigation (£2,600)
- Primary school provision (£38,445.23)
- Secondary school provision (£25,115.66)
- Highways (£156,000)*

2.28 *It is noted that the only figure that has changed since 2017 in the request for financial obligations is the previously agreed highway contribution, which has increased from £11,842.10 per dwelling to the current figure of £12,000 per dwelling. This has resulted in a total increase on the highway financial obligation of £2,052.57 compared to what was previously assessed by HBC Planning Policy in 2017 (£153,947.30 increased to £156,000).

2.29 As a result of these findings, the HBC Planning Policy team do not agree with the applicant's view that they cannot afford to pay for the required planning obligations, and also consider that due to the location of the development, that the required obligations are necessary to make the development sustainable.

2.30 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.*

2.31 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 is 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.

2.32 Whilst previously the applicant had agreed to all of the obligations, the applicant has subsequently stated that they do not consider that this request for the highway contribution is necessary and proportionate to the application.

2.33 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 and is therefore considered contrary to policies LS1, INF2, QP1 of the Local Plan, and the Council's Planning Obligations SPD.

Principle of Development Conclusion

2.34 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, INF2, QP1, and RUR1 of the Hartlepool Local Plan (2018), the Planning Obligations SPD (2015) and paragraphs 56 and 57 of the NPPF (2019).

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA (INCLUDING THE CONSERVATION AREA)

2.35 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.

2.36 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. Policy NE3 (Green Wedges) of the Local Plan requires mitigation measures to be provided and enhancement of the green infrastructure network.

2.37 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.

2.38 It is acknowledged that the site is within a designated Green Wedge, however the site is within the limits to development, which was revised as one of the main modification on the Local Plan, which reflects the previous decision that was minded to approve planning permission.

2.39 The area is characterised as a rural setting, with allotments opposite the site, and Catcote School and English Martyrs beyond. A road leading up passed the site to Summerhill Country Park. Whilst there will be a loss of trees and hedges, this can be replaced and controlled by appropriate planning conditions.

2.40 Notwithstanding the aforementioned concerns with respect to the principle of the development, it is considered that the proposal, which would be of a linear layout and appearance, would not have a significant detrimental impact on the rural character and appearance of the Green Wedge and the immediate area (notwithstanding the identified harm to the setting of the wider conservation area as considered below). It is further considered that the proposal would not result in an over development of the site (again, notwithstanding the concerns detailed below).

2.41 The application site can be viewed from the Park Conservation Area, a designated heritage asset when standing on the boundary at Briarfields Allotments (some 400m away). The application site is separated from the boundary of the Conservation Area by open fields.

2.42 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. In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paragraphs 185 & 192, NPPF).

2.43 The relevant Local Plan Policies are set in detail within the Council's Heritage and Countryside Manager's comments above.

2.44 In considering the effect of the proposal on the significance of the area, the development is considered by HBC Heritage and Countryside Manager to impact an area of the Park Conservation Area when viewed from the boundary of Briarfields Allotments. Currently the site when viewing from this position has a collection of agricultural buildings; the proposal will change this view to a long thin line of properties of the same design. It is considered that this would change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development.

2.45 The Council's Heritage and Countryside Manager considers that this proposal and scale of development, will cause 'less than substantial harm' to the significance of the Park Conservation Area.

2.46 Notwithstanding the above, the Council's Heritage and Countryside Manager considered that residential development could be accommodated within this site if

the scale and setting of proposed dwellings were amended. If the existing farm house were to be retained and number of properties reduced and repositioned this would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area. The agent has indicated that they wish the scheme to be considered as submitted.

2.47 It is acknowledged that the proposal would result in less than substantial harm to the designated heritage asset of the Park Conservation Area. In accordance with the provisions of the NPPF (para. 196), it was previously considered by officers that the degree of harm would be off-set by the public benefits that were to be derived from the scheme, which included a financial contribution towards a key element of strategic infrastructure proposed by way of a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool.

2.48 However, due to the applicant not willing to pay this financial contribution, there are no longer identified and clear public benefits to the development that would outweigh the identified harm and it is therefore considered the proposal will cause less than substantial harm to the conservation area and would warrant a refusal of the application.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

2.49 The Council's Traffic and Transport section have been consulted and raise no objection to the proposal. Drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor. In order to gain pedestrian access dropped kerbs and hard standing should be provided on the verge opposite to enable pedestrian access to the footway. This could be controlled by condition had the application been considered acceptable in all respects.

2.50 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. As above (within the principle of development section), the applicant is not willing to pay the requested financial contribution towards the Elwick bypass and grade separated junction.

2.51 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 and the Council's Planning Obligations SPD and cannot not be supported.

LANDSCAPING

2.52 Whilst there were initial concerns with regard to the removal of trees and hedgerow to accommodate the development, there are drains along the existing tree line which will create problems and would therefore need to be removed. The

Council's Arboricultural Officer raised no objection to the removal of the trees and hedgerow providing a substantial landscaping scheme be provided and tree protection measures be given to the retained trees/hedgerows. These can be controlled by condition had the application been considered acceptable in all respects.

ECOLOGY AND NATURE CONSERVATION

2.53 The application has been considered by the Council's Ecologist. The application site is deemed to be within or in close proximity to a European designated site and therefore has the potential to affect its interest features.

2.54 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore undertaken a stage 1 Screening Assessment (Habitat Regulations Assessment).

2.55 The stage 2 Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to the provision of a financial contribution to be used to fully, or partly, finance measures to protect the interest features of the Teesmouth and Cleveland Coast SPA/ Ramsar.

2.56 These measures would need to be secured by a planning obligation within a section 106 legal agreement. However, given that the applicant is not willing to pay financial obligations as identified through the Habitats Regulations assessment, it is considered that there is no mechanism to collect the contribution and without this, it is considered that the development would result in an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA, and therefore the local planning authority are unable to approve the application.

2.57 Notwithstanding the aforementioned concerns with respect to the principle of the development, with regard to any impact on protected species, a Bat Survey Report was submitted with the application; the Council's Ecologist is satisfied that there will be no impact upon protected species. However the proposed development would have been required to provide an opportunity to create suitable, long term bat and bird roosting and nesting opportunities such as providing permanent bat/bird roost brick within each of the new dwellings. This could have been secured by a planning condition had the application been considered acceptable in all respects.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.58 There are no immediate neighbours to the application site. The nearest property is the caretaker's property within the grounds of Catcote School which is

some 80m away. There are other residential properties at the rear of the site, but again these are some distance from the site to have any significant impact.

2.59 The properties are set in a linear setting with the main frontage of the properties facing onto the Summerhill Lane. They are set back from the highway with off street parking being provided within the curtilage of each plot, each property will have a rear garden space which looks out onto open fields. The properties are to be separated approximately 3m between side gables. There are no main windows in the gables which will create any significant overlooking issues for each of the dwellings within the plots. There is adequate spacing provided for future occupiers of the proposed dwellings. Therefore it is considered that an acceptable level of privacy, amenity and amenity space will be provided for the dwellings within the development.

2.60 It is not considered that the additional disturbance arising from existing traffic or that associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents, a view that is supported by the Council's Public Protection team who have raised no objections to the application. Planning conditions relating to a construction management plan and a condition limiting hours of construction/deliveries could have been secured accordingly had the application been considered acceptable in all respects.

2.61 Notwithstanding the aforementioned concerns with respect to the principle of the development in view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of neighbouring properties.

FLOODING AND DRAINAGE

2.62 The Council's Principal Engineer raised concerns with the details provided relating to the drainage, following discussion with the agent further information was provided. Following discussions relating to the surface water and discharge rates it is concluded that detailed designs will be required to fully satisfy his comments and therefore recommends planning conditions relating to details of surface water drainage to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

2.63 Northumbrian Water had also request that details of both surface water and foul sewerage be secured by appropriate planning conditions which could have been secured by planning conditions, had the application been considered acceptable in all respects.

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

ARCHAEOLOGY

2.65 The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site

carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. Therefore there are no archaeological concerns.

OTHER PLANNING MATTERS

Renewable energy and energy efficiency

2.66 In accordance with paragraph 96 of the NPPF, Local Plan Policies CC1 and QP7, the application should also make provision for i) energy efficiency ii) renewable energy provisions and iii) electric charging points. These matters would have been secured by separate planning conditions had the application been deemed acceptable in all respects.

Waste

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

Agricultural land

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

Contaminated land

2.69 The Council's Principal Engineer has requested that further site investigation works into contaminated land be secured by an appropriate planning condition had the application been considered acceptable in all respects.

Public Right of way

2.70 There is a public footpath that runs the length of Summerhill Lane. As detailed above a planning obligation was considered necessary to secure contributions towards Green Infrastructure to improve the site connectivity and to ensure a sustainable form of development.

2.71 Notwithstanding the aforementioned concerns with respect to the principle of the development, HBC Traffic and Transport have requested that dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway, which would have been necessary to be secured by condition

had the application been considered acceptable in all respects. It is considered that the scheme is acceptable in this respect.

CONCLUSION

2.72 In conclusion, it is considered that the principle of the development in this instance is unacceptable as the development would represent an unsustainable form of development without securing the requisite planning obligations, the proposals would have a detrimental impact on the character and appearance of the conservation area, ecology and nature conservation, and the local and strategic road network, contrary to policies LS1, INF2, QP1, QP4, RUR1, NE1 and NE2 of the Hartlepool Local Plan (2018), and paragraphs 195 and 196 of the NPPF (2019)

EQUALITY AND DIVERSITY CONSIDERATIONS

2.73 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.74 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.

2.75 There are no Section 17 implications.

REASON FOR DECISION

2.76 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 failure of the applicant to secure the appropriate ecological mitigation measures, that the development would have an adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area, contrary to Policy NE1 of the Hartlepool Local Plan (2018)
2. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant 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).
3. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage asset of Park Conservation Area, by virtue of the design, scale and siting of the proposed development that would detract from the character and appearance of the identified

heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 190, 192, 193, 196, and 200 of the National Planning Policy Framework 2019.

4. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant to secure the requisite financial contributions towards play equipment, built sports, green infrastructure and education, would result in an unsustainable form of development, contrary to Policies INF4 and QP1 of the Hartlepool Local Plan (2018) and the Council's adopted Planning Obligations SPD.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=116637>

2.78 Copies of the applications are available on-line:

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

CONTACT OFFICER

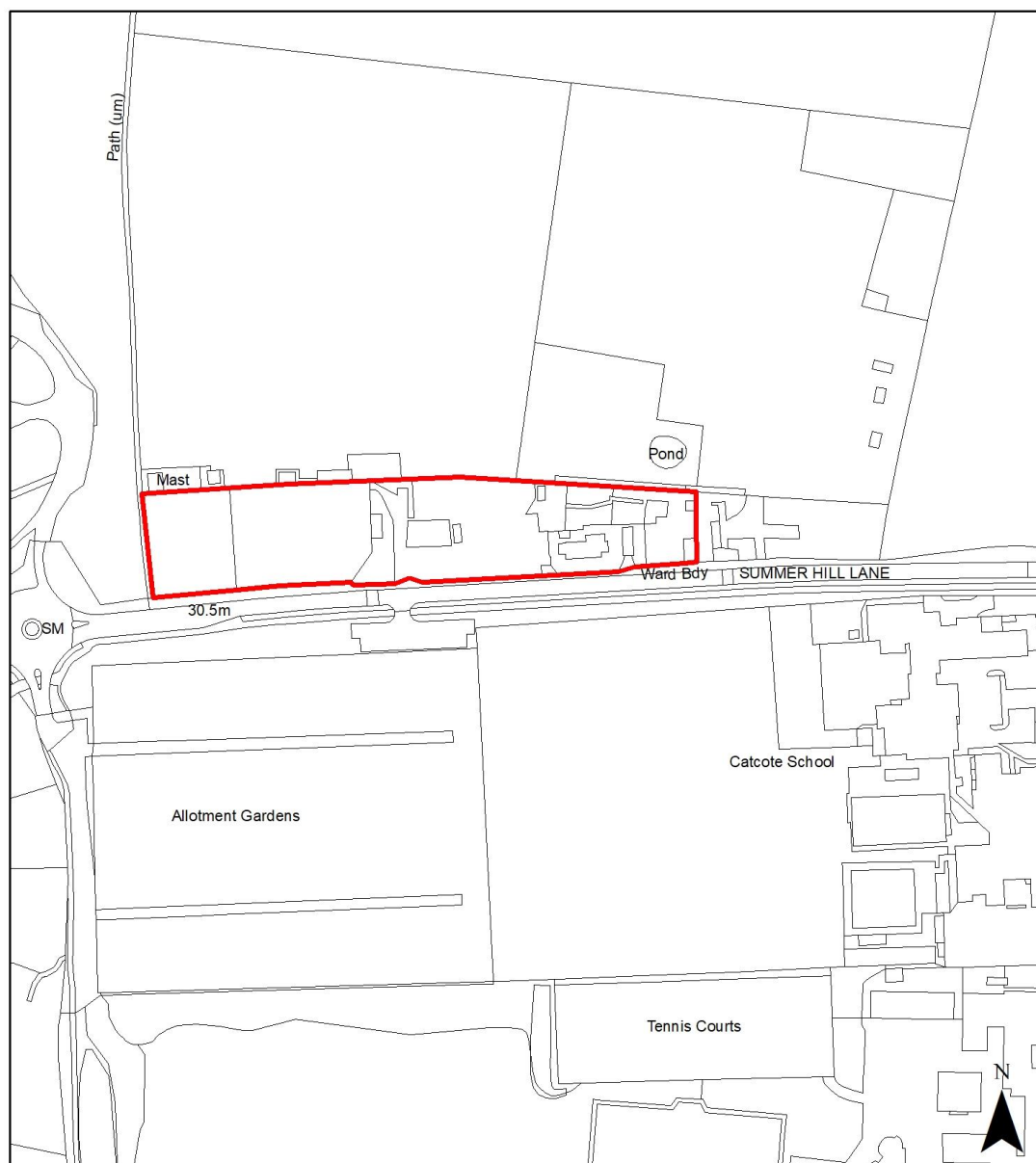
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Southbrooke, Summerhill Lane, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.03.2021
	SCALE 1:2,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0054	REV

No: 3.
Number: H/2020/0376
Applicant: MRS S SMITHSON BUTTERSTONE AVENUE
HARTLEPOOL TS24 0GB
Agent: CMF PLANNING AND DESIGN LTD MR CHRISTOPHER
FISH OLD WEST END GARAGE BOWES BARNARD
CASTLE DL12 9LW
Date valid: 08/12/2020
Development: Erection of outbuilding and alterations to existing rear
boundary/provision of door openings (retrospective) and
proposed installation of first floor balcony extension to the
rear
Location: 36 BUTTERSTONE AVENUE 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.

PROPOSAL

3.2 The application seeks planning permission for the erection of an outbuilding and alterations to existing rear boundary/provision of door openings (both retrospective) and the proposed installation of first floor balcony extension to the rear No 36 Butterstone Avenue.

3.3 The erected outbuilding is positioned approximately 0.3m from the rear (eastern) boundary, with a floor area of approximately 4m (width) x 3m (depth). The structure has a maximum roof height of approximately 2.96m and an eaves height of approximately 2.2m. The proposed structure features a pitched roof and is made from timber which has been painted green. The doors on the north-eastern elevation (rear) presently open outwards beyond the site boundary and over the public footpath following amendments to the original boundary treatment. Following the submission of amended plans (to address concerns raised by the Council's Countryside Access Officer, detailed below), are now proposed to have inward opening bi-fold doors. Doors are proposed to be added on the south-western elevation facing back towards the main dwelling (front) as presently there are no doors present on this elevation. The structure is currently understood to be housing a hot tub and outdoor heating equipment.

3.4 The aforementioned gates/bi-fold doors to the rear of the outbuilding have been installed into the original boundary fence (which sits on top of a dwarf brick wall) and currently open out onto the coastal public footpath to the rear (north-east). As a result of the levels (the garden level being higher than the adjacent footpath), there is a step down from the garden level down to the adjacent public footpath (the difference in height being the dwarf brick wall). As part of the amended proposals

following comments received from the Council's Countryside Access Officer, these would be changed to inward opening bi-fold doors.

3.5 The proposed balcony extension would project from the existing balcony (as originally approved) on the rear elevation at first floor level by approximately 1.55m, and would include a glass surround with screens on the east and west elevations. The proposal would be positioned on the raised ground area (same topography level as the garden). Following receipt of amended plans, the proposed glass screens have been extended in height to approximately 1.8m.

3.6 This application has been referred to committee due to the number of objections received and the part-retrospective nature of the application in line with the Council's scheme of delegation.

SITE CONTEXT

3.7 This application site relates to a two-storey detached dwelling located on Butterstone Avenue. The property was built by Persimmon Homes on the recently developed former Britmag site in the Headland area of Hartlepool. The area is predominantly residential in nature.

3.8 No. 38 Butterstone Avenue is situated to the west of the application site, and No. 34 Butterstone Avenue to the east. To the south-west (front) lies 17 Ruby Close and to the south-east lies 69 Butterstone Avenue, with the presence of a highway in between. To the rear of the application site lies Public Footpath No.31, Marine Point, and on the same path, the England Coast Path National Trail also runs

PUBLICITY

3.9 The application was advertised by way of neighbour letters (4) and a site notice. To date, 13 no. objections have been received (including more than 1 from the same person). 5 of these objections were 'anonymous' (no name or address given and therefore only limited weight is afforded to these). It is also noted that 3 objectors requested that their details or representation not be published.

3.10 The objections/concerns can be summarised as follows:

- Cluttered appearance of the balcony
- Shed/outbuilding is too big and close to fence, and would set an undesirable precedent. It should be reduced in height
- Shed blocks views along the vista and is an 'eyesore'
- Balcony would be unacceptable
- Gates are dangerous how they open onto the path
- Littering
- Upkeep of area
- Impact on property prices

3.11 4 no. letters of support and one 'do not object' response have also been received. These can be summarised as follows;

- No objection to balcony
- There are other examples of sheds/outbuildings in the street scene

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140820>

3.13 In respect of the amended plans received in late March 2021 detailing higher privacy screens to the proposed balcony and to detail amendments to the bi-fold gates/doors in the rear of the erected outbuilding, given the modest scale of the changes, no further public consultation was considered necessary (which is at the discretion of the LPA in any event, except for the Council's Countryside Access Officer, comments detailed below.

3.14 The period for publicity has expired.

CONSULTATIONS

3.15 The following consultation responses were received;

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

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

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

HBC Engineering Consultancy- In response to your consultation on the above application, I have no objection to proposals in respect of surface water management or contaminated land.

HBC Countryside Access Officer - Public Footpath No.31, Marine Point, Hartlepool runs directly to the rear of this property and on the same path, the England Coast Path National Trail also runs. This path is also designated as a cycleway and so the user traffic is regular as well as being popular.

The proposed gates must not open outwards onto the public footpath, which is a legal highway. To do so would directly affect the highway and the users of the said highway, which might result in injury.

Under section 153, Highways Act 1980; a gate must not open outwards onto a highway.

Hartlepool Borough Council, as Highways Authority, requires that the plans show that the proposed gates open inwards or in a fashion that makes them not open outwards onto the highway/public footpath. Not to comply with this requirement, under the law, is classed as an offense and can result in a fine.

(Update 08/03/2021):

Regarding the above address and the planning application, which, as part of the application, seeks to retrospectively seek approval for existing outward opening rear gates, onto the public footpath, located at the rear of the property; I have set out the relevant information below.

As Countryside Access Officer for Hartlepool Borough Council, I cannot support the application for the gates to open outward onto Public Footpath No.31, Hartlepool, as this contravenes section 153, Highways Act 1980. All gates/openings onto a public highway (and all public rights of way are public highways, in law) must either work to open inwards or sideways. In this case the Council would also accept the gates to be so designed as to open in a bi-fold design, folding back on themselves.

In the event the application was considered acceptable in all respects, there would be a requirement for the gates, in this case, to open as a set of sliding gates by some appropriate mechanism. This would be secured by a planning condition.

In respect to any other unauthorised and rear gates in the vicinity that open outwards onto the public footpath, I will be inspecting and acting accordingly, with those properties being written to explaining the need for their gates to be adjusted to either open inwards or sideways.

Further comments received 24/03/2021

Based on the latest drawings relating to the rear opening doors for the shed; I am happy to approve them from a public rights of way opinion/point of view.

The new design of bi-fold doors makes a big difference and still allows the owners to enjoy the use of the structure, to its full extent.

Many thanks for helping me to be able to agree to these designs.

PLANNING POLICY

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

Local Policy

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

- CC1: Minimising and adapting to climate change
- CC2: Reducing and Mitigating Flood Risk
- HSG10: Housing Market Renewal
- 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

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA212: Implementation

3.19 **HBC Planning Policy** – Planning Policy has some concerns with regards to the shed, it would be preferable if it could be reduced in height so that it does not appear too bulky to those walking the costal path and to immediate neighbours. Planning Policy expect the countryside access officer's views are adhered to. Planning Policy have concerns with regards to the balcony and the possibility that it will lead to an increase in opportunities for overlooking with regards to the neighbouring property to the north.

PLANNING CONSIDERATIONS

3.20 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

and in particular the impact on the character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users and highway and pedestrian safety and any other planning matters.

IMPACT ON CHARACTER AND APPEARANCE OF THE HOST DWELLING AND THE SURROUNDING AREA

3.21 The application site and surrounding estate is predominately open plan and consists of a range of detached dwellings. The host dwelling is a two-storey detached dwelling.

3.22 Whilst it is noted that the outbuilding is sited to the rear of the application site and therefore not visible from the streetscene to the front of the host dwelling, the structure is visible when viewed from the public footpath to the rear of the site, projecting above the existing boundary fences, the prominence exacerbated by the change in levels (the gardens sit at a higher level to the adjacent footpath). In this context, the structure has the potential to result in an incongruous feature, to the detriment of the visual amenity of the surrounding area. Notwithstanding this, it is of consideration that the structure requires planning permission by virtue of it exceeding the permitted development height for detached structures (permitted under Class E) by approximately 46cm. In view of the officer concerns (including those of HBC Planning Policy) over the visual impact and that on neighbouring amenity (discussed below), the case officer requested that the applicant consider reducing the height of the erected structure to the permitted height of 2.5m, however the applicant's agent has confirmed that they do not wish to amend the structure.

3.23 Notwithstanding this, the 'fall back' position of being able to erect a 2.5m high structure without planning permission is a material consideration given that such a permitted structure would still be readily visible from the adjacent footpath. In this context and in view of the finishing materials and colour scheme of the structure, it is considered that on balance, the structure does not result in a significant incongruous feature into the surrounding area or to the detriment of the host dwelling that would warrant a refusal of the application in this instance.

3.24 As noted above, the application has been amended with respect to the proposed bi-fold doors/gates in the rear boundary treatment and the proposal now seeks for these to be inward opening. Subject to the works tying into the existing boundary treatment (in terms of materials and finishing colours), it is considered that this element of the scheme is also considered to be acceptable in terms of any landscape or visual impact. The requirement to amend the current outward opening gates could have been secured by a planning condition had the application been considered acceptable in all respects.

3.25 As noted above, the existing dwelling and adjacent properties benefit from balconies to the front and rear elevations, as per the original and approved house types. The proposal would seek to extend the current balcony (which is partially enclosed and sits within the footprint of the original dwelling) outwards via a platform on stilts. Whilst the proposal would be visible from a number of vantage points along the footpath to the rear and is not generally considered to be of a complementary design to that of the host dwelling (in terms of its materials and siting on 'stilts'),

given the relatively lightweight design and siting of the balcony that would primarily be read against the backdrop of the main dwelling when viewed from the rear, and that it would not be visible from the front, it is not considered that this would introduce such a significant incongruous feature that would adversely affect the character and appearance of the host dwelling or surrounding area as to warrant a refusal of the application. Furthermore, the Council's Landscape Architect has raised no landscape and visual objections to the proposed development.

3.26 In view of the above, it is considered on balance that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area and would not warrant a refusal of the application.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on No. 38 Butterstone Avenue (west)

Outbuilding

3.27 The existing boundary treatment consists of a 1.6m high (approx.) open-boarded fence. It is considered that that the existing boundary treatment does not assist in screening the outbuilding from view of No. 38. The erected outbuilding is situated approximately 1.6m from the shared boundary (west) of No. 38 and approximately 4.4m from the rear elevation of this property. Given the proximity of the structure to the windows in the rear elevation of No. 38, it is acknowledged that the development results in a degree of harm in relation to a loss of outlook and an overbearing nature for occupiers of No. 38.

3.28 As discussed above, the maximum roof height of the outbuilding is approximately 2.96m in height, which is approximately 46cm above the height permitted under Permitted Development (Class E). Whilst the case officer requested that the applicant consider reducing the height to the permitted height of 2.5m (the applicant was not willing to do so), given the relatively modest difference in height between the development and permitted development, this represents a 'fall-back' position and a material consideration as to the similar resultant impacts of what could be undertaken without requiring planning permission. Taking this into account, along with the separation distance mentioned above, the aforementioned boundary treatments and the oblique angle between the current 'opening' in the elevation facing towards the rear of the properties including No 38 (as observed by the case officer), it is considered that, on balance, the outbuilding would not have a significant impact on the amenity and privacy of No. 38 in relation to overbearing, overshadowing, loss of outlook or overlooking as to warrant a refusal of the application. It is also of note that gates are intended to be installed onto the elevation facing towards the rear of the house which could have been secured by a planning condition had the application been deemed acceptable in all respects.

Proposed Balcony

3.29 The application proposes to extend the existing balcony out by approximately by approximately 1.55m, and include a glass surround (approximately 1m high from

first floor ground level) on the rear elevation (north) and following the submission of amended plans to seek to address officer concerns, proposes obscurely glazed screens on the east and west elevations (approximately 1.8m high from first floor ground level). Whilst it is fully acknowledged that the host property and a number of surrounding properties benefit from front and rear balconies, these were as originally intended and approved and generally consist of recessed balconies within the main framework of the house types.

3.30 This current proposal would project out further beyond the building line of the host property and adjacent properties. The separation distance between the proposed balcony and the shared boundary with No. 38 is approximately 1.17m. Given this minimal separation distance and close proximity to the adjacent rear boundary of this property, it is considered that proposal, even with the proposed side screens, would still allow for direct views to be achievable into the rear garden and private amenity area of No. 38. As such, it is considered that the proposal is a notable difference to that of the existing balcony whereby the recessed and 'enclosed' design of the balconies is considered to assist in minimising any adverse loss of privacy. It is therefore considered that the proposal, which would result in an extension of the existing balcony, would result in a potential for both direct overlooking and an increased perception for overlooking into the garden and amenity area of No. 38. As such, it is considered that this would represent an unacceptable loss of privacy for existing and future occupiers of this neighbouring property in terms of overlooking and a perception of overlooking and would warrant a reason for the refusal of the application, contrary to Policies QP4 and HGS11 of the Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users..

Impact on No. 34 Butterstone Avenue (east)

Outbuilding

3.31 The existing boundary treatment consists of a 1.6m high (approx.) open-boarded fence. It is considered that that the existing boundary treatment does not assist in screening the outbuilding from view of No. 34. The erected outbuilding is situated approximately 4.5m from the shared boundary (east) of No. 34 and approximately 7.5m from the rear elevation of this property. Given the proximity of the structure to the windows in the rear elevation of No. 34, it is acknowledged that the development is likely to result in some degree of harm in relation to a loss of outlook and an overbearing nature on No. 34.

3.32 As discussed above, the maximum roof height of the outbuilding is approximately 2.96m in height, which is approximately 46cm above the height permitted under Permitted Development (Class E). Whilst the case officer requested that the applicant consider reducing the height to the permitted height of 2.5m (the applicant was not willing to do so), given the relatively modest difference in height between the development and permitted development this represents a fall-back position and a material consideration as to the similar resultant impacts of what could be undertaken without requiring planning permission. Taking this into account, along with the separation distance mentioned above and the aforementioned boundary

treatments it is considered that, on balance, the outbuilding would not have a significant impact on the amenity and privacy of No. 34 in relation to overbearing, overshadowing, loss of outlook or overlooking as to warrant a refusal of the application.

Proposed Balcony

3.33 The application proposes to extend the existing balcony out by approximately by approximately 1.55m, and include a glass surround (approximately 1m high from first floor ground level) on the rear elevation (north) and following the submission of amended plans to seek to address officer concerns, proposes obscurely glazed screens on the east and west elevations (approximately 1.8m high from first floor ground level). Whilst it is fully acknowledged that the host property and a number of surrounding properties benefit from front and rear balconies, these were as originally intended and approved and generally consist of recessed balconies within the main framework of the house types.

3.34 This current proposal would project out further beyond the building line of the host property and adjacent properties. The separation distance between the proposed balcony and the shared boundary with No. 34 is approximately 5.9m. Giving this separation distance and close proximity to the adjacent rear boundary of this property, it is considered that proposal, even with the proposed side screens, would still allow for direct views to be achievable into the rear garden and private amenity area of No. 34. As such, it is considered that the proposal is a notable difference to that of the existing balcony whereby the recessed and 'enclosed' design of the balconies is considered to assist in minimising any adverse loss of privacy.

3.35 The case officer requested that the applicant omit the proposed balcony from the application but they were unwilling to do so. It is therefore considered that the proposal, which would result in an extension of the existing balcony, would result in a potential for both direct overlooking and an increased perception for overlooking into the garden and amenity area of No. 34. As such, it is considered that this would represent an unacceptable loss of privacy for existing and future occupiers of this neighbouring property in terms of overlooking and a perception of overlooking and would warrant a reason for the refusal of the application, contrary to Policies QP4 and HGS11 of the Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users.

Impact on 17 Ruby Close (south-west) and 69 Butterstone Avenue (south-east)

3.36 17 Ruby Close and 69 Butterstone Avenue are situated to the front of the host dwelling. Given the siting of these properties to the front of the host dwelling, it is considered that there would be no views achievable of the proposals to the rear of 36 Butterstone Avenue due to the host dwelling screening them from view. On this basis, it is considered that the proposal would not create a significant adverse impact on the amenity and privacy of these neighbours in terms of loss of outlook, overbearing, overshadowing and overlooking.

HIGHWAY + PEDESTRIAN SAFETY

3.37 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that proposals should not prejudice highway safety. The Council's Highways, Traffic and Transport section has been consulted and has confirmed that there are no highway or traffic concerns.

3.38 The Council's Countryside Access Officer was consulted on the application and raised concerns about the stated that the existing installed gates opening outwards onto the public footpath with the potential to directly affect the safety of users of the public right of way. The Countryside Access Officer therefore requested that the plans be amended to show that the proposed gates open inwards or in a fashion that makes them not open outwards onto the highway/public footpath. The applicant has since submitted amended plans showing bi-fold doors opening inwards to which the Council's Countryside Access Officer has confirmed such details are acceptable. Had the application been deemed acceptable in all respects, a planning condition would have been necessary to secure the implementation of the inward opening gates within an appropriate timescale. Subject to this, the application is considered acceptable in this respect.

3.39 Whilst each application is considered on its own individual merits, it is understood that a number of access gates have been installed into the rear boundaries of a number of properties in this area. These matters are currently being investigated by the Council's Countryside Access Officer in accordance with section 153 of the Highways Act 1980.

OTHER PLANNING MATTERS

3.40 HBC's Engineering Consultancy were consulted as part of this application and confirmed they have no objection to the proposals in respect of surface water management or contaminated land. The application is considered acceptable in this respect.

RESIDUAL MATTERS

3.41 Some of the objections received contained residual matters such as littering, upkeep of the properties in the area and the impact on property prices. All of these reasons are not material considerations and have therefore not been taken into account in this instance.

CONCLUSION

3.42 In view of the above material planning considerations, it is considered, on balance, that the proposed outbuilding and amendments to the boundary treatment is acceptable subject to identified conditions where applicable to address the matters of the gates opening onto the footpath and to apply gates/doors on the elevation facing the rear of the host dwelling (and had the application been deemed acceptable in all respects).

3.43 In relation to the proposed balcony element of the application, it is considered that the proposal would have a significant adverse impact on the amenity and privacy of the neighbouring properties. The balcony element of the proposals is considered to be unacceptable and contrary to policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users. Given that the LPA are unable to issue a 'split decision' for such types of application, the application is therefore recommended for refusal.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.44 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.46 There are no Section 17 implications.

REASON FOR DECISION

3.47 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;

01. In the opinion of the Local Planning Authority, by virtue of the design, scale and siting of the first floor rear balcony extension, the balcony results in an unsatisfactory form of development that results in a detrimental impact on the privacy of existing and future occupiers of No. 34 Butterstone Avenue (east) and No. 38 Butterstone Avenue (west), through issues of overlooking and a perception of overlooking, contrary to Policies QP4 and HGS11 of the Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140820>

3.49 Copies of the applications are available on-line:

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

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.03.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0376	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

14 April 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. Running a catering business at a residential property in Ark Royal Close.
2. Non-compliance with the construction management plan at a residential development site at land at Wynyard Park North.
3. The installation of a roof dormer with a Juliet balcony, and the installation of windows at a residential property in Butterstone Avenue.
4. Alterations to a balcony to create an enclosed glass structure, and the erection of a fence to the front of a residential property in Butterstone Avenue.
5. Alterations to the boundary fence to create a gate access at the rear of a residential property in Butterstone Avenue.
6. The removal of a brick wall and alterations to the boundary fences to create an additional access point via a gate at a residential property in Butterstone Avenue.
7. The erection of a fixed canopy at the rear of a residential property in Butterstone Avenue.
8. The erection of bamboo screens at nine residential properties in Meadowcroft Mews.
9. The erection of a high fence on the side boundary at the rear of a residential property in Tynebrooke Avenue.

10. The erection of fencing and incorporation of public open space in the residential garden at a residential property in Spalding Road.
 11. Running a plant and machinery sales business at a residential property in Brierton Lane.
 12. The extension of a car park and works to a water course at a golf club on Speeding Drive.
 13. Non-compliance with a condition restricting delivery timings at a commercial premises on Catcote Road.
 14. The installation of bay windows at the front of a residential property in Egerton Road.
 15. The erection of a high fence on the side boundary at the front of a residential property in Wynyard Road.
 16. The erection of a large timber structure at a leisure complex on Tees Road.
 17. Non-compliance with a condition restricting the times of deliveries to a residential development site at land off Coniscliffe Road.
 18. The display of advertising signs at Wynyard Woods.
 19. The erection of a timber clubhouse at a yacht club on Ferry Road.
 20. Alterations to the shop front at a commercial premises at The Front.
 21. The siting of a steel storage container in the rear garden of a residential property in Cranwell Road.
- 1.2 Investigations have been completed as a result of the following complaints:
1. The erection of a single storey extension at the rear of a residential property in Royston Grove. A retrospective planning application seeking to regularise the development has since been approved.
 2. Litter escaping from a residential development site at land off Old Cemetery Road. The litter has now been removed and the complaint has been redirected to the Council's Civil Enforcement service should the problem re-occur.
 3. The installation of hard surfacing in the front garden of a residential property in Brierton Lane. The development has been in place for in excess of four years and is therefore immune from enforcement under planning legislation.
 4. The erection of an extension to the side, and failure to discharge conditions attached to a planning approval, at a residential property in Elizabeth Way.

Works have not begun on the construction of the extension, and the outstanding conditions have now been discharged.

5. Surface water run-off affecting adjacent residential properties and mud transfer to nearby public roads at a care home development site on Merlin Way. The aspect of the complaint as it relates to surface water run-off affecting adjacent residential properties is not within the remit of planning enforcement and rather is a civil matter between the relevant landowners. Suitable remedial measures are being taken to address the transfer of mud to nearby public roads.
6. Non-compliance with a condition submission of a sound insulation scheme at a residential property in Jesmond Gardens. The complaint related to potential noise during development works, however the sound insulation scheme applies only upon completion of the development works. There is no breach of planning control in this case.
7. Non-compliance with conditions attached to a grant of planning permission relating to the commencement of development at a commercial premises in Cornwall Street. A superseding planning application has since been approved.
8. Non-compliance with conditions relating working hours and the completion of a road widening scheme at a residential development site at land at Worset Lane. The site is now operating in compliance with the working hours condition, and the road widening scheme has been completed.
9. The erection of a timber outbuilding in the rear garden of a residential property in Dunlin Road. Remedial works have been undertaken in order to reduce the height of the outbuilding, and although the outbuilding remains technically in breach of planning control due to its height, the excess height is so minor that further action is not considered expedient in this instance.
10. Vibration from piling works at a residential development site at Wynyard affecting a nearby residential property. Vibration from piling works is not within the remit of planning enforcement, rather it is a civil matter between the relevant land owners.
11. The use of the car park at a social club in Sandringham Road as a beer garden. The use of the car park as a beer garden has not yet occurred, however a licensing application has been received. The matter has been redirected to the Council's Licensing Section.
12. Non-compliance with the approved driveway layout at a residential development site at land off Valley Drive. Remedial works have been undertaken to address the concerns of residents, and although the resultant layout does not strictly accord with the approved plan, it is considered that the remaining discrepancies are so minor that further action is not considered expedient in this instance.

13. The erection of an outbuilding in the rear garden of a residential property in Gala Close. A retrospective planning application seeking to regularise the development has since been approved.
14. Alterations to ground levels, erection of retaining structures, and erection of high fencing in the rear garden of a residential property in Mayfair Gardens. A retrospective planning application seeking to regularise the development has since been approved.
15. The erection of railings on the side boundary at the front of a residential property in Meadowgate Drive. A retrospective planning application seeking to regularise the development has since been approved.
16. The erection of a timber side extension at a residential property in Bruce Crescent. The timber side extension has since been removed.
17. The erection of metal spikes within grass verge adjacent to a residential property in Coltsfoot Close. There is no breach of planning control in this case, and the matter has been redirected to the Council's Traffic and Transport section.
18. Non-compliance with a condition restricting delivery timings at a residential development site at land off Elwick Road. The site is now operating in accordance with the relevant condition.

2. RECOMMENDATION

- 2.1 Members note this report.

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